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Baroness Cox (CB): While recognising the enormous significance of these elections, is the noble Baroness aware that I recently visited the Thai-Burma border and Shan state, where I met refugees from Kachin and Shan states, where fighting with the Burmese army continues, displacing tens of thousands of civilians? What measures have Her Majesty’s Government taken to ensure the success of the national ceasefire agreement and to support credible, free and fair elections in Kachin and Northern Shan states, where the fighting continues?

Baroness Anelay of St Johns: My Lords, the noble Baroness is right: fine words from politicians need to be backed up with practical work. The UK is a leading member of the Peace Support Group. We are supporting the dialogue towards a national ceasefire agreement by funding experts who have direct experience of these matters to assist the process. We are putting our money where our mouth is: we are the largest bilateral donor to Kachin State and we announced a further £13.5 million for humanitarian work there in 2013. In addition, we have earmarked £3 million of flexible funding to support the peace process. It is practical work, but one has to have a long-term view and not give up in difficult circumstances.

Lord Wallace of Saltaire (LD): My Lords, we are well aware that the British Army has close relations with the Burmese army, and is currently providing training. The Burmese army has been running the country for too long, and factions within it are clearly not prepared to give up. That is part of the problem that we face. Will the Minister tell us how we and other defence representatives in Burma are working with the Burmese army to persuade it that civilian control is what it also should observe?

Baroness Anelay of St Johns: The noble Lord is aware, we discussed these matters when I worked with him. The Burmese military remains a clear political force in Burma. It is right that we should encourage and support reforms so that there is a completely civilian Government in future. Our defence engagement with the Tatmadaw is aimed at encouraging it to support the reform process through a programme of defence education work that is limited to non-combat education courses focused on the core principles of democratic accountability, international law and human rights.

Lord Alton of Liverpool (CB): My Lords—

Lord Howarth of Newport (Lab): My Lords—

Baroness Nye (Lab): My Lords—

Lord Tebbit (Con): My Lords—

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, it is actually the turn of the Conservative Party.
Lord Tebbit: My Lords, does my noble friend recollect that a couple of years ago, in this House, our noble friend Lord Lawson observed that a prerequisite of a democracy to work was that there should have been the rule of law for 100 years? Does she think that that is so, and, if so, has it been established yet in Burma?

Baroness Anelay of St Johns: My Lords, I have just arrived here from launching the Magna Carta partnerships, which is a new FCO fund to promote the rule of law. I thank my noble friend for raising that point. I am impatient: 100 years would be too long to wait for the rule of law in Burma or elsewhere. We all, as parliamentarians, have a role to play. Our voices can ring out around the world. Let us make sure they do.

Baroness Nye: My Lords, everyone shares the Minister’s hope that the elections will be fair, credible and inclusive, but, while the military still has a veto over constitutional change as a guarantee of the 25% of parliamentary seats, is denying Aung San Suu Kyi the opportunity to stand for president, and is banning opposition parties from criticising the military or the constitution during the election campaign, is it not time for the British Government to suspend military training by the British Army until Burma stops the recruitment of child soldiers and the use of rape and sexual violence against ethnic women by the Burmese army?

Baroness Anelay of St Johns: My Lords, there are a lot of important points in that question, but the underlying issue is whether we should cease our training of the military. The training is education to persuade the military that constitutional reform is not only right but necessary, and necessary now. She is right to point out that the constitution as it stands prevents the ability of Aung San Suu Kyi to stand for election because she has foreign-born children. That kind of provision should be amended.

Lord Alton of Liverpool: My Lords, during a visit last week to the Karen refugee camps and the Karen State, I was reminded by many Karen people of the statement by Lord Mountbatten of Burma that the Karen were our bravest and most loyal allies during the Second World War. Some 110,000 of them are in the refugee camps to this day, from a war that began in 1949. Will the Minister tell us whether we are now close to signing a permanent ceasefire and whether Her Majesty’s Government are able to help with the permanent decommissioning of weapons throughout the Karen State, the restitution of land and the resolution of the other remaining outstanding issues? Will she call for those in the camps to be given the chance to vote in the forthcoming elections?

Baroness Anelay of St Johns: My Lords, we have made it clear that the franchise should be an inclusive vote in the forthcoming elections? That call for those in the camps to be given the chance to vote in the Karen State, the restitution of land and the resolution of the permanent decommissioning of weapons throughout the Karen State, I was reminded by many Karen people of the statement by Lord Mountbatten of Burma that the Karen were our bravest and most loyal allies during the Second World War. Some 110,000 of them are in the refugee camps to this day, from a war that began in 1949. Will the Minister tell us whether we are now close to signing a permanent ceasefire and whether Her Majesty’s Government are able to help with the permanent decommissioning of weapons throughout the Karen State, the restitution of land and the resolution of the other remaining outstanding issues? Will she call for those in the camps to be given the chance to vote in the forthcoming elections?

Baroness Anelay of St Johns: My Lords, we have made it clear that the franchise should be an inclusive vote in the forthcoming elections? That is a short process but inclusivity is vital to the success of the elections.

Communications Data

Question

2.45 pm

Asked by Baroness Jones of Moulsecoomb

To ask Her Majesty’s Government what plans they have to consult and otherwise engage with stakeholders about the interception of communications data.

Lord Ashton of Hyde (Con): My Lords, the Government will bring forward legislative proposals in the autumn relating to investigatory powers. Those proposals will be subject to full consultation and scrutiny, including by a Joint Committee of both Houses of Parliament. Considerable evidence on these issues has already been heard by David Anderson QC, the Intelligence and Security Committee of Parliament, the Royal United Services Institute and the committee that scrutinised the draft communications data Bill.

Baroness Jones of Moulsecoomb (GP): I thank the noble Lord for his Answer. David Anderson also stressed that it was very important that whistleblowers who want to blow the whistle on government or corporate misconduct should feel protected, particularly if they give that information to journalists. Have the Government given any thought to how they will offer assurances to journalists and whistleblowers that they will be protected?

Lord Ashton of Hyde: My Lords, the Government take these issues seriously. Indeed, my right honourable friend the Security Minister met representatives of the National Union of Journalists in July. Also, a strengthened Acquisitions and Disclosure of Communications Data code of practice was approved by Parliament earlier this year. Of course, all these issues can be addressed further when the consultation takes place after the draft Bill is published and during the evidence to the Joint Committee of both Houses.

Lord Paddick (LD): My Lords, on 2 July I was invited to attend the Internet Service Providers’ Association annual awards ceremony to present its “internet villain” award. While a number of people were nominated, the industry gave the award to the Home Secretary, “for forging ahead with communications data legislation … without adequate consultation with industry and civil society”.

Does the Minister agree that that was an indictment of the Government’s failure to engage by those who know more about this subject than most of us?

Lord Ashton of Hyde: My Lords, I find it slightly difficult to agree because there have now been four reports, all of which took evidence. The Home Secretary is meeting communication services providers this week, both foreign and domestic. As I just said, there will be a Joint Committee of both Houses where these matters can be addressed, so it is not true that we have not consulted.
Lord Reid of Cardowan (Lab): My Lords, on these issues, will the Minister bear in mind that the proper authorities for matters of national security are the Government of the country, who are elected—and removable—by the people of the country, not internet service providers who are in this for profit?

Lord Ashton of Hyde: I completely agree with the noble Lord. Nobody is suggesting that communication services providers should have executive powers. All I said in answer to the previous question was that we consulted. The Home Secretary is perfectly aware that she is accountable. I assure the House that she takes that responsibility very seriously, as did previous Home Secretaries.

Lord St John of Bletso (CB): My Lords, in light of the recent revelation that ISIS hackers were potentially able to intercept key public sector emails, how often is the public network architecture reviewed to avoid these cybersecurity threats?

Lord Ashton of Hyde: My Lords, the simple answer is that I do not know, but I will find out and write to the noble Lord.

Lord Rosser (Lab): What do the Government find so difficult about supporting the recommendation by the Independent Reviewer of Terrorism Legislation that warrants for interception should be judicially authorised, but where the warrant is required in the interests of a national security purpose that relates to the defence of the UK or foreign policy, the Secretary of State should have the power to so certify—with the judicial consideration being able to depart from that certificate only on the basis of the principles applicable in judicial review? That is a test for which there are already parallels in national security legislation.

