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PARLIAMENTARY DEBATES

(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Introductions
The Lord Bishop of Guildford
Lord Hill of Oareford
Queen's Speech
Debate (3rd Day)
Written Statements
For column numbers see back page

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House of Lords

Thursday, 27 May 2010.

11 am

Prayers—read by the Lord Bishop of Leicester.

Introduction: The Lord Bishop of Guildford

11.08 am

Christopher John, Lord Bishop of Guildford, was introduced and took the oath, supported by the Bishop of Leicester and the Bishop of Bradford.

Introduction: Lord Hill of Oareford

11.13 am

Jonathan Hopkin Hill Esq CBE, having been created Baron Hill of Oareford, of Oareford in the County of Somerset, was introduced and took the oath, supported by Baroness Hogg and Lord Chadlington.

Lord Davidson of Glen Clova took the oath.

Arrangement of Business

Announcement of Recess Dates

11.18 am

Baroness Anelay of St Johns: My Lords, it may be of interest to the House if I set out the plans for recess dates up to and including the Summer Recess. First, the House will rise for a short Whitsun Recess at the close of business today, returning on Wednesday 2 June. The intention is then to rise for the Summer Recess at the close of business on Wednesday 28 July. The House will then return in October. As ever, recess dates are subject to the progress of business and I will announce in due course the expected date for the return of the House in October. A note of these dates is now available in the Printed Paper Office.

Turning to today's business, there are 49 speakers signed up for today's debate. If Back-Bench contributions are kept to 8 minutes the House should be able to rise this evening at around the target rising time of 7 pm.

Queen's Speech

Debate (3rd Day)

11.20 am

Moved on Tuesday 25 May by Earl Ferrers

That an humble Address be presented to Her Majesty as follows:

"Most Gracious Sovereign—We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to thank Your Majesty for the most gracious Speech which Your Majesty has addressed to both Houses of Parliament".

The Minister of State, Ministry of Justice (Lord McNally): My Lords, if there is a look of surprise around the Chamber at seeing me standing here today, I can say at once that it is a feeling I entirely share.

Let me get one piece of protocol out of the way straight away. I intend to address members of both coalition parties as my noble friends. I have not checked how Viscount Samuel handled the matter in 1945 or the Marquis of Crewe in 1922, my most recent predecessors, but that is how I intend to do it. Of course, I am conscious of the advice that the new Member of the House of Commons received when he said what a pleasure it was to look across the Chamber and look into the eyes of his enemies. The old sweat next to him said, "No laddie, they are your opponents; your enemies are behind you".

Whatever the truth behind that advice, we are all coming to terms with the new politics—some of us faster than others. The noble Baroness, Lady Royall, and others in the Opposition made some observations about the role of the Liberal Democrats now that we are in government and in coalition. I remind noble Lords and Ladies on the Labour Benches that I have a very good example of how to behave in coalition. My personal political hero, Clement Attlee, and his colleagues served in a coalition for five years without losing their identity as individuals or as a party. The Labour Back Benchers retained their identity—so much so that Winston Churchill called Aneurin Bevan a squalid nuisance. So good were they at coalition that after five years the country rewarded them with a landslide victory in the 1945 election.

On another matter, I have searched the Ministry of Justice high and low to see whether the former Ministers in the department, the noble Lords, Lord Hunt and Lord Bach, left me a helpful note. I have searched in vain. I felt that it might just have said: "Sorry, old cock, all the prisons are full". What I have received from both, with characteristic generosity, is their personal good wishes, along with a rather chilling warning that they intend to keep a close eye on my stewardship. I pay tribute to them and to the noble Lord, Lord West. I will not pay tribute to former Lord Chancellors—that is above my pay grade—but I pay tribute to the Ministers who have served in the Home Office and the Ministry of Justice. Perhaps this is the moment for me to say how much I look forward to the maiden speech of the noble Lord, Lord Bichard, a distinguished public servant in a number of fields, not least in the Ministry of Justice.

All Ministers and civil servants grapple with getting the balance right between the role of the state in ensuring the safety of its citizens and protecting those civil liberties and human rights which make us a liberal democracy. There is a difference in outlook and approach, which was best encapsulated in an article I read some months ago in the Guardian, writing about the role of this House. It read:

> "It is one of the paradoxes of our age that whereas in the 20th century the great reforming governments—Liberal in 1906, Labour in 1945—faced a recalcitrant House of Lords, in these early years of the 21st century it has been the House of Lords that has been the bulwark of civil liberties against an increasingly authoritarian government".

[Lord McNally]

The concern about encroaching state power and the willingness to respond to every problem with a new law and a new offence was a criticism of the previous Government made not only by Liberal Democrats and Conservatives, but in this House from the Cross Benches and the Labour Benches as well. In carrying out our new responsibilities, I and other Ministers will continue to rely heavily on the collective wisdom of this House as we seek to balance the responsibility of the Government for the defence of the realm and the need to promote civil liberties in a free society.

The coalition agreement is clear on this issue. We will be strong in the defence of freedom. The British state has become too authoritarian, and over the past decade it has abused and eroded fundamental human freedoms and historic civil liberties. It is the Government's contention that the state has intruded too far. We will therefore bring forward proposals to make sure that we strike the right balance. For this reason, the gracious Speech brings forward proposals to scrap the ID cards scheme. Moreover, it is clear that our constitution, the way in which government makes decisions on behalf of the people whom it serves, the relationship between it and Parliament and the public, and how it is held to account are in need of some fairly radical surgery.

My right honourable friend the Deputy Prime Minister set out our challenge in his recent speech. He said that we must transform politics so that the state has less control over the citizen but the citizen has far more control over the state. We must break up concentrations of power and make sure that power resides with the people, and we must persuade the public to have faith in politics and politicians.

Noble Lords may feel that they have heard such high-minded aspirations before and have seen them flounder on the rocks of parliamentary time or the sheer difficulty of achieving agreement. I suggest that there is a fundamental difference this time around. The strength of the government coalition is that there is a critical mass outside Parliament in support of our proposals for fair votes, parliamentary reform and greater local decision-making. In the gracious Speech, we show how we intend to capture this public mood.

I have already spoken of the delicate balance that we need to strike between the state and the individual. That is why the Government will establish a commission to investigate the case for the creation of a UK Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights. In doing so, the commission will consider the proper balance that must be struck between the rights of the individual and the wider interests of the community, so that the liberties that we enjoy and the obligations that we owe are better understood. For the doubters, let me repeat the key words of what I have just said: a Bill that incorporates and builds on all our obligations under the European Convention on Human Rights.

Next, we will bring forward legislation to roll back the state, thereby reducing the weight of its involvement in people's lives. Your Lordships have spent a good deal of energy over the past few years pointing out the volume of criminal offences in government Bills, so I am confident that the Bill will be welcomed in this House. We will also bring forward legislation on parliamentary reform, providing for a referendum on a fairer voting system and for fewer and more equal constituency sizes, and legislation to enable constituents to petition for the recall of an MP who has engaged in serious wrongdoing. We will legislate for a five-year, fixed-term Parliament, and in advance of that the Government will table a Motion before the other place stating that the next election will be held on the first Thursday in May 2015. Noble Lords may want to put that in their diaries along with the recess dates.

Lord Lawson of Blaby: I will intervene if my noble friend will allow me. Actually, I will retract that and let him continue with his interesting speech.

Lord McNally: The power of the Whips never ceases to amaze me.

Lord Grocott: If noble Lords are disappointed at not having that intervention, may I suggest this one? Will the noble Lord explain how announcing in May 2010 that the next election will be in May 2015 strengthens Parliament?

Lord McNally: We have had many debates about fixed-term Parliaments, and this is the first example. The noble Lord may recall the dithering and doubts caused by the recent Prime Minister and the harm that that did to good governance, and that many colleagues, including those on his Benches, have for a long time argued the benefits of fixed-term Parliaments. I would have thought that as he is a reformer he would welcome it, but I must move on. The legislation will provide for the possibility that a dissolution of Parliament may be needed outside the five-year timetable. Our proposal is that it should happen if more than 55 per cent of the other place votes for it. Parliament would still be able to dismiss a Government, but the Government would not be able to dismiss Parliament.

Lord Campbell-Savours: I have a question of which I have given the noble Lord notice. Confusion surrounds the words in the coalition document which state:

> "This legislation will also provide for dissolution if 55% or more of the House votes in favour".

Is that 55 per cent of the total membership of the House of Commons or is it 55 per cent of those voting on a dissolution Motion?

Lord McNally: With customary courtesy, the noble Lord, Lord Campbell-Savours, gave me notice of that question. I wish he had not told noble Lords that because it would have then looked like I was incredibly on top of this job. Even better, I am now able to respond to him by quoting official government policy as expounded by my noble friend the Deputy Leader of the House of Commons, David Heath. He said:

> "That will be a matter for further discussion".

[*Laughter*.] I do not think that I will read the rest out. Noble Lords should look at *Hansard* where they will see again the smack of firm government.

Seriously, the proposal has excited a good deal of comment and I anticipate a very full debate when legislation comes before the House. I know that the proposal has frightened the horses in various parts of the House. But the truth is that many respectable and

longstanding democracies have different mechanisms for triggering a dissolution when a Government cannot command a majority, but prevent a Government manipulating the rules for their own advantage.

Lord Adonis: On an extremely important point, will the noble Lord say why the coalition is proposing a fixed term of five years, which is longer than applies in virtually every democracy in the world with a fixed term and is longer than Parliament has introduced in respect of the devolved institutions in Scotland and Wales?

Lord McNally: I suspect that the truth is that we had to start somewhere. We have five-year Parliaments in this country at the moment. I have said to my colleagues down the Corridor—some of whom are younger and more enthusiastic not than the noble Lord but younger than me—that when these proposals come forward we will benefit from the collective wisdom of the House of Lords on these matters, and so we shall.

Furthermore, we will publish a draft parliamentary Bill making sure that the law enabling parliamentarians to do their job is fair and adapted to modern circumstances. A Bill of this type was recommended by a Joint Committee of both Houses, which pointed out that there are a number of areas in which the extent of privilege is not clear. We will also bring forward legislation to implement the Calman commission's final report on Scottish devolution. We remain committed to a referendum on the powers of the National Assembly for Wales. The Government believe strong devolution settlements mean a strong United Kingdom.

This debate would not be complete unless I said a few words about reform of your Lordships' House. The Government's position is set out clearly in the coalition agreement published last week. Perhaps the House might find it helpful if I remind it of the relevant section. Here, some noble Lords might like to adjust their pacemakers. We agree to establish a committee to bring forward proposals for a wholly or mainly elected upper Chamber on the basis of proportional representation. The committee will come forward with a draft Motion by December 2010. It is likely that this Bill will advocate single long terms of office. It is likely that there will be a grandfathering system for current Peers. In the interim, the appointment of Lords will be made with the objective of creating a second Chamber which is reflective of the share of votes secured by the political parties in the last general election.

This is the position: we are committed to reform; we are committed to a wholly or mainly elected Upper House. I am well aware that some sitting in this Chamber hearing my words—articulating as they do the collective wisdom of government policy—will think, "Well, that is okay, that is back in the long grass".

Baroness Farrington of Ribbleton: My Lords—

Lord McNally: I hope I get overtime for all this.

Baroness Farrington of Ribbleton: I am sure the noble Lord will have many hours of overtime in your Lordships' House. Can he be more explicit? Speaking as a grandmother, I know a little about grandfather roles, but the House would benefit from knowing exactly what the noble Lord means by a grandfather role for those of us who are Members now.

Lord McNally: Not this week. It is shorthand for transitional arrangements.

Lord Richard: My Lords—

Lord McNally: If the noble Lord must.

Lord Richard: I am obliged to the noble Lord for giving way. Perhaps I may ask him a question. Assurances have been given from both sides of the House that existing life Peers should be entitled to remain until they expire, even if there is to be a gradual introduction of voting for an elected House. Is that the position the Government now holds—in other words, that we should be entitled to die while still Members of the House—or will there be some arrangements whereby we will have to retire or be induced to retire?

Lord McNally: I reply to the noble Lord, Lord Richard, as a once enthusiastic reformer—he will just have to wait and see. If he would like to send me the watertight commitments from both sides of the House to which he referred, I would be very interested to see them—they do not exist.

The Earl of Onslow: I speak as a long-time reformer—and as an elected Peer, I hasten to add. Would not my noble friend regard it as perfectly reasonable, if we are going to reform the House, to have a cull of life Peers in exactly the same way as there was a cull of hereditary Peers?

Lord McNally: I note what my noble friend said—or, as he told me yesterday he would prefer me to call him, "my noble acquaintance". He is still coming to terms with the oiks that this coalition is bringing with it.

Let me say a few personal words. I know the esteem in which this House is currently held; I see every day the value and diligence of its work and the expertise noble Lords bring to scrutiny—that is now—but I am clear that this House as presently constituted is not sustainable. We could soon be a House of more than 800 Peers—

Noble Lords: Oh!

Lord McNally: Don't go "oh"; you had better to wait to find out who has nominated some of the new Peers.

I do not believe that we will retain public confidence in such circumstances. I love this House and I do not want to see it decline from a House of respect into a House of absurdity. I know that for the majority of your Lordships a nominated House suits you very well. However, the clear and settled view of the other place, and the official view of all three major political parties, expressed in manifesto commitments at the election, is for Lords reform to produce a House based on election. That proposition also has the consistent support of public opinion. I do not doubt the parliamentary skills of those who oppose elections. I say to them only this: I hope the judgment of history for this Parliament will not be—as it must be about the

[LORD MCNALLY]
Conservatives from 1983 to 1997 and Labour from 1997 to 2010—that it did not carry through reasonable reforms at a reasonable pace when it had the chance.

Let me deal with one objection immediately. Some say that, given the severity of the economic crisis, to put energies into Lords reform would be frivolous. I remind the House that the Conservative-Labour coalition to which I referred earlier, that of 1940 to 1945, not only won a war but also brought forward the Beveridge report and the Butler Education Act. Good Governments do not have to be one-trick ponies. Nor should the House lose the opportunity to look at measures for reform which can be undertaken here and now. Before the election, I commended the Lord Speaker for her initiative in asking the noble Lords, Lord Filkin and Lord Butler of Brockwell, and the noble Baroness, Lady Murphy, to chair working groups to see whether we could do some work that was parallel to that which the Wright Committee was doing in the House of Commons. I hope that those ideas can now be taken forward with a sense of urgency.

Today's debate will also cover Home Office and Communities and Local Government business, to which I now turn briefly. First, the police reform and social responsibility Bill will bring in strict checks and balances by locally elected representatives. My noble friend Lady Neville-Jones will deal with this and other Home Office matters in the winding-up speech. Our legislation on local government will be of a piece with our wider constitutional goals of fundamentally shifting power from Westminster to the people. The Department for Communities and Local Government will introduce two Bills in this parliamentary Session, which will be in the steady and capable hands of my noble friend Lady Hanham.

Moreover, the localism Bill will enable individuals and community groups to have much greater influence over local government and how public money is spent in their area. The Bill will streamline the planning system and encourage local communities to become actively involved in planning, housing and other local services. The Government will also introduce a Bill to halt restructuring of local government in Norwich and Exeter. The Bill will be introduced as soon as possible to avoid delays in the local government financial settlement.

The gracious Speech reflects a genuine radicalism in the areas that we cover in this debate today. In the words of the old Metropolitan Police recruitment poster, dull, it isn't. This is likely to be a long Session, and there will be many times when we debate our politics and public trust, our communities and their security and liberty. The contribution of this House in resolving these matters starts with this debate, and I look forward to the contributions from all sides.

11.42 am

Lord Hunt of Kings Heath: My Lords, I thank the noble Lord, Lord McNally, for opening our debate and congratulate him on his appointment. He is highly regarded in this House and I look forward to our future debates. It is true that I have not yet sent him a letter, principally because I no longer have the well oiled machinery of the Civil Service to write it, but he has my very warm wishes. I also congratulate the noble Baroness, Lady Neville-Jones, on joining the Government. What a fetching sight the noble Lord and the noble Baroness make, sitting on the Front Bench together. The noble Lord, Lord Bichard, will make his maiden speech today. I pay tribute to him as an outstanding Permanent Secretary and chair of the Legal Services Commission. He has much to offer your Lordships' House.

I shall focus most of my remarks on constitutional issues and local government, while my noble friend Lord Bach will concentrate on justice and home affairs. However, I first want to respond to what the noble Lord, Lord McNally, suggested about the previous Government. He mentioned authoritarian indifference to civil rights. I remind him that it was a Labour Government who brought in the Human Rights Act, which the Conservative Party opposite continues to snipe at whenever it is given the chance and whatever the coalition agreement. I am proud that we were responsible for the Race Relations Act 2000 and the Civil Partnership Act and that one of the final pieces of legislation that we took through your Lordships' House was the Equality Act. All those actions were about expanding the rights of the British people. At the same time, a central concern for us was always the security and safety of the UK, which faced the worst terrorist threat that this nation has ever seen. Our aim was always to get the balance right between public protection and the need to maintain the rights of individuals.

The noble Lord has outlined the Government's proposals on CCTV, ID cards and DNA. We will study those carefully, but we need to be wary of taking actions that might undermine our ability to fight crime. We should not, for instance, underestimate the impact of CCTV in reducing the fear of crime and antisocial behaviour. Talking to people who live in the communities most affected will leave you in little doubt as to the value of CCTV. With DNA, advances in technology have played a critical part in solving serious crimes. Last year alone, 832 positive matches were made in cases of rape, murder and manslaughter.

We will also look carefully at the Government's policing policies. The programme that the coalition has agreed to has much to say about structural changes but is ominously silent on police resources, front-line policing numbers and crime reduction targets. We shall scrutinise these policing measures carefully to ensure that the safety of our citizens is the paramount consideration.

I turn to constitutional issues. We are promised a new politics, but I have to say that the signs so far are not entirely encouraging. Indeed, many of the Government's proposals seem more suited to the need to shore up the coalition rather than to enhance our democracy. The Government hardly made a good start with the leaking of the Queen's Speech over the weekend and then, on Monday, with the announcement of major cuts in government expenditure not to Parliament but to the media.

On local government, the coalition agreement proclaims radical devolution of power and greater financial autonomy to councils. The rhetoric is impressive, but

let us look at the reality. The 12 largest authorities in England are to be forced to have a referendum on an elected mayor, whether they want to or not. In education, local authorities will lose powers, influence and budgetary flexibility. The first step towards giving financial autonomy to local authorities is to instruct them to freeze council tax. With the introduction of a democratic element to the NHS and to the police, local government is being bypassed in favour of direct elections. I suspect that the only real freedom given to local government is to decide where the cuts are going to be made.

Nowhere are the needs of the coalition put first more than in its proposals on fixed-term Parliaments. As my noble friend Lord Adonis asked, why is the interval between elections to be five years? Why not four? Of the 14 general elections that have been held in the past 50 years, nine have been in or before the fourth year. Why are the public being given fewer opportunities rather than more to choose their Government?

Then there is the 55 per cent proposal. Votes of confidence have had a critical role in our Parliament; a confidence defeat for a Government leads either to a request for Dissolution or to the resignation of the Government. As the noble Earl, Lord Ferrers, put it so brilliantly on Tuesday, everyone understands that, so why mess around with the principle? The reasons are evolving and changing. Oliver Letwin and Danny Alexander said in the *Observer* on 16 May that the aim was to guard against the suspicion that one or other of the parties could,

"pull the plug",

on the coalition,

"and force an early election".

So this is a quick fix on the constitution, essentially because neither party in the coalition trusts the other. However, the argument has moved on. We had a rather different explanation from David Heath, the Deputy Leader in the other place, who said on Tuesday night:

> "If the Government lost a vote of confidence, they would no longer be the Government … Then another party or coalition of parties might be able to form a Government from within the existing House of Commons … If no one can form a Government that has the confidence of the House, Parliament will be dissolved".—[*Official Report*, Commons, 25/5/10; cols. 148-49.]

That still raises a number of questions about how it might happen and the logic of 55 per cent. I remain concerned that what looks like major constitutional change is being written on the back of an envelope with apparently no intention for pre-legislative scrutiny. I can assure the noble Lord—

Lord Lucas: Does the noble Lord remember the abolition of the Lord Chancellor? Was that not rather similar?

Lord Hunt of Kings Heath: My Lords, I am sure that the House will learn lessons from that experience. It all looks different from this side of the House. I can assure the noble Lord that we shall certainly scrutinise the legislation carefully.

I now turn to the alternative vote. Will the noble Baroness tell us in her winding-up speech when we can expect legislation on the proposed referendum and when the referendum is intended to be held? Will a threshold be set in terms of the turnout and the size of the majority that is required for a yes vote in the referendum to succeed? Fifty-five per cent, perhaps?

Why is the coalition bent on reducing the number of Members of Parliament? I have yet to see any persuasive arguments for that. Are 70,000 electors really too small a number for an MP to represent? The intention for more equal constituency sizes will create some unnatural constituencies, as the Electoral Commission pointed out in February. Constituencies will change more frequently, destabilising the link between MPs and constituents. Again, I suggest that the answer is bound up with a narrow, partisan interest and the proposed speeding up of individual voter registration.

We passed legislation to provide for a carefully staged transition from household registration to individual voter registration in a way that would reduce the risk of people falling off the electoral register, as happened in Northern Ireland. If that careful process is ripped up and the rollout made prematurely, millions of people could fall off the register. I remind the House that that is extremely important because constituency boundaries are drawn on the basis of registered electors. We know from the Electoral Commission that 3.5 million eligible voters are missing from the register today. They are predominantly missing in areas of poorer, younger, mobile populations. It would be wholly unacceptable for seats to be cut and boundaries redrawn on the basis of an electoral register from which millions of our fellow citizens are missing.

I am pleased that the Government are supporting the implementations of the Wright committee's proposals to make the House of Commons more effective, but what of your Lordships' House? I noted with interest the remarks made on Tuesday by the noble Lord, Lord Strathclyde, who said:

> "I also believe that we should look afresh at our working practices. I do not think we should lose sight of the remarkable privileges that Peers already enjoy, such as the right, not given to Back-Bench Members in another place, to table amendments at three stages of a Bill, and to have each one heard and replied to. We should always keep our working practices up to date".—[*Official Report*, 25/5/10; col. 22.]

The noble Lord's rather late conversion to procedural reform is, on the face of it, most welcome, but I say to him that any attempt to restrict the right of Back-Benchers to scrutinise legislation will be firmly resisted. I am happy to discuss the report of the Labour Peers' working group, which was in the context of a wider debate about the conventions and the pressing against the boundaries of those conventions by the party opposite at the time.

Finally, I come to reform of your Lordships' House. The coalition parties have agreed to establish a committee. That is progress indeed. The noble Lords, Lord McNally and Lord Strathclyde, and I have already spent many happy hours in such a committee. I must put a question to the Minister, as I am not sure what the committee is going to be asked to do. It seems that the outcome of its work is already known. He has already said it today: a mainly or wholly elected upper Chamber under PR and a system of grandfathering for the current Peers. So what is left for the committee to do? What will the composition of the committee be? Will

[LORD HUNT OF KINGS HEATH]
its outcome be a White Paper and will a draft Bill be published for pre-legislative scrutiny?

Grandfathering is not really about the transition; it is a term used in the regulation of professions and essentially it means that existing practitioners go forward into the new qualified regulated profession. It is clear that grandfathering means that existing Members become Members of a reformed House. I ask the noble Baroness to confirm my interpretation.

In the mean time, as the noble Lord, Lord McNally, confirmed, we are faced with the apparent intention of the coalition to appoint dozens, if not hundreds, of new Peers. Why is this being done, given that the Government already heavily outnumber the Opposition, with 258 Members compared to our 211? There has long been an understanding that there should be rough parity between the Government and the main Opposition. The noble Lord, Lord Strathclyde, has eloquently put the case for a strong second Chamber. In his *Politeia* article, he argued:

"The executive may not want a second opinion, but every country needs a Parliamentary system that provides one. Part of that must lie in a strong, independent House of Lords".

Are those the words of a leading Member of a coalition that advocates swamping the Lords to give the Government an inbuilt and overwhelming majority?

Then there is the question of the conventions. I ask the noble Baroness to confirm that the committee will look at how the current conventions will be underpinned and the primacy of the Commons assured in an elected House. I remind her of the committee of the noble Lord, Lord Cunningham, on the conventions, which made it clear that firm proposals for changing the composition of the House would require a re-examination of those conventions.

The coalition professes that it wants to strengthen Parliament to create a new politics. I would have thought that this should have been grounded in promises that the parties made to the public in the recent election. However, when we look at the proposals to be brought before us, how many do we see that were in the manifestos of the two parties? The Conservatives were certainly silent on a referendum on the alternative vote. They were also silent on fixed-term Parliaments. The Conservatives were silent on the intervals between elections to be fixed at five years, as were, incidentally, the Liberal Democrats. The Conservatives were silent on the 55 per cent super-majority required for the Dissolution of Parliament, as were the Liberal Democrats. The Conservatives were silent on their intention to give the Executive a massive majority in the Lords, as were the Liberal Democrats. We see proposals for major constitutional change that were not put to the British people at the recent election. They were cobbled together behind closed doors. They amount to a lack of trust between the two parties and they will do little—

Lord Tyler: Does the noble Lord now resile from all the promises made by Mr Gordon Brown before, during and since the general election on AV, on fixed-term Parliaments and on implementing the White Paper produced by Mr Jack Straw? Is the Labour Party's position now that it does not stand on any of its manifesto commitments?

Lord Hunt of Kings Heath: Of course not, my Lords. Indeed, the White Paper on Lords reform, for example, could form the basis of the committee that is going to meet to discuss this further, although in that White Paper we did not embrace the concept of grandfathering. I have to say to the noble Lord that his intervention was irrelevant. The fact is that these proposals on their own will do little to restore public confidence in our democracy. They are clearly being brought together as a package to suit the convenience of a coalition agreement. Essentially, this is not so much a new politics as an old-fashioned stitch-up between the two oldest parties.

Noon

Lord Howe of Aberavon: My Lords, I am happy to say that I do not feel any embarrassment at speaking in support of the partnership which now exists to support this Government. I am also happy to say that not all that long ago, in 1945, when I was moving from school uniform to military uniform, I had the pleasure of canvassing vigorously for the general election of that year in the constituency of Exeter for a Liberal Party candidate. I cheered enthusiastically at the eve-of-poll meeting addressed by Sir Archibald Sinclair. Beyond that, to maintain respectability in my native Wales, I included in my memoirs a striking photograph taken, I think, in Biarritz, which establishes beyond doubt that Lloyd George knew my father, and even my mother. So I start with some contentment.

I can see that the way in which our two parties have come together may lead to some misunderstanding. Both parties fought on the simple premise that it was time for change. That is a phrase which has different meanings in different respects. My anxiety has been that both parties, including my own, may have misunderstood the kind of change for which the electorate were looking. I believe, as I have said frequently, that a mood has spread among the population which one detects if one goes into a school staff room, a hospital staff room or even a police canteen. If you ask that gathering, "What would you like me, as a politician, to do next?" you will always evoke the response, "For heaven's sake, leave us alone". Many people in this country are looking forward to a change from a period of intense, excessive and reckless activity to a more measured and considered one. I need some assurance in that respect as the weeks, months and years go by.

That is why I am glad to welcome some of the measures already foreshadowed by the Government, which undo some of the hasty measures carried through by the previous Government. I must regret, as I did so frequently, and as so many of us did, the impossibility of recreating the office of Lord Chancellor, so recklessly destroyed by the measures taken by the previous Government. I am glad, on a more modest scale, about the decisions to remove the imposition of identity cards and, not much less important, to secure the death of home information packs—the least popular innovation by the previous Government. To that I say: hip, hip, hurrah!

I listened with care to the speech made by my noble friend Lord McNally and welcomed the extent to which he set out the way that the Government intend

to proceed with caution in respect of many matters. He purported to set out a similarly cautious approach to the future of your Lordships' House. I have to say, with regret, that that does not fit alongside the explicit commitment to a wholly or mainly elected Chamber and nothing short of that. I am mainly concerned about that in what I have to say to the House today. We all understand the enormous, distinguished, special value of this House as a legislative Chamber. The noble Lord, Lord McNally, clearly understands this and I pay tribute to him. All of us who have lived here have felt that very deeply. The effectiveness of that depends upon the essential difference between the two Chambers as they now exist.

As we know, this Chamber has a composition of diversity, independence and expertise and cannot, and never has been able to, oust the Government. The Government cannot dissolve the House of Lords. The House of Lords cannot dissolve the Government. The Commons—although the circumstances there are being changed as we wait—has a quite different quality and one that is above all dominated by party politics. We owe special gratitude to the leaders of all parties in this House for the way in which they have conducted the opening of the debate on the gracious Speech because they have all displayed the way in which we work together. That was the position in this House in the previous Parliament as well. Our leaders have been able to secure the smooth working of this House. They have also been able, in partnership with leaders in the other place, to secure the smooth handling of the much larger number of amendments being carried in this House for consideration by the other place. Therefore, we owe a great debt to the skill—in the previous Parliament and in this—of the leaders of our parties here.

The problem one now wants to consider is what is to happen from now on as a result of the commitment so fully pledged in advance to a wholly or mainly elected House. I refer noble Lords to some observations made by the Public Administration Committee of the other place under the chairmanship of Mr Tony Wright in a report that it produced—I think in 2002—on this House and its future. It said that,

"the principal cause of today's 'widespread public disillusionment with our political system' is the 'virtually untrammelled control … by the Executive' of the elected House. Hence the Committee's two conclusions".

The first was:

"The need 'to ensure that the dominance of Parliament by the Executive, including the political Party machines, is reduced and not increased'".

That will not be the consequence of the kind of changes we have already had foreshadowed that the Executive have in mind for the structure and management of this House. The second conclusion of the committee under Mr Wright's chairmanship was as follows:

"The Second Chamber must be 'neither rival nor replica, but genuinely complementary to the Commons' and, therefore, 'as different as possible'".

That is a very shrewd judgment from the other place of what may lie ahead and needs to be taken very seriously; that is, to find both Houses being managed with a ruthlessness of which governments of any kind are sometimes capable. It is a shrewd judgment from the other place—a warning which I commend to this House and which deserves to be treated as fundamental, in both Houses, to securing the continued safety and effectiveness of a twin-House Parliament, with a distinct role for this House. In my judgment, this House ought not to be transformed so fundamentally, as it would be by the introduction of a large number—even a total number—of elected members. That would be to surrender our past, our capability for the present and would be the greatest mistake likely to be made in my lifetime.

12.08 pm

Lord Woolf: My Lords, I first make a disclosure of interest in view of the nature of what I have to say. I have the privilege of being a patron or trustee of a number of bodies involved in penal affairs—in particular, I am life president of the Butler Trust.

It is a pleasure to address the House, having heard the noble Lord, Lord McNally, speak in his new role. In the period that I have been in this House, I have enjoyed his contributions, which are always so sensible and so relevant to the matters being considered. I can assure him that my former colleagues in the Strand and those now on the other side of Parliament Square will have taken great pleasure from the team that primarily represents the Ministry of Justice. Having said that, perhaps I may, again in relation to judicial affairs, say a word of praise for its predecessors who I am so pleased to see sitting opposite the noble Lord, Lord McNally. They fulfilled their offices responsibly. Members of the judiciary felt that they were properly being listened to and that their interests were properly considered.

Almost exactly 20 years ago the noble Lord, Lord Waddington, who was then Home Secretary, asked me to conduct an inquiry into, and then make a report on, the prison riots at Strangeways and elsewhere. The Government accepted the recommendations in that report, with the exception of a recommendation designed to prevent future overcrowding. Yet overcrowding had been accepted as being a cancer which was destroying our criminal justice system. At the time of the report, the average prison population in England and Wales was 44,000. The figure today is over 85,000. In the intervening years, the prison population has grown exponentially year by year, and thereby the problem of overcrowding has persisted. There is now a building programme priced at £3.8 billion.

In addition, the cost of looking after each prisoner averages about £45,000 per annum. The total annual bill is therefore about £3.825 billion. This is an enormous expense. I am told that it represents about 2.5 per cent of GDP—a higher per capita cost than in the US or any EU country. I ask myself: is this cost justified? The answer is clearly no. If proof of that is needed it is necessary to look only at reoffending rates. It is estimated that about 49 per cent of adults reoffend within one year of release, and the National Audit Office states that reoffending by recent ex-prisoners costs the taxpayer about £9.5 billion per year.

Expenditure on that scale cannot begin to make sense, yet successive Governments have refused to heed that message, and instead of improving the situation, by their intervention they have made it immensely worse. As the noble Lord, Lord Ramsbotham, said

[LORD WOOLF]

this morning, the probation service is in a sorry state. The fact is that the agencies responsible for dealing with reoffending are starved of resources because of the cost of housing this massive prison population.

What can we do to extract ourselves from such a disastrous situation? First, we have to accept that it is a myth that the judges, because they send prisoners to prison, are responsible for this situation. That myth has to be exploded. Ministers are responsible for the length of sentences, given that their role is to make provision for keeping in custody those whom the judges send to prison, according to the law—and it is Ministers who make the laws.

The *Bromley Briefing*, published by the Prison Reform Trust, makes the point that 70 per cent of the increase can be attributed to harsher sentences by judges. However, this ignores the fact that laws control the policy adopted by the judges with regard to sentencing. Unfortunately, decisions have been made repeatedly to change the law when their effect has not been properly considered.

I will give a bad example—perhaps the worst example—of this sort of behaviour, because I know intimately of the effect of that law, which I argued against at the time. I refer to Schedule 21 of the Criminal Justice Act 2003, which deals with the period that those convicted of murder and given life sentences must serve in custody before they can be released on licence. Before the law was introduced, and under the guidance of the noble and learned Lord, Lord Falconer, a meeting was held at the Middle Temple, where nearly all those who were playing a leading role were present to discuss the proposals. They were unanimous in their opposition. I am pleased to see the noble and learned Lord, Lord Falconer, in his seat. He will probably remember that at the end of the meeting, he said that he had listened to what had been said. He made it clear by the way in which he spoke that he had sympathy for what had been said—but he accepted that there was little, if any, chance of the then Home Secretary, Mr Blunkett, changing his views.

Mr Blunkett was losing sight of the fact that, by increasing dramatically the term of imprisonment to be served by those who have committed the most serious crime, he would affect sentencing right down the system. The system strives for consistency not only between people who are convicted of the same offence, but between those convicted of offences in the system as a whole. If you interfere to the extent that he did with the level of sentencing at the top, it is the inevitable consequence that the level of sentencing throughout the system will be increased. That is what happened, as Mr Blunkett was warned—and it continues to happen now.

I could give another example, but I fear that I do not have the time. I hope that I have said enough to indicate that the approach to sentencing now needs dramatic and urgent consideration. In the present financial crisis, we cannot afford to spend the sort of money that is proposed, and that was spent by the previous Government, because it yields no dividends.