Lord Ashton of Hyde: My Lords, however skilfully he does it, the noble Lord will not get me to say what is in the draft Bill. It would be wrong of me to do it as a government Whip in the House of Lords and, secondly, I do not actually know.

Lord Harris of Haringey (Lab): Given the importance that those of us on these Benches put on the security of our nation, will the Minister make sure that in the consultation that takes place the distinction between communications data and the interception of the content of communications is made absolutely clear? Could he also make it absolutely clear that people understand the consequences of a degrading of the ability of the police and other agencies to have access to communications data in a timely and effective fashion?

Lord Ashton of Hyde: The noble Lord is absolutely right. I think the Anderson report recommended that we should look at the definitions of different classifications of data and therefore the different levels of intrusiveness that are involved and the different permissions that are needed. It is critical. The definitions of different sorts of data, what should be done and who should be able to authorise interception are some of the key questions that will be looked at in the consultation once the draft Bill has been published.

Football: Disabled Spectators

Question

2.51 pm

Asked by Lord Holmes of Richmond

To ask Her Majesty’s Government what assessment they have made of the provision made for disabled spectators at Premier League football stadiums.

Lord Holmes of Richmond (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare my interests as set out in the register.

The Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills and Department for Culture, Media and Sport (Baroness Neville-Rolfe) (Con): My Lords, the result of the Government’s inclusive and accessible stadia survey, published yesterday, showed that despite examples of good practice, progress at some Premier League clubs towards meeting their existing legal duties under the Equality Act 2010 has been slow. Therefore I hope the whole House will welcome the statement by the Premier League yesterday that commits all Premiership clubs to achieve compliance with the accessible stadia guide by August 2017.

Lord Holmes of Richmond: My Lords, I am sure all noble Lords welcome yesterday’s statement from the Premier League. In light of that statement, will my noble friend commit her department to monitoring closely the Premier League to ensure that, be they old grounds or new grounds, come 2017 all grounds will meet minimum access requirements so that more people from more backgrounds can enjoy Premier League football?

Baroness Neville-Rolfe: My Lords, the progress of this initiative is incredibly important, and indeed the Minister for Disabled People, Justin Tomlinson, will be seeing the Premier League early in November, which will be a good opportunity to start that process.

Lord Faulkner of Worcester (Lab): My Lords, I declare an interest as vice-president of the charity Level Playing Field, which deserves immense credit for its campaign, which culminated in yesterday’s decision. It welcomes the decision by the Premier League. Will the Government do their utmost to persuade the Premier League that it find the £55 million or so that it will cost for all Football League grounds to come up to the standards that Premier League grounds will reach by August 2017? It certainly has that money and can afford it. Secondly, does the Minister agree that the rights of disabled people to attend sporting events should be enshrined in law, and therefore she will support my Private Member’s Bill?
Baroness Neville-Rolfe: My Lords, the other clubs are subject to the same overall legislative duties, and I would expect them to take inspiration from the Premier League’s initiative yesterday. The Equality Act 2010 requires providers of services to the public, including all sports stadia, to make a reasonable adjustment so that disabled people are not placed at a substantial disadvantage compared with non-disabled people. I think the Bill has been given a Second Reading and awaits parliamentary time for its next stages.

Baroness Grey-Thompson (CB): My Lords, I congratulate the Premier League, and also the noble Lord, Lord Holmes, on the timing of his Questions, which has provided a great catalyst for the Premier League. It has two years to reach the minimum standards. Will the Minister explain what encouragement the Government can give to the Premier League to raise its standards? In 2012, the standards at the London Olympic and Paralympic Games were exceptionally high and set a positive tone around the world. Surely we should be looking at those as the future for accessible seating.

Baroness Neville-Rolfe: My Lords, the 2012 Games were indeed an inspiration in terms of disabled access and have helped to make this progress. I would also reference the consultation document *A New Strategy for Sport*, which was issued recently. It contains three chapters—three themes—that focus on different aspects of disability, and it is extremely important that people respond to it.

Baroness Brinton (LD): My Lords, I, too, thank the Premier League for finally agreeing that it has a duty to respond to the minimum requirement, and congratulations too to Level Playing Field on its 14-year campaign. UEFA regulations now require disability access officers to report to their clubs. Will the Government ensure that disability access officers report not only on the physical space but also on the training of all staff involved in the provision of disability services? Will they also encourage the appointment of disability access officers in the league as well, not just in the Premier League?

Baroness Neville-Rolfe: My Lords, the Premier League has said that clubs will appoint disability access officers who will assist with compliance and report to a senior executive on a whole-club basis, which I very much welcome.

Lord Wigley (PC): My Lords, in wishing well to the legislation currently before the House, may I invite the noble Baroness to join me in saluting Wrexham Football Club, whose exemplary performance in this matter has been recognised and highlighted this week? If a small club such as Wrexham, owned by its supporters, can make this sort of provision, what possible excuse can there be for Premier League clubs not to do likewise?

Baroness Neville-Rolfe: My Lords, the point is very well made. I congratulate Wrexham, and, indeed, Arsenal and one or two other clubs which have also been beacons for good practice. A noble Baroness talked on a previous occasion about Lord’s Cricket Ground. We need to celebrate success as well as to press those who are bad on disability access. That is happening as a result of the increased focus that there now is on this important issue.

Baroness Heyhoe Flint (Con): My Lords, I declare an interest in that I support Wrexham Football Club and am also a vice-president of Wolverhampton Wanderers Football Club—which does not absolve us in terms of having the correct facilities for our disabled supporters. May I suggest that the Minister pursue the fact that local authorities provide a licence to operate to all Football League clubs? Would that not be another route through: to suggest that a licence not be granted to a club unless it follows the lines that have been recommended to this House today?

Baroness Neville-Rolfe: My Lords, as always, my noble friend is full of ideas, and I will certainly have a think about that. I am always careful about being regulatory; people who know me know that. I feel that we are making progress under the existing legislation but I thank my noble friend for her comment, and of course we should also celebrate Wolverhampton Wanderers.

Lord Stevenson of Balmacara (Lab): My Lords, the whole House will want to join in congratulating the Government and the Premier League on the work that they are doing on this. I am sure that the movement which has been observed is due largely to the pressure on these issues that has come from this House. In the papers which the Minister referred to, and also more generally, disability is often taken to be physical disability, but there is a large number of people who enjoy sport who are ambulant physically disabled people—a group which is often overlooked. Will she reassure us that this group, the blind and the deaf particularly, will be looked at too?

Baroness Neville-Rolfe: The noble Lord is right to remind us that disabilities raise different issues. Of course, the duties apply in the round. The disability access officer who is to be appointed by the Premier League clubs will look at the matter on a whole-club basis. Sharing best practice on hearing loops and access for the blind will be extremely important. I know that some totemic events, such as the Olympics, had very good facilities.

**Turkey**

*Question*

3 pm

*Asked by Lord Hylton*

To ask Her Majesty’s Government what representations they are making to the government of Turkey, following recent attacks on political party offices and restraints on journalists, in view of the pending general election there.

The Minister of State, Foreign and Commonwealth Office (Baroness Anelay of St Johns) (Con): My Lords, Britain has echoed Turkish political leaders’ calls for calm, following separate attacks on press outlets and
party offices, as evidenced in the recent Statement from the Minister of State for Europe on 9 September. Britain will continue to support efforts to restore calm and hold peaceful elections.

Lord Hylton (CB): My Lords, there should be no complacency. Is it not relevant that 128 offices of the Peoples’ Democratic Party have been attacked—one of them bombed—while 1,400 members of that party, including elected mayors, have been arrested? Is the noble Baroness aware that the army has been besieging and blockading the town of Cizre, while lawyers and members of parliament have been trying to march to its relief? In such violent circumstances, can there be free and fair elections?

Baroness Anelay of St Johns: My Lords, the noble Lord referred to the position in the south-eastern town of Cizre, and clearly there are serious circumstances there. From 4 to 12 September the Government imposed a curfew in Cizre. It is important in Turkey, as in any democracy, that elections are free and fair and pass without incident. We have made it clear that the PKK needs to stop its attacks and that the peace process must be resumed immediately. This is in everyone’s interests—it is in the interests of the Government as well as of the PKK and other groups in the wider region. We are following the election process, as we do in any EU candidate country. Monitoring by Turkish parties and civil society is even more important. The UK plans to send two British observers to join the OSCE election observation mission. Practical steps are being taken.