Lord Lloyd of Berwick: My Lords, perhaps my noble and learned friend will comment on a narrow but important matter of topical interest. I refer to the criminal responsibility of children between 10 and 14. As the House will know, the irrebuttable presumption in their favour was abolished as recently as 1998. Many people think that it was a mistake to abolish that presumption—much better to reverse it, with the burden on the defence, and thereby retain some flexibility. Perhaps my noble and learned friend will agree that this matter should now be considered urgently.

Lord Woolf: The noble and learned Lord asks a very pertinent question at the present time but I am sure he will forgive me if I say that it requires very careful consideration.

Lord McNally: My Lords, in my capacity as Deputy Leader of the House, perhaps I may say that there are an awful lot of noble and learned Lords down to speak on the list. I appeal to them in particular: if we are to finish much before midnight, we shall have to show a little bit of discipline.

12.20 pm

The Lord Bishop of Leicester: My Lords, as has already been observed, much has changed since we last debated the gracious Speech in this House, and not least the elbow room on these Benches from time to time.

In the midst of the economic, security and social challenges, which properly frame all that is in the gracious Speech, the Government have emphasised reform of our constitution and particularly of the functioning of our Parliament and democracy. On these Benches, we have good reason to believe that we are in touch with significant public opinion in relation to these proposals. In my diocese during the election, more than 20 public hustings were held in churches in Leicester and Leicestershire, and the pattern was repeated across the country. Parliamentary candidates commented that their primary engagement with significant live audiences of non-aligned citizens took place in the churches of England.

The evidence is that the public want a measure of parliamentary reform. This may include support for the provision of a referendum on the electoral system, reform of the number and size of constituencies, and power of recall for any Member engaged in serious wrongdoing. A strong, elected lower House, accountable to the public and transparent in its operation, is welcomed and supported on these Benches. However, as has already been mentioned, the proposal to increase the numbers in this House to reflect the proportion of the vote gained on 6 May is surely profoundly questionable. Does this not seem like creating a large number of new Peers with the sole object of voting themselves out of existence? That is surely strange for a coalition Government who are determined to reduce the scale and cost of government in general.

However, the Deputy Prime Minister has spoken of a "wholesale, big-bang approach" to political reform. That suggests something with destructive, sudden and irreversible consequences, having little regard to what has gone before and taking less account of unintended consequences for the future. This surely raises serious questions about how our constitution is to be changed and about whether it is the property of the Government of the day or of the nation as a whole.

Further, the Deputy Prime Minister referred to a committee—mentioned earlier by the noble Lord, Lord Hunt—which he described as not yet another government talking shop but,

"a dedicated group devoted to kick-starting real reform".

Can the Minister tell us how such a committee will be composed, whether it will have any commitment to achieving consensus, and whether the Government would welcome the contribution of these Benches in formulating their proposals for change?

The former Bishop of Chelmsford gave much of his time with others to conversations leading to the 2008 White Paper—conversations certainly not regarded at the time as simply a talking shop. In his response to the White Paper, he set out the Church of England's position, which remains broadly the same today:

"The Church of England does not find the argument for a wholly elected 2nd Chamber convincing and supports the proposal for a fixed appointed element. This would help ensure the continuation of a breadth and diversity of talent amongst the membership, more often than not, currently evidenced within the members of the Cross Bench peers. It would ensure that all those with undoubted expertise, but who would not naturally submit themselves for election, would continue to have a role in parliamentary scrutiny and debate: a quality of the current House of Lords that has been invaluable, particularly when matters of great ethical importance are before it".

A similar point was made in a recent address by the right reverend Prelate the Bishop of Durham when he said:

"We have some excellent Members of Parliament but many observers think that to fill another Chamber with more of the same, whipped to the will of government, would be worse than pointless. I am, in other words, much more concerned with the ability of the Lords to scrutinise legislation than I am with the official place of Bishops in that House. But that is not the point. The point is that our fine-tuned constitution, like a complex ecosystem, cannot simply be tampered with and played about with without considerable risk".

That broadly represents our position, and especially now when two further considerations come to the forefront of the nation's concerns. First, there is now a major priority facing Parliament and the country, as the gracious Speech and the coalition agreement make absolutely clear. The people will not forgive Parliament if it gets caught up in self-regarding questions of its own organisation, at the expense of giving clear and focused attention to the consequences of dramatic fiscal cuts on the wider population. Secondly, the people clearly do not want the public discourse about reform to be conducted in polarising and unproductive language about privilege and entitlement. I am sure that most if not all Members of this House would hold the ideal of service above privilege, and that is certainly what will animate the contribution of these Benches to the debate, since we see our service to this House as an intrinsic element of the Church of England's broader service to the nation. It is on the basis of service and not privilege, and on that basis above all, that we shall judge the merits of the reform proposals that are brought before your Lordships' House in due course.

12.26 pm

Lord Mackay of Clashfern: My Lords, I consider it a great privilege to follow the right reverend Prelate the Bishop of Leicester, and I agree with many of the things that he said, particularly about the idea of having a large number of additional Members of your Lordships' House. I do not know to what extent that is more than speculation, but I certainly hope that what he and others have said will be taken into careful consideration.

I begin by thanking the Labour Ministers for their kindness to me during their term of office. Unfortunately they did not always agree with me, but I hope that the voice of individual conscience will continue to be respected in our country, as it was in the past.

I particularly congratulate the noble and learned Lord, Lord Wallace of Tankerness, on his appointment as Advocate-General for Scotland. I am glad that the Government have recognised the importance of having Law Officers who have a deep understanding of the political considerations and yet who at the same time are able to give independent and reliable legal advice.

My noble and learned friend is unique in a number of ways. I think that he is the only person to have served in a Scottish Administration and now serve in the Government of the United Kingdom. He is unique in another respect. As a Member of the Scottish Parliament, he formed with his colleagues a coalition with the Labour Party in Scotland. Now, of course, he has taken part in a coalition with the Conservatives here. That shows that a person of fundamentally Liberal Democratic principle can work well and in coalition with those who are willing to work with him. His career also underlines the danger of the advice that was given by one Cabinet Minister in the election campaign, that people should vote tactically. Another Cabinet Minister, more patronisingly, referred to the same idea as "intelligent" voting. I am glad to say that that principled Scot, the then Prime Minister, said that he wanted people to vote for what they believed in.

The principal thing I want to speak about is the proposal for fixed-term Parliaments. A fixed term for Parliament undoubtedly has the advantage of removing a great deal of opportunity for speculation. It also has the advantage of removing from a Prime Minister the temptation to go for an election when the party that he leads happens to be high in the opinion polls—or, occasionally, when he feels that there is a disaster around the corner and is anxious that the election take place before it comes. A fixed-term Parliament has an advantage in that respect. It also has the advantage of eliminating the situation already referred to when the Prime Minister, Gordon Brown, appeared to stimulate speculation that an election would be held shortly after he took office but it then did not happen. I gather from the newspapers—although I have no other way of knowing—that one result of that was abortive expenditure of fairly high sums by the Labour Party, which I am sure that it would like to have avoided.

Five years has been selected. I can see arguments for different lengths, but I can see a great deal of argument in favour of having fixed-term Parliaments. A matter that has attracted a lot of attention is the proposal for 55 per cent. As I understand it, because there is only a shorthand statement of it in the coalition agreement, the proposal is in no way to interfere with the rule that a Government lose their mandate to govern if they lose a no-confidence Motion in the House of Commons by 50 per cent plus one—of those

[Lord Mackay of Clashfern]
voting, to go back to the point raised this morning. Fifty per cent of those voting plus one brings down the Government.

Lord Hughes of Woodside: It is not 50 per cent plus one; it is a majority of one.

Lord Mackay of Clashfern: That seems to me to be much the same thing. I am perfectly happy to accept that formulation: a majority plus one—a majority of one. A majority is a majority of one; in other words, 50 per cent of the votes cast plus one. That is the way that I have understood it; I may be corrected if I have got it wrong.

If the Government in office lose the confidence of the House of Commons, it does not necessarily follow that Parliament should be dissolved, even under our present system where there is no fixed-Parliament rule. But if you have a fixed-Parliament rule, you must have some protection against easy and arbitrary dissolution. As I understand it, the proposal for a requirement of 55 per cent has been formulated for that.

In Scotland, when the Labour Government introduced the Scotland Act, they produced a requirement for a two-thirds majority for a vote for dissolution. Fifty-five per cent seems rather reasonable in comparison with that. It has been suggested in some quarters that that is because of proportional representation in Scotland, but the only effect of proportional representation is to make a minority government more likely than it is under a first-past-the-post system. The voting in the Parliament is one Member, one vote, so, in my judgment, the analogy with Scotland is important.

That is a separate question altogether from the collapse of or loss of confidence in the Government. If the Government lose a vote of no-confidence on the basis that we have discussed—I will not repeat it again—the result is that the Government are out of office, and the question is whether someone else could form a Government. Your Lordships will remember that at one point in the transition Mr Gordon Brown mentioned the possibility of an alternative coalition in the present House of Commons, so the idea of there being more than one person capable of forming a Government in that situation is perfectly reasonable.

We look forward to the legislation in detail, and I hope that, in framing it, those responsible will look closely at the detail of the Scotland Act, which I do not want to go into at present but which includes a safeguard in relation to the time: if no view can be taken by a time limit, dissolution arises.

12.35 pm

Lord Grocott: My Lords, I shall use my time to talk about matters relating to constitutional change. I must begin by acknowledging a different experience from that of the noble Lord, Lord McNally, who talked about clear public support for constitutional change. I spent four weeks knocking on doors in Telford during the general election period and must have had a different experience to the noble Lord knocking on doors in Blackpool, or wherever it was, because I did not find the slightest public interest in any aspect of constitutional change, whether Lords reform, fixed-term Parliaments, the alternative vote or any other of the often academic discussions that we have. Neither, I might say, did I notice anyone saying that what they were really looking forward to after the general election was a Lib Dem-Conservative Government. The people of Telford are pretty shrewd on these matters—as they were, I might say, in again returning a Labour MP.

I shall concentrate my arguments on three points but, as a brief preamble, I should say that I have been in politics a long time, and I understand that when two parties try to form an agreement, there will be all sorts of concessions and compromises. That is inevitable, but when the concessions, compromises—or, if you want to be more robust about it, horse-trading—take place in respect of constitutional change, that is far more serious. One party is saying to the other, "I absolutely hate that constitutional change you are proposing but I will go along with it as long as you support the constitutional change that I propose, which I know that you hate". That may be a way to try to fix short-term policies, but it is not a way to rewrite fundamental parts of the constitution of our country. The constitutional changes proposed in the coalition agreement between the two parties have been described already by the leader of the Liberals as the greatest reform Bill since 1832—so no pressure there then. I would have thought that that is quite a high hurdle to leap over, even for someone more popular than Winston Churchill.

These constitutional changes, should they be carried out, mean a significant weakening of Parliament. That is how I would describe them, not least because for the past 13 years I have heard nothing other than, "Governments are too strong and Parliaments are too weak". That was the received wisdom. Overnight on 6 May, the received wisdom became, "Parliaments are too strong and Governments are too weak, and we are going to have a strong Government". That underpins a lot of these constitutional proposals. In particular, I shall mention three. One is the fixed term, which is supposed greatly to strengthen Parliament. Clearly, it does not. I could not have imagined a situation in which a Prime Minister—a Prime Minister who, I might say, had fewer MPs than any Prime Minister since the war, if my maths is correct—was able in effect to announce, the day after the general election, "I am going to be your Prime Minister for the next five years, almost irrespective of what happens in Parliament". That does not strike me as strengthening Parliament; it makes Parliament less important and its votes of less significance.

I will not go in detail into the 55 per cent rule, which will surely have to be dropped. I was present, as were a number of other people here, when the Labour Government were quite properly voted down on a Motion of no confidence and quite properly immediately and without any fancy laws to refer to went to the country. From a purely personal point of view I wish they had not because I lost my seat. It would have been quite nice to say, "Oh, it doesn't matter. There are a few more months yet before the five years are up". I would have been amused to see my friend—I call him my friend—the noble Lord, Lord NcNally, a far more important man than the rest of us, going to see Jim

Callaghan and saying, "We just lost a vote of no confidence, Jim, but don't worry, it doesn't really matter. Votes come and go, and we'll stick around for a bit longer". That is just silly. You can have all sorts of arguments about what is a good number, but 55 per cent is a silly proposal, so let us get rid of it.

I want to mention one other thing very briefly. If the proposal to increase the membership of the House of Lords in line with the number of votes in the last election is carried through, although I am not convinced that it will be, the fundamental convention that has operated certainly all the time I was the Chief Whip and throughout the time of my predecessors—that there is rough parity between the Government and the Opposition and that the Government must not be able to have a majority in the House of Lords—will be destroyed. It has been destroyed already, actually, because the Government have 250 seats and the Opposition have 210.

Please let us not confuse the argument by talking about the Bishops or the Cross-Benchers, who have never been included in any argument that I have heard or that has ever been advanced. The Government have a clear majority in the Lords, as they have a clear majority in the Commons. If that majority were enhanced even more, that would be quite outrageous. If I as Chief Whip had known that the Liberal Democrats would have voted with the Government on every single vote, I could not have justified a full-time job. I could have come in at midday and watched the cricket in the afternoon, and I would have loved it, because the Government would have known perfectly well that they would win every vote. Check the maths, check the history. This really cannot be allowed to sustain, and I hope that it will be addressed.

There is another way in which Parliament is being diminished by the constitutional changes. I do not call it reducing the number of MPs; I call it increasing the size of constituencies. I have some expertise in this in that I have represented two seats in Parliament, both of which were very large with 90,000 electors. Let me say that it is extraordinarily difficult to represent that number of people in anything like the way in which we have been accustomed to doing. I may upset some of my friends when I say that I do not object at all in principle to moving towards anything that makes constituencies of roughly equal size. That is not the problem; the problem is reducing the number of MPs. How on earth can that be described as making MPs more accountable? That really is torturing the language. MPs will be less accountable if the number of MPs is reduced.

In conclusion, I was particularly alarmed to see that the Government were proposing—I hope that this can be denied—that the whole process of drawing parliamentary constituencies is to be accelerated and local involvement in it diminished to get this through quickly. Let me remind the House that the previous redrawing of constituency boundaries in England has taken around six years, because local people have to be consulted and there have to be proper procedures for dealing with this. Both the Conservatives and the Lib Dems have in their manifestos the importance of local democracy, local control and local involvement. If they are going to run roughshod over the established procedures for redrawing parliamentary constituencies, that yet again diminishes Parliament.

In three crucial respects these constitutional changes diminish Parliament, rather than enhancing it; and, my word, we will not do our job here unless we scrutinise them very carefully indeed. I hope that some of them are thrown out.

12.44 pm

Lord Thomas of Gresford: My Lords, may I say what considerable pleasure it is for me and those around me to see the noble Lord, Lord McNally, put his hands on the Dispatch Box and to discover that in becoming a Minister he has not lost his wit and good humour? We congratulate him most sincerely.

I start with a quotation:

> "Liberals will switch the emphasis in combating crime to prevention and rehabilitation. We will expand the police force and the probation service, improve pay and conditions to attract high quality recruits. To reduce the prison population, we will make greater use of alternatives to imprisonment; extend experiments in prison reform and remand procedure; improve after-care service, and appoint independent inspectors to visit prisons and investigate complaints".

Wait a minute, we already have independent inspectors: the noble Lord, Lord Ramsbotham, and his successor Dame Anne Owers. I am quoting from the 1964 Liberal manifesto for the very first election that I contested as a Liberal in West Flint against Mr Nigel Birch, and the principles that we enunciated in those days are just as relevant today.

In 2009, 65 per cent of Britain's prison population were serving sentences of less than 12 months' duration. Many of them were illiterate, a quarter were addicted to drugs or alcohol, and half were suffering from some form of mental illness. The system today is designed in such a way as to make it easier to commit another offence rather than to break the habit of a lifetime. The noble and learned Lord, Lord Woolf, referred to the tariff on mandatory sentences for murder. An immediate task for the new Justice Ministers in this Government is, in the name of fairness, to tackle the shame and disgrace of indeterminate sentences. I quote one of the conclusions of the thematic review by the inspectorates of prisons and probation in March this year:

> "The current situation is not sustainable. IPP prisoners now constitute around one in fifteen of the total prison population. As of December 2009, only 75 IPP prisoners had been released and stayed out, while there were around 70 newly sentenced IPP prisoners every month entering prison. Of the 5,788 IPP prisoners in custody, 2,393 had passed their tariff date, i.e. the period announced by the judge as the due punishment for the offence".

The report called for a policy review at ministerial level and said that,

> "these numbers far exceed the capacity of the probation service and the prison system … and the Parole Board".

I recently defended a man of 58 years of age who was sentenced to an IPP for manslaughter with a tariff of nine years. "It is", he said, "a life sentence. I will never come out". He will never come out because of the way in which the system is organised today. These sentences have done immeasurable damage both to those imprisoned and to their relatives. It is Kafkaesque; despite trying to do everything that is asked of them, there is no way out.

[Lord Thomas of Gresford]

The second task that I put to Justice Ministers is to review the effectiveness of the system of civil orders—ASBOs—that were adopted by the previous Government in an attempt to control behaviour. A report by the Metropolitan Police that was published on 13 May—a fortnight ago—shows that in London there are currently 1,261 ASBOs, and, in 2009, 1,127 arrests were recorded for their breach. These ASBOs do not work. Although trumpeted by the previous Government, there are no violent offender orders, although the Metropolitan Police have applied for one this year: the first in the United Kingdom. There is one risk of sexual harm order and one foreign travel order in the London area. The court charges £200 fees for sitting, and legal costs are considerable, but no overall cost has been calculated.

The feature of these orders is that they may be obtained under civil procedures, which include proof on a balance of probabilities that is based on hearsay evidence, which is usually no more than the report of an investigating police officer. Breach of the order is a criminal offence. Two youths may go into a pub. One is doing nothing wrong. The other is committing a criminal offence because he is in breach of a condition on his ASBO. These orders are a fundamental breach of the principles of fairness on which criminal law is based. Will the Ministers please consider whether they work and are effective? If not, let us get rid of the whole apparatus.

Similar considerations apply to dispersal orders under the 2001 Act. In 2007, the Joseph Rowntree Foundation reported:

> "Dispersal orders convey stark messages about the status of young people in society and the way they are regarded by adults. They can reinforce a view of young people as a risk to others, obscuring the extent to which they are understood as at risk".

That is another feature at which I would like the noble Lord to look.

The third task—here I come to a matter raised by the noble and learned Lord, Lord Lloyd of Berwick, naturally enough as he was my tutor—is to reconsider the age of criminal responsibility, which was highlighted this week at the Old Bailey. The proposal to reduce that age to 10 years was put forward by the party opposite in the Crime and Disorder Bill. On 9 March 1998, an amendment in the name of my noble friend Lord McNally—the Minister today—was moved in his absence by my noble friend Lord Goodhart. All the usual suspects, including me, spoke in support of the amendment. But the most compelling contribution was this:

> "What worries me is not what the intention was in the drafting of the Bill, but that the effect of this part of it plays to a social attitude which wants to pile all the blame onto the shoulders of the young child who is in court; that it fails to accept the collective social responsibility for the situation in which the child finds itself. The child may come from an environment of appalling schools, appalling housing; media which plays to sensationalism and violence and parents who had no chance to develop their sense of responsible parenthood in their education, upbringing and environment".—[*Official Report*, 19/3/98; col. 833.]

Everyone will recognise the tone and the passion of the noble Lord, Lord Judd, and I am privileged to be speaking from the place where he normally, in the past 13 years, has addressed this House. I have also warned my noble friend Lord McNally that this is where the noble Baroness, Lady Kennedy of The Shaws, used to speak.

This is an opportunity for the Minister to put forward the amendment that was put then:

> "Where a child aged 10 or over is accused of an offence, it shall be a defence for him to show on the balance of probabilities that he did not know his action was seriously wrong".

I invite him to return to his own amendment and to put it forward.

I should like to say a brief word on Wales, since the noble Lord, Lord Livsey of Talgarth, cannot be here today. The Queen's Speech promises to implement the recommendations of the Calman commission in Scotland, which gives them £200 million. Wales is seeking fairness—the implementation of the Holtham commission report on funding by the reform of the Barnett formula. We in Wales are being short-changed to the extent of £300 million per year on the basis of actual needs. The previous Government talked about it and did nothing. I look forward to an assurance from the Minister today that this Government are committed to equality as between the devolved nations.

In my adoption speech in that 1964 campaign, as reported in the *Rhyl Journal*, I called for a Parliament for Wales, proportional representation and the abolition of the hereditary principle in the House of Lords. We are nearly there.

12.53 pm

Lord Bichard: My Lords, it is, I know, the custom of this House for maiden speeches to be short and uncontroversial. I should like to take this opportunity to reassure noble Lords that I hope that all my contributions will be succinct. I have not always, however, managed to avoid controversy quite as easily even when I have been trying to do so, but today I will make a particular effort.

Perhaps I may say at the outset what a privilege it is to be a Member of this House and how grateful I have been for the warmth of the welcome that I have received from other Members and from the quite excellent staff supporting us. In this respect, my thanks go beyond the routine. I have been genuinely overwhelmed and delighted to meet so many old friends—or should I be more delicate and say long-standing friends? I like to think that the warmth and civility that I have encountered derives at least in part from the fact that all Members of this House share a common purpose; that is, to add value and to make a positive difference to the society in which we live. We may do that in different ways and from different perspectives, but we all entered public life because we felt that we had some small contribution to make and I think that we recognise that commitment in all our colleagues.

In my case I have for more than 40 years served as a public official, but unusually perhaps in very many different roles; namely, the chief executive of two local authorities, Brent, and Gloucestershire where I now live; the chief executive of a government agency, the Benefits Agency; a Permanent Secretary at the former Department for Education and Employment; a vice-chancellor; the chairman of two non-departmental public bodies, including at the moment, the Design

Council, from which I take such pleasure; and, most recently, director of the relatively new Institute for Government.

In all those roles, I have always enjoyed, not endured, the company of politicians of all parties—well, almost always enjoyed. But I have remained determinedly apolitical, so I feel that I could not have ended in a more appropriate place than these Cross-Benches and I very much look forward to playing an active part in the life of this House. But—and this is where I hope I can avoid the controversy—I sit here as someone who believes passionately that our public services need significant reform. In spite of the collective best efforts and dedication demonstrated every day of the week by countless public servants and, let us not forget, elected representatives, too many vulnerable people, too many households and too many communities still receive services which fail to meet their needs. That is not always because of a lack of resource: I believe that very often those services are more expensive than they need to be. This is not the result of some malign intent or conspiracy, nor has it been desired by any political party in this House. But it is too often the current reality.

As we enter a new Parliament, facing unprecedented fiscal and social challenges, we can do one of two things. We can set our sights primarily, solely perhaps, on saving money by reducing the cost of existing services. But if that is the sum of our ambition, many of the current flaws will remain and perhaps be accentuated. Alternatively, we can take this opportunity to look more fundamentally at the way our public services operate, their purpose, their shape and the way in which they work, or do not work, together. What might that kind of fundamental review seek to address? It might address perhaps some issues which have sometimes been overlooked. It might, for example, seek to address seriously the way in which Whitehall departments too often continue to work and develop policy in silos at a time when our most pressing problems do not fit neatly into bureaucratic boxes. Meeting the needs of an ageing society, reducing levels of chronic health conditions and reducing the unacceptable levels of reoffending are not the responsibility of a single department and will not be resolved unless we ensure that departments, Ministers and officials work much more effectively together.

This is also perhaps the time to ask ourselves why vulnerable individuals and families still too often receive unco-ordinated services from what seems to them to be countless public local bodies—statutory and non-statutory. Those clients are often confused. The services are often ineffective and those who want to do more to help themselves find it very difficult to find a way of doing so. It sometimes seemed to me that the best we could do for some families was to provide them with a diary secretary to arrange the huge numbers of meetings that they need with public agencies. We can surely simplify these arrangements and reduce the number of narrowly defined targets, performance indicators, inspection arrangements and ring-fenced budget allocations, all of which take away the incentive and the space for enterprising public servants to use their initiatives—and sometimes just to use their commonsense—to the benefit of citizens and taxpayers.

Might we not also expect greater co-operation between all of our public agencies and the way in which they purchase and use basic resources? When we spend, as we do, £220 billion a year on purchasing goods and materials, why is it that we still have no convincing public sector purchasing strategy? Why do we need now so many separate public sector offices around the country when more and more business can be done online? If we are honest—and I have played a part in this—the answer often has more to do with territory and sovereignty than it does with logic or service to our clients.

In the past, of course, our response to many of these questions has too often been to restructure our public organisations—and, again if we are honest, more often than not that has failed. At the Institute for Government we calculated recently that every time a government department is reorganised it costs £15 million to start with, and very rarely do those reorganisations deliver results. Surely the time has come to jettison our obsession with redesigning the structures of government and to concentrate instead on redesigning the services themselves so that they are shaped around clients, not around providers; so that they are seamless, not fragmented; so that they are functional, not unreliable; and so that they are accessible, not impenetrable. We spend billions of pounds on services but the public sector still rarely uses the skills of our world-class service design industry to ensure quality and cost effectiveness. Now is the time for people in the public sector to realise the potential power of service design to create better services at less cost.

Finally, our work at the institute has shown that we now have probably the most centralised governance system in the world, with power concentrated in Whitehall and Westminster. It has shown, too, that this has accentuated many of the problems I have touched upon. There are few here or in the other place who do not now agree the need for this change and for power with accountability to rest closer to local communities, and for our civil society to take its place as a genuine partner in our activities.

Improving our public services is a priority but success will not be achieved by yet more targets, reorganisations and pilots. Success is more difficult: it is about changing the way people behave and the way they work together. The very good news—and the reason why what I have said is not controversial—is that there are ever larger numbers of staff, elected representatives, trustees and governing bodies out there who want to bring about this kind of change because they want to focus more and more on their clients and outcomes. This is a moment of opportunity as well as a moment of crisis. Equally, it is a moment for leadership rather than control. I thank your Lordships for your attention.

1.03 pm

Lord Filkin: My Lords, it is a delight to welcome an old colleague and friend, the noble Lord, Lord Bichard, to our deliberations. I am sure that I speak for the whole Chamber when I say that we have already seen in the quality of his maiden speech what we had expected and what we have to look forward to in terms

[LORD FILKIN]

of clarity, forthrightness and content. In addition, I am sure that the House will increasingly see that he has been, and will be, a brave public servant, wise in his actions, tough and able to carry through difficult change when necessary. He will be an asset indeed.

The noble Lord has hinted already at the richness of his public service life, which is why he will give such value. He has been a chief executive of local authorities, some of which were extremely difficult at times; he has been a Permanent Secretary with—how shall I put it?—ambitious politicians; and he has been called in to sort out difficult issues such as the Soham inquiry and the Legal Services Commission's problems, thankless tasks where so much could have gone wrong.

The noble Lord also understands policy. You would expect a Permanent Secretary to do so, but he has demonstrated it by the remarkable way in which the Institute for Government has filled an aching void in our public debate over the past few years. We cannot imagine what we would have done without it. It has been brilliantly led by him and his able staff.

Most important, the noble Lord understands delivery and he understands real life. Many people can make policy or give speeches, but the ability to turn policy and ideas into action on the ground is fundamental. I suspect that this is partly because he has been rooted in the reality of running public services and is still rooted in civil society in rich ways. As well as being a director of the University of the Arts and chairman of the Design Council in past functions, he is currently either a board member or a trustee of bodies concerned with management, education and the arts and of a wide range of charitable bodies. I have demonstrated the richness of his experience, but it causes me a slight worry: I do not want him to spend so much time on those bodies that he does not bring the benefit of his wisdom to our deliberations. I urge him to spend time in this Chamber.

I turn to more difficult issues. It has been a dreadful 18 months for this House. We collectively know that we have been vilified, belittled and damaged. This matters to us personally—many of us feel that we have been belittled as a consequence—but, more than that, it matters because we are not a club but a part of the constitution. Therefore, the public regard for whether we do our constitutional job well, with integrity and effectiveness, matters not only to us in a self-regarding way but to society more widely. Rebuilding the trust and confidence of the public and civil society and convincing them that this Chamber is capable of fulfilling its constitutional role matter enormously.

In that spirit, the Lord Speaker invited a number of eminent external people to talk informally to Peers and to give their perspective on where we sat last October. To correct the record, she did not initiate the three working groups; she was aware that that happened on the back of the seminar, with the chairmanships emerging, in the dreadful way that the House knows they do, through a mixture of persuasion, cajoling and bullying.

The Deputy Leader of the House, the noble Lord, Lord McNally, referred to the three working groups in his speech. They essentially looked at three issues: how the House scrutinises legislation; how it governs itself; and how its procedures support those two other functions. Each working group had three fundamental principles. First, it had to be utterly cross-party and non-aligned, with a membership drawn from people who were known and, I hope, respected in all parts of the House. Secondly, it had to respect and not seek to change the constitutional settlement; in no way should there be any hint of trying to use this as a wedge to upset or tilt the balance. Thirdly, we recognised—although we stand by our recommendations—that its contribution was to promote debate rather than to pretend that this was the alpha and omega of these issues; we would not be so hubristic.

Let me, in my limited time, give your Lordships a quick taster of some of those points. First, the role of scrutinising legislation is fundamental. It is what the public think we exist for, so how we do it matters greatly. Five points were made by the group that I had the privilege of chairing. The first was the need to scrutinise if legislation is fit and ready to come into the House—there have been times, I regret, when I have been guilty of not always carrying that standard as a Minister or as a member of the Government. The second point was to spend more skill and time scrutinising the policy behind the legislation. Too often we dive like eager lawyers for detail and lose sight of what the legislation is meant to achieve, what success would look like and whether the legislation looks likely to achieve it.

Next, we recognised the need to involve the public in our processes. Your Lordships should not faint; it already happens in the Commons. For all Bills that start there, there is a public Bill process whereby the views of the public are listened to and representations made. We should have a similar system for those few Bills that start in the Lords. It is normal, good practice. To cheer the Leader of the House, we say that we should make greater use of Grand Committee—we shall explain why in the report. It is beneficial now. We should not always use it, but it should be the default rather than the exception. Lastly, we should stop talking about post-legislative scrutiny and start doing it.

I shall not talk about the procedures of the House, because there is not time. I shall say a few words instead about governance of the House. It is clear that the failures of the past 18 months are failures of individuals, but they are also failures of governance. We have to face up to that fact. It was we who made the system that allowed things to go wrong and the public hold us collectively to account for that. It is a particular duty of bodies that are still self-governing—there are not many of them left—to have proper processes for periodically reviewing their governance. Otherwise, who is to do it to us? I am not aware—I stand to be corrected—that this House has ever had a formal, let alone an independent, review of the quality of its governance and of whether it meets current good practice standards. Such standards are known and most public bodies would now expect to have to meet them. This House has not reviewed its governance, let alone asked anybody to give a view of it. That is needed; we are not a club.

Our governance is a mystery to many of us. It is not clear who is responsible for what or who is responsible for putting things right or taking a systematic view of whether the governance arrangements are appropriate to each task. I ask your Lordships to read the one quotation about how the usual channels dominate internal governance. However, their role is nowhere made explicit and it is more focused on the interests of the Government and of the political parties than those of the House or of the public.

The failures of governance are failures not of individuals but of us collectively to review our processes. I was therefore delighted that both the Leader of the House yesterday—I take his words at face value—and the Deputy Leader of the House signalled their willingness to open discussion on these issues with me, the noble Lord, Lord Butler, and the noble Baroness, Lady Murphy, my co-chairs of these three contributions to the debate.

1.13 pm

Lord St John of Fawsley: My Lords, I join the noble Lord, Lord Filkin, in congratulating the noble Lord, Lord Bichard, on a speech of great modesty and depth. If that is the level of contribution that we can expect from him, the more we hear from him, the better. I also congratulate the noble Lord, Lord Filkin. I regret to say that I agreed with almost everything that he said, but the tone of politics has now changed—thank heaven—and congratulations are now in vogue until we get bored with them.

There is one sentence in the gracious Speech to which I should like to draw attention:

> "Proposals will be brought forward for a reformed second House that is wholly or mainly elected on the basis of proportional representation".

I congratulate the noble Lord, Lord McNally, on his speech, which, rather like overripe gruyère, was full of holes and held together only by some very good jokes. I warn him about jokes: they can be dangerous and can lead to a sudden change of career. Let him wait until people say, "Where are the jokes? Where is the Lord McNally of yore? We want him back". That is the moment to start up again, because it is safer in today's world of politics to be a co-respondent than a wit.

I am pleased that the noble Lord made the case so well for there being no hurry about this part of the Queen's Speech. Let us learn from the experience of the previous Government: you cannot evade the natural consequences of your actions. Let that be constantly in the minds of Ministers; it is essential. Why not leave the House of Lords alone? It is a modern miracle. One should not drop names, as his Holiness the Pope said to me only the other day, but I tried to explain to him the concept of a Cross-Bencher. Well, he is the infallible one, so I gave up.

We do not want a clone of the House of Commons here. We are a revising Chamber; we are a Chamber with independent views; we are a Chamber where we want more distinguished people. Above all, we want more Cross-Benchers. That case was brilliantly made by example, which is always more convincing than precept, by the noble Lord, Lord Bichard, today. We do not want a lot of people elected by proportional representation; we want some distinguished people. This is a House where there are people of great eminence and people of some common sense. They all have experience. Let us move on in that direction.

We have exemplified what the Italians have a word for: aggiornamento. That means building on the past but innovating as you need to. This we have continually done, otherwise we would have become a museum piece; we would have vanished years ago. Let us look at life Peers. I do not know whether it was Bagehot or me who first proposed them—it could not have been me, because he made the suggestion in 1861, but having read 13 volumes of Bagehot I find it difficult to tell which of us is speaking. It was Harold Macmillan who implemented the proposal, which has been a very great reform. I was delighted to hear that we are to have more Select Committees in this House. I shall not go on about that, because I had some small part to play in them in the olden days.

We need self-restraint. We want to observe the conventions. You learn that with wisdom and experience in this House. This House knows where to draw the line. Noble Lords know when to push things and when to stop. That is an art that you can learn only from experience and by being here. It is vital to know.

I have nothing against the alternative vote, but let us keep the link with the constituencies. That is the most vital thing, which is lost through proportional representation. If we are to have a system, let that link be intrinsic to it.

Now let us concentrate on the economy. That is what concerns people. There is no virtue in being rich and there is no virtue in being poor. What one wants is enough. Greed is not an attractive quality and we have had quite enough of it. I once had a conversation with a judge who said that the difficulties of the people with whom he had come into contact were mainly that they had followed the advice of people whom they did not know about documents that they had not read to buy goods that they did not need with money that they did not have. That is exactly the sort of position that we are in today.