Lord Balfe (Con): My Lords, notwithstanding the considerable achievements of the AKP Government over the past 13 years, the holding of fair elections and the peaceful transfer of power is what defines a democracy. It is apparent to many people outside that the opposition parties in Turkey are not having their rights as rigorously defended as is necessary for a country to be regarded as a full democracy. Will the noble Baroness, through the EU political co-operation procedure and through our embassy, emphasise to the Turkish Government that her friends are looking very carefully at the way in which these elections are conducted?

Baroness Anelay of St Johns: I agree with every word that my noble friend said. I listened, and I will make sure that his message is amplified through our EU partners.

Lord Wallace of Saltaire (LD): My Lords, Turkey is one of our key allies in the fight against ISIS across the border. As we all know, Kurdish forces in Syria and Iraq have been providing some of the most vigorous and effective opposition to ISIS. I was told the other day that, of the air strikes that the Turks have so far conducted over the border in Syria and Iraq, one has been against ISIS and the rest have been against Kurdish forces. Can we also make it clear to the Turks that what happens inside Turkey—in particular, relations with their Kurdish minority—matters to all of us when considering the future stability of the Middle East?

Baroness Morgan of Ely (Lab): My Lords, in May 39,000 police officers and 50 water cannon vehicles were used to prevent trade unionists and others from marching on Taksim Square, the traditional location for May Day demonstrations in Turkey. We know that this Government are no friend of trade unions and the pernicious Bill making its way through Parliament is extremely harsh, but will the Minister join me in condemning the Turkish Government for their overreaction to trade union demonstrations in that country?

Baroness Anelay of St Johns: This Government are a friend of hard-working people, not only in this country but around the world, and we have demonstrated that by the way in which we have used our spending capacity through DfID and the 0.7%, and through Foreign and Commonwealth Office spending. It is clear that those who are working should have a voice, and peaceful demonstrations should not be hindered. The best voice is won through a democratic society, which is where we are privileged to be able to take part.

House of Lords Reform
Motion to Take Note
3.05 pm

Moved by Baroness Stowell of Beeston

That this House takes note of the case for further incremental reform of the House of Lords to address the size of the House.

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, I am very pleased to open today’s debate on the case for incremental reform to address the size of this House. I am also grateful to the noble Lords, Lord Pearson, Lord Steel and Lord Lea, for grouping their Motions with mine for the convenience of the House. I will come back to the size of the House; it is important, and we cannot grow indefinitely.

First, however, I will talk about our reputation, something which I know—as we saw over the summer—matters to us all. Sometimes, when an institution attempts to protect its own reputation, the process of doing so can lead to misunderstandings among those to whom we are seeking to make our case. Therefore, we will do a better job of protecting and enhancing our reputation if we place the emphasis on our purpose, making the case for why we exist, and the value of our work to the people we serve. Our core purpose is to complement the work of the House of Commons and thereby give the public confidence in the laws made by Parliament and in the way Parliament holds the
[BARONESS STOWELL OF BEESTON]

Government to account. If we emphasise that, show what it means in practice and ourselves use that same purpose to inform our contributions—when to attend, how to contribute when we do, when to retire, and when to resign if our actions fall short of what people have a right to expect from public servants, especially when they cannot eject us via the ballot box—we will be more effective in securing the reputation of this House and its future. We will be demonstrating that we want to be accountable for why we serve as Members of this House, and that we are committed to the purpose we are here to serve.

We have taken some important steps in that direction in the past few years. On retirement, for example, more than 30 Members have retired so far, and soon 35 will have done so. I sincerely commend them for their public service. However, as an unelected House there is further for us to go to show we are serious about accountability. We are still not clear enough about what it means to be a Member of this House, which in turn can make it harder for others to understand all the different ways in which Members of this House contribute to our work.

I accept that there is no one-size-fits-all model. Members, whether Front Bench or Back Bench, a member of a party group, a Cross-Bencher or a Bishop, make valuable contributions in different ways. However, although Members take different approaches to our work, we should have the same principle at heart: that we are here to serve the public, and when we make our different contributions, as individuals or parties, we should be seeking to make a difference within the proper limits of an unelected House. Greater clarity about what being a Member of this House entails is one strand of our work; another is to examine the steps available to us to address our size.

As I said at the outset, this Government are clear that the House cannot keep growing indefinitely. However, to focus only on our headline size is to misunderstand the nature of this House. Like many other Chambers with which we are compared, the vast majority of our Members do not attend all the time, nor are they salaried. Many Peers balance professional lives outside the House with work within it, and their experience adds so much to our proceedings. However, we must recognise that the gap between our headline size and our average attendance adds to some of the things we relate only to size. Furthermore, we must not proceed thinking that we can make changes in one giant leap. Recent experience in this House has shown that we are more likely to move forward when we focus on taking simple, workable steps in the right direction. We are not necessarily seeking the perfect solution but on taking simple, workable steps in the right direction.

That is why some of the simpler, although sensitive, approaches such as age and term limits, which will doubtless attract commentary this afternoon—both positive and negative—deserve further consideration. At the same time, it is worth me being clear with the House that I am more cautious about approaches that introduce too much complexity into what we are trying to do, not least because the experience of recent incremental reforms shows that we have been able to make progress when we have focused on simple steps that are readily understood, including by those who may have to scrutinise them in the other place.

Many suggestions will be made today and I may not be able to cover them all when I respond; however, that is not what I believe today is about—we will not reach agreement in a single debate. Instead, now is the time to begin discussions on a cross-party basis. There is no shortage of ideas in this sphere. The lack of progress previously has not been for lack of proposals but lack of political will. That, I am glad to say, is changing. From my conversations with the leaders of the other groups, I sense that there is now a welcome and shared will to move forward, which is why I now want to convene discussions with the other leaders and the conveners to drive this process on. I will lead those discussions in the months to come and I have scheduled our first meeting in the weeks following the Conference Recess. I hope that today's debate can provide the backdrop which will inform that process as it gets under way, because however we proceed, all Benches must play their part.

I am clear that our core purpose must drive all change and inform our approach. Addressing our size is important in that respect but it is not a silver bullet. It is not the only thing—arguably not even the most important thing—when it comes to maintaining the legitimacy of this House and the work it does. We must not try to address all matters of concern as if they relate only to size. Furthermore, we must not proceed thinking that we can make changes in one giant leap. Recent experience in this House has shown that we are more likely to move forward when we focus on taking simple, workable steps in the right direction. We are not necessarily seeking the perfect solution but looking for what we might do to set a direction of travel. That will not be the end of the journey because legitimacy is about improving our accountability, and there we have further to go. However, it is a good place to start. The public will ultimately judge our success in that endeavour. It is our duty to proceed with them in mind. I beg to move.

3.14 pm

Lord Pearson of Rannoch (UKIP): My Lords, I fear that some of your Lordships may find my Motion to be somewhat dramatic, and my request for 12 new UKIP Peers somewhat ambitious, but I hope I can quiet such feelings. I am also aware that the strong mood of the House is that too many new Peers are joining us anyway, as was reflected in our vote, by 217 to 45 on 28 February 2013, to say that we very much hoped that restraint would be exercised in the appointment of new Members. It is regrettable that this has been entirely ignored by the Prime Minister.
I should confirm, too, that my Motion is in no way critical of our so-called people’s Peers, all of whom have joined the Cross Benches, surely by far the most valuable element of your Lordships’ House. My Motion is aimed squarely at the Prime Minister’s use of his constitutional privilege to recommend new Peers to Her Majesty. A number of your Lordships wanted me to make the Motion quite a bit stronger by delaying the introduction of any new Lib Dem Peers until a fair number of new UKIP Peers had preceded them. But I understand that this, if carried, would have taken us into somewhat uncharted waters and could have interfered with the Queen’s Writ of Summons, because Peers cannot sit, speak or vote until they have taken the oath or affirmed—hence the milder Motion before your Lordships, with which I hope you will agree.

I have put a copy of my correspondence with the Prime Minister and the last coalition Government online, and will be happy to send it to any noble Lord who wants it. I also mentioned most of the story, at col. 1062 on 15 June this year, in a debate in the name of the noble Lord, Lord Kennedy of Southwark, inviting the Government to review the law governing elections in this country. In the interests of time, I will not repeat it all now but would like it to be taken into account.