Louis MacNeice, one of the great poets of the 20th century, said:

> "It's no go the Yogi-Man, it's no go Blavatsky,
> All we want is a bank balance and a bit of skirt in a taxi".

That grossly underestimates the British people, but there is such a tendency, which has risen and grown and, like a horrible monster, is threatening this country. That is why we want to provide something to meet the spiritual starvation as well as economic prosperity. You cannot have spirituality if you are struggling all the time to survive. My advice to the Government would be to leave the constitution for the commissions to get to work on—it is very complicated—and to concentrate, concentrate, concentrate. That is even more important than educate, educate, educate. They should concentrate on the economy and get that right and, after that, go on with their constitutional reforms. I speak as a retired constitutional expert.

1.21 pm

Lord Howarth of Newport: My Lords, I add my congratulations to the noble Lord, Lord Bichard, on his maiden speech. I was a Minister in the Department

[LORD HOWARTH OF NEWPORT]
for Education and Employment when he was permanent secretary. I know his wisdom and passionate commitment to the public services. Your Lordships' House will value his contributions very much indeed. It is also a pleasure to follow the noble Lord, Lord St John of Fawsley, himself a highly effective parliamentary reformer. We should heed his wise caution as Bagehot's alter ego.

The British constitution is not a trophy to be grabbed by any Government, let alone a plaything to be handed to the junior party in a coalition—a party that won 23 per cent of the vote. It is a trust to be held with care and respect by those who for the time being serve in government. Most people would have preferred less triumphalism and more humility from the coalition as it addresses its responsibilities in relation to the constitution.

Constitutional change is continuous in our country. One of the virtues of our unwritten constitution is that it enables an appropriate adaptation to happen. The Conservative Party at least, if it remains heir to the thinking of Edmund Burke and Michael Oakeshott, will understand that constitutional change should be approached with caution and tact, empirically and incrementally. Every proposition for constitutional reform needs to be examined thoroughly, open-mindedly and without partisanship. It is perfectly appropriate to examine topics such as the number of MPs, the voting system, lobbying, the Second Chamber and the devolution of power. Fixed-term parliaments and the recall of MPs might more wisely have been left alone—but we could add to the list the issues for our country arising from Germany's determination to rewrite the Treaty of Lisbon to enable Europe to integrate national budgetary and fiscal policies—that will be an interesting test for the coalition. The Prime Minister's crude threat to use the veto was perhaps not the best opening gambit.

It is a good idea to set up commissions on such issues, but it is not a good idea to prejudge them or to take them in a rush. One should allow the commissions, rather, to educate the nation on these important matters one by one. "Wholesale, big-bang" legislation, and "our very own Great Reform Act", to quote the Deputy Prime Minister's somewhat bombastic language, would be both imprudent and improper. Liberal Democrats and Conservatives rightly complained about wholesale legislation in the previous Parliament, with the Coroners and Justice Bill, the Constitutional Reform and Governance Bill, which the House of Commons hardly pretended to scrutinise and the House of Lords had enormous difficulty in considering adequately.

The time may indeed have come to examine options for changing the electoral system. Turnout at elections has fallen over decades, with only a disappointingly small upturn at this last closely contested general election. In 1951, only 3 per cent of votes were cast for parties other than the two main parties; in 2010 it was 35 per cent. In first-past-the-post elections, a tiny minority of voters in marginal seats determine the electoral outcome for the UK, and large numbers of people now feel that their votes are of no account. But the Labour Party and the Conservative Party have been wrong to rush to conclusions and wrong to horse-trade electoral options. It is doubtful whether the alternative vote would be the right remedy, liable as it is to result in the election of candidates that no one really wanted. Let us have a thorough review of the arguments for and against a range of possible reforms, including proportional representation through the single transferable vote.

No doubt, the proponents of an elected Second Chamber will reflect on whether a Second Chamber elected by PR might not claim more legitimacy than a House of Commons elected on AV or FPTP. For my part, I want the primacy of the House of Commons to be preserved. Let us look and see whether the democratic credentials and capacity of the House of Commons can sensibly be enhanced by electoral reform and procedural reform. The question then will be whether what is needed is yet more elected politicians in the Second Chamber or to maintain and improve the Second Chamber's capacity for searching and expert scrutiny. It is not anti-democratic to note that the British constitution has been admired historically for its checks and balances, but that under the modern party system the House of Commons has become ineffective as a check on executive wilfulness. I favour reform of the House of Lords, but so as to improve its legitimacy and effectiveness as an appointed House. A House of Lords, appointed through the good offices of a statutory appointments commission, containing a wealth of experience and expertise systematically recruited from across the national life, relatively independent of party and media pressure, deferring ultimately to the authority of the elected House of Commons, will be able to do a better job than a second elected House in advising how to get legislation right and from time to time challenging elective dictatorship. The question that the enthusiasts for an elected Second Chamber ought to answer is how the change they favour would improve the performance of Parliament.

I would welcome the coalition's new localism if it meant the renewal of elective local self-government—if it meant, in fact, the rediscovery of old localism. I cannot welcome it if the new localism and the big society are to mean a further marginalisation of elective local government through the encouragement and funding of unaccountable populist groups—the incubation of a British Poujadism or Tea Party—pursuing idiosyncratic and self-interested projects through local referendums, vetoes, rights to take over services and self-granted planning permissions. It is right to diminish central and local bureaucratic interference in schools and strengthen partnerships with the private sector. It is wrong that the Government should strip local education authorities, whose role is to provide good education for all the children in their communities now and for the future, of their best performing schools and divert taxpayers' money to new so-called free schools in state-subsidised social division. Nor should policing be made vulnerable to individuals and political groups with aggressive agendas of their own.

Unfortunately, the new localism has fallen at the first fence with the coalition's lamentable commitment to abort the restoration of unitary local government to Norwich, the city in which I live, and Exeter. This is a significant symbolic issue as well as a very important practical one for the people of the cities whose lives will be affected. It is a petty and mean-spirited denial of the opportunity for two proud and historic cities to

resume the municipal self-government which they enjoyed for centuries. It was taken away from them in 1974 by a Conservative Government who believed that big was beautiful in government. The coalition's proposal is an affront to Parliament, which earlier this year debated the issue thoroughly in both Houses before voting to approve unitary status for the two cities. In demonstrates contempt for the judiciary, since the Government have refused to await the outcome of the judicial review proceedings. It demonstrates contempt by Liberal Democrat Ministers for Liberal Democrats in Norwich and Exeter who might have hoped they could take their party leader at his word, when he said in his great speech on 19 May:

"I'm a liberal … you know better than I do about how to run your life, your community, the services you use".

On the part of the Conservatives, it is the old bullying politics at its worst—winner takes all—exploiting a parliamentary majority for no other reason than to serve a party interest. Their assertion that this will save money is bogus. They cannot claim their manifesto commitment as justification since the people did not endorse their manifesto. The Select Committee on the Constitution of your Lordships' House may wish to consider the constitutional impropriety of this legislation, plainly devised to impact on two particular communities rather than to be of general application.

In any case, there is far too much in this Queen's Speech. In this time of severe national difficulty, the Government would do better to set aside self-indulgence and ideology and seek to unite the country in addressing—and addressing well—a limited number of issues that we can all agree should be the national priorities.

1.31 pm

Lord Thomas of Swynnerton: My Lords, with this speech, I hope to join a distinguished club—that of people who thought that they had a solution to the problems of the House of Lords. It is now an old club with traditions stretching back at least 100 years. In 1930, Somerset Maugham, brother of a Lord Chancellor, wrote, in a brilliant novel, *Cakes and Ale,* that:

"now that the House of Lords must inevitably be in a short while abolished"—

those were his words—

"it might be a good plan if the profession of literature were confined by law to the peerage".

Barons would be responsible for drama and journalism. Fiction would be the domain of Earls; a field where they are already expert. Dukes, thought Maugham, would write poetry. A little later, the poet Auden suggested that all Members of Parliament should be chosen by lot.

My solution is not as imaginative as those schemes. I would ask the Lords reformers to examine the present House and see why, in the last 10 or 20 years, it has essentially done so well. For it has been a success despite the qualifications mentioned very appropriately by the noble Lord, Lord Filkin, and some remarkable speeches have been made, and some great debates held as rare and worthy of account as any in the past. Surely that is because primarily we have an astonishing diversity of talent, as the noble and learned Lord, Lord Howe of Aberavon, put it. We have many Cabinet Ministers. We have ex-chiefs of staff. We have a few historians and biographers. We have doctors and we have had a vet. We have men as brave as the noble Lord, Lord Lawson, who was tough enough to question the whole idea that the planet is warming up, and we had some policemen. We have the noble Baroness, Lady Manningham-Buller.

We have, therefore, heard some astonishing speeches, which probably could not have been made in another place or by a House made up of elected Members in a simple way. Many of us remember that great speech of the noble Lord, Lord Alli, in favour of hunting, not to speak of the words of the noble Baroness, Lady Mallalieu, on the same subject. Many of us vividly recall—even if we did not necessarily agree with—the speech of the noble and gallant Lord, Lord Bramall, when he questioned the need to renew Trident and the insistence of the noble and gallant Lord, Lord Walker, that the covenant between the Armed Forces and the nation needed repair.

I also remember the late Lord Kennett questioning whether it was wise to retain NATO in its old Cold War form in the new world order. The late Lord Jenkins of Putney made a compelling speech about Kosovo. I remember, too, how the late eloquent Lord Annan, in his last speech, compared the then Lord Cranborne to Comus as he led his admirers, the surviving hereditary Peers, deep into a pathless forest. I recall the brilliant speeches of the noble Lord, Lord Skidelsky, questioning the need to go to war in Iraq. If I may be forgiven another reminiscence, I also recall the late Lord Sherfield's speech in the Maastricht debate explaining how when he was in the Foreign Office he had been critical of the idea of the European Common market and how he had changed his view afterwards.

Since I have a long memory, I can remember wonderful speeches by the late Lord George Brown and the supreme competence of the late Lord Callaghan. We have had great cricketers in this House, such as Lord Cowdrey, Lord Constantine, and the late Lord Bishop of Liverpool, and I dare say that we should have had footballers. We could do worse than having some singers. Those debates that kept us so long into the early morning about whether it was right to extend the number of days when a suspect could be held without charge were fine parliamentary occasions even if, characteristically, the media seemed more interested in the Peers' cornflakes at 8 am than their views.

Those are great memories and might not be repeated in a simply elected House. I believe, therefore, that we need a benign, corporate approach to elections to this House. We may have to accept that there has to be an elected House, but who will be elected? It should be stipulated that there would be a certain number of trade union leaders, a few vice-chancellors, some ex-chiefs of staff, ambassadors, two or three poets, certainly, some ex-Cabinet Ministers of course, as well as some historians, please, some bankers, industrialists and publishers, such as the apparently immortal noble Lord, Lord Weidenfeld. Each would serve a special time varying perhaps from profession to profession.

[LORD THOMAS OF SWYNNERTON]

We should continue to have friends of Israel and also Arabists. We should have friends of Europe and critics. We could specify a few hereditary Peers who, we have all learnt, are still a far-from-negligible element in our society. All could be elected from wider groupings. Take the vice-chancellors. There may be 100 of them in this country. We might choose five of their number on a regular basis. Let us retain Bishops, although perhaps not so many as now. The Cardinal Archbishop of Westminster should be with this and so should the Chief Rabbi as a matter of course, as well as some appropriate Muslim leader. In a sense, I am advocating that all of us learn from how Bishops have come here in the past. We could try and arrange to have the same kind of House as we now have, or better, to ensure, by design, what we now have by chance.

1.38 pm

Lord Tope: My Lords, I begin by declaring an interest. Three weeks ago today, I was elected councillor for the London Borough of Sutton for the tenth time. More importantly, on the same day, the Liberal Democrats were elected for a seventh term running the London Borough of Sutton with a greatly increased majority. Contrary to what some have said, Liberal Democrats are used to being in Government. Liberal Democrats are used to making difficult decisions and they are used to doing so under much greater public scrutiny and public accountability by those most directly affected by those decisions than can ever be possible at national level.

Indeed, it can be said that Liberal Democrats probably have more experience than any other party in making coalitions work. At local level, successful coalitions all have two things in common. All of them are based on policy agreement and policy compromise, and all of them are for a fixed term with no get-out clause or option to go to the electorate early. So we have much to learn, but also some experience to share.

I very much welcome the appointment of my noble friend Lady Hanham as the CLG Minister in your Lordships' House. We were London council leaders together throughout the 1990s. Perhaps more important for this Parliament, we were for many years together UK representatives on the Committee of the Regions, which represents local and regional government in the EU's decision-making process. I say "for this Parliament" because the Lisbon treaty gives greater power and recognition to what I will abbreviate as "sub-state government" in monitoring subsidiarity, as well as to national parliaments and devolved assemblies. I therefore hope that, together, we will be able to bring to your Lordships' attention both the relevance of the European Union to local government and the relevance of local government to the European Union.

On the gracious Speech and the coalition agreement, I of course welcome very much the commitment in the agreement to,

"the radical devolution of power and greater financial autonomy to local government and community groups".

Cynics say, with some truth, that devolution of decision-making is always much easier when the decisions are likely to be difficult and unpopular. That is true. However, I strongly believe that it is all the more important that these difficult and unpopular decisions on how to reduce budgets—or, properly, how to work smarter and do more with less—are made at a local level. That is not just because the direct effect of decisions can be seen and felt at local level, but because, if we are to have any hope of restoring faith and confidence in government in its widest sense and in politicians at all levels, it will be essential for local decision-makers to engage effectively with their local communities in the difficult decision-making process that lies ahead. If these decisions are simply imposed by local authorities, the responsibility for them denied and blame put elsewhere, there is no hope of restoring public confidence. I listened with great interest to the excellent maiden speech of the noble Lord, Lord Bichard. He points the way. In fairness, local government is already well ahead of central government in working in that new, smarter way. That must be how we tackle difficult times ahead.

Of course, there cannot be the fundamental shift of power sought by the coalition agreement unless and until local authorities have the greater financial autonomy that it promises. It promises a review of local government finance. I understand why it had to be worded that way but, in reality, we do not need yet another review that takes years and ends up being parked for ever on the "too difficult" shelf. There has been no shortage of reviews, from Layfield to Lyons. There is no shortage of academic and political material available on the various policies. There is ample experience of different local government financial systems all over the democratic world.

We now need a commitment to implementation from the coalition Government. This is not the time for me to suggest what that system should be, if indeed I had the temerity to suggest that there was a simple system. There manifestly is not: it is full of complex and difficult decisions. There are many alternatives, including some interesting proposals from the Local Government Association, in the wider context of Total Place, that I hope the Government will look at seriously.

I hope, after nearly a lifetime in local government, that, by the next general election in five years' time, we will have a system of local government finance that enables local authorities to raise a greater proportion of their funding locally and be less dependent on central government grants; a system that is far more transparent and understandable; and a system with a much fairer relationship between levels of expenditure and taxation. Without that, we will not truly have a radical devolution of power.

Turning to particulars, in common with almost everyone else in local government, I welcome the abolition of the Government Office for London. Indeed, it is remarkable that it is still there 10 years after the creation of the Greater London Authority. I particularly look forward to hearing the new arrangements for liaison and communication between central government and London government in all its forms. Are we to have a Minister for London? What will the communications channels between central government and the various levels of London government be?

In many ways, what happens with the Government Office for London will be the first practical test of the Government's commitment to radical devolution of

power. What new powers will go to the GLA and—perhaps even more important as a test—what powers will go to London boroughs, individually and collectively? How much real power will actually be shifted back into central government? That will be a real test, the outcome of which many of us will watch with great interest.

Finally, I turn to an issue that is not in the gracious Speech or in the coalition agreement, much to my surprise and regret: electoral reform for local government. I always used to believe that local government would be the first sphere of government to be elected by proportional representation. In many ways, it is ideally suited to proportional representation. We already have multi-member constituencies; we call them "wards". We have a system under which we would get a much fairer representation of voter choice than at present. Now, however, local government in England and Wales may well be the only sphere of government left with the first-past-the-post system. That makes no sense at all, and I hope that this is an accidental omission from the coalition agreement. I feel sure that it must be an omission and that, in the localism Bill later in this Parliament, we will perhaps be able to show that it is and that electoral reform will indeed extend to local government in England and Wales, as it already does in Scotland.

The coalition agreement promises much for the rejuvenation of local democracy. I look forward hugely to contributing to the fulfilment of that great objective.

Lord McNally: I knew we should have paid a big transfer fee for the noble Baroness, Lady Farrington of Ribbleton. She would have handled this much better than me. The guidance of the Chief Whip was seven minutes—

Noble Lords: Eight!

Lord McNally: It was eight minutes. Everyone is grabbing one or two minutes, so I remind noble Lords of that.

1.48 pm

Baroness Whitaker: My Lords, I will focus on the sentence in the gracious Speech that announces the Bill to,

"devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions".

There are good reasons for giving local people more power over their neighbourhood. Indeed, one could say that it is an essential feature of democracy. I wish the Government well in this objective, provided that, in the end, democracy is well served by the way in which it is done.

There are other essential features of democracy as we understand it, of course. One is to enable the citizen to enjoy a secure place to live, with the amenities we consider necessary to health, education and leisure accessible and of a decent standard. Another is to safeguard the rights of minorities to those things, as the noble Lord, Lord McNally, has recognised. It is particularly in these respects that we must look carefully at how control by local communities will be exercised. For instance, how will the Government ensure that good standards of design for housing will be adhered to, no matter what the enticements of developers; or, for that matter, that enough housing will be built at all? Will it be firmly inculcated, with guidance available, that good design in housing saves money in the long term, especially since people tend to live in communities in the long term, unlike some developers, who build, sell and move on? How will the admirable statements of the new Minister for Culture, Mr Ed Vaizey, on the value of good architecture, be brought to bear on planning authorities? Now, as the noble Lord, Lord Bichard, said in his profound maiden speech, there is a great opportunity for joined-up government. Can we be assured that it will be used to raise local standards?

Where will local communities find their expertise in design? I mean the design not just of houses, but of whole neighbourhoods, so that schools and clinics are within easy reach, that there are pleasant places to walk, that the motor car does not take pride of place where families live, and that crime is designed out and community solidarity fostered. Good design can help powerfully with all those things and there is plenty of research to show it. Research also shows how well designed communities are energy-efficient and attract investment. Design contributes substantially to eroding that poverty of aspiration which characterised the poorer housing estates of the 1980s. What will happen to the design principles that are emerging now from our enlightened neighbourhoods, where crime has fallen and people have rediscovered community action to improve their surroundings? What plans do the Government have to raise the standard of the worst to that of the best? Will they develop the role of CABE, the Commission for Architecture and the Built Environment, and will they endorse the approval of the Liberal Democrat LGA Group for the "Total Place" concept?

The other area I mentioned—that of the interests of minorities—applies most poignantly to the fate of Gypsies and Travellers. Sadly, the previous Government did not have time to implement the provision in the Housing and Regeneration Act 2008, which would give Gypsies and Travellers equal security of tenure with other occupants of mobile home sites. Can the Minister tell us when the statutory instrument which would bring this legislative obligation about will be made? How will the Government ensure that local authorities make comprehensive assessments of homelessness, so as to include Gypsies and Travellers and provide the sites which they should? What provision are they making for the education of Gypsy and Traveller children, who are among the lowest achievers in our maintained system? One reason for this is bullying and intimidation at school. I have heard many examples of drop-out at secondary school for this reason. What will the Government do to provide safety and security for the children of this most marginalised of communities? Will their mothers continue to have the highest rate of maternal mortality in the British Isles?

I look forward to hearing more about how the fairness which both sides of our new coalition Government have proclaimed will be made available to the people who have had least of it; and how local communities can be empowered so that fairness, as well as good design and new homes, are brought about.

1.54 pm

Lord Norton of Louth: My Lords, I wish to address constitutional issues. For reasons of time, I will reserve my detailed comments on specific measures for when they are introduced. Given that this is the debate on the Address at the start of a new Parliament, I thought I would focus on three overarching points that should inform the Government in how they proceed in dealing with constitutional affairs.

First, do not expect too much. There is the danger of offering constitutional change as a simple solution to complex issues. I fear our economic and social problems are not going to be alleviated by changes to our political structures. Indeed, our political problems are not necessarily going to be solved by changes to our political institutions. We face a crisis of confidence, but it is not a crisis of confidence in our established institutions, but rather a crisis of confidence in our political class. If people do not trust politicians, changing our electoral system is not going to solve the problem if it simply results in the same people being elected. There is the danger of constitutional change being used as a way of politicians absolving responsibility—of not accepting that the problem is the way they behave, rather than the institutional framework in which they operate. What is crucial is behaviour rather than structures. What we need primarily is leadership—politicians being seen to act in the public interest—and not necessarily institutional change.

Secondly, if we are to have change to our constitutional arrangements, it is essential that that change derives from a clear conceptual framework—a clear understanding of what type of constitution is appropriate for the United Kingdom. The previous Government introduced a number of major constitutional changes. They affected fundamentally our constitutional arrangements. The problem was that they constituted essentially disparate and discrete measures. They were never couched in any intellectually coherent approach to constitutional change.

When addressing constitutional change, we need to start from a clear understanding of the type of constitution we consider appropriate for the United Kingdom. We must be clear as to the principles that determine structure and composition. Take reform of your Lordships' House. The *Times* has been carrying letters from people who advance their pet schemes for reform, indicating what proportion should be elected and which Members should be selected by this or that body. Anybody can come up with a scheme to change the composition of the House; what is crucial is to start from first principles. That is, to determine what we expect of Parliament in our political system and, therefore, the role and relationship of the two Houses and their relationship to the other elements of our political system. Once we know what we expect of the second Chamber as an integral part of our constitutional arrangements, then and only then can we start to determine the composition best suited to the fulfilment of that role.

Thirdly, measures of constitutional change need not only to be grounded in an intellectually coherent approach to the constitution, but to be evidence-based. It is not sufficient for a Minister to have a bright idea and then for that to be embodied in a Bill and rushed through on the basis of some supposedly self-evident principle. I have previously made the point that public policy should be evidence-based. Bills that seek to change our basic constitutional arrangements need to be based on sound evidence and subject to sustained parliamentary scrutiny to ensure that they are. That requires, wherever possible, pre-legislative scrutiny as well as sustained examination once a Bill is introduced.

Take, for example, something already referred to: the proposal for a super-majority of 55 per cent in the other place for a premature dissolution of Parliament. That needs to be thoroughly tested. Why a super-majority? Why 55 per cent? When the question has been put, the response has generally made reference to the position in the Scottish Parliament, where a two-thirds majority is required. This troubles me as it suggests a lack of knowledge of what happens elsewhere, other than in Scotland. The Scottish situation is not exceptional. A number of countries employ the two-thirds requirement. None, though, requires a 55 per cent majority. Perhaps my noble friend, in replying to the debate, could tell us the genesis of the 55 per cent requirement. That will be a useful starting point. We need to ensure that this is a thoroughly well grounded proposal and not some back-of-the-envelope approach of the sort that we have seen in the past.

I am not arguing against the proposal, but making the point that it must be thoroughly tested. Changes to how we are governed must be based on compelling evidence and located within a clear conceptual framework. That, I think, is the fundamental message I wish to convey. Ensuring this requires a rigorous process of scrutiny not only within Parliament but within Government itself. Ministers may wish to take a leaf out of the book of the noble and learned Lord, Lord Irvine of Lairg. When he appeared before the Constitution Committee of your Lordships' House in 2001, as part of its inquiry into the process of constitutional change, he produced a flow-chart identifying the stages a measure had to go through before it was introduced to Parliament. I do not think that it outlived the tenure of the noble and learned Lord, but it is something well worth considering by the new Administration. Indeed, it will be very useful to know from my noble friend what particular processes have been established for determining the strength of proposed constitutional changes prior to their introduction to Parliament.

Ensuring that Bills have been thoroughly tested, both in terms of rationale and empirical support, is likely to mean that they are not rushed. It is important that Parliament is not front-loaded with such Bills. There is no need to rush; indeed, there is every reason not to rush. We can fruitfully utilise some of the time of the new Session to ensure that we do have enhanced processes of scrutiny in place. At the end of the previous Parliament, as the noble Lord, Lord Filkin, reported, a number of informal working groups of your Lordships' House came up with proposals for strengthening the House in its conduct of business. Let us focus on those proposals and make sure that we have in place the most effective processes for examining changes to our constitution. I hope that the Government will do likewise. It is better to be right than to be

rushed. Our constitution is not the plaything of any government. We need to ensure that change is justified both in principle and practice. It is essential that we have in place the mechanisms to do justice to whatever the Government bring forward.

2.01 pm

Lord Graham of Edmonton: My Lords, I welcome the phrase, "It is better to be right than to be rushed", which guides what I want to say in this important debate. Since 6 May, whenever David Cameron or Nick Clegg has spoken, it has always been in the national interest, never in the interests of the Conservative Party or of the Liberal Democrats. They have tried to give the impression that what was in the interests of the Conservatives and the Liberal Democrats was in the national interest and that any party with a different view was not speaking or proposing actions in the national interest. I do not intend to leave questions hanging in the air when I sit down because I need to give a lot more thought to the generality of constitutional change, but I speak with experience, having been the opposition Chief Whip between 1990 and 1997. I was also in the Whips' Office in the Commons on 31 March 1979 when Labour went down by one vote. Immediately the Prime Minister went to the country to ask for an endorsement.

The arguments that we have heard all have merit, but I think that the coalition parties are so determined—or so frightened of each other—that they want to fix the parliamentary arithmetic so that whatever happens they are guaranteed to remain in office. I give one or two figures. You do not have to look into a crystal ball to recognise what the Conservative Party has done in the past. Given that I was the Chief Whip, I am perhaps more a figures man than a policy man, but the House will be interested to hear about some figures that pertained when Labour was in power between 1974 and 1979. In 1975-6, there were 146 Divisions, of which the Government of the day lost 126. Of course, you might say that that was because rotten policies were involved. However, in 1981-2, there was the same number of Divisions, 146, but the Government lost only seven of them. You can stretch the imagination and say that that was the luck of the draw and that different policies were involved, but we know that the figures are the product of the composition of the House at the time.

In 1988-9, there were 189 Divisions, of which the Government lost 12. I am grateful to the Library for having provided me with these figures. In 2002-3, there were 226 Divisions, of which the Labour Government lost 68. In 2005-6, there were 192 Divisions, of which the Government lost 62. Even in the Session that has just ended, there were 43 Divisions, of which the Government lost 14. By and large, the previous Government won two Divisions and lost one. Those figures are remarkable.

As regards the composition of the House, when I ceased to be the Chief Whip in 1997, there were 116 Labour Peers and 477 Conservative Peers. You might say that it should not be like that if we claim to be part of a democratic process. In 1991-2, there were 115 Labour Peers and 451 Conservative Peers. That again indicates not just the size of the disparity but its consistency. I am not privy to any information other than that which I read and listen to, but if a case is being made for doing something about numbers, why does one need more Members—unless it is for a political fix—when the present composition of the House guarantees the coalition Government their say?

In 1998-9—just before the Lords Bill—there were 1,210 Members of this House, 484 of whom took the Conservative Whip and 193 of whom were Labour. Tony Blair and the Labour Government said that that disparity had to be corrected and it was. They increased the number of Labour Peers from 116 in 1996 to 201 in 1999. I invite noble Lords to ask for the relevant papers, but rough parity was achieved. My noble friend Lord Grocott made an interesting point in that regard. There was an unwritten understanding that what one needed was parity, particularly between the Conservative and Labour Benches. We now have something like parity, around the 200 mark. However, there were 200 Labour Members when there was a Labour Government and a House of 700 Members. The then Government had 500 potential opponents. We never tried to increase our number above about 200 and we know of the various changes that brought more people on to the Cross Benches.

We need to be careful when we look at these changes. If we are honest—I accept that we are honest politically—we must accept that we are faced with a naked attempt not only to bolster those in office but to try to ensure that they are never driven out of office again. As far as I am concerned, the Conservative and Liberal coalition Government need to be very careful before they overstep the mark and are seen to be cynically manipulating the constitution.

2.10 pm

Lord Tyler: My Lords, in expressing delight that my noble friend Lord McNally is sitting where he is, I should also express my thanks and appreciation that the noble Lord, Lord Hunt, and the noble Lord, Lord Bach, with their invariable courtesy and constructive dialogue, occupied that Bench with distinction.

In retrospect, Mr Tony Blair and his Government in May 1997 were unlucky and unfortunate in terms of the way in which this country has been governed. They had too big a majority. Had there been a small, or indeed no, majority, we would have seen completion of the necessary reforms that were set out in the agreement between Mr Robin Cook and the then Mr Robert Maclennan. Instead, of course, we had very timid Lords reform. We had no outcome from the Jenkins commission on electoral reform, to which Mr Blair had committed himself. Instead, he was in thrall to old Labour—Messrs Prescott, Straw and Blunkett—and there was no partnership for a radically reforming Government in the 21st century. We had 13 years of retreat on civil liberties; constitutional renewal was under constant attack; there was subservience to the right-wing tabloid press; and even the 2008 Lords reform White Paper sat gathering dust for two more years. There was weak-kneed collapse of the discussions on cleaning up party funding and then only a deathbed repentance on electoral reform. Those on the opposite side of your Lordships' House who now bemoan what

[LORD TYLER]
happened on 6 May have only their side to blame, because they failed to address the collapse in public confidence in politics and Parliament.

I never thought that I would say this but, in contrast, David Cameron deserves full credit for recognising, in the first hours after the electorate gave their verdict, that a much more imaginative and radical response was required to make possible any renewal of trust in politics and Parliament. It would have been only too easy to have adopted the Wilson lesson of the summer of 1974. I remember it well. What Mr Wilson did was to delay any serious discussion of the economic problems, to delay any of the painful decisions that were necessary and to postpone all the difficulties until he thought that he would get a majority. On our side, it would have been very easy for the Liberal Democrats to continue in the comfort zone of perpetual opposition.

I give full credit to David Cameron and Nick Clegg. That was true leadership. Breaking the mouldy mould of confrontational politics was not only the right thing but the popular thing to do. By 2:1, a large majority, the public are showing their favour for the new agreement. That is far greater support than any other Government since the war has enjoyed. People recognise—

Lord Hughes of Woodside: How could the electorate give a confidence vote to an agreement that was never envisaged at the time of the election?

Lord Tyler: My Lords, I have heard so often from those Benches the expression that the public are in support of something because the polls show that and because a large majority of people voted for those parties. That is what people do at general elections. They do not vote for every jot and tittle of the manifestos; they vote to support the judgment that they believe to be nearest to their own view. That is what happened. I say this honestly and sincerely to friends on the opposite side of your Lordships' House: it is important that they, too, recognise what the electorate said on 6 May, as we have, because people recognised, in the light the economic legacy, that a different response was required. The Labour Party has not yet woken up to that reality.

I yield to no one in my respect for the former Leader of the House, the noble Baroness, Lady Royall of Blaisdon. I have the greatest respect for her, but, honestly, her speech on Tuesday did not do her justice. Sarcasm does not suit her. It was a very ungracious speech. It is amazing how quickly former Ministers, bereft of their advisers, fall into the trap of silly oppositionitis. Take the example that has regularly been mentioned today that the new Government have a complete and guaranteed automatic majority in your Lordships' House. That is to suggest that Members on the Cross Benches have no influence and no say in what happens in this House. That is simply not true.

Lord Grocott: I shall be brief. Can the noble Lord confirm that, if the Liberals had always voted with the Labour Government in the past 13 years, every single Division—bar one or two at the most—would have been won? The Government have a majority in this House and to suggest anything else is to distort the language.

Lord Tyler: That was not the point that was being made earlier today or on Tuesday. The conventions were referred to. I served on the Joint Committee on Conventions. It is simply not true that the conventions are as were described on Tuesday and today. I certainly agree that we must review them, but it is not true that the conventions meant, as was stated on Tuesday, that the Salisbury/Addison agreement, which was an agreement between only two parties, still stands today. That is simply not true.

We have had a discussion about the threshold for Dissolution. I can tell your Lordships' House that the original idea was to adopt the Scottish 66 per cent. As has been implied, that is indeed the custom elsewhere, but it was sensibly decided that that percentage was excessive. For those who do not understand the difference between a vote of confidence and the Dissolution of the House, I should draw attention to the sensible—as one would expect—contribution by the noble and learned Lord, Lord Mackay of Clashfern. These are different issues. What is important at this stage is that this is the first Prime Minister who has been prepared to give up the right to call a general election when it suited his party's advantage. That was not, of course, the case with the previous Prime Minister, who only dallied with the idea of a fixed-term Parliament during the fifth year of the Parliament.

Lord Graham of Edmonton: If the noble Lord is pleading the case that this is the first Prime Minister to give up the right to call an election, surely he would agree that that was in exchange for a guarantee that he would not face the country until the end of a five-year Parliament.

Lord Tyler: I am not yet in a position to give any undertaking on behalf of the Prime Minister. I hope that I will be given injury time, because I seem to be provoking a certain amount of difference.

I sincerely hope that my colleagues and friends on the opposite side of the House and in the other place will not fall into thinking that we are simply back where we were before 6 May. The electorate have spoken and I very much hope that the new leader of the Labour Party will not dance to the tune of Labour reactionaries in both Houses. We need cohesion but also continuity and consistency in this Parliament if we are to deal with the economic problems that our nation faces. It is simply untrue, as has been suggested, that somehow any form of electoral reform will necessarily lead to an increase in the occasions when we have no overall majority in the other place. As Professor John Curtice, the most influential of all psephologists, has pointed out, first past the post is likely to deliver that, too.

We had the 2008 White Paper on Lords reform and there was a great deal of agreement. I hope that we can build on that and I understand and undertake to pursue as fast as I am able to—as one Member of your Lordships' House—the idea that the next full stage should be done as a public discussion of the options that still remain within the context of pre-legislative scrutiny. The great advantage of that is that the public can be involved, in a public way, in a discussion of the options. Relatively few issues need to be resolved, but

it is not fair, right or proper for Members of your Lordships' House to suggest that we are rushing into this. I remind them that your Lordships' House and the other place passed the Parliament Act 1911 with the preamble that it would,

"substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis".

That has hardly been rushed.

Finally, I turn to the role of your Lordships' House. Yes, of course we need to undertake the most effective scrutiny on all these issues. There should be no shilly-shally. That is quite right. However, since the coalition has now guaranteed that it will pursue the whole Tony Wright agenda for reforms of the Commons, it is surely right that the exercise referred to by the noble Lord, Lord Filkin, and others, stimulated by the Lord Speaker under the title "Strengthening Parliament", should be advanced as quickly as it can be. I, too, was glad to hear what was said from the Front Bench.