In summary, the coalition Government said that they had a policy of appointing Peers in reflection of the votes cast at the previous general election. UKIP received 3% of the votes cast in the 2010 election, which should have given us 23 Peers under the Government’s new policy. I therefore wrote to the Prime Minister in May 2010, saying that I understood that it was not an exact science but suggested that UKIP should have had perhaps four new working Peers. The Prime Minister wrote back politely, saying that the media were vastly exaggerating the number of new Peers he could recommend to the Queen. But he said he saw the point and would keep the matter under review. I expect that your Lordships know the sort of letter.

At the time of my letter, the media were speculating that the Prime Minister would recommend the appointment of 60 new Peers, but he went on to recommend 185 during the last Parliament and another 45 now, with none for UKIP. Throughout that Parliament, I wrote several more times to the Prime Minister and asked a number of Oral Questions in your Lordships’ House. The answers were all the same. They stated that the coalition Government’s policy was indeed to recommend Peers in proportion to the votes cast in 2010 but not for UKIP. My noble friend Lord Stevens of Ludgate also tabled a Written Question on 21 May 2013, and I will leave it to him to reveal the full beauty of the Government’s reply from the noble Lord, Lord Wallace of Saltaire.

We come to the general election in May, which the Conservatives won. The Prime Minister has deftly turned the coalition policy of Peers being appointed to reflect the votes cast in the previous general election to their being appointed to reflect its “result”. This is not helpful to UKIP because although 3.8 million people voted for the party, or 12.6% of the votes cast, we won only one seat in the Commons. However, I understand that the result of the Conservative victory was achieved thanks only to the UKIP vote. I therefore wrote to the Prime Minister again in May and August, pointing this out and suggesting that UKIP should have 12 new working Peers. On 26 August, I received a “pp” reply on behalf of an assistant private secretary in No. 10, which contains the following statement, which your Lordships may find intriguing: “In line with long-standing convention … this dissolution list provides the opportunity to recognise those who have given long-standing service to the public”.

I have nothing against any of the new Peers personally and am sure that we will all welcome them with our customary courtesy. However, it is clear from the list that they are all party appointees, only a few of whom have given long-standing service to the public, and that in their party capacity. I understand that some of them may even continue to be special advisers and so may not be able to speak or vote. But I will leave it to other noble Lords more versed in these conventions to deal with that possibility.

So where do we stand now in your Lordships’ House? With the help of the Library, I have drawn up a little chart, which I will put online or give to any noble Lord who wants a copy. This chart shows that 24% of the electorate cast 11.3 million votes for the Conservatives in May, which gave them victory, with 330 seats in the Commons and now 250 Peers here, or 48 more than they would have had under the coalition’s policy. For the Labour Party, 20% of the electorate cast 9.3 million votes, which gave them 232 seats in the Commons. They will now have 220 Peers here, or 52 more than they would have done under the coalition’s policy. UKIP came third in May, when 8% of the electorate cast 3.8 million votes for us. But that gave us just one seat in the Commons and we still have only three Peers here, or 66 fewer than we should have had under the coalition policy. Then we come to the Liberal Democrats, who came fourth, and for whom only 5% of the electorate voted, with 2.4 million votes. That gave them eight seats in the Commons. However, with their 11 new Peers, they will now have 113 Peers, or 70 more than they should have had under their very own coalition policy. So we have 66 fewer Peers than we should have had under their policy and they have 70 fewer than they should have had under our coalition policy. The Prime Minister asked me whether I would like to extend the Motion to include the Liberal Democrats, who have given long-standing service to the public, and am sure that we will all welcome them with our customary courtesy. However, it is clear from the list that they are all party appointees, only a few of whom have given long-standing service to the public.

What I have said about the unfairness of UKIP’s position applies also in smaller measure to the Green Party, which has one Peer here, or 19 fewer Peers than it should have had. I understand that the noble Baroness, Lady Jones, cannot speak in this afternoon’s debate but I am happy to make this point on her behalf.

As to the Government’s Motion, I suggest that the most obvious way to address the size of your Lordships’ House is for the Prime Minister to stop recommending so many Peers to the Queen. With this latest list, he will have recommended at least 230 new Peers since 2010—I am not quite sure where that stands in the record books.

Even so, I trust your Lordships will agree that UKIP should have more Peers, especially when we are about to start debating the EU Referendum Bill and the case to leave the EU is so underrepresented in your Lordships’ House.
When I look at the statistics that I have just given, I cannot help concluding that the problem for our democracy—the elephant in the room—is not the size of your Lordships’ House but the fact that the United Kingdom is no longer a democracy. Your Lordships may be shocked by that statement, but my understanding is that a democracy is a system whereby the people elect and dismiss those who make their laws. But last May, only 11.3 million voters got the Government they wanted, while 18.75 million did not.

To the statistics I have given should be added the Scottish National Party, which does not want any seats here, but for which only 3% of the electorate voted, with 1.4 million votes in May. However, this gave it no fewer than 56 seats in the House of Commons. So the composition of the Commons under our first past the post system, which was designed when there were really only two parties, no longer reflects the wishes of the British people.

I appreciate that I have strayed a little beyond the Motion for today’s debate, but the democratic legitimacy of the House of Commons lies above what we are debating today and I wanted to take the opportunity to flag it up. I trust that we can return to it another day, because there is not much point in tinkering with your Lordships’ House when our democracy itself no longer works.

3.25 pm

Lord Steel of Aikwood (LD): My Lords, I thank the Government for their courtesy in including my Motion along with this take note debate. I am not going to get involved in an argument with the noble Lord, Lord Pearson, except to point out to him that the Prime Minister said in a speech in Singapore in the course of his five-day tour:

“It is important the House of Lords in some way reflects the situation in the House of Commons. At the moment it is well away from that”.

So the noble Lord should be careful what he wishes for, because UKIP on that basis is overrepresented in this House as it stands.

However, I want to stick to the Motion before us. I thank the Leader of the House for the way in which she introduced the take note debate, which was extremely helpful. Before I come to the terms of my Motion, I hope that we do not lose sight, while we talk about incremental change to this House, of the longer-term objective of looking at the role that this House should play in the constitution of our country. Things are changing in Northern Ireland, in Scotland and in Wales, and even in England, with the Prime Minister talking about English votes for English laws. So we are missing a chance by not having the constitutional convention for which many people have argued. Indeed, the noble Baroness herself said last week in replying to another Member:

“The noble Baroness knows my party’s position on a constitutional convention. We do not feel that that is a priority at this time”.


But when will it be a priority? A constitutional commission or a convention is bound to take some time, and it is important that we do not lose sight of the vow made by the three party leaders to the people of Scotland during the referendum and that we look to a reformed House of Lords as being a pivotal part in a quasi-federal constitution in the future. That at least is a long-term discussion which we should have.

Let me return to this immediate debate, which is about the House as we know it today. I am grateful also to the Prime Minister for what he said in that same speech in Singapore, and I quote him:

“It is now possible for people to retire from the House of Lords, and a number of people have taken up that option under the Steel Bill, and I think we should encourage that.”

Well, I thought that was a bit rich. I see the noble Lord, Lord Strathclyde, smiling, because he will recall as I do the struggle that we had to get the Government to accept even a tiny part of that Bill. It would never have happened but for Dan Byles, the MP in the Commons, winning a place in the ballot and getting it on to the statute book in its limited edition. It was a struggle, and I was grateful to the noble Lord, Lord Strathclyde—I pay tribute to him and his successor, the noble Lord, Lord Hill, both of whom were extremely helpful. But, of course, one of the big stumbling blocks was the Deputy Prime Minister, as he well knows. I still remember the press conference when he announced that they were withdrawing after the failure to get the Bill through the House of Commons. At the press conference, he was asked about the Steel Bill and he said, “I do not propose to legitimise the illegitimate”.

I took personal offence at that, and I thought it was offensive to the House as a whole. What I find illegitimate is the practice of the three party leaders, copying from Lloyd George, of continuing to give peerages to people who have done nothing for the parties except sign large cheques for the party coffers. That is the most disgraceful thing about the current practice. I propose in this Motion that there should be a cut-off, and I admit right away that this is an age cut-off under the Act which we passed. Members may now retire, and as the Leader said, 35 will have done so. But if we had an automatic cut-off with anybody over the age of 80 at the end of each Parliament departing, it would enable the House to be refreshed after each election without the numbers becoming excessive. In fact, if this had happened at the last election, 158 Members would have left. If it happens at the end of this Parliament, 260—including myself—would have to go. I think that that is probably a very good thing—I am not referring to myself, but to the generality. It would enable an incoming Government to make new creations without the numbers becoming excessive.

That was my view, and then over the Summer Recess I happened to meet up with my noble friend Lord Lee of Trafford. He said, “You might have more chance of getting this through if you allowed an exception for those people whom we would be very sad to miss”. That is why I included in my Motion the proposal that those who are retiring, “should elect 12 of their number”, to stay on—rather on the same analogy as the hereditary Peers. In fact, I got it quite wrong because the noble Lord, Lord Lee, was proposing that the House as a whole should choose, not just those who are retiring. My mind was on how many fish we would catch on the Tweed that day, so I did not get this quite right.
However, I think that the age limit is not an unreasonable instrument, if rather crude, given that judges have to retire at 75 and Lord Lieutenants retire at 75. When I was a young MP a lot of Members of the House of Commons were over the age of 80, but that is no longer the case. Because of the process of parliamentary pensions, coupled with selection processes, very few Members are above that age in the Commons. It is not unreasonable to say that at a certain age people should abandon their public life.

I end with an example. I suspect that most of those over 80 are not familiar with the social media. I enjoyed the letter I read in a publication recently from one such person who said:

“...I haven't got a computer, but I was told about Facebook and Twitter and I am trying to make friends outside Facebook and Twitter while applying the same principles.

Every day, I walk down the street and tell passers-by what I have eaten, how I feel, what I have done the night before and what I will do for the rest of the day. I give them pictures of my wife, my daughter, my dog and me gardening and on holiday. I also listen to their conversations, tell them I ‘like' them and give them my opinion on every subject that interests me … whether it interests them or not.

And it works. I already have four people following me; two police officers, a social worker and a psychiatrist”.

That letter typifies the problem for those of us who reach the age of 80, and it is not unreasonable—a crude instrument it may be, but it could be effective. I have included the Motion as a contribution to this general debate.

3.33 pm

Lord Lea of Crondall (Lab): My Lords, I am also grateful to the noble Baroness the Leader of the House for including my Motion on the Order Paper. On the range of reputational issues, I suggest that the first precept should surely be the old adage: “Let the punishment fit the crime”. I am not sure that we have all that in perspective at present, but I will allude to it later.

On the formal subject of the debate, if we are to make progress on this issue, our line of travel must have two prongs. First and foremost, we need to turn the tap down on the numbers coming in, as well as encouraging Members to go out. The two must be included together. I did not hear the noble Baroness the Leader of the House say that, and I trust that my noble friend the Leader of the Opposition might acknowledge that it is a fact.

The noble Baroness appeared to imply that the numbers coming in had nothing to do with it. I may have missed it, but I do not think she acknowledged that. The necessity for this twin track, if I may make a statistical point, is pelliculently clear if one looks at the numbers, as set out in a succession of excellent Library Notes. We are very well served by the House of Lords Library on these questions. Since 2000, 472 new Peers have come in and 289 have gone out, for one reason or another. In passing, I also draw attention to the fact that it is a bit rich for the Prime Minister—who is cutting every penny in sight, in local government, social services, et cetera ad infinitum—to imagine that we can ignore the additional costs of 45 new Members. In November 2010, in response to a Question from my noble friend Lord Bassam, the noble Lord, Lord Brabazon of Tara, who was Chairman of Committees at the time, said that the average cost per Member was £156,000 a year, including a share of the overheads. Over 10 years, that is a cost of £1.56 million per Member: £15 million for 10 Members—I stand to be corrected—or £60 million for 40 Members.

Secondly, the number of Members leaving the House, far from having diminished, much less dried up, has hovered around 20 more or less every year for the past 15 years. Again, I draw on the Library Notes as the fount of all wisdom on this. I remember asking my noble friend Lord Grocott for this number when he was a Whip and he confirmed it. It was always about 20 and it is still about 20. The big change has not been the number going out but the escalation of people coming in. The announcement of 45 new Members on 27 August this year was not a record, but—despite all the talk along the lines of “It can't go on like this”, which we have heard in this House and in the press for a long, long time—it is right at the top of the range, the outlier being 82 in 2010.

So our starting point as a matter of balanced public policy must surely be a self-denying ordinance that only about 20 Members come in each year. Of course, this could be done more readily in practice by averaging over a spread of years—the arithmetic would mean 40 over two years, 60 over three years, et cetera—if that is more convenient administratively. Before anybody says that this will never be accepted by any Prime Minister, I say, “Hang on a minute, we live in a democracy”. Surely the fatal flaw in the present system of appointments, which must change as the first priority, is that alone among western democracies we allow the Prime Minister of the day to decide unilaterally on appointing new Members, with no attempt to hide the motive, which is normally to bring changes to the party composition of this House and to spread the Danegeld uneasily between the other party leaders.

If one steps back from it, it becomes all the more self-evident that this is an absurd and indefensible system—just try defending it in public. A few months ago, I was in Maputo in Mozambique, chairing a seminar for the Westminster Foundation for Democracy and the Labour Party’s sister parties in Africa. It was a session on good governance and, indeed, bad governance. We put words on blackboards for discussion and for question and answer sessions, based on suggestions from the floor. They were all pretty basic issues. For example, if you are the Finance Minister you do not make your brother-in-law the auditor-general. You obviously do not act like a bunch of kleptocrats, stealing money from the public purse to buy up houses in South Audley Street—although one of them said, “Why not?”. I am not sure whether that was a joke. I was keenly aware that if I had written on the board that, in an advanced democracy, not only could there be no written constitution but the Prime Minister could simply change the composition of one of the legislative Houses of Parliament to suit their political advantage, it would be laughed out of court, even—I might say particularly—in Maputo. I add that I did not have time to explain the concept of elected hereditaries.
While I am being diplomatic about last month’s announcement, the facile rhetoric that the Government do not have a majority here, as they do in the Commons, begins every question in sight, even though it is endlessly regurgitated by lazy political journalists as though it is sensible analysis. Going back 100 years, the Labour Party lived with that lack of a majority when they had a majority in the Commons, not only more recently from 1997 to 2010—despite the big reforms in 1999—but from 1945 to 1979. The Labour Party never said that that was something it could not operate with. It is a pretty thin argument.

The additional, technical reason why this idea of a lack of a majority is a nonsense is that, apart from anything else, we have some 200 Cross-Benchers. An overall majority is patently impossible, yet we see this nonsense regurgitated. Talking of Cross-Benchers, a former Member of this House—a field marshal who also lives in Crondall, if that helps to identify him—mentioned to me only last week that he had retired in part because the House was getting too crowded. “But”, he said, “Look what happened: those spaces were filled up almost overnight”. This is a key point: if, as I trust, we are to adhere to voluntarism in this matter, as the Life Peerages Act implies, what sort of an incentive is there if we see that that is the result?

My Motion refers to a new statutory appointments commission. I want briefly to mention its two key functions as I see them. I do not think it is game, set and match to say that Prime Ministers will not accept it. I accept that we probably need a mini constitutional convention. I say to the noble Lord, Lord Steel of Aikwood, for whom I have the greatest respect: is it reasonable regurgitated by lazy political journalists as though it is endlessly regurgitated by lazy political journalists as though it is endless regurgitation? Talking of Cross-Benchers, a former Member of this House—a field marshal who also lives in Crondall, if that helps to identify him—mentioned to me only last week that he had retired in part because the House was getting too crowded. “But”, he said, “Look what happened: those spaces were filled up almost overnight”. This is a key point: if, as I trust, we are to adhere to voluntarism in this matter, as the Life Peerages Act implies, what sort of an incentive is there if we see that that is the result?

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There seem to be, inter alia, two important legs to the statutory appointments commission. One concerns agreeing the formula for the balance of new appointments between the parties, which could correspond to what I would call a three general election moving average, based on seats rather than votes, given the electoral system.