The contribution by the noble Lord, Lord Bichard, and the contribution over many months by the Institute for Government on improving the way in which we operate—both Houses, all Parliament working together holding the Executive to account—demand a radical review. I hope that that will happen, because the core problem of restoring public trust and confidence remains with us.

2.20 pm

Lord Laird: My Lords, I rise in this debate on the gracious Speech aware of the new political time in which we now exist. We in Northern Ireland have put our political process through contortions in the past decade. Included in that is the requirement for people to sit beside those with whom they never expected to work.

Devolution has meant that the issues which I can raise in your Lordships' House are limited. However, I have a few areas of concern which are appropriate.

Once I worked in a bank. The period was the 1960s and into the 1970s, and my role was very humble. The position of the banks today is very different. The staff rewards may be enhanced, but regard for them in society has been diminished. I wish to bring to Her Majesty's Government's notice the case of the successor bank to the one in which I was employed at the start of my career.

First Trust Bank is today a subsidiary of the Dublin-based AIB Group. AIB was born in 1966 with the merger of a number of banks that had a presence throughout the island of Ireland. In Northern Ireland, although long-standing, the new bank's coverage was a minor part of the banking scene. In 1991, AIB acquired TSB Northern Ireland. The move created First Trust Bank, which then became a major player. This gave AIB a comprehensive network throughout the island of Ireland, which was its stated objective. To many, the Dublin-based AIB was regarded as an Irish nationalist bank. Now, because of the financial mess that AIB has created for itself, it has placed First Trust up for sale.

For many unionists, this is very interesting. It is increasingly clear that the Irish business establishment accepts the concept of the Belfast agreement of 1998 by underlining that there are two separate countries with their own national identities and economic systems on the island of Ireland. AIB proposes to confine itself to the Irish Republic and to be rid of its United Kingdom connections, even on the island. Of further interest to unionists is that the move underlines the permanence of the border. It also shows, when times are tough, how quickly the Irish are willing to abandon anything in Northern Ireland. AIB is a lesson to unionists.

However, there are a number of critical areas of which I would like HMG to be aware. AIB is rushing to raise capital with asset sales and so avoid potential nationalisation by the Irish Government. However, the interests of its Northern Ireland customers, its staff and its pensioners must be protected. Constituent parts of First Trust have traded locally for almost 200 years. It is clear that as a result of the bank being put on the market, its local staff, at all levels, are demoralised and disillusioned by the way in which they have been betrayed. This low morale, coupled with a lack of leadership from AIB, has been apparent to the customer base, which has been very poorly treated over the past 18 months. Information is difficult to obtain and is often not correct. A once helpful bank has turned into a nightmare for customers. I am hurt that an institution for which I have some loyalty is now the object of ridicule and gossip at dinner parties and other such gatherings. Good will takes a long time to build but only a few disastrous months to disappear.

I ask the Government to ensure that whatever body scrutinises the banking sector in the future, First Trust customers and their interests are monitored. It is also vital that its existing staff and pensioners, of whom I am not one, have their rights and entitlements protected. This is an issue in which I propose to take a careful interest and will, no doubt, return to many times in the future.

Legislation concerning the method of selection of the First and Deputy First Ministers of Northern Ireland is also a matter for this Parliament. May I suggest that there is a need for consideration of the democratic understanding for such posts? Speaking in the Northern Ireland Assembly on 18 January 2010 on the very controversial subject of a multilane motorway from the border to Londonderry, the A5, Martin McGuinness, the Deputy First Minister, said:

"It is imperative that the A5 road project go ahead. I understand that some landowners will have concerns, but they will have opportunities to make enquiries and raise those concerns. However, let nobody be in any doubt whatsoever that those two vital projects—the Belfast to Larne project and the Aughnacloy to the north-west gateway project—will go ahead".

That is from the Official Report of the Northern Ireland Assembly.

The concerns that landowners have in the case of the A5 are full scale and important. Farms in fertile areas, listed buildings, habitats for wildlife and homes are to be destroyed, and the official process of planning and environmental assessment will count for nought, according to Mr McGuinness. "Be under no doubt the project will go ahead", he told the Assembly. There was no mention of the statutory planning process. This may be the kind of democratic process that Sinn Fein thinks it has signed up to, but it will not be tolerated by the ordinary people of the area.

[Lord Laird]

I agree with the new Government's decision to cut down on the use of consultants. I would also ask that they examine the quality of some of their work in future before engagement. I am concerned with the work undertaken in the area of environmental assessment.

Earlier this week, central government asked the Northern Ireland Executive to cut £128 million from their budget. It is fair for us to play our part in the overall savings required by the nation. However, the loss of fuel and cigarette tax collections as a result of activity in south Armagh is calculated to be well in excess of that amount every year. In south Armagh, under new leadership, the republican movement has changed from fuel laundering to importation from the Irish Republic and the collection of VAT on both sides of the frontier. Careful organisation has made this trade, and that of bulk loads of cigarettes, very profitable. I ask the Government to clamp down on this activity and, in doing so, reduce the national deficit.

Like many in our country, I am intrigued by the coalition which forms the Government. The interaction between the two leaders seems to have sparked a public mood. This is one of those times when we all must work together to put our nation back on the tracks again. If we do not, the next generations will not forgive us.

2.28 pm

Lord Richard: My Lords, this is in many ways a special debate on a special day. Quite apart from the fact that it is the first time that Liberals have been in government for 70 years, it is certainly the first time that I have seen the noble Lord, Lord McNally, in such close proximity to the Conservative Party. Now he sits cosily there, next to the Leader of the House, as he was earlier on, as to the Front Bench born; but I have to say to him—I say it with, I hope, sincerity and respect—that it is deeply disappointing for many of us who have for years known him and those like him in the Liberal Democrat Party and their record of anti-establishment and anti-Tory campaigning. I dare say that he will get used to it. I dare say that we will have to get used to it too.

I wanted to say something significant to mark this unlikely coupling, so I turned, as I so often do in these times of serious stress, to the wisdom of Lewis Carroll. In the middle of the 18th century, the Reverend Isaac Watts, more known for hymn writing than anything else, wrote an improving text entitled "Against Idleness and Mischief". It starts:

> "How doth the little busy Bee
> Improve each shining Hour".

In *Alice in Wonderland,* Lewis Carroll changed this. His version is perhaps apposite to the situation of the Liberal Democrats today. It runs:

> "How doth the little crocodile
> Improve his shining tail
> And pour the waters of the Nile
> On every golden scale!
> How cheerfully he seems to grin,
> How neatly spreads his claws,
> And welcomes little fishes in
> With gently smiling jaws!".

I hope that the Liberal Democrats note that.

I want to say a few words today on two subjects. The first is the absurd proposal to impose a 55 per cent qualifying limit before a dissolution can take place. As I had understood it until recently, the proposal set out in the coalition's programme was to legislate for five-year fixed-term Parliaments, and that that legislation would also provide for dissolution only if 55 per cent or more of the House voted in favour. The 55 per cent is expressed as 55 per cent of the House, not 55 per cent of the Members voting in the debate. However, from what the noble Lord, Lord McNally, said today, this is still in doubt.

This is extraordinarily dangerous. At the moment, the Conservatives in the House of Commons have 306 seats. The combined Liberal Democrat and Labour total is 315. If, in order to force a dissolution, the Opposition must produce 55 per cent of the House, that puts the target at 357. Even if the Liberal Democrats, having come to their senses and left what I was about to call this gimcrack coalition but should perhaps call this recent coalition, had reverted to their more normal and sensible posture and decided to vote with us against the Government in the House of Commons; and even if one were then to add in all the 29 Members of the other parties—and we know five of them will not turn up because they are Irish nationalists—we reach a total of 344. In any event, it would be impossible in the House of Commons for the opposition parties to get up to 357. This cannot be right. If the Parliament is to last for five years, that gives the present Government a majority which on the face of it is impregnable.

That is how I had understood it until recently. However, reading the short debate in the other place, and particularly the speech of Mr David Heath, I emerged more confused than ever. He said something very firmly and definitely that was partly repeated today. He said:

> "The Government will still have to resign if they lose the confidence of the House, and that will still be on a simple majority. There is no ambiguity about that. If the Government lose a vote of confidence, they are no longer the government of the day".—[*Official Report*, Commons, 25/5/10; col. 148.]

In that event, the Government having gone, there will then be an opportunity to see whether another Government can be formed. If they can, I assume that they will take over and govern for the remainder of the five years. If they cannot, a Motion to dissolve will be put to the vote and will require the 55 per cent for it to be carried. Let us assume that the Conservative Government has been defeated. I am not sure how they could be, but if they were defeated on a Motion for dissolution in the House of Commons, it would presumably be open to that Government to try to cobble together another coalition with another set of parties.

I am overwhelmingly driven to the conclusion that I do not see the point of this. What is the object of the exercise? In 1979, Mr Callaghan lost a Motion of confidence by one vote. What did he do? He immediately told the House that he would resign the following day and request a dissolution of Parliament. I am sure that the noble Lord, Lord McNally, remembers it well. It was a simple procedure that Mr Callaghan followed to the letter. If the Government cannot command a majority in the House of Commons, they have to go

and an election should follow, not a further period of political negotiation. That, as I understand it, is the British constitution. I was always brought up to believe that that was what it was. It should not be interfered with in order to provide the Conservative Party with an opportunity to stay in power, despite what Parliament says, for the whole of a five-year term.

The other matter that has concerned me greatly is the Government's policy towards this House. The reference in the Queen's Speech is clear. It said:

"Proposals will be brought forward for a reformed second House that is wholly or mainly elected on the basis of proportional representation".

As the House will know, I have favoured this for many years. If this is a serious commitment by the Government, and one which their supporters in this House can be induced to accept, then of course I welcome it; but there are many questions still unanswered. I regret that I do not have time to ask them. However, I will say something about what happens in the interim before the House is reformed. I refer in particular to the proposal that seems to have been leaked at a superior level for the creation of at least 100 Peers. If we are to "rebalance the House", whatever that means, and if the House is to be constituted on the basis of the popular vote at the last general election, it would involve creating something in the order of 96 Liberal Democrat Peers and 77 Conservative Peers. While it is true that the Government have resiled a bit from that position, I would be grateful for an assurance from the Minister that that is not the policy of Her Majesty's Government.

It was a clear understanding between the Conservative and Labour parties, certainly since I came into this House 20 years ago, that no one party should seek a majority in the House of Lords. Broadly speaking, there was parity between the two sides. The situation in this House has been changed enormously with the creation of the coalition. There is now only one opposition party in the House. The coalition already has a majority over the Opposition. There are 258 Conservative and Liberal Democrat Peers and 211 Labour Peers. While in office, we never sought to outnumber the combined opposition parties, and only increased our numbers gradually. Despite the 1999 Act, Labour still had fewer Peers than the Tories until 2005.

I am conscious that the figure 8—now the figure 9—has appeared on the monitor. Therefore, I will stop. I will say this to the Government. If they are serious about House of Lords reform, and if they can persuade their people in this House to go forward on the basis of a mainly elected House, I would welcome it. However, I have grave doubts about whether the enthusiasm for House of Lords reform will remain as bright on the other side of the House as it is on the Front Bench. We shall see.

2.37 pm

The Lord Bishop of Bradford: My Lords, I thank the Minister for his humane and humorous introduction. I hope that he will follow the example rather than the advice of the noble Lord, Lord St John, as he continues his business. I will make a brief comment to the noble Lord, Lord Richard. It is the mosquito that is the most dangerous creature, not the crocodile. There are many mosquitoes around, ready to bite and infect.

I was particularly impressed by the maiden speech of the noble Lord, Lord Bichard. I am grateful that he took our attention beyond the walls of Westminster and into the world out there that we are called to serve. The assertion in the *Book of Proverbs* that without a vision, the people perish, is open to a variety of interpretations. However, it probably rings true among political parties. The vision of Her Majesty's Government of a big society shaped by a legislative programme based on freedom, fairness and responsibility, is one that many of us would affirm—not least those of us who are members of communities of faith. We welcome the development of a partnership between the Government and civil society that will empower local people to tackle the issues that impact most closely on their lives, and which shape or misshape their existence—the issues that they understand best. Faith groups are well placed to play their part, alongside many other voluntary and community groups, in helping to turn vision into reality.

We have people on the ground already for whom loving their neighbour is part of their spiritual DNA. I imagine that any of my colleagues on this Bench could take your Lordships to Christian individuals and communities who are caring for people with learning difficulties, supporting the homeless and those suffering from alcohol and drug abuse, carrying the bereaved, and supporting people in debt and those who are ill. Your Lordships will be aware of the Christian origins of the hospice movement. Less commonly known is the fact that churches have more youth workers than does the public sector. If I want to show people what churches can do, I take them on to a particular outer estate in Bradford where, I have been told, half the homes have a member of their family in one or other of the various churches—but not on a Sunday. There is a wealth of community activities for people of all ages from the very young, involving playing and teaching massage for babies, to the elderly with their luncheon clubs and so on. It is an exceptional achievement but by no means unique. I could bore your Lordships for ever on it but I think I would be guilty of the sin of pride.

Next month, I shall be hosting a lunch here in the House on behalf of the Church Urban Fund. This wonderful charity specialises in providing seed corn grants for small projects which enhance personal and community well-being—making the bricks, so to speak, needed to build the big society. Some of these small projects grow beyond all expectation. However, there are some "buts". The big society and the relevant proposals in the gracious Speech, the encouraging of individual and social responsibility and the reliance on social enterprise, require a dramatic change in our political culture which needs to go far beyond the democratic reform of which most of us have been speaking. Some local councillors behave as though their elected status confers on them an exclusive responsibility to decide what is best for the local community. Voluntary groups are seen as unprofessional and as getting in the way. Yes, they are less professional but therefore they are also likely to be less bureaucratic and, at the same time, far more innovative.

Another "but" is that our most deprived communities have very low levels of self-esteem and social expectation,

[THE LORD BISHOP OF BRADFORD]
and this needs to be addressed if the big society is to become a reality. It is therefore unfortunate that just when the Government want to,

"train a new generation of community organisers and support the creation of neighbourhood groups across the UK, especially in the most deprived areas",

a number of our innovative and effective courses in community development are facing an uncertain future. I think especially of the excellent MA in community development which the University of Westminster runs but which, I believe, is due to close.

A renewed civil society with genuine local decision-making on local issues will not only enhance our social fabric; it will also revitalise political life at the national level as people cut their teeth on, and get a taste for, politics—if noble Lords will pardon two metaphors which do not really belong together—in an arena where they see that they can make a difference. However, as the noble Lord, Lord Tope, said, in effect that vision will be no more than a pipe dream unless the Government devolve more financial decision-making to the local level. As in many areas of life, what we do with our money shows where our heart truly is, and that will be true for the new Government.

There is half a sentence in the gracious Speech which warms my heart more than any other part, although no one else has referred to it thus far, and indeed it requires little or no legislation. It is the expressed commitment of the Government to end the detention of children for immigration purposes. The locking up of children, many of whom are already traumatised by their experiences in their home countries, by an often tortuous journey to Britain and by their insecure existence here, is deeply inhumane and shameful to the values that we claim to hold in common as a civilised country. I ask the Government, through the Minister, whether it would be possible, as an earnest of their intention, to release those children who are currently held in detention.

I believe that the country wants the Government to control immigration. The temptation, though, is to have a draconian policy which creates the illusion of strong government rather than a thought-through policy based on those principles of freedom, fairness and responsibility to which the Government have committed themselves and which takes account of skills shortages and other special needs that we have. I hope that those same three principles will also govern the way that we process asylum seekers, the quality of the initial decision-making in particular, and also the way that the end of the process is handled.

2.46 pm

Lord Campbell of Alloway: My Lords, I have been wondering how on earth to open this speech. For the first time in many years I really do not know how to do it because I do not know where I stand. What the noble Lord—now my noble friend—Lord Tyler, said just now was right: we cannot deal with constitutional change other than through the parliamentary process, and that involves pre-legislative scrutiny of Bills. He and I, who have quarrelled over many things, at least agree on that today. One simply may not foretell or forestall the democratic process. That is how I start.

The horses of the three main parties are all there groomed in their stables. Her Majesty's Opposition have in a sense—thank heavens—been restructured. We heard a magnificent speech from the noble Baroness, Lady Royall of Blaisdon, on the adjournment debate; we have been spoken to by the right honourable gentleman Jack Straw; and we have two spokesmen on the opposition Front Bench—I do not ask them to move—who are, frankly, totally respected on all sides of the House. The noble Lord, Lord Hunt of Kings Heath, is one of them, and that will provide great support for the House in the future.

From there, I suppose that we start with the main problem of legal and constitutional affairs. As I said, I have no speech; I have a lot of illegible notes. I shall do the best that I can in eight minutes and sit down. The main concern is to change the whole system of government. That was spoken about in the rose garden, elsewhere and all over the place, but not in the gracious Speech. That is crucial. The gracious Speech has a handful of evolutionary Bills dealing with aspects of parliamentary and political reform, but they do not deal with the fundamental commitment spoken about in the rose garden. Where are we? Where do we stand? What can a Back-Bencher like me know? You cannot even pick this up in the Bishops' Robing Room. There it is; the parliamentary process and procedures would, as a practical reality, inhibit Royal Assent to a constitutional Bill within five years. I shall deal with those in a moment.

In the previous gracious Speech we had two constitutional Bills, one of which was withdrawn and the other bundled into the washtub. That cannot happen again. As the noble Lord, Lord Rees-Mogg, wrote in his prophetic article in the *Times* on 14 April, which proved Professor Bogdanor's contribution to the debate:

"There is much work to be done".

There is indeed, but not only on this Bill. There are always events, such as the euro crisis, and other crises, on which the stand of our Prime Minister is highly to be commended, as well as on other matters naturally not referred to in government business. I want to deal with the practical realities if there is time, but looking at the clock, there will not be.

The ship of state, referred to by the noble Baroness, Lady Royall of Blaisdon, in her truly remarkable speech is not yet in trouble. On the gracious Speech, has it not already dropped anchor at the fringe of an uncharted water as to the change of the whole system of government? If those on the bridge of the ship are agreeable to be subservient to the democratic process there would be no trouble, of the kind that worried the noble Baroness, but we do not know at the moment where we stand.

I have one minute left so I cannot deal with the realities of the situation which would restrain within five years a constitutional Bill. I cannot really deal with the reform of your Lordships' House—it is all very odd as it is not your Lordships' House but a second House or an upper Chamber. I am beginning to wonder what will happen. I am not a technical lawyer but an ordinary person. Whichever Government are in power, our mailbags bulge when there is trouble.

Now and then we do our stuff. We table amendments. Speeches are made—there was one on casinos recently from the most reverend Primate the Archbishop of Canterbury that won the day against my party. I went with the Archbishop. That can happen. Is that all going to go? Will that relationship be put into another washtub? I hope not.

2.55 pm

Lord Dubs: My Lords, first I congratulate the noble Baroness, Lady Neville-Jones, and the noble Lord, Lord McNally, on becoming members of the Government. I have known the noble Lord for a long time; we were in the Commons together. I do not think that I am allowed to call him my noble friend but I can call him my friend. I hope in that spirit that he will accept my little story about something that happened when we were both in the Commons. It was a time when the late Lord Whitelaw was Home Secretary and an occasion when the Government did a 180 degree U-turn—surprising, but it happened. Those of us who had enormous affection for Willie Whitelaw will remember that when he was embarrassed, and he had to make the Statement on that occasion, he would keep his head down and read it as fast as he could in the hope that we could not hear anything—

Lord Kinnock: And very quietly.

Lord Dubs: Very quietly. Even Willie Whitelaw had to pause for breath in the middle of the Statement. The brief silence that followed was filled by Enoch Powell who said, "Eat them more slowly, Willie". I do not need to editorialise on that.

Some of us were fully involved in the heat of the election campaign and were busy canvassing while others—those who are more sunburned—were not so. The reflection of many was dismay that we were not allowed to have a vote. This is not the occasion to debate that fully but surely Members of this House, like other citizens, ought to be allowed the right to vote because we should have some influence on the nature of the Government and who they will be.

I welcome two things that the Government have done, one of which was referred to by the right reverend Prelate, which is the commitment to ending child detention in immigration cases. That is a good thing but I hope that it follows that families with children will also not be detained so that children are not separated from their families. I have been involved with other people in campaigns on this for a long time and I welcome the Government's Statement. I also welcome the Statement made by the Foreign Secretary that the Government will fully investigate allegations of complicity in torture by members of our security services.

I now wish to raise something entirely different on a specific matter about the Palace of Westminster. I do so with the knowledge of the person involved. I refer to the wife of the Speaker in the Commons, Sally Bercow. Because she was a candidate in the recent Westminster City Council elections she was not permitted to go on living in Speaker's House and had to move out during the campaign and rent a flat nearby. She has three young children aged six, four and two. The eldest, who is autistic, was particularly disturbed at having to move out of their home in Speaker's House. There is something unfortunate about that and it reflects badly on the Palace of Westminster as a whole.

I shall now turn to the substance of the gracious Speech and the Government's policies. I welcome the commitment to have an elected, or mainly elected Lords Chamber. I doubt, though, whether a period of 15 years is the right way in which to deal with it. Surely the point about elections is accountability. If one is elected once, one is then not accountable to anybody for the remainder of the 15 years. It would be better if we had three goes of five rather than be elected just once without accountability. I am dismayed, as many Members of this House are—I know that this is shared across the House—at how many more appointments are to be made. I quote from the coalition programme, which states:

"In the interim"—

before there is a newly elected Chamber—

"Lords appointments will be made with the objective of creating a second chamber reflective of the share of the vote secured by the political parties in the last general election".

That is a very disappointing policy. My noble friend Lord Richard has already said that the coalition has an adequate majority for all purposes. You do not need more than that. It will simply look ridiculous if the Government appoint another 100 or 150 Peers in order, in the interim—I am careful about the word "interim", but it is used in the coalition programme—to abolish the House and change it to an elected one. That does not make any sense.

I like the idea of fixed-term Parliaments. I do not know why they should not be for four rather than five years—I simply ask that question. I find the dissolution arrangements for 55 per cent totally confusing. I have read the debate in the Commons the other evening and I was left as confused at the end as I was at the beginning.

I understand that the Government have said that they want to abolish identity cards. Fair enough. I wonder whether the Minister can explain what is said in the coalition programme:

"We will … halt the next generation of biometric passports ".

I had always understood that biometric passports were increasingly becoming an international obligation. If we want to visit other countries, we will have to have biometric passports. Never mind ID cards, what are we going to do about biometric passports, or do the Government now have information that we do not need them any more? I, too, would like occasionally to visit the United States and do not want to be kept out because of government policy.

The coalition programme also states:

"We will introduce safeguards against the misuse of anti-terrorism legislation".

I wonder what that means in relation to the use of intercept evidence—something about which the noble Baroness, Lady Neville-Jones, knows a great deal. I understand that under the previous Government, officials were looking into the possibility of using intercept evidence in criminal courts. I understand the difficulties about disclosure, and so on, but it was being considered. I wonder whether the Government will consider whether we could have intercept evidence in criminal cases.

[Lord Dubs]

Finally, I turn to Northern Ireland and again quote from the coalition programme for government. It states:

"We will work to bring Northern Ireland back into the mainstream of UK politics".

I do not know what that means. Terminology matters a great deal, especially in Northern Ireland. I hazard a guess that the different communities in Northern Ireland will interpret that statement, quite differently one from the other. It is certainly ambiguous. Some clarification would be welcome. The coalition programme goes on to say that this will include,

"producing a government paper examining potential mechanisms for changing the corporation tax rate in Northern Ireland".

Frankly, I am in favour of that to bring it in line with taxation in the Republic, but it is slightly odd to say that we will bring Northern Ireland more into the mainstream of UK politics and then immediately bring out a policy that takes it away from us. That is slightly confusing.

3.03 pm

Lord Dholakia: My Lords, this debate gives us an opportunity to look back at the criminal justice system when the Conservatives were last in power. Ken Clarke was the Home Secretary, and one fact remains: at that time, the prison population was about 44,000—the figure cited earlier by the noble and learned Lord, Lord Woolf. The legacy that the Labour Party has left us is that the number in prison exceeds 85,000. Therefore, we must ask ourselves where within the criminal justice system we have produced that discrepancy. More women, more children, more people from ethnic minorities have become a regular feature of our present system.

I welcome the opening statement of the gracious Speech. The coalition programme is to be based on the principles of freedom, fairness and responsibility. I certainly welcome the Bill to restore freedoms and civil liberties. I am glad that identity cards are to be scrapped and unnecessary laws repealed. So far, so good. But the big picture—the safer society—cannot be complete until we look at the crisis facing our present system of justice, which reflects the prison population that I mentioned. There are difficult measures that the coalition must tackle. Equally, the legislative programme cannot be cast in a tablet of stone; we must be able to tweak it to take into account concerns that we have failed to deal with in the past.

Some suggestions may look very attractive at first glance, but we must also ensure that in the legislative momentum, we do not create more problems than we solve. For example, on police authorities, we need to ascertain further details about proposals for directly elected individuals including the content of the proposed model. For example, what are the checks and balances to ensure that the commissioner's power cannot be abused? What is the timing and process of implementation? Ultimately, what is the expected outcome of change?

In essence, we have to get this right. We must never forget that police authorities provide a strong, transparent and robust local accountability structure which reflects the diversity of local communities. We need to be absolutely sure that we do not tamper with their independence and accountability. I am sure that we will need further consultation with appropriate bodies, including the Association of Police Authorities, on such matters.

The establishment of a new coalition Government gives us a unique opportunity to rethink the country's approach to crime and criminal justice. The Government's strategy should also include listening to the voice of people who have been on the receiving end of the criminal justice system—offenders and ex-offenders. Yesterday evening in Portcullis House, I attended the launch of User Voice—a new charity led by rehabilitated ex-offenders. User Voice is working with the Prison Service, the probation service and the Youth Justice Board to help them learn from the insights of offenders and former offenders into the best ways to reduce reoffending. Any private sector organisation knows that that approach makes sense. Commercial organisations regard it as obvious that they should consult their consumers on whether the service that they provide meets their needs. The criminal justice system should take the same approach. It should work with organisations such as User Voice to consult with offenders and ex-offenders, learn from their experiences and listen to their views about the most effective ways to help them to avoid reoffending.

The past 13 years of the Labour Government rank as a wasted opportunity to improve the state of our criminal justice system. The previous Government introduced some individual welcome changes, such as the establishment of the Youth Justice Board and youth offending teams, increasing resources for drug treatment programmes and the establishment of a new Sentencing Council. Overall, however, if we look at the state of our criminal justice system today and compare it with 1997, we can see that little has changed for the better. The Labour Government failed to end the serious overcrowding of the prison system. Today, 82 out of 140 prisons hold more prisoners than they were built for, and 19,000 prisoners are held two to a cell that was designed for one person. This country has 151 prisoners for every 100,000 people in the general population, compared with 96,000 in France and 88,000 in Germany.

Prison overcrowding increases crime. Overcrowding makes it harder for prisons to provide rehabilitation programmes for all their inmates, and this increases reoffending on release. Although the previous Government built an extra 20,000 prison places, the system remained as overcrowded as ever because the prison population increased faster than the number of prison places. The Government responded to this increase by committing themselves to a further large programme of prison expansion that required a large input of resources that would be better spent on prisoners' resettlement, alternatives to custody, crime prevention and victim support.

Labour also oversaw an increase in custody for young offenders. In the final days of the Labour Government, there was a belated fall in the number of juveniles in custody. Despite this, the number of young people in custody is now much higher than it was in 1997. This is partly because the previous Government passed a whole series of legislative measures that

made it easier for the courts to detain children at increasingly younger ages and for less serious offences. They did this despite the evidence that showed that around 80 per cent of these young people are reconvicted within two years of leaving custody. As a result, most of the Youth Justice Board's budget is now absorbed by the cost of custody. These resources would be far more effective in reducing youth crime if they were spent on strengthening and expanding community supervision programmes.

The previous Government also did far too little to tackle the lack of help or supervision for short-term prisoners. Most imprisoned offenders receive sentences of less than 12 months. On release, these prisoners do not receive supervision by the probation service, and their reconviction rates are much higher than those for other prisoners. They are responsible for much of the high-volume offending that causes such distress to people living in high-crime areas. The Labour Government recognised the need for action, and in their Criminal Justice Act 2003 they included provision for a new custody plus sentence that would have involved post-release supervision for short-term prisoners. The reality was that this was never implemented. Nor was anything else done to fill the gap.

The Labour Government recognised the need to reform the Rehabilitation of Offenders Act but failed to take action to bring about reform. In 2002, a Home Office review group recommended that the Act should be reformed by shortening the very long rehabilitation periods. They even adopted an obstructive approach by arguing against my own Private Member's Bill, which would have enacted the changes which they had earlier said that they favoured. Of course, I shall introduce my Bill at the next available opportunity.

In the early days of the Labour Government, I was encouraged by their willingness to set up the Stephen Lawrence inquiry, yet after 13 years of Labour Government the position of minority ethnic people in the criminal justice system is worse than it was when the Stephen Lawrence inquiry reported. The disproportionate use of stop and search is even more extreme now, and the proportion of the prison population is higher than it was in the late 1990s.

There are some very practical examples of measures that have been adopted in various countries, and we need to examine them. Everyone who has worked with offenders knows that many of them have a background of problems such as inadequate parental supervision, family conflict, parental neglect and abuse, school exclusion, unemployment, substance abuse, mental health problems—you name it. The serious economic challenges which this country faces are rightly receiving priority attention from the new Government, but the challenge of improving our criminal justice system is just as vital a part of ensuring the fabric of a healthy society as the challenge posed by our economic situation. I hope that the new coalition Government will not shirk that challenge.

3.12 pm

Lord Rooker: My Lords, I congratulate the new Ministers and I wish the coalition well. In fact, I hope that it works. Leaving aside the fact that the arithmetic did not provide an alternative to which the words "strong and stable" could be remotely attached, if it works—and, as I say, I hope it does—it will knock on the head once and for all the media threats to the British people at election time about what might happen if they vote the wrong way. I can see that work, and it is important.

I have supported fixed-term Parliaments a lot longer than I have supported proportional representation. I would have preferred four years, but I will vote for five because three is too short and six is too long. Five years is about right. My main reason has always been economic. If one looks back through the years, the UK economy has suffered massively over the decades by the manipulation of the economy to the electoral cycle as perceived by opinion polls and then the manipulation of the economic cycle to the electoral cycle. I cannot prove it, but I know that those factors have been taken into account over the decades, much to the detriment of the economy.

Fixing the term means that there has to be a built-in constraint to ensure that it works as intended and is not abused. A coalition breaking up mid-term does not mean, and should not allow, an abuse by the Prime Minister to go for a dissolution after perhaps a period of minority rule when the polls look good. There has to be a constraint built in. I will not go down the arguments. I will vote for a constraint and there will have to be a debate about the kind it will be. I would not support a simple majority, as happens now, because it is wide open to abuse within the system of a fixed term. Any constraint should have widespread support.

I also support a smaller House of Commons, which I said when I was a Member of that House. I would aim for 500 MPs, not 585. There is a built-in ratchet in the present system. With every boundary review it grows. The formula is such that it will never decrease, which is a problem. We are a UK Parliament and there should be a single quota for all constituencies. That should be the same throughout the UK. Everyone knows that under the present arrangement, and that of the past 20-odd years, there has been a built-in bias in the system which favours one party over another.

The simple fact is that people's votes are not equal. They should be. That ought to be a guiding principle. I realise that MPs will complain that they cannot cope. Frankly, they will. Even with my 500 MPs, the quota of constituents for each would be only 88,000. I understand that the Government plan to have around 575 MPs, which would mean a quote of around 75,000. After a boundary change in 1983, my former constituency increased from 52,000 constituents to 76,000. Without all the resources that MPs have today, I managed to keep an eye on the Government and to bring my constituents' problems to the Floor of the other place. I was, of course, a full-time MP, for which I do not apologise.

The key for the Deputy Prime Minister is to stop the wide variation in the size of seats, which is crucial. If it is left to the Boundary Commission, it will fail. It should not be charged with it. The rules have to be changed. I would not allow a variation of more than 5 per cent in total, plus or minus 2.5 per cent. It has to be as rigid as that in order to give the votes an equality

[Lord Rooker]

of value throughout the country. I would warn him not to let it be left to political organisers who could fix those boundary changes even when they are held in public. All of us can have a view on this. That place down there is the people's Commons. It is not the Members' Commons. Therefore, although we do not have a vote, as my noble friend Lord Dubs said, we have got a view to put forward.

I will not go into the alternative vote. I made my position clear in the debate on 24 March. I oppose it on its own. I want a system that encourages people to vote for what they want as a first priority. The alternative vote does not do that. In fact, it makes tactical voting even worse because of the second part of the vote. It is not proportional. I will not support it and I hope that we can amend it as it goes through the House.

On Lords reform, electing Lords on proportional representation will make a wholly or mainly elected second Chamber far more representative of the people than the Commons. We should accept that, and the penny will drop soon enough. To be wholly or mainly elected means that we tear up the Parliament Act and do not use the conventions but the full powers of this House. Why should it be so constrained if it is fully elected? There is no argument for that. The reason for the constraint is the non-election of Lords. It is self-denying ordinance: we are not elected, therefore we must not use all the powers.

As ever, the answer is that we must clearly set out in legislation the powers and functions of a second Chamber and only then look at the composition of the House. It is cheap and immature politics to constantly talk only about the membership of the House without discussing these other important matters about a second Chamber. As I heard someone say earlier, it is time to visit the 2006 Joint Committee report on conventions of the UK Parliament. That report alluded only to the present state of play and said that if there was a change of composition and of the procedures, it should be revisited. That is absolutely crucial. I, too, ask: why would people stand for election if they do not know what the powers are? Why should the public vote for them when they know that they cannot vote them out at the next election because they are there for only a single term? However, all those issues are secondary to the functions and powers of the House. I would demand that at a suitable time we make that clear.

On Tuesday, I was very pleased to hear the Leader of the House refer to the workings of the House and to hear what the noble Lord, Lord McNally, said today. I will say what I intended to say—I know that it has been mentioned by others, but when there is a good story it is worth repeating. It focuses in on the difficulties that some Ministers will have in discussions that will take place if they can quote what has been said. I know that that is important.

In my view, the job has been done on the workings of the House for the three Leaders and the Convenor. It is well known that last October the Lord Speaker hosted a seminar on the strengthening of Parliament, which resulted in three unofficial reports that were not led by the Lord Speaker. There was one on the scrutiny of primary legislation, one on non-legislative procedures and one, which should frighten everyone here who is involved in outside activities either in non-departmental public bodies or the private sector, on governance and accountability arrangements in this place. It is devastating to read the report of the committee chaired by the noble Baroness, Lady Murphy.

All members of the groups acted in a personal capacity—everyone makes that absolutely clear—and their reports were sent to the party leaders and committee members in March. I would like—we may be able to get this—to have those reports considered properly by the relevant committees of this House. They should look at the recommendations—nothing is perfect and they could be changed—and, whether or not they accept them, the reports should come back to this House for it to decide whether it wants to make any changes; it should not be a question of a committee saying, "We are not going to put this to the House because we do not agree with it". There will be plenty of opportunities to do this.

The noble Lord, Lord Filkin, and other Members who participated in the process have also raised these issues today. If we really want to strengthen Parliament, the ingredients and the menu have been provided. The reports are not secret; they were placed in the Library well before the date of the election. I am gratified to learn that the chairs of the three working groups have been invited by the Government to have discussions about this. I wish them well and I hope that we will get a positive outcome.

3.20 pm

Lord Armstrong of Ilminster: My Lords, we are told in the gracious Speech that proposals are to be brought forward,

"for a reformed second House that is wholly or mainly elected on the basis of proportional representation".

I am glad that a possibility, at least, remains of retaining an element of appointed independent Cross-Bench Peers.

I follow very much what the noble Lord, Lord Rooker, has just said. Discussion of House of Lords reform seems always to concentrate on how its Members should be chosen. Surely we should first be discussing, as a prior question, what a reformed House should do and what its role should be in the constitutional system.

In today's legislature, the House of Commons has primacy. This House has useful functions as a revising and debating Chamber and in holding the Government to account, but, in the end, the will of the House of Commons is sovereign and can be made to prevail. Your Lordships accept that degree of subordination because Members of the other place are chosen by periodic election on a universal suffrage, and we are not. Whatever the shortcomings of the electoral system, this is seen as conferring a uniquely democratic legitimacy on the House of Commons such as to justify its primacy within the legislature.

If the second House were to be wholly or mainly elected by universal suffrage on a system of proportional representation, but its functions continued to be as they are now and it continued to be subordinate to the House of Commons, how successful, as the noble Lord, Lord Rooker, suggested, do we suppose that the process of election would be in attracting suitable

candidates for election? The British public already enjoy the inestimable benefits of participating in elections for membership of the House of Commons, the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly, local councils and the European Parliament; how ready will they be to turn out for yet another set of elections to the second House at Westminster on a system of proportional representation? What about the additional costs to the taxpayer of another set of elections and another set of elected representatives in Parliament?

For how long would a second House elected by proportional representation on a universal suffrage be prepared to accept constraints on its functions and being subordinate to the House of Commons? It would surely, sooner or later, begin to feel its oats and assert its rights. It could be expected to insist that it was no less democratically legitimate than the House of Commons—perhaps even more democratically legitimate if the Members of the House of Commons continued to be chosen by a system so unproportional as first past the post or even the alternative vote.

The role and functions of the second House would have to be reviewed and enhanced. It would deserve, and expect to be given, something much nearer parity of esteem, constitutional power and responsibility with the House of Commons. Is that what we want? Is it what Members of the other place want? I do not know the answers to these questions, but they need to be asked and answered when we are thinking about House of Lords reform.

I suggest that election by universal suffrage should not be regarded as the only means of conferring representative legitimacy on a parliamentary chamber. It would not be beyond the wit of man to devise a system whereby Members of a second House could be chosen by processes of indirect election to represent the various social and economic groups and activities which make up the fabric of national life. Such a system would at least meet the requirement of the noble and learned Lord, Lord Howe of Aberavon, that it be different.

There could be groups of Members chosen to represent, for instance, manufacturing industry, service industries, commerce, banking and financial services, the trade unions, the public services in central and local government, the medical and health professions, the legal professions, the educational professions, the universities, the arts, the churches and so on.

There could be a system of quotas of Members to represent each group. The quotas would be of varying sizes, to reflect the significance of each of the groups in the body politic and economic. Your Lordships will therefore see that the system that I have in mind would be not only representative but also proportional.

In each group, the representative Members could be chosen in whatever way seemed appropriate to the constituent members of that group. This could, if it was thought advisable, be combined with a system of quotas for representatives of political parties chosen by party leaders, with a view to ensuring whatever was thought to be the appropriate balance of party representation in the second House. We could even continue to have a group of independent Cross-Bench Peers, perhaps a little smaller than it is now.

The size of the various quotas would depend on the desired size of the second House. It would be necessary to define the length of terms for which Members would serve. The process could be co-ordinated through an independent statutory appointments commission. Candidates for membership could be recommended to the commission, which could confirm the suitability of candidates recommended to them, perhaps register their political affiliations and ensure a balance of representation from the countries and regions of the United Kingdom within whatever size of House was prescribed.

Such a system would enable the second House to be equipped with a wide range of expertise and experience which would inform the quality of its work and enable it to be effective in bringing forward proposals for legislation as a revising and debating Chamber and in holding government to account.

The second House would therefore be broadly and proportionately representative of the main interests and activities at work in the United Kingdom and in its component parts. It would have a high degree of representative legitimacy, yet it could continue to be ultimately subordinate to the will of the House of Commons, representing the will of the people as established from time to time by universal suffrage.

I urge that the terms of reference of the body—we do not yet know whether that body will be a Cabinet committee, a departmental committee of inquiry, a Joint Committee of the two Houses of Parliament or a royal commission—be drawn up widely enough to allow it to examine the merits and advantages of a system of the kind which I have had time only to adumbrate this afternoon.

3.29 pm

Baroness Miller of Hendon: My Lords, there is an old Chinese curse: "May you live in interesting times". Well, we all are here now. The one thing that Members of your Lordships' House on all sides can say is that none of us voted for the present situation.

The Earl of Onslow: None of us voted at all.

Baroness Miller of Hendon: Yes, of course, it does not include us in this House.

What we witnessed in the five days after election night is but a foretaste of what we can expect if the country turns to proportional representation: days of beer and sandwiches-type haggling and the wholesale abandonment of manifesto commitments made to one side or another. Five days is nothing. In future, it could easily be more. Germany took 40 days to form its current Government, while Belgium was without a Government for six months.

In the recent events, we also saw the Liberal Democrats announcing in advance that they had the moral obligation to negotiate with the Conservatives. Then, at the last minute, they entered into secret negotiations with Labour. I had visions in those hours of my party being humiliatingly jilted at the altar. The words of the old music hall song came to mind, although I will not sing it:

> "Can't get away to marry you today. My wife won't let me".

But what does this conduct say for the hopes of future good faith in a coalition? Trust is an essential ingredient.

[Baroness Miller of Hendon]

That brings me to the first of my two questions on the present situation as it affects your Lordships' House, as it is still called, at least for the moment. The noble Baroness, Lady Royall, touched on the first one in moving the Motion on the adjournment on Tuesday when she pointed out the strange bedfellows that a coalition makes. In the past, I have referred to Members of the Liberal Democrat benches as "the noble Lord" so and so. In the rose garden, the Deputy Prime Minister referred to his "colleagues" and to a "partnership". Am I supposed to say "my noble colleague" or "my noble partner"? Actually, it has been made clear by my noble friend Lord McNally that "my noble friend" will do. That at least sounds nicer. However, I must point out one thing to my noble friend, which the noble Baroness, Lady Royall, also pointed out—the less than supportive attitude that my party and its policies have often received from the Liberal Democrats in the past. A Member of the other place beat me to it by voicing the same question on Tuesday. I was going to consult the Leader of the House or the learned Clerk, but I shall take my noble friend's advice and leave it there.

There is another major and far more serious, indeed basic, constitutional measure about which I have great reservations—the requirement for a majority of 55 per cent to secure a Dissolution of Parliament before the expiry of the proposed fixed term. I do not believe that a centuries-old democratic convention can simply be demolished by Parliament without a referendum or some discussion, especially by a Parliament in which no party has a majority and no party included the suggestion in its manifesto. The convention is basic: a Government who cannot command even a simple majority of Members of the other place have to fall.

As Leader of the Opposition, the Prime Minister rightly and insistently, but fruitlessly, demanded a referendum on the Lisbon treaty because it gave away so much of our national sovereignty. Yet here he is preparing to legislate away a major concept of parliamentary supremacy, the unfettered power to dismiss a Government with a minimum majority vote. I remind your Lordships that, with a 55 per cent rule in place, Chamberlain could have claimed to have morally survived the vital vote just 70 years ago, on May 7 1940, because he had a 58 per cent majority. Even if this arrangement is sanctioned by an Act of Parliament, which I predict will have a difficult passage in your Lordships' House, I point out that one Parliament cannot bind its successors and cannot even be bound not to repeal a law that it has itself recently passed.

I have to ask what credibility a lame duck Prime Minister would have if he lost a vote of confidence by even the "one is enough" described by Disraeli 130 years ago. Also, what influence would a Prime Minister have over his own fractious Back-Benchers, or in this case also a mutinous coalition partner, which came third in the recent election, if he abandoned the power to request the Dissolution of Parliament? The composition of the other place is such that the joint votes of the Conservatives and the Liberal Democrats can barely muster the 55 per cent between them. Even if the Lib Dems do not abandon ship for some reason in, say, year four, it will take only a couple of Back-Benchers anxious about their minuscule majorities to veto any resolution. The whole concept is impractical, if not nonsensical, as well as—and this is the important thing—unconstitutional.

The Prime Minister has also announced that Mr Clegg will be consulted on ministerial appointments and sackings. What happens if Mr Clegg does not like the changes or objects to one of his nominees being sacked or moved? There is plenty of scope for disharmony in the present superficially cosy partnership. The unfettered power of patronage to appoint and dismiss Ministers, to promote those worthy of advancement and to replace those who fail is a most important instrument of prime ministerial authority, as well of good government. Now it is being severely constrained, to say the least. These proposed constitutional changes bring to mind the aphorism used in his resignation speech by the noble Lord, Lord Lamont, to whom the Prime Minister was once an adviser:

"We give the impression of being in office but not in power".—[*Official Report*, Commons, 9/6/93; col. 285.]

These problems have been created because of a shotgun marriage between the two parties, which was clearly cobbled together in frenetic negotiations over a couple of days in a conclave held in the Cabinet Office, without the benefit of the advice of constitutional lawyers. As the old adage says, "Marry in haste and repent at leisure".

Speaking as a party activist, and a Whip when we were last in Government, I would sometimes have to remind voters—and even MPs on occasions—unwilling to support part of our programme that being a Conservative was not like going into a restaurant and choosing from an à la carte menu. The manifesto is a table d'hôte. I would tell them that that is what they had to do: they had to swallow the whole package. Following my advice, in my 17 years as a Member of your Lordships' House, I have never voted against my party's Whip. However, in common with other colleagues with whom I have spoken in recent days, I feel that it will be a struggle to support some of the constitutional matters at issue at present.

Your Lordships will notice that I have confined my observations to the constitution, which I love. Some of us on the Conservative Benches are derisively and condescendingly referred to by the media as the "party faithful". I wear that badge faithfully and proudly. But I am also faithful to the constitution and the constitutional conventions of this country and Parliament and I will not see them lightly diminished.

3.36 pm

Lord Gordon of Strathblane: My Lords, after that speech by the noble Baroness, Lady Miller, I should immediately say that I warmly congratulate the noble Lord, Lord McNally, and the noble Baroness, Lady Neville-Jones, on their appointments and that I recognise that the coalition is the best solution possible given the result that the electorate delivered us. Indeed, I frankly would like it to be a tripartite solution, because this country faces economic problems that will require almost a unanimous view in Parliament if the measures that are taken are to be acceptable in the country at large.

Alistair Darling said that the cuts that would be coming would be more severe than anything under Margaret Thatcher, so, if we are honest, we can safely say that three-quarters of the cuts proposed by the coalition would have been brought forward by a Labour Government anyway. The quicker that we recognise that, the quicker politicians will regain the respect of the public, who know that things are tough and that quantitative easing, necessary though it may be, is methadone economics and does not solve the problem in the long run.

From time to time, I have mused that, much as I love the pomp and ceremony of the State Opening of Parliament every year, there might be a case for having it only after a general election and setting out a programme for a five-year Parliament. I wondered whether the coalition Government had privately decided to do that, because there are 25 Bills. That is an ambitious programme to achieve in five years, let alone just one quite long Session of Parliament.

I am particularly concerned about the state of play in Scotland. The media and the political class in general had not really caught up with the devolution legislation that had been enacted until the health warnings in the prime ministerial debates, which said, "By the way, what you are about to hear does not apply in Wales, Scotland or Northern Ireland". It may not have escaped noble Lords' notice that Alex Salmond has opted to delay public spending cuts for a year. To give him the benefit of the doubt, there may be legitimate economic reasons for going more gently in Scotland. However, it is also the case that the Scottish elections are due next year and I would not like to think that Scotland will face double trouble, perhaps under another Government immediately after the election, where we might have had slightly less pain if we had introduced the cuts more gently this year.

We have a problem in Scotland—I regret that a lot of my fellow countrymen would like to blame someone else for their problems. The reason why I think that there is a case for giving greater fiscal responsibility to the Scottish Parliament is that it would presumably end that, although I have heard SNP spokesmen blaming Westminster for the crisis in the Royal Bank of Scotland, which defeats logic. In Scotland, if you can blame someone else and the other person is English, you score double; if they are English Tories, you hit the jackpot.

I am also glad that we have a coalition with substantial Liberal Democrat representation in Scotland. Again, without being too cynical, if I were David Cameron, Scotland contributed one MP to my total and getting rid of Scotland left me with probably a safe Conservative majority in England, I would find it tempting to cobble together a deal with Alex Salmond. The Liberal Democrats would have much more to lose if that happened, so I hope that they will exercise a restraining influence. Like all Scots, I value the Union, if only because we Scots need something bigger to run than Scotland.

I also draw attention to the fact that in 2015 the five-year Parliament here will end and there will be Scottish government elections. We will therefore be faced with the electorate in Scotland having elections to Westminster under one system, elections to the Scottish Parliament under another and possibly even elections to the House of Lords under yet a third system. What a recipe for total chaos.

That brings me, naturally, to the House of Lords. I do not believe in an elected House of Lords, but I recognise the validity of a lot of the arguments put forward for it. You certainly can have an elected House of Lords, but do not try to make it subservient to the House of Commons. As the noble Lords, Lord Rooker and Lord Armstrong, both said, if the House of Lords were elected by proportional representation, which the Liberal Democrats passionately believe is a superior system, how would it not be at least the equal of, if not superior to, the House of Commons? You cannot say to a House of Lords that is elected, "You can have nothing to do with the Budget, with supply and everything else". It will demand the powers and take them gradually. If not given them, it will threaten a total strike on all legislation until it is given them. That will happen ineluctably.

The second argument that I would put against election is to ask whether the public really want a second set of MPs. I doubt that they do. Are we going to pay an elected House? If we are going to pay and it is partly elected, do we pay the ones who are elected or do we pay everyone? If we pay everyone, how popular is that going to be with the public? It would mean great expenditure at a time when the rest of the nation has been asked to make sacrifices, all to achieve a political principle of how we put people here, not to change fundamentally the nature of the job that they do. The other point that I would make about an elected House has already been made by the noble Lord, Lord Rooker: there is no accountability if you are elected for a single term, because you are not responsible to anyone.

There are problems in this House. I am sure that we can do better and we must never be complacent, but, honestly, when you look at the two Houses of Parliament dispassionately, which do you think is in more need of reform? I am sure that even the noble Lord, Lord Tyler, would admit that it is the House of Commons; it is the more important House and it is certainly more drastically in need of reform. After all, do the electorate elect a member of the Government or someone to control the Government? One-third of the majority party or the coalition are in government and therefore have a somewhat vested interest in looking after it, while at least another one-third want to be in it and therefore will not be too hard on the Government in the hope of preferment in the future. The only people on the government or coalition side who will really be scrutinising the Government are those who will have been kicked out after the first reshuffle and will have nothing to lose. We have things to change in Parliament as a whole, but the first priority is at the other end of the building.

3.45 pm

Lord Avebury: My Lords, unlike the noble Lord, Lord Gordon, I particularly welcome the commitment in the gracious Speech to replace the present undemocratic House of Lords with a wholly or partially elected House based on proportional representation, as long as the system chosen is the single transferable vote,

[LORD AVEBURY]
and not the iniquitous list system which exists in some other countries. It will take more than one Session to implement all the policies in the coalition's programme, but I was disappointed to see that, although there are 25 Bills in the gracious Speech, as has been mentioned, there is no implementation of the promise to take action to promote public health and encourage behaviour change to help people live healthier lives.

Everybody knows about the increasing burdens that are being laid on the NHS by the misuse of alcohol. Without effective means of combating this self-harm, further significant increases in spending will be needed in the future to cope with alcohol-related ill health. One of the main reasons why the prisons are bursting at the seams, as my noble friends Lord Thomas of Gresford and Lord Dholakia pointed out, is the large number of people who are there because they committed offences related to alcohol misuse. The only measure in the gracious Speech that I can see which deals with this problem is the Police Reform and Social Responsibility Bill, which is aimed at alcohol-related violence and anti-social behaviour. Surely it far better to discourage people from drinking irresponsibly first, than to deal afterwards with the problems they cause. The interim analytical report on alcohol harm of 2003 hit the nail on the head when it said that the two main supply-side levers that influence alcohol use are price and availability. That advice was ignored, so the problem got worse over the past seven years under the Labour Government.

The coalition is to increase—or, at least, to review increasing—taxes on alcohol, which will have the double advantage of reducing harm and at the same time increasing revenue, though it may not fully address the cheap deals being offered by supermarkets. Duty increases in the past three years of 9 per cent, 10 per cent and 5 per cent have not prevented Tesco offering 24 cans of Carlsberg Export for £16. If we had minimum pricing, instead of above-cost pricing, at 40p per unit of alcohol—the lowest which has been suggested—this offer would have to be increased to £21. Perhaps a combination of minimum pricing and an increase in taxation would be the answer.

A third of the 14 million people a year who attend A&E departments are there because of a condition related to alcohol consumption. In 2005 the Department of Health allocated £32 million to be spent on screening A&E patients and brief interventions. There is a large study now underway across A&E departments, primary healthcare and criminal justice settings to determine the most effective and cost-effective screening method. Will the DoH continue to fund this programme and provide money for alcohol social workers to conduct brief interventions, using any of the screening methods discussed in the SIPS report? The University of Sheffield's review of the effects of alcohol pricing found that a 10 per cent increase in the price of alcohol would cut hospital admissions by 50,000 a year and reduce criminal offences by 65,000. If these price increases were achieved by taxation, the extra revenue generated would be of the order of £1.5 billion. Will the Government ask the University of Sheffield to verify this arithmetic or make its model available to other researchers who could do the calculation?

The coalition programme—but not the gracious Speech—promises concerted government action to tear down the barriers to social mobility and equal opportunities to build a fairer society. It talks about increasing the focus on the neediest families under Sure Start. These excellent principles would be undermined in the case of the neediest and most disadvantaged of all minorities in the UK—the Gypsy, Roma and Traveller communities, as mentioned by the noble Baroness, Lady Whitaker—by the undertaking to adopt the Conservative Green Paper, *Open Source Planning*. We and the Conservatives both called for the abolition of regional spatial strategies, but the Liberal Democrats added the qualification that,

"we are not intending to disturb the plans already in place for providing Traveller sites".

If this is not accepted, provision of lawful sites will cease, and that seems to be the intention with the announcement yesterday of the decision to cancel the Gypsy sites grant. Worse still, the article "Gypsy Sites Crackdown" in last week's *Sunday Express* says that there are plans summarily to evict Travellers from land they own and occupy without planning permission.

The existing plans for eliminating unauthorised sites, on which one in four Traveller families live because there is nowhere they can stop legally, were to determine what number of pitches were needed in local authorities in England and Wales, and then to designate land for that purpose under the planning system. Does not the Conservative proposal mean leaving it to the unfettered discretion of 368 lower tier local authorities to decide where Gypsy sites shall be located? Does it not mean that Circular 1/06 and the laborious process of Gypsy and Traveller accommodation needs assessments, and the public inquiries which follow them, extending over many years, will be scrapped? Local authorities are not going to court the unpopularity that invariably results from designation of land as a Gypsy site unless there is a national framework to which they can point as the reason for their decision.

Equalisation of the responsibility for provision of the land is an essential feature of the present system and enables the settled population in one local authority area to see that what they are being asked to approve is fair. If there is no mechanism for sharing, people will not be able to see that others are pulling their weight and that their contribution is a necessary part of a plan to eliminate unauthorised encampments.

I hope that the children in Traveller families will benefit from the additional resources that are promised for disadvantaged pupils in the coalition programme because they show serious and chronic underachievement at every stage of education, both compared with all other ethnic groups and with the national average. Perversely, the future of the Traveller education support services within local authorities was already in doubt since their funding was already no longer ring-fenced. How are we to ensure that local authorities continue to provide the non-school based services that were provided by the Traveller education services such as support for families to make them informed and active participants in their children's education, liaison across boundaries to ensure continuity of access to services, inter-agency partnerships to address issues across the Every Child Matters spectrum, distance learning,

mediation and mentoring? I have forwarded to my noble friends a copy of an e-mail from the National Association of Teachers of Travellers on the need to maintain the specialist services and the consequences of not doing so.

A fair society is one that takes special care of the weakest and most vulnerable sections of the community, and in the case of Gypsies and Travellers it looks as though we are doing the very opposite. I beg my noble friends not to spoil an otherwise excellent start for the coalition by this perverse contradiction of an essential principle.

3.53 pm

Lord Dear: My Lords, as other noble Lords have done, I welcome the noble Baroness, Lady Neville-Jones, to the Front Bench. I also welcome the noble Lord, Lord McNally. The noble Lord, Lord Dubs—four or five speakers back—mentioned his long political association with the noble Lord, Lord McNally. Mine goes back a good deal longer than that—in fact, all the way back to University College London when we were rather disreputable undergraduates together. We have come a long way to arrive here in your Lordships' House today. We are undoubtedly wiser, older and, I think, better looking—certainly on his part.

I think that the noble Lord would join me in expressing relief not to be facing another monster criminal justice Bill, policing Bill or evidence Bill, with which we have had to put up, certainly during my past four and a half years, and, in his case, for a good deal longer. Instead, we are asked to endorse a repeal of unnecessary criminal offences. I say, "Hear, hear" to that. If anyone is looking for a list, I will willingly add some to it, but it is something which needs addressing as a matter of urgency.

Today I should like to highlight a number, but by no means all, the issues that are important. Indeed, I should have liked to have spoken at length, as others have, on the whole structure of government and, in particular, the structure of this House—but I refrain from that today. In no order of priority, I wish to go through a number of issues and then concentrate on a rather more important one.

First, crime is undoubtedly reducing numerically overall, but public concern about lawlessness seems to continue at a high level. One might well say that the fear of crime outstrips the reality. I contend that that is driven by what is often called the yob culture. Anti-social behaviour, which seems to gain in its virility and impetus almost on a weekly basis, is seen in its more extreme form in binge drinking. We are asked to consider, later in this Session, tackling low-priced alcohol. That is probably good, but it is probably only one small step down what must be a very long road. There was a time, 10 or 12 years ago, when we were trying very hard to bring about the growth, or even the implementation, of a café culture or café society. I do not think that we have done that. We may never get there—certainly not in the short term—and we need to look very closely at licensing hours, which may be too long. Certainly they extend too far into the small hours. We need to examine the proliferation of large drinking establishments which are clustered together in many city and town centres, to look for much better-co-ordinated action by the police and local authority, and a much more consistent and realistic sentencing policy in the courts. In other words, on this issue, we will find ourselves winding the clock back to where we were 15 years or so ago, rather than trying to develop the café culture going forward.

On scrapping ID cards, we have spent too long and too much money and effort on them, and I would endorse their immediate demise.

On the regulation of CCTV, there is a balance to be struck. Your Lordships' Select Committee on the Constitution, in a paper published in 2009, *Surveillance: Citizens and the State*, recommended a number of things: a statutory regime for the use of CCTV in the public and private sectors, legally binding codes of practice, a complaints system, an oversight procedure and so on. We could well use that report as a good starting point for looking at this. There is a balance clearly to be struck on this and, indeed, on other issues also.

The same Select Committee commented on the Regulation of Investigatory Powers Act 2000. We need to look at RIPA in a thoroughgoing review—in particular, the use of that legislation by councils. The use of RIPA to deal with dog fouling, excessively filled bins and so on debases the intent of that legislation.

On the use of intercept evidence, I have been pleased—as have many others in your Lordships' House—to support the noble and learned Lord, Lord Lloyd of Berwick, who is not in his place, in trying to introduce the concept of intercept evidence into criminal procedures. We should examine and identify ways of introducing it into criminal trials. At the same time, we should be wary of what the security services and the police have already cited as examples of where they do not want their sensitive methods and procedures demonstrated in the public arena. We need to balance that; but it is not beyond the wit of man or, indeed, the skills of this Government to find a way to address it.

On self-defence—an issue that is bobbing about, but which attracts a great deal of attention in the media from time to time—I see no need to change the law. I support what the Law Society has said at length, and there is a real need for the exercise of common sense by the police and the Crown Prosecution Service in their approach. There needs to be speedy resolution—particularly in such cases—rather than leaving someone hanging about wondering what the outcome will be, and only finding out months after the event that no proceedings are to be taken against them. Speed is always essential in the judicial process, particularly in those circumstances.

I have nailed my colours to the mast on DNA records. I simply say once again that I believe we should adopt the procedures and requirements established in Scotland. In saying so, I do not so much declare an interest in this, but mention for the record that I am chairman of a company that provides forensic examination of DNA to the police and many other organisations but has no interest in the maintenance of the records and the DNA register.

Finally, before I touch on my major point, I think we should examine whether the growth in control orders and their use is fully justified and whether the

[LORD DEAR]
use of terrorism surveillance powers for relatively trivial terrorist offences—if that is not an oxymoron—is justified and review the counterterrorist legislation generally so as adequately to empower the police and the Security Service but also safeguard the basic, fundamental, long-established rights of the citizen. This is an issue in which it is well known that your Lordships have shown a continuing interest over the years, and I am sure that it will continue.

So far as policing is concerned—I declare an interest here because I served in all ranks of the police service for over 30 years up to and including 1997—as the noble Lord, Lord Bichard, said in his excellent maiden speech, we do not want any more reviews. What we want in the public sector is leadership. So far as the police service is concerned, the need for good leadership is paramount. I commend to the Government attention to the development of leaders of quality in that service. We have made considerable gains in terms of structure, but we could look at the structure again, if not in this Session, in later Sessions.

Lastly, I want to touch with some emphasis on the Government's proposal to make the police more accountable and to have directly elected police commissioners. I could speak for half an hour on this, but time prevents me. I am not sure what "commissioner" means in these terms. If it means a directly elected police chief, I would die in a ditch over that. The Minister shakes her head, and I am relieved to know that. If we are talking about directly elected chairmen of police authorities, we should examine that. Police authorities may not like that too much, but if what we are talking about is not so much accountability, which was mentioned in the gracious Speech, but about making the police more accessible, more sensitive to local issues and more aware of what the public want, we should do that. If a direct election of the chairman is necessary, then we should do it.

However, I conclude on this warning note: it is very dangerous ground. There are great dangers when directly electing somebody to this position of having political influence, which leads to political control. That control could be overt or covert. A power to hire and fire, for example, would be taking away and cutting across the residual powers of the Home Secretary, which one has already in place in extremis. I say unashamedly that I will support the concept, but I want to look very closely at how we stop it running through into political influence and control, which I would abhor. Put very simply, being sensitive to public opinion is a good thing; being subordinate to it is another. It is a matter of great constitutional importance, and I am sure that your Lordships will treat it as such in due course.

4.03 pm

Lord Hughes of Woodside: My Lords, I congratulate the noble Lord, Lord McNally, on his appointment. He graces the Front Bench as to the manner born. I also congratulate the noble Baroness, Lady Miller of Hendon, on a very brave speech. She nailed her colours to the mast, and I respect people who speak out for their principles loudly and clearly.

On Tuesday, I especially enjoyed the speech by the noble Earl, Lord Ferrers. He trenchantly pointed out to us that in 1979 a one-vote majority propelled Mr Callaghan out of government and ushered in Mrs Thatcher for what became 18 years of Conservative government. I take this opportunity to explain a disagreement, perhaps a misconception, between the noble and learned Lord, Lord Mackay of Clashfern and me. In the House of Commons, the rule is simple: whatever the proposition, a majority of half the Members voting plus one carries the day. What the Government are proposing is 55 per cent of the membership of the House of Commons plus one—at least that is what everyone thinks that they said. It is disappointing that the noble Lord, Lord McNally, could not answer a simple question about which it is. We shall see what happens.

I cannot compete with the 55 years of devoted service to this House of the noble Earl, Lord Ferrers. I spent 27 years in the other place. I came here in 1997, so I have almost 40 years of experience. In all that time, I have never known such flagrant control-freakery—that is the only way to describe what the Dem-Con, or Con-Dem, alliance is up to. I had a vision of the first Cabinet meeting, with Ministers filing through the door and Mr Cameron saying to Mr Clegg: "Quick, nip around with this bottle of superglue and squirt all the seats, so when they sit down and get their legs under the table we cannot get rid of them". What has happened is a sign of weakness.

The proposition that the voting rules should be changed in the House of Commons, and also the reduction in the size of the House of Commons, never appeared in anyone's manifesto, despite the ludicrous proposition expressed this afternoon that the electorate had voted for the coalition. It did no such thing. The coalition did not exist: it was not voted for. In these circumstances, the Salisbury convention does not apply: it cannot, by any stretch of the imagination. Therefore, your Lordships' House is perfectly entitled to vote down this measure. Indeed, it has a right to vote down the proposition, and I hope that it will.

I move on to what is meant by the new rules. At the moment, the numbers may stack up in the coalition's favour. I have no malice towards any individual MP who supports the Government in the other place: I certainly bear them no ill will. However, by-elections happen, and on the present figures, five by-election losses would make the coalition very twitchy. Will they revisit the proposition and say, "When we settled on 55 per cent, the conditions were different. Perhaps we should raise it to 60 or 65 per cent"? There is no end to the ingenuity of those determined to keep power by any means.

We are now told that we will have an increase in the membership of your Lordships' House, under the proposition that the ruling coalition has a right to a share of the membership according to the number of votes that they received. They are rewriting the constitution as they go along. They do not need any extra Members. What is most revealing about this proposition is that we now know the real intentions of the Liberal Democrats. This House, and eventually the House of Commons, will be fully elected on a 100 per cent PR system. The

only way to get that is to have a list system. A list system of candidates is the least democratic option available. It is absolute nonsense to say that this is democratic, and they should not be allowed to proceed with it.

I will say two more things. The first is something that has rankled for a number of years. In 1997, when Prime Minister Blair proposed the nomination of additional Peers to this House, they were immediately dubbed "Tony's cronies". I had no problem with that. What are we to call the new coalition peers? What about "Cameron and Cleggy's creepies?" That is what they will be.

Vince Cable apparently said that his in-laws once told him that arranged marriages work much better than conventional marriages. The marriage between the Lib Dems and Tories—I put it that way because the press call it the Lib-Con coalition so that the Conservatives are reduced to being the junior partners—is not even a marriage of convenience. It is a forced marriage—forced by circumstance. A thrusting lust for power has been within the breasts of the Liberal Democrats for many years. They are prepared to do anything to get it and finally they have it.

I am reminded of something that Nye Bevan said many years ago. It was in an entirely different context but none the less is apposite. Despite the dressing up of statesmanship, the nation and all the rest of it, he said, "Call that statesmanship? I call it an emotional spasm", and that is precisely what we have on the other side.

4.10 pm

Lord Boyd of Duncansby: My Lords, I, too, welcome the new Ministers and congratulate them on their appointments. However, I wish to refer to the noble and learned Lord, Lord Wallace of Tankerness. He and I sat next to each other in Cabinet for five years in a coalition Government—although one of a different hue—in Scotland. I formed a very high regard for him during that time, for much of which he was Minister for Justice and I was Lord Advocate. Jointly we had responsibility for the justice system and faced some very difficult issues. I hope that I do not embarrass him by saying that I always thought there was very little political difference between us, but it is perhaps a measure of the times that we find ourselves so far apart across this Chamber. He is very highly regarded in Scotland across all the political parties and his appointment will be warmly welcomed.

In a recent speech, the Deputy Prime Minister promised us the greatest set of political reforms since 1832. Quite why he chose 1832, I was not clear, because many historians would say that 1867—although of course that was a Tory Administration—or the enfranchisement of women were more significant. He could also have mentioned the more recent reforms: the establishment of the Scottish Parliament; the National Assembly for Wales; the Good Friday agreement, which led to the new constitutional arrangements in Northern Ireland; the Mayor of London and the London Assembly; proportional representation for the European elections; the establishment of the Supreme Court and the new arrangements for judicial appointments; or the start of the reform of this House. Indeed, in that speech, unless I misread it, the only reform of the past 13 years to which he made any reference was the Human Rights Act.

Had the Deputy Prime Minister acknowledged those reforms, he could, with justification, have claimed some credit for his party in the passing of many of them because the Liberal Democrats added considerable intellectual muscle and political weight to the arguments. However, he eschewed any such claim, perhaps because they were all opposed by the very party with which they are now in coalition, or perhaps because he did not want to acknowledge any achievement by the Labour Party. Well, I am happy to take the credit—collectively, of course—for the Labour Party.

The attempt to airbrush out 13 years of constitutional development is, I believe, worrying because it fails to recognise the very profound constitutional developments that have happened, the way in which the constitution has changed and, indeed, the way in which politics themselves have changed. The relationship between the United Kingdom Government and Parliament and the devolved Administrations, and more widely between the nations of the United Kingdom, will be of great significance during the course of this Parliament, however long it lasts.

The Prime Minister has said that the Government will rule Scotland with respect. In my judgment, he got off to a good start by visiting Edinburgh, Cardiff and Northern Ireland and attempting to establish good relations with each of the Administrations. However, it will be on their deeds that the Government are judged, not on style and rhetoric.

With the noble and learned Lord, Lord Wallace, I served on the commission under Sir Kenneth Calman on Scottish devolution, so I welcome the announcement that the Government will bring forward a Bill to enact the commission's recommendation. I worry a little about the timing of the introduction. We know that the elections are due in May next year so it would be right and proper if these new powers could be in place for the new Parliament and Executive. Will the Minister let us know whether the timescale of the Bill will meet that timetable?