I refer in the Motion to the reputation of the House. We all know that cash for peerages is often talked about. Therefore, I also propose that the political parties lodge with the SAC their own processes and criteria for their internal party selections. However, for the avoidance of doubt, it would not be for the SAC to choose between individuals A, B and C from the party list. That would be down to the parties.

I said at the start that reform will work only if it has these two prongs. The noble Lord, Lord Steel, would not wish, I think, for his Motion to stand in isolation, since, apart from anything else, it would do nothing to curb the flow of new appointments. He is nodding: I am glad. Incidentally, he and I happen to be the same age: 77. The new leader of the Labour Party is 66. I would say that 77 is the new 66; otherwise I would, no doubt, be consigned to the knacker’s yard in three or four years. I think the noble Lord, Lord Steel, might be one of the chosen few. However, I doubt he would find consensus that there are only 12 distinguished and active colleagues among the 133 in this House who are more than 80 years old. The point has already been made that people’s lifespans are, on average, extending. I hope that the Front Benches will acknowledge later in this debate that the twin-track approach is therefore the sine qua non for a reform that will go the distance.

**Northern Ireland: Political Developments**

3.46 pm

The Parliamentary Under-Secretary of State, Scotland Office (Lord Dunlop) (Con): My Lords, with the leave of the House, I shall now repeat a Statement made by my right honourable friend the Secretary of State for Northern Ireland in the other place. The Statement is as follows.

“With permission, I would like to make a Statement about political developments in Northern Ireland. First, I welcome back the honourable Member for Gedling as shadow Secretary of State. I hope that we can continue the constructive working relationship we had when he last held this important post. With that in mind, the new Labour leader and the shadow Chancellor are on record many times as expressing their support for a united Ireland. That is an entirely legitimate view, as is the clearly held preference on these Conservative Benches that our country stays together and Northern Ireland remains part of the United Kingdom. It would be helpful for the shadow Secretary of State to confirm when he responds today that, under his party’s new leadership, the consent principle at the heart of the Belfast agreement will remain paramount.

Last week we started a new round of cross-party talks focused on two issues: the continued presence of paramilitary organisations in Northern Ireland and the pressing need to implement the Stormont House agreement. The talks began on Tuesday with a meeting of all the participants, at which everyone agreed that these two issues needed to be addressed as a matter of urgency, although views differed on the sequence in which they should be considered. On Wednesday morning, the Police Service of Northern Ireland arrested three well-known members of the republican movement, including the northern chairman of Sinn Fein, in connection with their ongoing investigation into the murder of Kevin McGuigan. It would not be appropriate to comment on a live police investigation, save to say that all three were subsequently released unconditionally. These developments had dramatic political consequences.

On Thursday evening, Peter Robinson announced that DUP Ministers, with the exception of Finance Minister Arlene Foster, were resigning from the Northern Ireland Executive. The First Minister himself has stepped aside, with Mrs Foster taking over the functions of that office for a period of six weeks. That does not trigger an early Assembly election—that would only happen if either the First Minister or Deputy First Minister were to resign. Nor does it mean suspension of the institutions or a return to direct rule—that would require primary legislation at Westminster, which is not something that the Government believe would
be justified in the current circumstances. It does not mean that the Assembly and the Executive cease to function, but the situation is very grave.

A number of departments are left without ministerial leadership and relationships between the parties have almost completely broken down. That leaves the devolved institutions looking increasingly dysfunctional. Over recent days, I have been maintaining close contact with the five main Northern Ireland parties and with the Irish Government, and I have kept the Prime Minister constantly updated on the situation. Yesterday, I held a series of bilateral and trilateral meetings at Stormont, aimed at establishing a basis for further intensive talks. I plan to hold further such discussions at Stormont tomorrow and in the days ahead.

The events I have outlined do not alter the fundamental issues that need to be resolved. First, the brutal murders of Gerard Davison and Kevin McGuigan have brought into sharp focus the continuing problems around the existence of paramilitary organisations in Northern Ireland, and the involvement of some of their members in criminality and organised crime. The Government are clear that paramilitary organisations have no place in a democratic society. They were never justified in the past, they are not justified now and we all need to work together to find a way to bring to an end this continuing blight on Northern Ireland society. The Government are working with the parties in the Northern Ireland Executive on how to achieve that goal.

For example, serious consideration needs to be given to whether the time is right to re-establish a body along the lines of the Independent Monitoring Commission. The remit the parties might wish to give such a body is likely to be very different from the matters addressed by the original IMC, reflecting changed circumstances. But there might well be scope for such a body to play a part in providing greater community confidence and repairing working relationships within the Executive. The Government will also actively consider whether there is more that we can do to support efforts to tackle organised crime and cross-border crime in Northern Ireland. In the days to come, we will continue to listen carefully to representations made to us on the best way to ensure that all parties can engage in this process.

The second issue on the agenda is just as important as the first. Resolving the differences which have been blocking the implementation of the Stormont House agreement is crucial if the finances of the Executive are to be placed on a sustainable footing. Without welfare reform and steps to tackle in-year budget pressures, there is a real danger that the executive departments could start running out of money, becoming steadily less able to pay their bills, with the serious negative impact that could have on front-line public services. As we have seen in those parts of Europe where Governments are unable to control their debts and live within their means—some of which are supported by the new leader of the Labour party—it is the vulnerable and most disadvantaged who suffer most in such situations. We have therefore made clear that if these matters are not dealt with by the parties, as a last resort the Government would have to legislate here at Westminster—a position on which I hope we would have we would have the support of the honourable Member for Gedling.

As things stand, every day that passes is likely to see the devolved institutions become less and less able to function effectively. We have limited time, so once again I urge all parties to engage intensively and with focus, determination and good will in the talks under way. We on these Benches, and I hope the whole House, continue to give our full support to the Belfast agreement and the institutions it created. There can be no doubt that power-sharing, inclusive government comes with its frustrations and difficulties—indeed, I hear about them every day—but as my right honourable friend the Prime Minister often reminds this House, the Northern Ireland political settlement was a huge achievement. It has transformed life in Northern Ireland for the better and it is an awe-inspiring example of what can be achieved with political leadership and vision. On so many occasions in the past 20 years, Northern Ireland’s politicians have come together to achieve the seemingly impossible. It is time to do so again, so that we can continue on the road to a brighter, more secure future for Northern Ireland. I commend this Statement to the House.”

3.54 pm

Lord McAvoy (Lab): My Lords, I open by thanking the Government for giving previous sight of the Secretary of State’s Statement. I also place on record the Official Opposition’s gratitude for the welcome given to Vernon Coaker on his return as shadow Secretary of State for Northern Ireland. That has been echoed by many parties and individuals in Northern Ireland, who have contacted the honourable Member to welcome him back.

I also place on record the bipartisan approach of many in this House who have been involved in Northern Ireland for a long time: the noble Lords, Lord Brooke, Lord King and Lord Trimble, as well as the noble Lord, Lord Mayhew, a former Member of the House. Many other people contributed to a bipartisan approach in this House, and it has always been welcome. As was made clear by Vernon Coaker in the other House, it is the intention of Her Majesty’s Official Opposition, as well as the noble Lord’s intention—and, I add, mine—to pursue a bipartisan approach based on the agreement reached, in particular the principle of consent.

I have some questions for the Minister. Can he reassure all of us that the full authority of the British Government, working with the Irish Government and with Washington, will be used to help to resolve these difficulties along with the parties in Northern Ireland? The current problems of political stability revolve around continuing paramilitary activity and the implementation of the Stormont House agreement. Following the recent murders of Gerard Davison and Kevin McGuigan, the chief constable of the Police Service of Northern Ireland said that some Provisional IRA organisational structures still exist, but for a radically different purpose from before, although some members still engage in criminal activity. Can the Minister explain what that statement means, and can he explain the Secretary of State’s assessment of what that means for communities? Can he also update the House on the investigation by the PSNI into the two murders mentioned? Is he confident that sufficient resources exist?
Baroness Harris of Richmond (LD): My Lords, I, too, thank the Minister for repeating this Statement, which does not seem to take us much further down the road from the events of last week. That is a little disappointing. There have been relationship breakdowns between power-sharing parties on and off now for a number of years, and we lurch from semi-crisis to crisis all too often. The poor electors of Northern Ireland must be getting utterly disheartened by the bad behaviour of some of their leaders. Do the Government agree that there is a need to address paramilitaries of all kinds, whether unionist or nationalist, and that there must not be any relationship between democratically elected politicians and paramilitary organisations?