Central to the Calman proposals are tax and borrowing recommendations. In the *Scotsman* yesterday, the Secretary of State, Danny Alexander, was quoted as saying the he could not confirm that the recommendations would be in the Bill. If they are omitted, that would be extremely serious. My view is that the Government need not bother introducing the Bill in that case because those recommendations are so central to it. I worry that that is the start of a rearguard action by the Treasury to roll back on the commitment given by the previous Government that they would enact, more or less, the recommendations on tax and borrowing. The Secretary of State, to be fair, says that he has to speak to Scottish Ministers, which is well and good, but he and the Government collectively should know that on constitutional issues the Scottish Ministers do not speak for Scotland. The Scottish Parliament is representative of Scottish opinion and the SNP Government are a minority Administration. The Scottish Parliament co-sponsored the Calman commission and welcomed its recommendations. I remind the Government

[Lord Boyd of Duncansby]
that the Labour Party fought the election on a promise to implement Calman and won 42 per cent of the popular vote in Scotland.

In speaking to Scottish Ministers, will this Government, like the previous Government, first speak to representatives of the parties, including my own Labour Party in the Scottish Parliament, and take their views on board? When will we get an announcement about what is to happen on tax and borrowing powers?

There are three areas on which we need a more coherent United Kingdom approach. One is the West Lothian question and I note the Government's intention in relation to a commission on that matter. I am sceptical whether there is an answer but I am happy to look at it. Secondly, the Barnett formula on funding needs to be on a UK-wide basis. Thirdly, I doubt that in Scotland there will be a referendum for independence because of the arithmetic within the Scottish Parliament. We ought to set down a principle that there should be no referendum unless there is a majority in the Scottish Parliament who want it. The time has come for a written constitution that sets out not just the relationship between the various parts of the United Kingdom but between the other institutions of the United Kingdom.

4.19 pm

Lord Goodhart: My Lords, home, legal and constitutional affairs and local government provide enough material for several days of debate. We have heard very little about local government today, but as we have only eight minutes each we have to use our time carefully.

Therefore, I shall concentrate on one subject—civil liberties. I welcome the proposals in the coalition programme on civil liberties, including scrapping ID cards, extending the Freedom of Information Act, reviewing libel laws to protect freedom of speech, preventing the proliferation of new criminal offences, and other matters.

I also welcome the undertaking in that section of the coalition programme to set up,

"a Commission to investigate the creation of a British Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights".

That clearly excludes the threat, which concerned me in the past, that new laws might be enacted which would restrict the power of the United Kingdom court to apply all the provisions of the ECHR. As the United Kingdom is bound by the ECHR as a member state of the Council of Europe, it would be absurd to restrict the power of our courts to apply the ECHR and leave litigants needing to take their case to the court in Strasbourg.

What should we add to the ECHR to make a British Bill of Rights? The most obvious addition is the right to jury trials for serious offences. That cannot be part of the ECHR because some countries do not have jury trials. That is an essential element of the United Kingdom's legal system and should be protected by its inclusion in the Bill of Rights. It should not be an unconditional and absolute protection, because there are exceptional circumstances in which serious offences may have to be tried without a jury. In Northern Ireland, some criminal trials could not safely be heard by juries during the Troubles, and the judge-only trials in Northern Ireland worked very well. In fact, they had some advantages for defendants over a jury trial because it was the duty of the judge to explain why he had reached a decision to convict, which was something that could be taken to the Court of Appeal. As recently happened in England, it may be necessary to have a judge-only trial where there is reason to believe that a jury will be tampered with or that previously a jury has been tampered with.

Moving beyond incorporating the right to a jury trial—or, perhaps even incorporating that right—may be difficult. Two years ago, I took part in a seminar organised by Justice about a British Bill of Rights. The seminar included lawyers from Scotland, Wales and Northern Ireland as well as England, and the general view held by those attending the seminar—I get the impression that this is a general view among the profession—is that a British Bill of Rights would not be acceptable unless it is approved by the devolved Assemblies as well as by Westminster. Of course, Scotland has always had its own laws and legal system, which differ considerably from the English law and legal system. As an example, the existing rights to jury trial differ significantly between England and Scotland. Some groups in Northern Ireland want to have a separate Bill of Rights for Northern Ireland on its own. Others in Northern Ireland no doubt disagree with that. Therefore, it would be doubtful if we could get a consensus in Northern Ireland for a British Bill of Rights. The question is: would the Bill be a British Bill of Rights in the strict sense—a Bill applying only to Great Britain—or a United Kingdom Bill of Rights?

There are also some gaps in the civil liberties section of the programme. It is a long-standing obligation under the European Convention of Human Rights to allow at least some prisoners to vote in elections. Understandably, that was not mentioned in the programme, but it is a hot potato that needs to be dealt with soon. I personally suggest as a simple solution that prisoners should have a vote if their sentence will expire within a period of not more than five years, so that they will have a vote in the election of MPs who will represent them when they emerge from prison.

Secondly, as my noble friend Lord Thomas of Gresford said, there is a need to look again at indeterminate sentences: so-called imprisonment for public protection. The indeterminate sentence has been a total and expensive failure, and it should simply be abolished.

Finally, on a different point, I hope that one element of spending cuts will be the cancellation of the building of new prisons. On prisons, I entirely agree with the views expressed by the noble and learned Lord, Lord Woolf, and my noble friend Lord Dholakia. Since crime has diminished in recent years, we should reduce rather than increase the number of prisons. We all recognise that the Ministry of Justice will have to cut its spending, but it would be far better for it to do so by cutting the construction of new prisons, or not extending existing prisons, rather than by cutting legal aid, which is of enormous importance and has suffered severely in the past few years. It should suffer, if possible, no more.

4.26 pm

Lord Lucas: My Lords, I am absolutely delighted to be in coalition with the Liberal Democrats. Over the past 13 years, I have found myself in the same Lobby as them on many occasions in the defence of liberty—and liberty is the lodestone of my life in Parliament. There are differences between us, but I have managed to work out my differences with those on my own Front Bench and I am sure that working them out with the Liberal Democrats will be a good deal easier.

The Opposition are still addicted to oppression rather than liberty. That was clear from what the noble Lord, Lord Hunt, said about CCTV. It is a drug that brings short-term relief in publicity but has nasty long-term side effects. I very much hope that a few years in opposition will have the same effect as a stay in the Priory and that we will recover the Labour Party that I used to look up to 20 years ago. Indeed, I was under the illusion that it was still there in 1997. I remember consoling myself over the loss of my job in 1997 by the thought that Michael Howard would no longer be Home Secretary. Every Labour Home Secretary has been worse and now at last we have the hope of some improvement.

I am also delighted that we are putting a strong emphasis on local decision-making. That is a constitutional change that, if it is taken radically and if we do as much as we should, will have great consequences. I see it fitting in extremely well with the changes in number, size and distribution that are proposed for parliamentary constituencies. I hope that it will bring an end to, or at least the diminution of, parliamentarians viewing themselves as consultants who deal with drainage and other petty issues that should be dealt with locally and properly but are not because of the lack of power and quality at a local level.

I totally agree with what the noble and learned Lord, Lord Woolf, said about prisons. I declare an interest in that I am heavily connected with the charity Safe Ground, which works in prison education. Yes, there are people in prison who need to be there for our protection and people who need to be there as a punishment for what they have done, but there are many more who ought to be in prison or some form custody or penalty for their rehabilitation. You cannot rehabilitate given the state of prisons at the moment. They are overcrowded and there is no money left because of all these people who are pushed into prison. All we reap is a reducing rate of good behaviour after prison; we reap ever greater expense without doing our society any good. I very much hope that we will be able to take a few radical measures just to set us on the right track again and get the prison population to dip. We must allow money and practices to come through that will improve the rate of rehabilitation and get us back to where we used to be with prisons under Home Secretaries such as the noble Lord, Lord Hurd, and Lord Whitelaw. That is where I would like to find myself.

I was immensely inspired, too, by the maiden speech of the noble Lord, Lord Bichard. If he needs a foot soldier in his campaign, I am happy to be that. I have not heard such stirring words since I last read C Northcote Parkinson on public service reform. We can do so much. For example, prestige could be given to those in the Civil Service responsible for delivery to make sure that they see projects through from beginning to end and reap the rewards for it, rather than prestige being a matter attached to policy development, where the incentive is to develop policy after policy and to keep the whole thing turning and changing. The noble Lord, Lord Bichard, knows much more about that than I do and I would be happy to treat him as my leader in this matter. I look for early action.

We all know that constitutional reform is not easy. The party opposite can look back on the abolition of the Lord Chancellor and even on the creation of IPSA as things on which it wished it had taken a bit more care. We have clearly fallen into the same trap when it comes to fixed-term Parliaments. Yes, it is a good idea. I support it and I think that it is well worth exploring. But it is not a simple idea. There are lots of little consequences and lots of things that we need to work out. I do not think that my noble friend should take the Labour Party too seriously when it huffs on about 55 per cent. It had fixed-term Parliaments in its manifesto and must have had a mechanism in mind for making sure that the Government could not simply overturn it because they happened to have a majority of seats in the other House. The figure of 55 per cent is randomly chosen. In most Parliaments in the past it would have been totally ineffective because the Government had a greater number of votes than that and could just have overturned it. The figure of 66 per cent, as in Scotland, seems to be much more sensible. We know what the Government are about and why they want to do it, so let us take this carefully and sensibly and not rush at it. We should make sure that we get the detail right, think through all the possible complications and then go firm on legislation. The Government have got their five years for this Parliament. There is no need to rush for further reform.

My sentiments on Lords reform are similar. I am a supporter of an elected House of Lords, which is a necessary, good and inevitable idea. I am as disturbed as the party opposite by the idea that a House that is already too large will have 150 to 200 Members added to it in order to make up the proportions. It would be ridiculous and would bring us into total disrepute. I do not think that noble Lords opposite should worry too much about their ability to defeat the Government. They managed it quite a lot while I was on the Front Bench when we had a vast hereditary army ever at our beck and call. A little bit of having late-night Divisions and a little smiling at Back-Bench Members opposite will work wonders.

Above all, I hope that in considering Lords reform we will not do what the party opposite has done and conduct our deliberations in secret. We should be open in our processes. If we set up a committee, it should publish its deliberations and be open to representations. We should have not just us but the nation feeling that it has been absorbed in—to the extent that it wishes to be absorbed in—the process of deciding the future of the House of Lords. It is not a simple matter. Anything that we do will have consequences. However limited the changes that we make around even the fact of election will have consequences. If we go for any of the more radical options, such as those

[Lord Lucas]
proposed by the noble Lord, Lord Hughes, we will find ourselves in difficult waters. To do that closed, without involving people in the process, is merely to invite years of chaos afterwards.

4.34 pm

Baroness Quin: My Lords, I, too, add my congratulations to those noble Lords who have become Ministers in the new Government. I congratulate in particular the noble Lord, Lord McNally, whose long experience was partly gained through the Labour Party. I am glad that his political hero is still Clement Attlee. That his experience and ability should be channelled into government is good news and I warmly congratulate him on that.

As has been pointed out in the debates, there are many ironies in the current governmental situation. I was struck by this when I returned to my London flat after spending most of the election period at home in the north-east of England. Having marvelled at the harmony and mutual admiration shown by the Prime Minister and the Deputy Prime Minister in their Downing Street press conference, the first piece of literature that I saw on my doormat was an election communication from the Liberal Democrats warning me that the Tories were putting the NHS at risk and asking me, "What else are the Conservatives not telling you?".

However, as many people have pointed out, the parliamentary arithmetic as a result of the election made some kind of coalition or joint arrangement inevitable and, given the numbers, the coalition that has now been formed was the more obvious outcome. I pay tribute to both parties for the huge efforts that they put in to negotiate and secure a deal. Having said that, I believe that it is probably in the area of constitutional affairs where the greatest tensions within the new coalition Government are likely to arise. We have seen some evidence of that even today.

While I have often agreed with Liberal Democrat colleagues in the past on issues of constitutional reform, like my noble and learned friend Lord Boyd I was somewhat taken aback by the speech of the Deputy Prime Minister in which he rather grandiloquently compared his reform programme with that of the Great Reform Act. He criticised the outgoing Labour Government for excessive decentralisation and for quashing dissent in a way that I found both wildly inaccurate and, sadly, ungenerous. As has been pointed out, Labour had enacted a profound decentralising programme with devolution to Scotland, Wales, Northern Ireland and London and even proposals—sadly voted down in a referendum—for regional devolution within England. The Liberal Democrats had supported most of that programme. Indeed, like the noble and learned Lord, Lord Boyd, I remember the days of the coalition Government in Scotland. At that time I was an Agriculture Minister and worked closely and happily with my Liberal Democrat counterpart in the Scottish Parliament, Ross Finnie. I am glad that my noble friend Lord Hunt pointed out in his speech that, as well as these decentralist measures, our Government also brought in many measures on civil liberties. I am glad that he listed those and I wish that the Deputy Prime Minister had at least alluded to some of them.

The Government's programme contains constitutional proposals that I certainly support. Like the previous speaker, the noble Lord, Lord Lucas, I wish the Government well on Lords reform, as I have always supported the principle of a largely or wholly elected House. I agree strongly, however, with the comments made by my noble friend Lady Royall in her speech on Tuesday—and, indeed, by many others in today's debate—rejecting the idea of creating in the interim many more Conservative and Liberal Members. That seems to fly in the face of a principle that I thought was widely accepted in this House. It also runs counter to the comments repeatedly made by the noble Lord, Lord McNally, in previous debates—he even repeated them today—that a House of over 800 would lack credibility. If these proposals are brought forward, that is exactly what we would have, if not considerably more than 800. I hope that there will be a re-evaluation and reconsideration of that approach.

One suggestion that could be picked up from the Constitutional Reform and Governance Bill that failed to make it through the wash-up period before Dissolution is that of allowing existing Members to retire. It would be interesting to know—perhaps the Minister will say in her wind-up—whether or not provisions will be brought forward to allow existing Members to retire from this House in the way foreshadowed in the Constitutional Reform and Governance Bill before Dissolution.

I also support the proposal for fixed-term Parliaments but, like many others who have spoken today, I do not support the 55 per cent requirement, which smacks of political manoeuvring. I hope that the Government will try to reach a wider consensus on this issue. It would be worth while doing so, particularly since opinion polls seem to show strong public support for the idea of fixed-term Parliaments.

I support changing the voting system to AV, although I am surprised that the Liberal Democrats settled for that. Furthermore, winning a referendum on it, particularly depending on the political circumstances of the time, will not be easy. Perhaps I might suggest, rather controversially, that AV be considered for the European Parliament. I was elected a Member of the European Parliament in the days when we had constituencies. Even though I was aware that the first past the post system distorted the vote, it was nonetheless very satisfying to represent a specific territory and have that territorial link. The constituency that I represented was very big, but it was suitable for the kind of industrial and economic issues that were dealt with in the European Parliament.

Like others, I am concerned about the Government's approach to local government. I hope that they will not proceed with the proposal to force elected mayors on 12—I do not know where that number came from—cities. I do not favour forcing local authorities to go down that route. I am concerned, too, that Governments—I include my own in this—do not recognise sufficiently some of the achievements of local government. The local authority that I represented and worked closely with for a number of years, Gateshead, had an outstanding record, which compared favourably with those of the great local governments of the 19th century.

It was good at promoting educational success, which is why I have some concern about the wholesale academy approach being put forward by the Government.

Finally, I am concerned about the likelihood of the Government making much greater use of referendums in our constitution. This has not been mentioned much in today's debate, but we seem to be in danger of lurching towards a plebiscitary rather than a representative democracy, without thinking through the consequences. At local level in particular, the Government seem to favour a plebiscitary approach. That has not proved a panacea, as examples such as California amply illustrate. I strongly recommend to the Government the recent report of this House's Constitution Committee on referendums and urge caution in this respect.

The Government have set themselves an ambitious constitutional programme. While I genuinely wish them well in pursuing some of those goals, I hope that they will be prepared to think again about others on which I have expressed some reservations today.

4.43 pm

Lord Elystan-Morgan: My Lords, I join others who have so warmly and sincerely congratulated the new Ministers. I also appreciate the tributes that were so properly paid to those who have been translated from ministerial office to opposition spokesmen.

I shall speak to two matters in the Queen's Speech, which stated:

"My Government will propose Parliamentary and political reform to restore trust in democratic institutions and rebalance the relationship between the citizen and the state. Measures will be brought forward to introduce fixed term Parliaments of five years".

Perhaps I may comment on that latter statement. It will be noticed that reference is made in the plural to "Parliaments", but the Prime Minister says that the provision now adumbrated is in respect of this Parliament only. Is that a clerical error, or has there been a change of heart on the part of the Her Majesty's Government? We will welcome a statement on that in due course.

In relation to fixed-term Parliaments and to the sovereignty that is vested not in any institution but in the ordinary people, a great deal can be said with regard to the matters suggested here. One thing that you cannot have is fixed-term parliaments on the one hand and a greater exercise of sovereignty by the ordinary people on the other hand. Let me give this instance. A Prime Minister dies; one died in 1923—Bonar Law. A Prime Minister resigns on account of chronic ill health, as did Anthony Eden. A Prime Minister may find himself so much in opposition with his own party that there is no alternative. Most people would argue that it is utterly proper, all things being equal, that a fresh mandate should be sought by that new Prime Minister. That was the clarion call of the Conservative Party three years ago when Gordon Brown succeeded Tony Blair, and I thought that there was a great deal of sense in it. Had Mr Brown taken that course, he might very well be Prime Minister today—but that is another matter. What you cannot have is a situation of a fresh mandate for a fresh Prime Minister, when Prime Ministers are becoming more presidential all the time, and at the same time have fixed Parliaments. There is a price to be paid for everything and, very often, although these views are honourably held, they are antithetical to each other.

There are arguments for and against fixed parliaments, and one could say that they are very much like curates' eggs—good only in parts. A very substantial statement was made 12 months ago by a very well known public personage, who said that there was a case in favour of fixed parliaments and then went on to say this:

"I know there are strong political and moral arguments against fixed-term parliaments. Political—because there's nothing worse than a lame-duck government with a tiny majority limping on for years. And moral—because when a Prime Minister has gone into an election, and won it promising to serve a full term, but hands over to an unelected leader half-way through, the people deserve an election as soon as possible".

Of course, the author of those words is the right honourable David Cameron in May last year. As the House will have noticed, when he put the matter in the balanced way that he did, his words did not exactly light up with incandescent fervour for the idea of fixed parliaments.

When I first heard of the proposal of fixed parliaments with the 55 per cent rule written in as part of the structure of such an institution, I was horrified. It seemed to me that when a Prime Minister had been defeated, albeit by a single vote, there was no alternative but for that person to go to Buckingham Palace and surrender the seals of office. I accept the point made by the noble and learned Lord, Lord Mackay of Clashfern, that of course one should distinguish between the fall of a Prime Minister and the Dissolution of a Parliament. But to say that that Administration or political structure and that party or those parties would still remain in power unless there was a 55 per cent defeat would create an impossible situation.

The noble Lord, Lord Norton, with his usual statesmanlike and scholarly approach to the question asked what the genesis was of the 55 per cent. In my cynical old age, I believe that the 55 per cent was decided on because it was 2 per cent more than 53 per cent. And what is 53 per cent? It is that proportion of Members in the House of Commons who are not Conservative Members. The Conservative Party has 47 per cent and the Opposition, as it were, 53 per cent, so 55 per cent leaves a margin beyond that.

A totally new factor has now come into the situation, which was referred to the noble Lord, Lord Richard, who spoke of the speech made by Mr David Heath, the parliamentary secretary to the Office of the Leader of the House of Commons, on Tuesday night. I have read through that speech a number of times and have found it somewhat confusing, but ultimately one comes to a passage on which I should be grateful if the House would concentrate for a moment. Mr Heath said:

"Returning to where a vote of no confidence has taken place, it is extraordinary to suggest that there would be circumstances in which this House would refuse to vote for a Dissolution when it was clear that a Dissolution and a new general election were the only way forward. However, even given that, we are putting forward"—

and this is the new matter—

"the automatic Dissolution proposal, as a safeguard that we will make part of the legislation, if no new Prime Minister can be

[LORD ELYSTAN-MORGAN]

appointed within a certain number of days. It seems to me that that is appropriate".—[*Official Report*, Commons, 25/5/10; col. 150.].

Mr Heath went on to say that the period could be 20, 30 or 35 days; it matters not.

In fact, 55 per cent is not part of that basic structure as has been suggested. If a Prime Minister had been defeated and given up the seals of office there is a period of 30 days for a successor to decide whether he or she can form a Government. If such a Government is formed, the 55 per cent does not really come into it. If it cannot be formed, then that Government has fallen, not because of the 55 per cent but because of the automatic Dissolution system. That being so, one then asks what is the purpose of the 55 per cent. I think that it was intended to be an instrument to be used in terrorem against the Liberal Democrats. Put another way, it is an instrument—a chastity belt—to prevent the Liberal Democrats jumping into bed with any other political association. If that is the case, and I believe it to be so, we should look at these arrangements and proposals exactly in that cynical light.

4.51 pm

Lord Rennard: My Lords, I wish to address the measures announced in the gracious Speech that relate to fixed-term parliaments, the alternative vote referendum and the principle of moving to more equal-sized electorates in constituencies.

As someone who has worked both as a volunteer and a professional in the last 10 general election campaigns, I personally welcome the proposal for fixed-term Parliaments in future. It is not just a matter of personal convenience to be able to plan your holidays and work around the known dates of elections nor a matter of assisting everyone involved in planning the campaigns, including the staff, the parties and the media, but an important democratic principle.

It has always seemed unfair that the leader of one political party can choose polling day according to their own party's advantage. Of course, they sometimes make mistakes, such as Jim Callaghan in 1978 or Gordon Brown in 2007. But, by and large, the power to choose polling day based principally on examination of opinion poll or local election data has in the past given an unfair and undemocratic advantage to the party in government. That is why Opposition leaders have had good cause to complain. The noble Lord, Lord Kinnock, argued strongly for fixed-term parliaments in 1992. But Labour's addiction to power after 1997 meant that that was one of the many reforms that did not see the light of day in Labour's 13 years in office, although it resurfaced in its recent manifesto.

Since 1999, we have seen the Scottish Parliament and the Welsh Assembly function well with fixed-term parliaments, no one party having an overall majority, different coalitions being formed and periods of minority government. The sky did not fall in in response to any of that. Many noble Lords will also be aware of how most local authorities function on a fixed-term cycle based on elections every four years. In these councils, even a vote of 100 per cent of the members does not lead to a new set of elections. Councillors simply have to respect the voters' verdict and make it work over the four-year term.

Fixed-term parliaments work in many countries. In the United States, President Obama knows that he is elected for a four-year term to head the executive branch of the US Government. Nothing can alter that, short of impeachment. The noble Lord, Lord Elystan-Morgan, suggested that perhaps if a Prime Minister dies there should be a new general election, but in the United States if a President resigns or is assassinated, there is no new presidential election—the business of government continues.

There has of course been much debate today on the principle of how a general election might be triggered at an earlier point than the fixed term. My noble friend Lord Tyler pointed out that when introducing fixed-term parliaments for the Scottish Parliament and the Welsh Assembly, the previous Labour Government legislated to require a two-thirds vote for a new election to be triggered. To those who have said today that a Dissolution of Parliament should be triggered by a vote of 50 per cent plus one of the Members, I say that this would mean that we did not have a fixed-term parliament whenever one party, as is usually the case, had a majority. If a Government with a majority can vote for Dissolution and a general election then we will simply hand power back to the governing party to choose the time of the election. The 55 per cent rule is necessary—

Lord Falconer of Thoroton: My Lords, is it not the position that the coalition has more than 55 per cent of the MPs, and therefore it can trigger a general election whenever it likes?

Lord Rennard: Given the public commitments by both coalition parties, that clearly would not happen. The noble and learned Lord makes a good point, however. When we consider this fully and properly in due course and learn the lessons over this Parliament, perhaps the 55 per cent measure will be seen as an insufficient trigger. Perhaps his Government acted sensibly and wisely in the Scotland Act in ensuring that in Scotland, as in Wales and in Northern Ireland, a two-thirds majority is required. For this Parliament, though, 55 per cent provides stability.

Lord Mackay of Clashfern: Before the noble Lord goes on, is it not implicit in what is proposed in the coalition agreement that there should be a lost vote of confidence before there is a Dissolution?

Lord Rennard: It is probably logically necessary that there would have to be a vote of no confidence in the Government. If it were impossible to form a new Government, I have no doubt that Members in another place would vote for Dissolution by more than 55 per cent. That is what happens in the Scottish Parliament, for example: if the First Minister resigns and they are unable to elect a new First Minister, an election is triggered.

I draw the attention of noble Lords opposite to the manifesto on which they fought just three weeks ago. It pledged, and I quote it precisely, that Labour would provide legislation,

"to ensure Parliaments sit for a fixed term".

Please note carefully the word "ensure". Those who fought the election on the basis of "ensuring" that Parliament sat for a fixed term have some obligations to say how they would ensure that.

Lord Harris of Haringey: The noble Lord's point about a fixed term is interesting. He cited with approbation the fixed term for the US President being four years. In local government, as he knows, the fixed term is four years. Why does he think that a five-year term is appropriate in this context?

Lord Rennard: Actually, I have not argued that case; I have argued the case for a fixed-term parliament. I think that the argument that those in favour of five years would make is that this is the first time in British history that a Prime Minister has surrendered that supreme partisan advantage of being able to pick and choose polling day according to opinion poll ratings rather than the national interest. As the noble Lord, Lord Rooker, effectively pointed out earlier, this has often been deeply damaging for the long-term British economic interest.

Lord Campbell-Savours: I hope that the House will provide some additional injury time for the noble Lord due to the interventions that he is accepting. This is a question that I wanted to ask him on the Floor: was he involved in the decision to proceed with the 55 per cent? Does he know where that idea came from within the coalition? Was it a Liberal Democrat proposition, or did it come from the other end of the coalition?

Lord Rennard: The answer is no, I was not involved, and I do not know how it came out of the negotiations, but the 55 per cent is logical for this Parliament. As I have argued before with the noble and learned Lord, Lord Falconer, on "Newsnight", it is relevant and effective for this Parliament because it is the first time that this has been done. I think that the case is made.

The Earl of Onslow: Is the noble Lord really saying that we should introduce 55 per cent statutorily for one Parliament alone? That is gerrymandering of the worst order.

Lord Rennard: My Lords, I beg to disagree on the basis that if you do not have a percentage like that, you simply do not have a fixed-term parliament. If it is possible for one party with 50 per cent plus one of the seats in the House of Commons to trigger an election, you allow that party, for its own interests, to choose the time of the election, rather than have the fixed term that works in so many other countries.

Lord Falconer of Thoroton: I support fixed-term Parliaments but I completely fail to understand what is wrong with a provision that says there should be a fixed term for X years, subject to a case where the Government are defeated on an Opposition Motion of confidence.

Lord Rennard: My Lords, you see what is wrong with that when you look, for example, at the models of many other European countries, where there are fixed-term parliaments, multi-party coalitions, citizens' proportional representation, et cetera. If a Government fall there should always be the provision that it may be possible for another Prime Minister or other parties to form a Government. It is not necessarily logical that if one Prime Minister and one Government fall, you must assume that there will be a new general election. If you have terms of four or five years you must—as in Scotland and Wales, as noble Lords opposite legislated for 12 or 13 years ago—have provision for an alternative Government to be provided. If that is not possible, I accept that you must go to a general election.

My time is almost up and half of it has been taken up by noble Lords in other places. We will return to the very important arguments about the alternative vote referendum and to other points that need to be made in due course.

Lord McNally: Noble Lords are clearly getting a second wind but this is not the Second Reading of a Bill; nor will there be a vote on it at the end of the night. So can we still try to stick to eight minutes?

5.01 pm

The Lord Bishop of Bristol: My Lords, much of this afternoon's debate on the gracious Speech has focused on constitutional affairs and, in particular, on the reform of Parliament. I wish to introduce a note of light relief by addressing home affairs. I promise to use neither the phrase "five years" nor "55 per cent" in what I am about to say. There is much in the gracious Speech on home affairs which has arrested my attention. The foreword to the coalition's programme for government refers to the creation of a big society, matched by big citizens. This phrase has a built-in ambiguity but I think I understand the drift. I favour greater partnership between the Government and civil institutions, and welcome the affirmation of both local responsibility and the role of the voluntary sector. However, the state must be wise about the difference between the delegation of authority and the abrogation of responsibility.

The Deputy Prime Minister, as we have already heard, has described the Freedom Bill as the greatest shift of power to the people since 1832. These Benches had frequent anxieties about the previous Government's perceived tendency to restrict civil liberties, but the proposed changes will require careful scrutiny. I welcome the scrapping of the identity card scheme and of universal DNA databases to protect privacy. A change to the Scottish system of retaining the DNA profiles of those arrested but not convicted is probably right, though there is still a concern about how far this will reduce detection rates for serious offences. I am glad to see that the right to peaceful protest is to be safeguarded in light of the misuse of legislation designed to counter terrorism. There is a further need to restrict the use of the Regulation of Investigatory Powers Act 2000 to ensure that these powers are used only for the detection of serious crime, rather than more trivial matters.

This points to a further issue, which the noble Lord, Lord Goodhart, has pointed out, about the legal aid system. Many of us are concerned that the recent cost-driven reforms in both civil and criminal justice

[THE LORD BISHOP OF BRISTOL]
reduce remuneration for legal aid, and thereby restrict access to the law and the ability to mount a defence to charges. The Magna Carta—even before 1832—says,

"to no man shall we deny justice".

We urgently need to monitor this situation.

As far as I can see, the most controversial proposal in the police reform and social responsibility Bill is the direct election of supervisors for police forces. I share the view of many senior police officers that it risks further politicising policing and in a worst case scenario may allow eccentric or even sinister local interests to influence operations.

The system of indirectly elected police authorities allowed politicians to direct policy but safeguarded the operational independence of the police. Although the distinction between policy and operation is sometimes difficult to make, my fear is that this proposal might upset the proper balance of powers. It seems to me that local accountability is better pursued at the level of neighbourhood policing, as is already happening.

I worry about the language of "crackdown" on anti-social behaviour and alcohol-related violence, which often leads to tackling the symptoms rather than the underlying causes. For instance, it is easy to apply the law on anti-social behaviour to those with mental health problems, when we should be strengthening community mental health services. At the same time I welcome the proposal to ban the sale of alcohol below cost price and measures to restrict the sale of alcohol to children.

However, it needs to be said that there seems to a misconception in all of this that the major problem is binge drinking by "irresponsible people", but the reality is that alcohol abuse is a much wider public health problem and should be tackled by a wide range of measures, including minimum unit pricing. On this I commend the report by the Health Committee in the other place on alcohol published in January.

The coalition programme mentions,

"overhauling the system of rehabilitation to reduce reoffending and provide greater support … for the victims of crime".

I strongly support both these aims and instead of populist rhetoric and empty gestures I look forward to some well thought out measures in this area.

In conclusion, what seems most refreshing to many of us is that working together for the good of the country seems a far better way of going about things than much of what we have experienced in past times. I look forward to playing my part with my colleagues in building that big society matched by big citizens.

5.07 pm

The Earl of Onslow: My Lords, it is great to follow the right reverend Prelate the Bishop of Bristol. I hope that, unlike one of his predecessors, he will not be pursued across the roof of his burning palace by rioters in Bristol, which once happened.

Macaulay stated in 1834 that,

"we look at the essential characteristics of the Whig and the Tory, we may consider each of them as the representative of a great principle, essential to the welfare of nations. One is, in an especial manner, the guardian of liberty, and the other, of order. One is the moving power, and the other the steadying power of the state. One is the sail, without which society would make no progress, the other the ballast, without which there would be small safety in a tempest".

I hope that that exactly encapsulates the whole principle of this new coalition Government.

It is perfectly fair to say that Mr Cameron acted with supreme statesmanship immediately after the election, in which he was closely followed by Mr Clegg. This has resulted in a Government who I suggest are supported—or were supported at the polls—by more people than have supported any other Government since the advent of universal adult male suffrage, let alone universal suffrage. That gives this Government an essential ballast of authority to do the things that have to be done. It also combines those two principles—

Lord Harris of Haringey: Surely the principle of the moral authority which the noble Earl is talking about is when the Government have sought approval from the electorate for a particular set of legislative proposals—a manifesto. In this instance, both political parties have jettisoned their manifestos and the coalition agreement has never been put to the British people

The Earl of Onslow: My Lords, all Members of the House of Commons are elected on the Burkean principle: not as delegates but as representatives. I always have to think here, but the House knows what I mean. They are elected for their judgment. Thereby, when certain circumstances arise, as they did after this election, they had to make judgments on the facts as they were. The two leaders have taken a thoroughly great and statesmanlike decision.

I listened with great interest to the noble Lords, Lord Hunt, Lord Grocott and Lord Elystan-Morgan. I agreed essentially with them on fixed parliaments and the 55. If you say, as the noble Lord, Lord McNally, did, that the aim of the Government is to return power to the people, making sure that they cannot have an election seems a very odd way to do that. But then I did not go to university, so perhaps I do not understand that.

In 1923, as the noble Lord, Lord Elystan-Morgan, said, Bonar Law was elected on a programme of free trade. When he died, Baldwin succeeded him and felt that he had to go to the country to get a mandate for a basic change in policy. I see nothing immoral or wrong about that. In fact, I see morality and right about that. The concept of 55—I do not know whether it is 55 seats or 55 per cent; and nor do the Government who will have a consultation on that—seems absolutely wrong. If the Government have lost power in a vote of no confidence, then they must be allowed to recommend a dissolution.

In France in the 1870s, the Government were defeated. I am not sure of my exact historical facts, but the President either could not, or would not, grant a dissolution. So what did they say? They said the French equivalent of "Yippee! What we can do is swap about being in government and we do not have to go to the people and give them any choice". From then until 1940, when Pétain brought an end to the system—although it was reintroduced in 1945—the French had a Government every six weeks or months. If you have

fixed-term Parliaments and an enormous trigger for a dissolution, together with an element of proportional representation, we will turn into the Third and Fourth Republics as sure as night follows day. Do we really want to bring Mendès-France, Daladier and all those other interminable French politicians back into the Palace of Westminster as new Franglais politicians, or something like that?

This is not the way to go about it. If a Government lose command of the House of Commons, that represents the basis of our constitution. Only the House of Commons can raise the money for the King or Queen's Government to continue. If the Prime Minister loses the confidence of the House of Commons, he has to go—it is as simple as that—because he cannot raise the money to run the country, and that is why the House of Commons is, and has been for 300 years, the senior of the two Houses. This House, very wisely, gave up the right to raise tax some time in the 1340s. It did not give up the right to say, "No, you don't raise tax"—which is a different issue. That was what brought about 1911.

I shall briefly comment on some of the other things. Between 1999 and the election, I thought that this House worked better than at any time that I have been in it, and I have been in it since 1971. That is not as long as my noble friend Lord Ferrers, but that is impossible. We used to combine in odd coalitions all over the place when the Government made mistakes. I know that as night follows day, however good this Government are, they will do silly things. All Governments do. I thought of calling my new Liberal Whig noble friends noble acquaintances. The independent Tories, of whom my noble friend Lord Lucas is certainly one, used regularly to vote with the Liberals against the Conservatives during the previous Session. I did that on the American extradition treaty and on control orders, and I do not resile from that for one moment. It seems to me that as a Back Bencher on a big government side, it is your duty to be constructively disloyal, and I promise my noble friends on the Front Bench, both Liberal and Tory, that I will be constructively disloyal because that is the duty of somebody who is here and who paid their debt to their political masters some time in 1801, or it may have been 1717, I do not know. That is how I hope that this Government will go on. I wish them the most enormous success because they are full of good ideas and represent the greatest section of the voting public since universal adult male suffrage.

5.16 pm

Lord Lipsey: My Lords, I shall say a few words on electoral reform in general and AV in particular. I speak as a member of the Jenkins committee on electoral reform right back in 1998. It is interesting that, when the Commons wanted advice about how to change the electoral system, they chose a committee with four out of the five members being Members of this House. Unfortunately, two of them are no longer with us—Lord Jenkins and Lord Alexander—but my noble friend Lady Gould of Potternewton and I remain and I shall give a few reflections on the AV proposals from that perspective.

Your Lordships will recall that Jenkins proposed a system called AV+. That would constitute substituting AV for first past the post in single-member constituencies and creating additional members to make the system as a whole more proportional. So there were two legs to Jenkins: the AV leg and the plus leg. I supported, and still support, both, but I make no secret of the fact that I thought that the AV leg was decidedly the more shapely of the two on which Jenkins stood. Indeed, with my noble friend Lady Gould, I worked hard to design a plus that fell well short of the exact proportionality demanded by electoral reform fanatics. It seemed to me then, and it seems to me today, that proportionality of representation cuts across another equally valid concept: proportionality of power. We have seen tremendous evidence of this in this coalition agreement because to my mind the Lib Dems have got tremendous value for just 23 per cent of the votes in the general election.

First past the post in single-member constituencies will no longer do because the electoral facts that supported it no longer exist. In 1951, when the two big parties commanded 98 per cent of the vote in the country, it was a pretty fair approximation to MPs getting a majority in their constituencies. Nearly all of them did. However, in 2010, the two main parties polled only two-thirds of the national vote and the winning candidate had a majority of their electorate in under one-third of the seats. In 68 per cent of seats, they lacked that majority. By any standards, and leaving aside all the other arguments for electoral reform, that is a defective mandate for them to carry forward.

AV is not systemically more proportional than first past the post. It is not meant to be and it would not necessarily be more desirable if it were. AV does not, on the imperfect simulations that have been performed, make that much difference to the national overall election result. Nor, incidentally—and contrary to what Peter Lilley said in the debate in another place—does it greatly increase the chances of a hung Parliament; it marginally increases them. But that is not its purpose, either. Its purpose is as simple as it is right: to ensure that every MP has the support of more than half of his or her constituents. It needs no greater justification than that.

I am glad that the Government are proceeding towards an AV referendum, as would a Labour Government if they had won the election. Of course, the Lib Dems would like a more proportional system—they would like AV+, as I would, or STV—but it would be dangerous to move there in one leap.

With the proposal in the Queen's Speech, we have jumped the first fence on the electoral reform course, but I remind the House that we have jumped it not for the first time. The Labour Government in 1997 also promised a referendum on voting reform: Jenkins was to pave the way for that. It never happened, for it fell at the second fence—I am sorry about the steeplechase analogies, but I cannot help myself—of getting parliamentary approval. The third fence—the approval of the electorate, which might also have been tricky—was never faced.

The second fence will be hard to jump this time round, too. The fact is—it is no good beating about the bush on this—that a majority of MPs from the

[Lord Lipsey]
main governing party are against changing the system. Indeed, the Prime Minister is against changing the system. There is a commitment by the Conservatives to whip through a referendum Bill. I have never been a Whip, but I do not think that they will find it easy to persuade a majority of their party to back a referendum on something that they do not want to happen. I trust that the Labour Party will support the Bill, which it would have introduced itself in government, but no Government like to rely on opposition votes.

The situation has been made trickier by the coalition's decision to link the referendum on AV with the referendum to cut the size of the Commons and make constituencies more equal in size. I will not express a view on that proposal, but I have a clear view on the realpolitik of including it. The proposal to shrink the House of Commons is a threat to every single Member—not just the 65 who will lose their seats because there are fewer MPs, but the other 585 whose seats will be subject to redrawing by the Boundary Commission. Not one Member of the House of Commons can be absolutely confident, first, that their seat will survive; secondly, that with the redrawn boundaries it will be won by the party that holds it now; and, thirdly, because there will have to be reselection, that they will be the candidate for the seat when the election comes. By voting for the proposal to reduce the size of the House of Commons, Members will be taking a gallant decision to put their own futures at risk. I am sure that, as men of principle, they will do so, but I will not hold my breath.

My advice to the coalition, as an electoral reformer—I am a passionate believer in AV and in electoral reform in general—is to take things steadily. Let us have the AV Bill and referendum first. I very much hope that the British people will support it, as on its merits they should. Let us then have a separate attempt to legislate for a smaller House of Commons, based on the arguments for that change. Then let us take stock and see whether we want to go further and change the electoral system more radically, or whether we have had enough change for the time being and should let things settle. As chair of Make Votes Count, I have campaigned for electoral reform ever since I sat on Jenkins. One lesson that I have learnt is that often the price of going for the whole loaf is that you end up without even the crumbs.

Lord McIntosh of Haringey: My Lords, before the noble Lord, Lord Lipsey, sits down, I should apologise to him for muttering while he was speaking. However, he was referring to his golden age of 1951 and my muttering, which I should have aired aloud, was that in 1951 the party with fewer votes won the election.

Lord Lipsey: My Lords, as the noble Lord, Lord McIntosh, will know, there has been a huge debate among psephologists ever since. The question is whether that was an artefact of the fact that the Conservative Party did not stand in Northern Ireland or whether it was the real mandate of the people.

5.25 pm

Lord Phillips of Sudbury: My Lords, I start by congratulating the newly appointed Ministers—in particular, my noble friend Lord McNally. I believe that what has been done by David Cameron and Nick Clegg has been in the best traditions of the history of our democracy. It has not been an easy coalition to put together. I do not quite follow the noble Lord, Lord Harris, who suggests that there should have been a further general election after the coalition agreement was published.

Lord Harris of Haringey: My Lords, I am grateful to the noble Lord for giving way but I want to correct him. I was not suggesting that there should have been a further general election; I was saying that the claim of having some stupendous mandate by virtue of adding together the percentages of two lots of votes and saying that therefore everything should pass through without dissent because of that mandate cannot be made. That argument is destroyed by the fact that both manifestos were jettisoned in the coalition agreement.

Lord Phillips of Sudbury: My Lords, I am grateful for what the noble Lord says, but talking of both manifestos being jettisoned is just unreal. The fact is that neither party won an overall majority and in coalition there plainly has to be compromise on both sides. It is as simple as that: in effect, we were commanded by the public. I found that on doorstep after doorstep people were saying, "I hope that there is a hung Parliament because it's about time we had parties in Parliament co-operating".

I must confess that it is with some wistfulness that I look across at the Members on the Benches opposite, because after 40 years in opposition I am not sure how it is going to feel being part of the governing party, but there we are.

I think that we still have far too many Bills—22, I believe—in the programme. It is a really deep problem for this country and our democratic process that the amount of legislation is far beyond the capacity of the culture to understand, let alone digest. Although Nick Clegg has promised a great repeal bonanza, I hope sincerely that we will think hard about the way in which we proceed in both this House and the other place.

I should like to refer to the remark made by the noble Lord, Lord Strathclyde, when speaking on the Queen's Speech. He referred to the prospect of election to this Chamber, saying that,

> "if there is a demand for change, it must be addressed in a comprehensive way. Let me assure the House that proposals will be put before your Lordships at a formative stage".—[*Official Report*, 25/5/10; col. 22.]

The key phrase there is,

> "if there is a demand for change".

I believe that the only proper, democratic way in which we can measure whether there is a demand for change in the method by which this Chamber is composed is by holding a referendum. I must be honest with the House and say that it was not until having hospitality with the noble Lords, Lord Bach and Lord Bassam, an hour ago that I realised that it was part of the Labour Party's manifesto at the last election that there should indeed be a referendum to consider whether or not to elect this House wholly or mainly. I believe that that is absolutely essential—primarily because we do not own this House. We are servants of the public and

surely there can be no more fundamental change than to alter profoundly the way in which this place is composed. The public must decide that. Anything short of that will sell the public short. I hope that the noble Baroness, in summing up the debate, can tell the House that the Government will consider—and do so soon—the need for such a referendum.

I shall talk a little about legal aid, which is a bit of an orphan subject in this debate. The right reverend Prelate the Bishop of Bristol referred to it and my noble friend Lord Goodhart made a passing reference to it. Let us make no bones about it, legal aid has been ignored too much. It was one of the great achievements of the Attlee Government. In a country where lawmaking is out of control and one cannot move without reference to the law, which is ever more complex and all-embracing, it is a scandal that the legal aid scheme has—I cannot say "failed"—is in extreme ill health. There are deserts of legal aid in this country and they are growing. The number of solicitors' firms willing to do legal aid declines substantially every year. I have no time to go into the specifics but I hope that the Government will do more than what is suggested in the two lines in their programme and,

"carry out a fundamental review of Legal Aid to make it work more",

not "efficiently", as they say, but more effectively. In that regard I hope that they will note the fact that the Law Society, I am pleased to say, has at last undertaken an in-depth review of what it calls access to justice. An 80-page interim report is now circulating throughout the legal profession for feedback. I hope that the Government will act soon and work with that review in the hope that there can be some consensual reforms. That leads into what has been said about prisons and many other things.

In the two minutes that I have left, I shall refer to the charity and voluntary sector. The gracious Speech states:

"The role of social enterprises, charities and co-operatives in our public services will be enhanced".

I hope that it is not just in our public services that the Government will make every effort to aid and abet the wonderful voluntary sector that we have in this country—the glory in many ways of the culture of the United Kingdom. Again I suggest that we need a bit of a change of attitude by government to the voluntary sector.

Too often, with the best intentions in the world, ministries will take initiatives, often with substantial funds, and will work not through the sector itself from the bottom up but in far too impository a way. For example, I would recommend that nothing should be done nationally without the close involvement of the National Council for Voluntary Organisations, which is the umbrella body of the—what is it?—third of a million charities in this country, 90 per cent of which do not have single paid member of staff. I suggest even more strongly that nothing, but nothing, is done towards reviving and engaging citizenship, helping charity—which often gets to the parts that the state cannot reach, namely the most vulnerable and fragile in our society—other than by working with what is there. The most vital tools are the councils for voluntary service in every city and every county in this land. They work closely with their membership—a plethora of extraordinary organisations.

In all that, I hope that there will be bureaucratic proportionality because by God there has been overkill. I hope that there will be a degree of proper risk by the state realising that sometimes you have to chance your arm, even in government, for greater prizes and returns.

Last but by no means least, I hope that the Government will realise that for every pound that they spend—let alone every pound that they cut from the charity and voluntary sector—they are not merely denying the work that was paid for but cutting off the state and its agencies from a vast input of voluntary effort, time, compassion, knowledge and contact. Please will the Government think twice, thrice and four times before cutting a penny from the voluntary sector's budget?

5.34 pm

Lord Trefgarne: My Lords, perhaps I may ask your Lordships to put the following date in your diaries: 3 July 2012. There is a tiny thing going on at the East End of London—I think that they are opening the Olympic Games, or something—but the important event on that occasion is the 50th anniversary of my taking my seat in your Lordships' House. I had hoped that my noble friend Lord Coe would have me carry the flame up the last few hundred steps, but his office has been silent on that matter up till now.

I very much welcome and appreciate the gracious Speech which we are discussing today—the more so because it was significantly crafted by my right honourable friend the Prime Minister; of course the right honourable gentleman the Deputy Prime Minister made an important contribution as well, and I welcome that. I guess that I would have liked the gracious Speech even more if it had been solely crafted by my right honourable friend, but sadly, that was not to be.

Seriously, I would like to comment on one aspect of the gracious Speech which I very much appreciated. It was the language of the Speech which, this year, was so much better than in previous years. I am never quite certain who puts the gracious Speech into the language which Her Majesty reads out. Once, I ventured to table a Question on who had crafted the language. I was told that it is entirely lese-majeste to do such a thing and to remove my Question at once, which of course I did. This year, the Speech was in much better language than previously, and I greatly welcome that.

Thinking forward about the composition of your Lordships' House and the position of hereditary Peers like myself, of course I accept that, in the fullness of time, when reform is complete by whatever means we eventually decide, hereditary Peers such as me will inevitably disappear. I am naturally sorry about that, but it is the way it is. Back in 1999, the House of Lords Act passed with the concurrence of the majority of the hereditary Peers, who went thereafter in an orderly manner, following the agreement between my then noble friend Lord Cranborne and the then Lord Chancellor.

I suppose that it is worth commenting en passant that in any other country, if the Government of the day had forced through legislation to remove two-thirds of the opposition of one House of Parliament there would probably have been tanks on the streets. Not

[Lord Trefgarne]

here, my Lords. As I said, noble Lords went in an orderly and dignified manner following the agreement to which I referred.

Looking forward, I am not wholly opposed to the principle of a largely or partially elected House. I am not in favour of a wholly elected House because I think that there would be an important role for a number of appointed Peers within an elected House, so I adhere to the 80:20 per cent formula, which I hope will find some favour in due course. I believe that we should keep a place for, for example, the leaders of the churches. Today, we introduced the right reverend Prelate the Bishop of Guildford. I have to speak carefully; I live in his diocese. I rather fear that in any formula that I may suggest, the Bishop of Guildford might not continue to find a place in your Lordships' House. However, I think that the present formula, where there are 26 bishops from the Church of England in your Lordships' House, is a bit one-sided. I would welcome an arrangement where there were leaders of all the significant faiths represented in your Lordships' House. I suppose that that would naturally mean a reduction in the number of bishops from the Church of England. Noble Lords may then ask whether that challenges the position of the established Church. I suggest that that is a matter for another day.

I also want the retired service chiefs to continue to have a place in your Lordships' House. I emphasise that they should be retired service chiefs. The serving ones, of course, serve all different Administrations with enthusiasm and equal loyalty, but when they come here as a retired Marshal of the Royal Air Force or whatever, they render a considerable service. I like, too, to see one or two retired police chiefs; I see the noble Lord, Lord Dear, in his place. That is an excellent arrangement, and perhaps other senior figures in our society could come to the House.

There are disadvantages to an elected Chamber, not in principle perhaps but in practicality. I have no doubt whatever that a largely elected House would exercise the present powers of the House right up to the limit, and I have no doubt that when they got to the limit the House would argue for more powers. I can well see that our honourable and right honourable friends in another place would not much care for that, but if there were to be any increase in powers in your Lordships' House, there is only one place from which those powers could come—the other place—which would cause inevitable difficulty.

It is said that a second Chamber that was elected largely through proportional representation, as has been suggested, would create tensions between the two Houses that would be difficult to resolve. However, those difficulties are resolved quite satisfactorily in other countries such as the United States, so I do not believe that those things are insuperable. I therefore welcome and support the proposition that a significant number of Members of this House be selected by an election of one kind or another.

5.41 pm

Lord Campbell-Savours: My Lords, I wish to address two issues: first, the 55 per cent dissolution trigger; and, secondly, electoral reform, which I support.

I have spent the past week arguing with colleagues the possible merits of the 55 per cent proposal: that is, 55 per cent of the vote in a dissolution Division, not 55 per cent of the House of Commons—an issue that we may have to settle in the Division Lobbies in either the Commons or the House of Lords. That was until I saw live on BBC Parliament the speech of David Heath, which I can only describe as very interesting. He confirmed my view that a Motion of no confidence in the coalition that was carried by less than 55 per cent of the House would trigger the resignation of the Government but not the dissolution of a five-year Parliament.

Following the carrying of the no confidence Motion, attempts could be made to form an alternative coalition, and dissolution would arise only where it had proved impossible to create an alternative viable Government. In these circumstances, dissolution would, as he said to the Commons, be automatic. Therefore, I add, there would be no need to use the 55 per cent trigger. I have been arguing the possible merits of the 55 per cent trigger, but in the light of what David Heath has said I no longer believe that it is necessary. It is the combination of the attempt to create the alternative coalition within the five-year term, and the automatic dissolution if that attempt fails, that has changed the argument. I should make it clear that by alternative coalition I mean a new configuration of political parties in government.

I support electoral reform, and will set out the reasons why I support it. I find it hard to justify the election of a Government on a minority vote that is as low as 35 or 36 per cent, as happened with the previous Government. The stacking up of votes in safe seats does not serve the public interest. There is a tendency in first-past-the-post safe seats for some MPs to take life easy. Levels of service by MPs in marginal seats where results are less predictable can be far higher, and party structures in first-past-the-post safe seats are often flimsier and there is less political debate. Huge first-past-the-post majorities can dilute the incentive for MPs to reflect electoral concerns. That may suit the Whips and the Executive and make party discipline far easier, but the strong Government for which the public yearn is too often built only on Parliaments that lack adequate debate and accountability and often end up out of touch.

I now believe, after 13 years of a Labour Government, that if you want courageous and radical decision taking that addresses public anxieties you need to have far more volatility within the system and dynamic tension within political institutions, which means more marginal Parliaments. For all those reasons and others, I initiated a project 21 years ago in 1989 to invent, or so we thought, a new electoral system. From a blank piece of paper we devised and named the system of the supplementary vote, only to find years later that variations on it had previously been designed in Sri Lanka and the United States of America two centuries ago. In the UK, following evidence I gave to the Plant commission—my noble friend Lord Plant unfortunately is not with us today—the commission recommended it to the Labour Party. Since 1998, it has been used in all the mayoral elections nationally. If you look at the academic work, of which there is a lot, the supplementary vote system is often confused with the alternative vote.

The benefits of SV are too often attributed to AV, the effect of which is to obscure the defects in AV. It was seeking to avoid some of those defects which led us to design the new system of SV. The idea that under AV candidates can be elected only with at least 50 per cent of the vote is a myth. Under AV, it is perfectly possible to be elected with less than 40 per cent of the vote. It all depends on the number of additional preference votes cast. We have learnt from the mayoral elections under SV that it is often a minority of electors who cast additional preferences. Under the SV system, candidates have only a first and second preference, which is marked for simplicity with just an X. AV is far more complicated and difficult for the public to understand.

The second defect in AV is that third place candidates on the first count can win seats after the transfer of additional member preferences. They can simply leapfrog into pole position, again often with less than 40 per cent of all the votes or preferences cast during that election. I think that we will have trouble selling that to the electorate in a referendum, which worries me.

That is the joy of SV. All candidates after the first count are eliminated, apart from the top two. SV concentrates the mind of the electorate on who is likely to be in the run-off. It provides an incentive for people to use their second preferences as they can really influence a credible result. It blocks the extremes who can sometimes pick up large numbers of additional preferences under AV.

As I have already said, AV is often confused by academics all over the world. A lot of material is available, much of which is in our Library. That being the case, why not have an SV question in the referendum? Such a question could be justified on the basis that it is a variation on AV. The public need a system that is simple to interpret and understand.

Finally on SV, I believe that we should build an element of greater proportionality—not full PR. I would argue that if 10 per cent of all seats were list seats, with built-in safeguards against excesses by list members—there has been some experience of that in Scotland—we could create a healthy electoral system that is fairer. We should work on devising a credible list system. Perhaps some of us should get together and do that.

In finishing my contribution, I should like to say to the Liberal Democrat Benches that they have to make the coalition work. If they fail, they threaten the whole programme for electoral reform. For the public to support electoral reform, they will have to be convinced that coalition government is not weak government, but that it is strong government which works. The route they have taken is very high risk. I wish them luck.

5.50 pm

Lord Sanderson of Bowden: I agree entirely with what the noble Lord, Lord Gordon of Strathblane, said in his excellent speech about Scotland and the various elections we might be faced with in five years' time. I also agree with what he and the noble Lord, Lord Rooker, said about the rearrangements, if I may put it that way, in this House.

I want to concentrate on one sentence in the gracious Speech which states that a Bill will be introduced,

"to create fewer and more equal sized constituencies".

I shall not delve into the problems of AV. My political baptism was as a volunteer, coming through the ranks from branch to association and then to chairmanship of our own national union executive committee. The sentence about creating equal sized constituencies is very important and I was pleased to hear what my noble friend Lord McNally had to say in his opening speech. It sounds easy, but it easier said than done given the vested interests. I wish to make one or two points which should be addressed as the Government give the boundary commissions their marching orders. In passing, perhaps I can be bold and say to my own party, "Do not be fast asleep when these changes are being discussed". In my experience, our political opponents—here I refer to the Labour Party—are much better at dealing with maps and boundaries than ever our party has been.

What are the points to bear in mind? Fair votes means what it says: that, where possible, each person's vote should be equal to that of the next man or woman. Is this so now? Certainly not. I shall deal with the obvious anomalies first and then ask a few pertinent questions which arise from the devolved assemblies.

Taking Glasgow as a typical city of the UK, I estimate that at present the average constituency has approximately 60,000 people. In one of the shire counties, Cambridgeshire, South West Cambridge has an electorate of 88,857 and South East Cambridge one of 83,068. I cannot for the life of me see what this example is except standing equality of representation on its head. It is not an isolated example. Bedfordshire has seats in the high 70,000s and yet three of the four Liverpool seats are in the low 60,000s. The figures speak for themselves and the boundary commissions' membership must be made aware of the extreme disquiet that these anomalies create among those who study them.

Now is a good time to address these matters and, as legislation is required to cut the number of seats in the House of Commons—as I believe is common ground with our partners—then so be it. I realise that is upsetting for new MPs, who have to face a shake up of constituencies, but it must not be delayed as changes will take time to pass through the system. I hope that in any Bill brought forward the appeal timetable for the commissions' work will be looked at. In addition, as the key will no doubt be the building blocks of the local authority boundaries, it is not as straightforward as it may seem. However, it must be addressed. It has been the practice to combine local authority wards together to make up a parliamentary constituency, but if the map is drawn in such a way that these wards are smaller than the average, the result is smaller than average parliamentary constituencies, particularly in the cities. I have a question in this regard. Can we be certain that equalising the size of constituencies is the rule that the Government will instruct the commissions to follow? If not, why not? Surely that is the meaning of fair vote reform in the manifesto.

I shall say a few words about the size of constituencies in Wales and Scotland. Now that there are devolved Parliaments in each country, whose Members cover

[Lord Sanderson of Bowden]
many of the issues that used to be in the hands of their Westminster MPs, is it fair that those constituencies should in many cases be much smaller than their English counterparts? Coming as I do from Scotland, I see some glaring examples of unfair voting arrangements which do nothing for equality of representation.

I realise that the Western Isles is an island situation, as is Orkney and Shetland, but given that they have Holyrood Members in addition, is it fair that they should have electorates for Westminster of 22,000-odd and 33,000-odd respectively? I think not. If there is to be a cut in the number of seats and a consequent enlargement of constituencies, it would be possible and practical to link Orkney and Shetland to Caithness and Sutherland, making an electorate of 80,000, and the Western Isles with Ross, Skye and Lochaber, making an electorate 74,000-odd. Therefore, my second question is about Scotland. Will the Government instruct the Boundary Commission for Scotland to consult its English opposite number to ensure fair votes? Will the chairmen of the respective boundary commissions in each country be told that there are no no-go areas, as I understand was the case when the Scottish island situation was last discussed?

In Wales, I notice some quite small electorates compared to England; for example, Arfon, with 41,000-odd voters, and Aberconwy, with 44,500. They seem small when one considers that they have the benefit of a Welsh Assembly as well. In contrast, over the border in England, the Hereford constituency has 71,000 voters. That seems wrong.

I know that these questions could be interpreted as trying to tell the Government that all is not well in the boundaries area, but I firmly believe that to be the case. I trust that my noble friends will agree and realise that in order to do anything this side of a general election, the work has to start soon, with the guidelines for the commissions clearly stated and published to ensure transparency.

I wish the joint Front-Bench team well as they start their work together. In the days of Gladstone, who started life on the Tory Benches when Pitt, Liverpool, Canning and Peel were around, our party was a reforming party. In the years between 1846 and 1859, there was no monopoly of Whigs or Tories that undertook the many reforms. Gladstone was a leading light in many of those reforms, including colonial self-government for Canada, Australia and New Zealand and the reform of the Civil Service and the universities. However, I must remind my noble friends here from the Liberal Democrat Party that it was the Conservatives who brought forward the second Reform Act of 1867. If history is to repeat itself, changes that give equal value to the citizen must be accomplished within the lifetime of this Government.

5.58 pm

Lord Falconer of Thoroton: My Lords, I congratulate the noble Lord, Lord Bichard, on this genuinely good maiden speech. He has very much to offer this House. He was the Permanent Secretary at the Department for Education and Employment from 1997 till 2001, and he practised what he preached. He achieved a lot by change. We have much to learn from him.

I also congratulate with real sincerity the noble Lord, Lord McNally, on his appointment to the Ministry of Justice. He is somebody of real warmth and ability who is extremely popular in this House, and we all genuinely wish him very well.

My noble friend Lady Jay of Paddington wished to speak today; the noble Lord, Lord McNally, should be grateful that she did not. She would have mentioned how loyally the noble Lord served her father and the Labour Party, then how loyally he served the Liberal Democrats and, now, how loyally he serves the noble Lord, Lord Strathclyde, the self-styled tubby toddler.

Lord McNally: She did give me a message—she said, "Jim must be spinning in his grave".

Lord Falconer of Thoroton: The noble Earl, Lord Ferrers, in an excellent speech, mentioned the no confidence vote in 1979. The noble Lord, Lord McNally, will remember what Jim Callaghan said describing that event—"Turkeys voting for an early Christmas". I assume that it is that memory that has led the noble Lord to argue for a fixed-term Parliament, so that if the turkeys with whom he now associates lose a vote of confidence, they will not have to leave government.

What a marvellous sight the coalition is! The language of Cameron and Clegg is the language of love. It reminds me painfully of those "Spitting Image" programmes in the 1980s. Do noble Lords remember the noble Lords, Lord Owen and Lord Steel, and the boy David nurtured in the arms of the noble Lord, Lord Owen? They had to choose a name for the leader and David Owen suggested that there should be one name from the Liberals—say, David—and one name from the SDP—say, Owen.

New politics—a coalition, and an opportunity to achieve through Parliament changes to the constitution which could be for the benefit of the whole country. There is a huge opportunity offered by this new politics, one which is in the process of being horribly lost. At the heart of the constitutional proposals are attempts to reduce the ability of Parliament to stand up to and restrain the Executive; proposals to prevent the Commons from forcing an election; proposals to make this House a creature of the Executive—something that it has not been since the late 1950s, when this House did not even bother to have votes, because a Tory Government down the road and all the Tories here did not think it worth while.

I think that a fixed-term Parliament is a good idea; it is a good idea to take away from the Prime Minister of the day the power to determine the date of the election. But depriving him of that power has to be consistent with the basic principle of our constitution—that the Government are selected by the House of Commons and survive only as long as they enjoy a majority in the House of Commons. For well over 110 years, whenever a vote of confidence has been lost in the House of Commons, the Government then go straight to the country. Why is that? It should not be us or them down there who choose who should be the next Government; it should be the public who choose.

Mr David Heath, the deputy leader of the House of Commons, suggested that there was an exception to that, when Mr Stanley Baldwin was defeated at the

end of 1923 and Mr Ramsay MacDonald formed the first Labour Government. What happened in 1923 was that Mr Stanley Baldwin was defeated on the King's Speech. The position should clearly be that if the Government fail to get the confidence of the House of Commons after an election, the right thing is not to ask the public to think again in a new election, but then and only then to choose a new Government in the Commons.

The twin aims of depriving the Prime Minister of the right to fix the election date while preserving the bedrock principle that if the Government lose the confidence of the House they should call an election can be achieved with a Bill that said that there should be a fixed-term parliament of X years subject to the PM having an obligation to advise Her Majesty to have a general election when his Government had obtained the confidence of the House of Commons but then been defeated on an opposition vote of confidence. That would meet every aim that the coalition has. Why on earth has it proposed this 55 per cent? As my noble friend Lord Hunt said, a whole variety of different reasons have been suggested. But think what the consequences of that 55 per cent are. First, it means that this Government are not affected by the fixed-term Act because they have more than 55 per cent of the MPs. Secondly, well over half the years since 1945 have involved Governments with more than 55 per cent of the MPs, so it is likely that in years to come this provision would not apply to most Governments. Thirdly, what would happen if the coalition split up? Fifty-three per cent is the number of non-Tory MPs in the Commons. If there was a vote of confidence—

The Earl of Onslow: If the party had more than 55 per cent of the MPs and the Prime Minister wished to call an early election after three and a half years, all the party has to do is to get 55 per cent in the election and, lo and behold, it gets an election and the fixed-term Parliament is quashed.

Lord Falconer of Thoroton: The noble Earl has got it completely. That is exactly the point. The coalition Government can have an election whenever they want. They say now that it will be on 15 May 2015. Can noble Lords imagine a Prime Minister saying, in two years' time, that circumstances have changed, and that of course it was right then to commit themselves to 15 May 2015 but the right thing to do now is for the country to see whether, in the current circumstances, it wants to go on with the current Government. It is a totally bogus piece of legislation as far as concerns the current Government.

I was about to talk about what happens when the coalition splits up. On the basis of the 55 per cent, if it splits up and is then defeated in a vote of confidence by the 53 per cent of non-Tories, there would not be a Dissolution. Until Mr David Heath spoke on Tuesday there would have been, as I describe it, a zombie Government. There would not be an Opposition who wanted to form a Government and the Conservative Government would not have the confidence of the Commons. What would then happen? I assume that there would have to be an election. If there has to be an election in those circumstances, why is there this 55 per cent in the first place? It is obviously a botched attempt by the coalition to stay in power even though it had lost the confidence of the House of Commons. I hope that it will admit that as soon as possible.

That sort of problem is something that this House would be incredibly good at fixing. However, we read in the newspapers of an intention to stuff this House with 100 coalition-supporting Peers. I am sure that it is not true and that the noble Baroness, Lady Neville-Jones, will confirm that, because then Parliament would lose the one part of the body that has stood up to the Executive over the past 10 or 11 years.

The last point I want to make is that there was a sinister reference to the Salisbury convention by the noble Lord, Lord Strathclyde. Members of this House will remember that the Salisbury convention has at its heart the proposition that if the electorate has endorsed something—for example the Labour Party's proposals in 1945—it would be wrong for this House to reject it. It cannot seriously be suggested that because fixed-term Parliaments were referred to in the Liberal Democrat manifesto—the Liberal Democrats who lost more seats than they had before—that that represents endorsement by the electorate. If that is the case, then the coalition has very severely lost its way.

6.07 pm

Baroness Hamwee: My Lords, in our parliamentary new world, I would like to talk about one area of work already trailed by the noble Lords, Lord Filkin and Lord Rooker, and on which the House, through its working groups, prompted by the Lord Speaker, have already done a great deal of work. It is work for which this House would be particularly well suited with or without the Commons and the Joint Committees. We would be well suited because the work would and should involve all sides of the House and the coalition Government have made clear their intention not to be exclusive, because good government should be as inclusive as possible. That is the way to the best outcomes.

Having a coalition Government does not exempt any Member of the House, whether or not his party holds office, from holding the Government to account and scrutinising their decisions and actions. There is a distinction between government and Parliament that has been eroded over the years. I disagree with the noble and learned Lord, Lord Falconer, about that.

I have not been the only one of your Lordships over many years to question the quantity of legislation with which Parliament and the real outside world is faced and to ask whether it is necessary. Is not its objective covered by earlier legislation? Is legislation always the best way to address a particular problem? I suggest that the time is right—as the noble Lord, Lord Filkin, put it, "Let's stop talking and start doing"—for the House to put in place a structure for post-legislative scrutiny. It should ask whether a particular Act has achieved what it was intended to achieve, which is not necessarily the same question as the merits of the underlying policy. Does it succeed in its own terms?It would be interesting to know in some cases whether all the parts of an Act have actually come into force, and how much has lain fallow.

What has the impact been on those who work in the particular policy area? Taking evidence would be valuable; we do so a little now at the pre-legislative stage, and I

[Baroness Hamwee]
welcome the Government's proposals for public reading stages of Bills, building perhaps on the Scottish approach. I welcome the view that no one has the monopoly on wisdom—or, if anyone does, it is those who are affected, not those who make the laws. I am sure that we would all have our own candidates for such evaluation or re-evaluation, and I am not going to go down the route of choosing or suggesting those candidates now.

Scrutiny, however, is not just a job for opposition. Indeed, I found in another sphere of government that there would be alliances between supporters and opponents of a given project, both vigorous questioners—the opponents because they wanted to find the weaknesses and the supporters because they wanted the project to succeed. I welcome the reports of the working groups that have been referred to today, and I trust that they will be pursued.

This seemed to be an occasion on which to raise that issue, although I realise it is important today not to be thought to be inward-looking. There are major matters of policy as well as of procedure. I have commented on the quantity of legislation in the past. Having no new legislation for a year and not many orders either would be an attractive thought but it is not going to happen, certainly not with a new Government—although we all recognise the public's preference, as the noble and learned Lord, Lord Howe, put it some hours ago, for being left alone.

However, significant parts of the coalition's programme for government are about the repeals of laws, especially in the area of civil liberties. The freedom Bill—the Liberal Democrats published such a Bill in draft some time ago—is about restoring freedoms to the citizens and rolling back the overintrusive state. I hope this will mean, among other things, an end to the notices that I find offensive around the parliamentary estate about the "offence" of trespass in what, above all, should be a public building. It was particularly sad that on the day of the Queen's Speech, Brian Haw was arrested and the Mayor of London started proceedings to remove protesters from Parliament Square. The coalition Government are set to restore rights to non-violent protest. I believe that the Metropolitan Police commissioner commented:

> "The one thing we would look for in any government is to properly clarify around Parliament what it is they want and what they do not want".

I look forward to clarification and confirmation of these citizens' rights.

Part of pushing back the state—or, as the Minister put it, the citizens' control over the state—is acknowledging that other entities in the world of government may make mistakes, or what central government regards as mistakes. There is a degree of bravery required to let go. The previous Government dealt in earned freedoms and flexibilities for local government, and our coalition partners were very critical of that and argued the localism agenda. I could go further back in history, but I shall just say that I hope that neither of the coalition partners this time will bottle it. We should acknowledge that some local authorities will do things that central government does not like, and we should be careful about the constraints imposed or retained because central government thinks that it knows either how best to make savings or how best to set standards.