The Statement says that the talks are focused on two issues: paramilitarism and the implementation of the Stormont House agreement. Are the Government content that tackling these two issues will be enough to break the cycle of crises that has befallen the Northern Ireland Executive in recent years? Is there not merit in taking a wider view, including consideration of institutional structures and processes that prevent the kind of political progress that is required if public services are to be maintained?

Do the Government have a view on whether the actions of these Ministers in recent days amount to a breach of the pledge of office that all Ministers in the Northern Ireland Executive are required to take? They pledge to,

“discharge in good faith all the duties of office”,

and to,

“participate fully in the Executive Committee, the North/South Ministerial Council, and the British-Irish Council”.

The structures of Northern Ireland are in grave danger of not working for much longer. That would be tragic for the people of Northern Ireland, who have rightly enjoyed the peace that was predicated on the Good Friday agreement 17 years ago. They want a stable society, and it is up to the Government, both here and there, to deliver that to them.

Last week, speaking on Northern Ireland in the previous Statement, I talked about the real problems the police in Northern Ireland face day in, day out. I was therefore very pleased to hear in the Statement that more work will be going on to support efforts to tackle organised crime and cross-border crime. That surely will mean more financial support for the police, who have lost so many officers in recent years. This past season has seen 45 police officers injured in civil disorders. If that happened here, we can imagine the sort of outcry that would ensue. Moreover, concessions should not be made to just one part of the power-sharing parties. They must be seen to be fair to all, and I urge the Government to ensure this.

The Statement says that the talks and negotiations are time-limited. On the one hand, the Statement says that time is limited, and with every day that passes, the devolved institutions are likely to be less able to function effectively. On the other hand, the Secretary of State appears to be telling the House that, rather than there being the intense, focused negotiations which she told us just last week were urgently needed, the furthest the discussions have reached thus far is a series of bilateral
talks about talks. How do the Government believe that real urgency and momentum can be injected into the process to halt what appears to be a slide towards ever more gridlock?

On the relationship of the body along the lines of the Independent Monitoring Commission, have the Government given any consideration to the remit that such a body might have? The noble Lord mentioned that earlier. In addition to monitoring the activities of paramilitary organisations, might there be a role for that body, for example, to monitor the implementation by politicians of agreements reached between themselves, particularly those intended to address the legacy of the past? It is critical to reach the point where political agreements are not left to sit unimplemented, with all the damage that that does to public confidence in the political process.

If these vital talks are to be jointly shared by the Secretary of State for Northern Ireland and the Minister for Foreign Affairs in the Irish Government, can the Minister assure me that those relationships are strong and constructive? How often do meetings take place between them? If there is sufficient will to make these talks work, the problems confronting the Executive can and should be solved quickly.

Lord Dunlop: First, I thank the two noble Lords opposite for their contributions. I particularly welcome the confirmation from the noble Lord, Lord McAvoy, that his party intends to continue a bipartisan approach to Northern Ireland and remains committed to the principle of consent. It is a great strength when we in this Parliament can demonstrate a bipartisan approach to Northern Ireland. Having said that, the current situation is undoubtedly grave. We remain totally committed to devolution in Northern Ireland. That is why my right honourable friend the Northern Ireland Secretary is holding intensive talks with the five parties, and why we urge all parties to engage with the talks process with focus, determination and, of course, good will.

Turning to specific issues raised by noble Lords, the first was that of full authority. I confirm that we will bring to bear the full authority of the UK Government in these talks, and will focus on implementation of the Stormont House agreement and the paramilitary activity. On the chief constable’s assessment, the Government agree with it but we would be cautious about expounding upon what is already in the public domain. On the ongoing PSNI investigation, again it would be unhelpful to speculate about that. It is not in the interests of justice. The police must be able to follow the evidence without fear or favour. On the issue of police resources, of course the PSNI needs the resources to discharge its very important responsibilities.

On the ambiguity issue that the noble Lord, Lord McAvoy, raised, there is no room for it here. There is no place for paramilitary organisations in Northern Ireland. They are a blight on society, they are not wanted and they should disband. On cross-agency working, yes, we see the need for agencies to work together and to involve community groups so that we can find a solution to the problems Northern Ireland faces. On the IMC, I do not want to prejudice what parties might propose as part of the talks process, but the Government recognise that such a body could play a role and any remit that such a body had would need to reflect the changed circumstances.

I was asked about Stormont House agreement implementation and legislation. As has already been said, the Stormont House agreement was a great achievement. It is very important that the UK Government deliver on their commitments, so we continue to work on the Bill. Our aim is to present to Parliament next month the legislation as planned.

On welfare reform and the special circumstances of Northern Ireland, the Secretary of State made very clear that the Government will not fund a more generous Northern Ireland welfare system, but we have to recognise that funding already acknowledges Northern Ireland’s special circumstances. Northern Ireland’s spending per head is already 23% higher than the UK average and, of course, a key part of the Stormont House Agreement was the inclusion of £2 billion additional spending power. These talks need to be urgent, focused and intensive—talks that take weeks, not months—and we will work very closely with the Irish Government to get people round the table and find solutions to the problems Northern Ireland is facing.

4.10 pm

Lord Dubs (Lab): My Lords, of course we want the bipartisan approach to continue, and of course we want the Good Friday Agreement and the institutions to be brought back as soon as possible, but I wonder if the Minister could clarify something. Surely there is a difference between criminality and paramilitary activity, even if the people who are alleged to have done it were former members of a paramilitary organisation. Are we not endangering Northern Ireland by suggesting that the tragic murder of Kevin McGuigan was definitely to do with paramilitary activity, when a lot of evidence suggests that it was ordinary—common or garden, very nasty—criminality?

Lord Dunlop: As I said earlier, we agree with the chief constable’s assessment that the Provisional IRA continues to exist organisationally although its purpose has radically changed. The noble Lord is absolutely right: the chief constable’s finding was individuals engaged in criminality for personal gain while the organisation itself is no longer involved in terrorism. We accept and agree with that assessment, and it is very much part of the priority for the talks process that we focus on the activity that is taking place. That will be a key priority for the talks.

Lord Empey (UUP): My Lords, I begin by saying how delighted I was to hear the words of the noble Lord, Lord McAvoy, because there has been some concern in Northern Ireland about the forthcoming attitude of the Labour Party. We are most grateful for what he had to say.

Is the Minister aware that the Sinn Fein leadership gave a press conference at the weekend at which the northern chairman of that organisation described the evolution of the IRA as being from a caterpillar to a butterfly? Does the Minister agree that there could be no more appalling, outrageous and false analogy of the development of that organisation? Does he also
agree that the members and victims who suffered at the hands of that organisation, and continue to suffer, were outraged, horrified and angered by such a statement? Can he assure the House that Her Majesty's Government will not sweep issues like this under the carpet? The fundamental lie that was being propagated at that press conference is the reason why trust has been so undermined. Until that lie is confronted and separated out and dealt with from the rest of the day-to-day problems—such as the financial mismanagement on a massive scale that exists in Belfast—I believe we will have huge difficulty. Will he undertake to ensure that his right honourable friend in the other place is aware of this issue?

**Lord Dunlop:** I certainly undertake to make my right honourable friend in the other place aware of my noble friend's comments. As I have said already, paramilitary activity of any kind is a blight on society and we need to deal with it and banish it from Northern Ireland. The other point I would make is that victims must absolutely be centre stage in everything we do.

**Lord Brooke of Sutton Mandeville (Con):** My Lords, I share my noble friend Lord Empey's appreciation of the position and comments of the noble Lord, Lord McAvoy. Have Her Majesty's Government themselves reached the stage of having very different draft terms of reference for the possible substitute for the original Independent Monitoring Commission, and if so, are the Government encouraged by the reaction to them to date?

**Lord Dunlop:** Before replying to my noble friend's question, I take this opportunity, on the eve of his retirement from this House, to pay tribute to the many years of public service he has given and his distinguished record as a former Northern Ireland Secretary. Clearly, as I have said already, the IMC is very much an option for consideration. We do not want to prejudge what proposals the parties might put forward, but as I said earlier, the remit would be very different because the circumstances are very different.