We need to recognise some dilemmas. The noble Lord, Lord Hunt, referred to CCTV. I have often felt that local authorities are pulled in two directions on this issue: public calls for CCTV for crime prevention, and public concerns about liberties. I suppose that the answer is somewhere in proper regulation.

One policy area which is moving fast is education, with the plans for academies. I have always thought that schools are central to a local authority's operation because they are central to the local community. I am sure that Parliament will look at how academies fit into the localism agenda when it looks at localism in the round. Local government is not in for an easy time. One concern that I have is the perhaps unmanageably high expectations and demands that will be made of the voluntary sector in providing services. There are many in this House who will ensure that we do not lose sight of that. My noble friend Lord Phillips of Sudbury has already drawn our attention to this.

There are many more areas of Home Office policy than one can cover. Immigration proved in the election to be a thorny area, not least for my party. I hope we will look at the issues in the round and address what causes people such anxiety, not least housing and jobs. I am ashamed to say that in my own borough candidates with an obviously Asian name did not get elected, while others of the same party were elected in the same ward. It has made me wonder what people today would have made of my name on the ballot paper.

The House expressed its concerns on control orders not so long ago. I look forward to putting our legislation where our speeches are. Sentencing was mentioned by those who can speak far more authoritatively than I can. I will simply say that it is a happy coincidence that the approach to sentencing trailed by the programme for government, including neighbourhood justice panels, restorative justice and so on, is also money-saving.

In summary, on the whole: the less legislation the better. Let us find ways of reviewing legislation already on the statute book—and whatever may join it—through mechanisms at which I think this House could excel. In Parliament, as in life, it is not just what you do; it is the way that you do it.

6.17 pm

Lord Bach: My Lords, we have enjoyed a valuable debate on several critical issues that face the country—constitutional reform, crime and justice and local government. Some major themes emerged. To try to get some easy popularity, let me tell noble Lords that I intend to be fairly short in my response tonight. I am sure the House will want rather more to hear what a new Minister has to say than hear from an ex-Minister whose voice it may have heard rather too much over the last few years.

Noble Lords: Never!

Lord Bach: That is precisely the response that I was looking for. I am tempted to sit down now but I cannot before saying how much I enjoyed, as did the House, the maiden speech of the noble Lord, Lord

Bichard. He was and still is an outstanding public servant. I first knew him—I do not think he knew who I was—when he was Permanent Secretary at the Department for Education and Employment. More recently, he left his position as chairman of the Legal Services Commission at almost precisely the moment that I became the Minister for Legal Aid. I do not think that was anything other than coincidental.

I welcome the two Ministers, as have all other noble Lords on all sides, and congratulate them on their appointment. The noble Lord, Lord McNally, is in a great department of state and has inherited the best private office in Whitehall—I mean the personnel rather than the building. He is much admired in this House for his wit, his intelligence and, not least, his experience. He is much appreciated, not least by me, who, alongside the former Leader of the House, my noble friend Lady Ashton, worked very closely with the noble Lord on the Lisbon treaty Bill, ensuring that the Conservatives made no amendments to it. How well we pro-Europeans work together; how well we resisted the Conservatives who were out, as the noble Lord will well recall, to wreck the Bill. A little more seriously, I remember how politically brave the noble Lord was within the confines of his own party. I think he will know what I mean by that.

Now, less than two years on, the scene is very different and the noble Lord—I hope that he will forgive me for describing him as always having been a politician of the centre left—now sits on the government Front Bench. He is surrounded—that was certainly the case earlier this week—some might say smothered, by the Conservatives. There he is, Tories to the left of him, Tories to the right of him, into the valley of Tory scepticism, the noble Lord—I am afraid for the moment, at least—charges on. Where are his Lib-Dem colleagues? They are certainly not within his sights. They have remarkably said rather less in this debate than they normally do in debates of this kind and I think that they have looked a little glum. Does the noble Lord sometimes in the watches of the night—perhaps not yet, but soon—think to himself, "What have I and my party got ourselves into?"? Even the thought of seeing his beloved Blackpool football club playing in the premiership for at least one season cannot be a complete panacea to the noble Lord for the position in which he finds himself, or soon will find himself.

I am sure there is nothing in all this that causes any concern to the noble Baroness, Lady Neville-Jones. As a true Conservative, she knows where she stands, and that is certainly not shoulder to shoulder with the Liberal Democrats. Her job as security Minister is, as the House recognises, a crucial one for all of us and for all the citizens outside and we wish her the very best of luck with it. She will have to face—I am sure that she has already in her few weeks in the job—the real dilemma that anyone holding that post has of reconciling security with civil liberties. We hope that she will be every bit as robust in the way in which she approaches her job as was her predecessor, my noble and gallant friend Lord West.

I wish to deal briefly with two or three major issues that have arisen. The first is security. It is central to what people expect from their Government. That is why the Labour Government's achievement in reducing the crime rate is so important a part of our record. It was down by 36 per cent and violent crime by more. We were the first Government since World War Two to achieve this. In the past few years, there was less chance of being a victim than there had been for many years previously. There were many factors in this, a number of which came up in the debate. Of course, one of them was policing policy, about which the noble Baroness will speak in this House. Others included giving extra money and resources to poorer parts of our country. It should not be forgotten how many communities have been completely restored by the efforts that have been made, led by the previous Government. Even during the recent recession there has been up till now no evidence of an increase in acquisitive crime, as there was in the previous recessions of the 1980s and 1990s. But there is another reason too and although it is sometimes hard to say it, I will do so. The fact that more serious criminals are in prison for longer is another factor in the crime rate going down. Although we must of course look carefully at the relationship between prison sentences and community sentences—we expect the new Government to look carefully at that—there will always be people who are bad, who have to serve prison sentences. Everyone has to accept that. We look forward very much to hearing the new Government's policy on that matter.

CCTV and DNA are two different ways in which a great deal of crime has been stopped. I say to the noble Baroness, please be careful how you approach the whole issue of DNA. This has actually caught many very serious criminals, and also some who were not prosecuted at the time but whose DNA was taken and kept for a period. It proved later to be absolutely crucial in putting them where they belong—behind bars. Perhaps I may advise the new Government to walk cautiously in that field.

As far as constitutional and House of Lords reform is concerned, the House will be pleased that I shall say very little now. The House felt that my noble friend Lord Hunt set out the Labour Opposition's views with great clarity and power. Many noble Lords on all sides have commented; not least my noble and learned friend Lord Falconer of Thoroton. I agree with everything that he said.

We can place on one side the absurdly overhyped announcement by the Deputy Prime Minister a few weeks ago, and his lack of graciousness—if I may use that phrase—in not accepting, as the Prime Minister himself did, that the Labour Government left behind a more open society. Perhaps the Deputy Prime Minister was a little carried away by his new and perhaps unexpected position. This side will look carefully, but fairly, at proposals when they emerge in legislative form. However, any quick fixes will be resisted with all the powers available to us.

I shall give one example which may seem small, but we think that it is important—the intended outrageous, anti-local Bill to stop Norwich and Exeter becoming unitary authorities. I say from this Dispatch Box that we will fight that Bill with all the powers that we have.

On the police, it is extraordinary that the coalition is pushing through the idea of elected police commissioners in the face of practically near-universal

[LORD BACH]

opposition. It is even more extraordinary that the Liberal Democrats are going along with this, because they forcefully spoke out against it in the past. Very effective on this was the right honourable Chris Huhne, who only last year said:

"The last thing the British police need is an elected sheriff leading the shootout at the OK Corall. Accountability must come from a broad-based police authority elected to represent all strands of the local community".

The Government should listen to the president of the Police Superintendents' Association. He said:

"We, the professionals, know about policing. There is no support for directly elected Commissioners within the Police Service. Make consultation your priority; do not adopt an entrenched and predetermined position and above all do not recklessly abandon the British model of Policing that is admired and respected across the world for short term political dogma and theory".

I implore the Government to think again and I strongly advise the Liberal Democrat part of the coalition to stand by what it stood for so recently.

The Labour Government had much to be proud of in the fields that we have discussed. It included a more open society at home—for example, gender equality, sexual orientation equality and race equality. I have to say that much of the legislation was opposed by the Conservatives. There was the dramatic fall in crime, including violent crime. From comprehensively tackling domestic violence, which has not be spoken about enough, to many constitutional changes—many made with the help of the Liberal Democrats—we have tried, not always successfully, to look for political consensus, rather than trying to ram through constitutional change, which, taken in the face of great opposition, will never succeed.

We will suspend judgment on the new Government, of course, but their opening moves have not been entirely auspicious. First, there is complete confusion about their policy on the building of prison places and on allowing prisoners the right to vote. On that, I have two questions to ask the noble Baroness. What is the Government's policy on the prison building programme? What is the Government's policy on prisoners' right to vote? Secondly, the coalition has also agreed to push ahead with elected police commissioners in the face of almost universal opposition, including from the Liberal Democrats. Thirdly, the cap on non-EU immigration is to be implemented, supported by the Liberal Democrats, even though, during the recent general election, their leader was more than eloquent in his total opposition to that policy. Is that a sacrifice that the Liberal Democrats are prepared to make for a cap policy on immigration, crude as it is, which they opposed so thoroughly at the last election? Let us be fair and see what comes next.

On this side of the House, our concern is that those who will suffer will be the poor and the vulnerable, who are the people who are always the main victims of crime and are always the ones to pay when the public sector contracts too quickly or too much. This side of the House, along with many other Members all around the House, will see it as our duty and our imperative to protect those people against the ravages that seem certain to come.

6.30 pm

The Minister of State, Home Office (Baroness Neville-Jones): My Lords, this debate on Her Majesty's gracious Speech has been extremely wide ranging and very stimulating. We do credit to ourselves in the quality and imagination that has been injected into a great deal of the interventions, and there have been 49 speakers. Before I do anything else, I join noble Lords in welcoming the noble Lord, Lord Bichard, to our House and congratulate him on his excellent speech.

It is very gratifying that the work of the Home Office, the Ministry of Justice and the Department for Communities and Local Government should attract such a long list of speakers, but it makes for a difficult task in winding up. We will undoubtedly return to all these topics in due course, which will give the Government an opportunity for fuller replies, so I hope that I may be forgiven if I do not tonight cover all the points that have been raised. I will endeavour to write on any substantive points that I miss.

Before I go to the substance, I want to take this opportunity to acknowledge the contribution not only of those who took part in today's discussion but of the Ministers in the previous Government who were involved in the affairs that we have discussed today, particularly the noble Lords, Lord West, Lord Hunt and Lord Bach. While in some areas of policy there will be changes of direction under this Government, in others it is clear that we shall be building on what our predecessors have done.

This Government have a strap line: freedom, fairness and responsibility. These themes run through the Government's programme, and they have run through today's debate with a strong focus on the citizen: the individual's relationship with the state, the individual's right to participate actively in the running of the society to which he belongs and the importance of people taking time and trouble to exercise those rights responsibly.

Before I turn to some of the more detailed points, I want to underline what my noble friend Lord McNally said when he opened this debate: this Government will be steadfast in their defence of civil liberties, and I say to the noble Lord, Lord Bach, that anybody who knows me knows that I am entirely comfortable sitting next door to my noble friend Lord McNally.

Protecting the public and safeguarding our liberties are not mutually exclusive. They are not a zero-sum game; the more of one, the less of the other. Indeed, one might ask: what is the point of security in a society if it is not free, if not to preserve the values that we believe in and stand for? We will not compromise our national security in the face of a serious and continuing threat. As the noble Lord, Lord Bach, rightly said, that is my particular responsibility. For me, the first duty of government is to protect a free society.

In this debate, the Home Office and the Ministry of Justice have been brigaded together. Hearing the remarks made by some noble Lords, I hope that they do not think that with this brigading, somehow the Home Office will not always act proportionately. I stress that it is very important that the Home Office, in carrying

out the duties that are particular to it, does so always with proportion. We should not be solely in the business of protecting the state, since in the 21st century security, and national security, are about maintaining the prosperity and way of life of society as a whole. We come back to the theme that has run through our debate; the centrality of the citizen.

Before I go into more detail about the Home Office and the Government's programme, I will address the questions raised by noble Lords about constitutional and electoral reform. I am in danger of wading into deep water here. It is clear that the prospect of change raises mixed emotions in this House, and a considerable degree of excitement. The noble and learned Lord, Lord Falconer, said that a great opportunity for reform was being missed. Perhaps I might ask what the previous Government were doing for the past 13 years. Their enthusiasm for electoral reform was reserved for very near the election.

I turn to the substance of the debate. The noble Lord, Lord Hunt, and many other noble Lords, asked about legislation on AV and the referendum. He inquired about the timetable for both. The referendum is a priority for this Government and we plan to hold the poll as soon as possible. The precise timing will depend on the passage of the Bill through the two Houses. More information on timing will come with the introduction of the Bill in another place. The question to be put will be submitted to the Electoral Commission for comment on its intelligibility, to ensure that we get a good question. The choice will be between the current system and AV. The noble Lord, Lord Hunt, also asked about threshold and turnout, and a number of other more detailed questions. I am afraid that I cannot give him more information at present.

A number of questions were also asked about electoral issues that largely affect the other place. I do not propose to go into detail on those. The noble Lord, Lord Grocott, and others, suggested that speed in redrawing electoral boundaries might come at the expense of consultation. I entirely agree that consultation is important. However, many people might consider that the present system has created a situation in which the boundaries are out of date before they are ever used, as in the case of the last election, and that we need to improve the speed at which these things are done. We do not accept the thesis that larger constituencies lead to less accountability—there is not going to be such a radical change—nor that more equal-sized constituencies are a bad idea. We will allow small variations to accommodate local conditions.

The noble Lord, Lord Hunt, and many other noble Lords also raised the issue of reform of your Lordships' House. Indeed, I suppose that if there were a single issue on which we focused most, not surprisingly it was that. As the noble Lord noted, a committee is being set up but not, I think, on this occasion located in the long grass. Its composition is currently under consideration and the aim is that the committee should make recommendations by the end of the year.

My noble friend Lord McNally has already given some indications of the Government's broad direction of march on some of the important issues. The committee will look at the detail of these issues and such matters as the choice of the electoral system, the proportion of Members to be elected and the transitional arrangements, including some of the ones that we have discussed, such as grandfathering. These will also be matters for the committee, as indeed will the issue raised by the right reverend Prelate the Bishop of Leicester concerning the future position of Bishops in our House.

We on these Benches are well aware of the strength of feeling in this House, including that we should have some say in our own fate. I share it. The noble Lords, Lord Rooker and Lord Armstrong, made characteristically to-the-point speeches about the issues involved, including the question of powers. Ensuring that views expressed in this House are heard properly and are thoroughly considered is important. The Leader of the House has already made clear the possibility of timely discussion at a formative stage and I am sure that we shall want to enable that to happen.

I think that on the Benches opposite there is great excitement—perhaps I may put it that way—about the possible effect of what they see as being new appointments to this House. At the moment, there are no announcements so far as I know, only rumours. If there are new creations, I doubt that they will be only on one side of the House; I am sure that they will be on the other side, too.

There has been a certain amount of questioning about Parliaments being fixed for a term of five years. When I travelled abroad—and I used to do a great deal of that—I found that most countries found it pretty odd that we did not have a fixed term. We are, in our present state, extremely unusual. Many in this country have long thought that it would be a good thing to move to fixed-term Parliaments. A Parliament of five years does not seem to be outside the British tradition, so I feel that it is a perfectly reasonable figure on which to fix.

The question of 55 per cent is a sensitive issue. There were a number of very thoughtful contributions from noble Lords about the 55 per cent threshold, as well as the expression of some anxiety and, indeed, criticism. However, there is no hidden agenda. Such provisions are normal in the context of fixed Parliaments. If you have a fixed Parliament system, you tend to have a provision of this kind, particularly in countries where there are coalitions. Germany, for example, is no exception. Therefore, if we are botching this idea—to use the phrase of the noble and learned Lord, Lord Falconer—I suspect that so are many other countries.

The first point that I want to emphasise is that the Government's proposals on the 55 per cent vote for Dissolution do not affect the conventions relating to a confidence vote in the other place. A Government who lose a confidence Motion, even by a single vote, will have to resign. This is not about stopping Parliament dismissing a Government; it is about stopping a Government being able to dismiss Parliament. This is in the context of fixed terms.

Detailed consideration was also given to the matter in a debate in the other place on Tuesday night. It will receive further detailed scrutiny, first, when the Government publish a Motion in the other place stating the date of the next election and, secondly, when a Bill is introduced. The crucial thing is that

[Baroness Neville-Jones]
there is nothing unusual about requiring a percentage of a Chamber to vote for Dissolution. As we know, in Scotland the figure is two-thirds and in other countries there are different percentages. The 55 per cent was the threshold that the Government thought right for the UK. I have no doubt that further contributions will be made by noble Lords on that subject.

Lord Falconer of Thoroton: The noble and learned Lord, Lord Mackay of Clashfern, said that it was implicit in the coalition's proposal that the 55 per cent could be used by the Government for Dissolution only if there was a vote of no confidence prior to that. Is that correct?

Baroness Neville-Jones: I shall not venture into that territory because I do not think that I know the answer to that question. Clearly this is precisely the kind of issue that needs clarification. I entirely accept that.

Lord Elystan-Morgan: It seems to me that on Tuesday night David Heath was introducing a new institution into the situation, which was the period of 25, 30 or 35 days during which there would either be a failure to put together a Government, in which case there would be sudden death, or the whole matter would be prolonged. Was he speaking ex cathedra or not?

Baroness Neville-Jones: My Lords, I am certainly beyond my area of knowledge. These are matters of detail and we ought to allow—

Noble Lords: Oh!

Baroness Neville-Jones: Excuse me, they are. They are the details that surround the general principle and we need to formulate them. The House is absolutely right to wish to know these answers and we will bring them forward as soon as we can.

I want to refer to two other points of constitutional significance that were raised during the debate. The first concerned Scotland. The noble and learned Lord, Lord Boyd of Duncansby, who served on the Calman commission, asked about the timing of a Bill to implement the commission's recommendations. It is hoped that a Bill will be introduced in the autumn. Obviously, given its importance both Houses will want to give it careful consideration and it would be premature at this stage to anticipate when it will reach the statute book. However, the noble and learned Lord can be reassured that we want the Bill to make steady progress through Parliament. That is one of the things that we want to get through. I also confirm that on this issue the respect agenda goes across the political spectrum. Already this week, the noble and learned Lord, Lord Wallace of Tankerness, met the leader of Labour MSPs, at Mr Iain Gray's request, so the matter is under way.

My second point is the question of the Bill of Rights, which was raised by the noble Lord, Lord Goodhart. He asked whether the Bill would be UK-wide. The remit of the commission, which will consider many of the issues that he raised, is UK-wide but we will ensure—another point that he underlined—that the commitments made in the Good Friday agreement are respected.

I shall now turn to the Home Office side of the Government's programme. We have set out a clear shift in the Government's approach to a number of areas, such as ID cards. Your Lordships' House will not be surprised by that. As an indication of our determination to get on with this part of the agenda, legislation has already been introduced in the other place. Our commitment to civil liberties is nowhere more apparent than in the decision to wish to do this—to abolish not just identity cards but the national identity register, which would have contained up to 50 items of personal information for each individual and to which the cards would have been connected. We want to remove the notion that the state has the right or the need to collect and amass huge volumes of personal data of people and lodge them all in one place. I must also say that much can be done. A noble Lord said that we still have too much legislation; that is a sentiment with which I personally sympathise. In my view, much can be done without legislation.

I turn for a moment to counterterrorism policy, where that is certainly the case. We will maintain the framework of the CONTEST strategy, which we have always supported as conceptually sound—I pay tribute to those who formulated and pioneered it. It is a model that many other countries have looked to and imitated. It has proved its worth and we will build on it. As noble Lords may also be aware, we are reviewing one part of it: the operation of Prevent, which is not at present attaining its objective of preventing people becoming terrorists.

We believe that effective intervention with individuals needs to occur upstream of the prevention of violence and that that policy should be about more than the enforcement of the boundary between lawful and unlawful activity. We see cohesion as a separate issue.

We will also review control orders. Consistent with the security situation, our aim is to cease to have resort to them. They have big implications, so I hope that the House will allow us time to achieve that. We have also undertaken to consider detention before charge. That will come up quite soon. We will also look at the operation of stop-and-search powers in relation to terrorism. An especially difficult area is our ability to deport foreign nationals whose presence is not conducive to the public good. We will pursue that issue, despite the difficulty of getting assurances abroad.

Finally, on the more general security front, as the House knows, we have instituted the operation of the National Security Council. As the noble Lord, Lord McNally, said, we want in certain areas to roll back the powers of the state, reduce the weight of government on our citizens and the surveilling of law-abiding people. We will adopt the protections of the Scottish model of the DNA database, which, we believe, will provide us with the necessary instruments for good policing and crime detection. We will regulate with due note for balance CCTV cameras and we will restore rights to non-violent protest and historic freedoms such as the right to trial by jury.

Lord Campbell-Savours: I ask a question about the operation of the Intelligence and Security Committee, which is an independent committee of Parliament. Is the noble Baroness prepared to initiate work in her department on whether that could now be transformed into a full committee of both Houses?

Baroness Neville-Jones: My Lords, the Government intend to give the committee greater status, more powers and greater separation from the Executive. Exactly how that is to be done is being considered at the moment, but I think that a proposal will come forward shortly. We are certainly moving in the direction that the noble Lord wants.

The time has come to wind up. We will do considerable work in the area of police reform. The election of an individual to whom the police will report and be accountable will not manage or interfere with operational independence. There will be checks and balances accompanying such an individual. Perhaps I can go into more detail in due course; we will consult with the necessary bodies which have an interest.

Many other points were raised by noble Lords, including matters concerning the forthcoming legislation from the Department for Communities and Local Government, where we will push forward our agenda of localism. I will write to noble Lord, Lord Avebury, and the noble Baroness, Lady Whitaker, on the various points that they raised.

In conclusion, I hope very much that the reforms that we have outlined in the Government's legislative programme for this first Session will secure the ambition, which I am sure is shared in this House, of Britain being not just a safe and secure society but a free one. I commend the programme to your Lordships.

Debate adjourned until Wednesday next.

Lord Healey and Lord Hurd of Westwell took the oath.

House adjourned at 6.58 pm.

Written Statements

Thursday 27 May 2010

EU: Energy Council

Statement

Lord Marland: My honourable friend the Minister of State for Energy, Department of Energy and Climate (Charles Hendry) has made the following Written Ministerial Statement.

In advance of the forthcoming Energy Council in Brussels on 31 May, I am writing to you to outline the agenda items to be discussed. I will represent the UK.

The first item on the agenda is a progress report from the presidency about negotiations with the European Parliament on the proposal for a regulation on security of gas supply. We understand that the presidency aims to reach a first reading deal with the European Parliament by the end of June. The UK has worked very closely with the presidency, Commission and other like-minded member states and is pleased with the progress made so far.

There will then be an exchange of views on the energy aspects of the Europe 2020 growth strategy where member states are expected to seek clarity on the process for monitoring performance towards energy efficiency targets, in preparation for a wider discussion of the strategy at the June European Council.

This will be followed by a debate on the EU's future energy policy as a contribution to the development of the energy strategy for Europe 2011-2020. Discussion will focus on the Commission's "stock-taking" document. Ministers will also be asked to adopt conclusions on the document. The UK is content with the text of the conclusions, which set out high-level principles for the new energy strategy.

The Commission and presidency will update the Council on a number of international items: the EU-US Energy Council, EU-OPEC, the 12th International Energy Forum, the Euro-Mediterranean Partnership, the Energy Community Treaty and Russia/Ukraine. Finally, the Commission will present reports on the implementation of the European Energy Programme for Recovery; the Trans-European Energy Networks in the period 2007-09; and the Baltic Energy Market Interconnection Plan.

NHS: Prescription Charges

Statement

The Parliamentary Under-Secretary of State, Department of Health (Earl Howe): My honourable friend the Minister of State, Department of Health (Simon Burns) has made the following Written Ministerial Statement.

In 2008 Professor Ian Gilmore, President of the Royal College of Physicians, was asked to lead a review on how a prescription charge exemption for people with long-term conditions should be implemented, including how it would be phased in. He reported in November 2009.

I wish to thank Professor Ian Gilmore for his work on the report, which we are publishing today. He has undertaken a thorough analysis of the issues and has carefully considered the views of patient representative groups, charities and other interested parties.

Any decisions on future changes to the system of prescription charges and exemptions would need to be taken in the context of the next spending review, which is due to report in the autumn.

Professor Gilmore's report has been placed in the Library and copies are available for honourable Members in the Vote office.

Olympic Games 2012: Costs

Statement

Lord Shutt of Greetland: My honourable friend the Minister for Sport and the Olympics (Hugh Robertson) has made the following Written Ministerial Statement.

I am publishing today the Government Olympic Executive's Quarterly Economic Report – *London 2012 Olympic and Paralympic Games Quarterly Economic Report May 2010*. This report explains the latest budget position as at 31 March 2010, and outlines some of the many wider economic benefits to the UK.

The London 2012 Olympic and Paralympic Games remain on time and within budget. The Olympic Delivery Authority's (ODA) anticipated final cost (AFC) has again not significantly increased which, as of 31 March, was £7.267 billion compared to £7.262 billion at the end of the previous quarter (31 December 2009). Savings have also been made in the quarter in areas including transport, logistics and landscaping.

The majority of contingency remains unreleased and the ODA continues to make strong progress in preparing the venues and infrastructure in the Olympic Park, with over 65 per cent of the venues and infrastructure programme to the 2012 Games now completed. The main stadium has reached its full height with the recent addition of 14 floodlight gantries. The roof structures of the Aquatics Centre and Velodrome are constructed, as are the pools in the Aquatics Centre.

The London 2012 Olympic and Paralympic Games are continuing to help businesses and people through the recession. More than 1,000 companies have won direct contracts from the ODA worth more than £5 billion and, as of March 2010, a total of almost 10,000 people were working on the Olympic Park and Village. Twelve per cent of these workers were previously unemployed before starting work on the Olympic Park.

I would like to commend this report to the Members of both Houses and thank them for their continued interest in and support for the London 2012 Games.

Copies of the *Quarterly Economic Report May 2010* are available at www.culture.gov.uk and will be deposited in the Libraries of both Houses.

Police: Grants

Statement

The Minister of State, Home Office (Baroness Neville-Jones): My honourable friend the Minister of State for Policing and Criminal Justice (Nick Herbert) has today made the following Written Ministerial Statement.

As part of the Government's plan to cut the budget deficit and get the economy moving again, I am today confirming my intention to require the police to make a fair share of the savings needed. I welcome the responsible and constructive way in which policing partners have already responded to the Chancellor's announcement of his plans to reduce the national budget deficit.

Total Home Office cuts will be £367 million and in order to minimise the impact on the police service the Home Office will cut a greater than proportionate share of its central budget by bearing down on overheads and reducing waste, including significant cuts to consultancy services, marketing costs and travel. However, the police need to contribute towards the overall reduction and I will therefore ask every police authority to make a fair share of savings.

As a result, I intend to reduce this year's core government funding to the police by a total of £125 million. I intend to implement this by reducing the Home Office core police settlement and the capital grant. I will, in due course, formally lay before Parliament an amended *Police Grant Report* for 2010-11 which will be subject to the usual debate and approval process.

Even after this reduction, government funding to the police will still increase by £124 million this year to around £9.61 billion. Set out below are updated force allocations for the individual grants which I intend to revise. These have been calculated so that each force will face a cut equivalent to the same percentage of their core government funding.

I am confident that savings of less than 1 per cent of expected spending in 2010-11 by police authorities can be made while maintaining a front-line policing service. It is for chief constables to use their expertise and decide what makes most sense for their force, but I am quite clear that this saving can be achieved by driving out wasteful spending on support functions, reducing bureaucracy and increasing efficiency in key functions—leaving the frontline of policing strong and secure. I expect forces to be held to this by both police authorities and Her Majesty's Inspectorate of Constabulary.

For my part, I am clear that the police should be focused on police work, not paperwork. This is why I am committed to cutting the centrally imposed red tape and bureaucracy that slows police officers down and keeps them off the streets and away from protecting the public.

The Government have shown their commitment to the police service by undertaking to honour the third year of the current pay settlement for police officers. Our programme for Government has set out measures to ensure a sustainable front-line police service, including a full review of the remuneration and conditions of service for police officers and staff. We also commit in our programme for Government to establishing an independent commission to review the long-term affordability of public sector pensions, while protecting accrued rights. The Government are determined to ensure that we can provide affordable pensions to public servants into the future.

The spending review reporting in the autumn of this year will set funding levels beyond 2010-11.

Figure 1. Proposed new allocations of the Home Office core police settlement by force (subject to Parliamentary approval) and revised allocations of capital grant.

Police Authority	*2010-11 HO Police Grant as agreed February 2010 £m*	*2010-11 Proposed amended HO Police Grant £m*	*2010-11a Capital Grant as notified January 2010 £m*	*2010-11 Amended Capital Grant £m*
English Shire Authorities				
Avon & Somerset	116.1	113.5	3.3	3.0
Bedfordshire	44.6	43.6	1.3	1.2
Cambridgeshire	52.9	51.7	1.6	1.5
Cheshire	69.9	68.2	2.2	2.0
Cleveland	51.6	50.3	1.6	1.5
Cumbria	35.1	34.1	1.1	1.0
Derbyshire	69.6	68.0	2.0	1.9
Devon & Cornwall	117.0	114.4	3.4	3.2
Dorset	43.5	42.6	1.3	1.2
Durham	47.8	46.5	1.6	1.4
Essex	117.5	114.9	3.2	3.0
Gloucestershire	37.8	36.9	1.2	1.1
Hampshire	130.7	127.8	3.9	3.6
Hertfordshire	81.3	79.5	2.3	2.1
Humberside	72.7	70.9	2.2	2.0
Kent	123.4	120.7	3.5	3.3
Lancashire	116.8	113.9	3.5	3.2
Leicestershire	70.5	68.8	2.1	2.0
Lincolnshire	44.0	43.1	1.2	1.1
Norfolk	55.6	54.3	1.7	1.6

Figure 1. Proposed new allocations of the Home Office core police settlement by force (subject to Parliamentary approval) and revised allocations of capital grant.

Police Authority	*2010-11 HO Police Grant as agreed February 2010 £m*	*2010-11 Proposed amended HO Police Grant £m*	*2010-11a Capital Grant as notified January 2010 £m*	*2010-11 Amended Capital Grant £m*
North Yorkshire	49.1	48.0	1.5	1.4
Northamptonshire	47.0	45.9	1.4	1.3
Nottinghamshire	82.7	80.7	2.4	2.2
Staffordshire	73.2	71.5	2.1	2.0
Suffolk	45.5	44.5	1.4	1.3
Surrey	71.5	70.1	2.3	2.1
Sussex	107.6	105.2	3.1	2.9
Thames Valley	157.0	153.6	4.6	4.3
Warwickshire	35.1	34.4	1.5	1.5
West Mercia	74.7	73.0	2.3	2.1
Wiltshire	42.1	41.1	1.3	1.2
Shires Total	2,283.8	2,231.7	67.6	63.1
English Metropolitan Authorities				
Greater Manchester	253.2	246.8	7.4	6.9
Merseyside	142.2	138.4	4.2	3.9
Northumbria	117.4	113.9	4.1	3.8
South Yorkshire	110.2	107.4	3.3	3.1
West Midlands	277.4	270.5	7.9	7.3
West Yorkshire	194.0	189.2	5.6	5.2
Mets Total	1,094.4	1,066.1	32.6	30.1
London Authorities				
GLA - Police	1,169.5	1,141.5	38.4	36.0
City of London	23.3	22.3	1.1	1.0
English Total	4,571.0	4,461.6	139.8	130.3
Welsh Authorities				
Dyfed-Powys	35.2	34.4	1.0	0.9
Gwent	48.6	47.5	1.4	1.3
North Wales	48.5	47.4	1.5	1.4
South Wales	105.5	102.9	3.0	2.8
Welsh total	237.8	232.2	6.9	6.4
Total	4,808.8	4,693.8	146.7	136.7

Note: all allocations rounded to the nearest £0.1m.

Counterterrorism Policing

In addition to the reduction in core government funding to the police set out above, I intend to reduce resource funding for counterterrorism policing by £10 million in 10-11. The Government will none the less still be providing £569 million to forces through police counterterrorism specific grants this year, maintaining 09-10 funding levels.

Counterterrorism policing has benefited from 10 consecutive years of significant growth in funding. I will be taking advice from the police on the most appropriate way to find these savings to ensure that the police service retains the necessary capabilities to counter terrorist activity and support our national security.

Railways: High-speed Trains

Statement

Earl Attlee: My right honourable friend the Secretary of State for Transport (Mr Philip Hammond) has made the following Ministerial Statement.

The Government believe that high-speed rail has the potential to bring significant and long-lasting benefits for Britain's economy and society. But we also recognise that there can be unavoidable consequences for those who live closest to any route put forward for such a network, particularly when they urgently need to sell their property. It is for this reason that the Government are of the view that an exceptional hardship scheme is absolutely necessary to help those who are most directly and immediately affected.

Details of such how such an exceptional hardship scheme might operate were published for consultation on 11 March. In order to limit the delay for those in most urgent need of financial assistance, this consultation was due to run for 10 weeks, ending on 20 May. However, having received representations which argued that 10 weeks is not sufficient to allow all those with an interest to have the fullest possible opportunity to comment on these proposals, I announced last week that the deadline for that consultation would be extended by four weeks to 17 June.

In taking this decision, I have been aware of its implications for those in the most urgent need. Therefore, without prejudice to the outcome of the consultation,

I have asked my officials to put shadow arrangements in place so that, should a decision be taken to proceed with the scheme, applications can begin to be considered immediately. By bringing forward the timescale for applications in this way, I hope to minimise uncertainty for those affected and ensure that payments can be made as quickly as possible wherever appropriate.

Of course, anyone whose application is considered under such shadow arrangements will also have a right of appeal once the formal scheme is up and running.

Furthermore, once a route is chosen and safeguarded by the Government, eligible property owners will have access to statutory blight compensation.

Thursday 27 May 2010

ALPHABETICAL INDEX TO WRITTEN STATEMENTS

Col. No.

EU: Energy Council 13

NHS: Prescription Charges 13

Olympic Games 2012: Costs 14

Col. No.

Police: Grants 15

Railways: High-speed Trains 17

Volume 719
No. 5

Thursday
27 May 2010

CONTENTS

Thursday 27 May 2010

Introductions
The Lord Bishop of Guildford
Lord Hill of Oareford 133

Queen's Speech
Debate (3rd Day) 133

Written Statements .... *WS 13*