**Lord Bew (CB):** My Lords, I cannot prevent myself joining in the tribute to the noble Lord, Lord Brooke, who was Secretary of State for Northern Ireland at such a difficult time and carried out the job with such distinction.

I very much welcome the tone of the Minister's remarks today about the IMC and, indeed, the broad tone in the other place. As he rightly said, it cannot be a simple return of the IMC, and there is much discussion to be had about this. I shall put to the House the most profound reason why it is a good idea. Some months ago, Committee A of the British-Irish Parliamentary Assembly—on which the noble Viscount, Lord Bridgeman, and I serve, as do members of Fine Gael and Fianna Fáil—presented a report in the Dáil Éireann on these issues of criminality and cross-border smuggling and their relationship to politics. There was a good debate and a couple of good newspaper follow-up stories but ultimately, after that, Committee A's report was forgotten about. It goes right to the heart of these matters of criminality. The return of the IMC would, tragically, not have stopped the two deaths that we have just seen. However, as I hope the Minister will agree, an open and honest discussion of issues relating to criminality and politics in Northern Ireland, such as we have tried to have in Committee A, would provide greater clarity and carry greater clout with the media. It can only be healthy. It would not have saved these two men's lives or solve all problems, but it would be a contribution to a clear atmosphere. Yesterday, Mr Gerry Adams very helpfully said that he wants to address the unionist community and say something reassuring, and I do not dismiss that. I am glad that he at least said that. But there is no possibility that anything that he says can have any weight. The crucial thing is to have a new independent body that will have control of the media agenda. That is the great case for the return, in a modified form, of the IMC.

**Lord Dunlop:** The noble Lord brings great experience of these matters to this debate and I very much take on board what he has said. I will make sure that his points are reflected to my right honourable friend the Secretary of State for Northern Ireland.

**Lord Lexden (Con):** Will my noble friend clarify the role of the Government of the Republic of Ireland in the discussions that are taking place?

**Lord Dunlop:** Obviously the Irish Government have a strong role in supporting these talks, and we work very closely with them in that. As participants in the Belfast agreement and as a Government who have commitments under the Stormont House agreement, they will be very much involved in these talks.

**Lord Kilclooney (CB):** Will the Minister make perfectly clear the role of the southern Irish Government? In the Belfast agreement, there were three strands. The southern Irish Government were allowed to be involved only in strand 3. Does that continue to be the case?

**Lord Dunlop:** Our priority is getting the parties round the table because unless they are round the table we cannot have talks that will make progress. The priority of both Governments—and any influence that the US Government can bring to bear—is focused on getting all the parties round the table.

**Lord Hay of Ballyore (DUP):** My Lords, I, too, very much welcome the Minister’s Statement on the current political crisis in Northern Ireland. I also welcome the statement to the House of the noble Lord, Lord McAvoy, to clarify the Labour Party’s position. In the last few days the Secretary of State for Northern Ireland has been meeting the five main political parties in Northern Ireland to find a way forward—in her own words, so that “intensive talks” can take place to address all the outstanding issues. Are we any closer to those talks taking place so that we can address all the issues, or are there still issues that need to be addressed by the individual parties to try to get them round the table?

Does the Minister also agree that if the institutions in Northern Ireland are to function effectively, paramilitary activity needs to be addressed once and for all? The
island of Ireland is awash with criminality which has been going on for many years—both in the north and in the south. It is almost 20 years since the signing of the Good Friday agreement, yet we still have paramilitary organisations in Northern Ireland that are still active, still killing and still involved in criminal activity.

In his Statement, the Minister talked about some sort of IMC body. I think we are in a different place and at a different time for which we need a different body. My only worry is that the ideas seem to have to come from the five main political parties—regarding the format, the powers and the terms of reference that such a body might have. Addressing that matter would be very useful because I can see it, too, turning into a political football in Northern Ireland. Would it not be better if the Minister and the Government would lead on and address those particular issues?

**Lord Dunlop:** I agree very much with what the noble Lord said about criminal paramilitary activity. As I have said previously, I do not think it would be helpful to provide a running commentary as talks proceed. The Secretary of State said in the other place that she will hold further talks tomorrow. We must see what transpires from those.

**Lord Hylton (CB):** My Lords, the noble Baroness speaking from the Liberal Democrat Front Bench raised the question of whether some Ministers might be in breach of their oath of office. The Minister may not be able to answer today, right now, but could he at least ensure that legal advice is taken on that point?

**Lord Dunlop:** It is for the Ministers who have taken those actions to answer for them. We remain absolutely focused on getting the parties round the table and seeking a resolution to these difficult issues.

**House of Lords Reform**
**Motion to Take Note (Continued)**

4.23 pm

**Baroness Smith of Basildon (Lab):** My Lords, there is always a slight sense of déjà-vu about debates on your Lordships’ House. The number of speakers in this debate, and the fact that there are four Motions before us—including those in the names of the noble Lords, Lord Pearson and Lord Steel, and my noble friend Lord Lea—is an indication of the interest in and concern about the ever-growing membership of your Lordships’ House. As much as your Lordships’ House has to address this issue—and there was ample information and facts behind the speeches we have heard so far—I have to tell the noble Baroness, Lord Hill, told the House that although,

“the House will sometimes be crowded on popular occasions ... we should not overstate the problem”.—[Official Report, 12/12/13, col. 996.]

He also referred to the size of the House previously having been larger prior to the 1999 Act, which removed most hereditary Peers. This is extraordinarily complacent, particularly when others, from all corners of your Lordships’ House, have been warning of the looming problems. I find it even more extraordinary when the Government are planning to reduce significantly the number of elected representatives in the House of Commons and increase the number of Members of this House. How can that be right?

The House will know that on these Benches, the Liberal Democrat Benches and elsewhere across your Lordships’ House, we consider a constitutional convention the right way forward to resolve—among other things—the issue of the place of this House in our constitution. I am sure that today we will hear many colourful views on your Lordships’ House. However, I find it hard to disagree with the opening lines of the excellent report *A Programme for Progress*, produced by a number of my noble friends, including the now retired Lord Grenfell:

“The House of Lords needs urgent reform. The number of peers, growing fast, is too large. Its procedures creak. Its image is rendered antediluvian by flummery, and it falls short of what is required of an effective, modern second chamber”.

Your Lordships’ House is groaning at the seams. The current Prime Minister has appointed more Peers per year than any other Prime Minister on record. The excellent work of Professor Meg Russell at University College London illustrates not only that record number of appointments but that they have been more intensely party political. Mr Cameron has appointed a larger proportion of government Peers than any other Prime Minister, with fewer Cross-Benchers and fewer for the Opposition. Professor Russell also notes how Mr Cameron’s new and somewhat bizarre policy statement that appointments should reflect the most recent general election result will ensure that, year on year, your Lordships’ House will expand—and with a greater proportion of government Peers. The noble Lord, Lord Pearson, had great fun with that nonsense of a

Indeed, the Leader of the House herself said recently that she did not think size mattered. She wrote in the *Daily Telegraph* of 31 August that, “it’s not where any debate about the House of Lords should start”.

Some in this House may agree with her, I fundamentally disagree with what she said in her speech—that the core purpose of your Lordships’ House was to complement the House of Commons. The core purpose of this Chamber—of your Lordships’ House—is not to complement the House of Commons. It is a revising, scrutinising Chamber which holds the Government to account and assists Governments in thinking again and reconsidering issues. However, that is not a reason or an excuse to step back from this issue. Neither can it ever be a solution to suggest that Members of your Lordships’ House should just not turn up so often. We take our responsibilities seriously.

However, the noble Baroness’s predecessors have taken much the same line. The noble Lord, Lord Hill, told the House that although,
policy, but this has never been what your Lordships’ House has been about. It does not reflect our functions and responsibilities, and it is ludicrous to appoint Peers to your Lordships’ House on that kind of policy basis. Does the Prime Minister so fear the independence and wisdom of this place that he seeks to contain us by appointing more government Peers, despite their already being the largest party?

The noble Baroness is quite right to be concerned about the reputation of your Lordships’ House. The excellence of this House’s reputation rests as much on its ability to ask the Commons to think again and reconsider as it does on the expertise and wisdom of your Lordships. However, this House and the Government must also recognise that the Prime Minister’s programme of appointments threatens that reputation. Indeed, the Prime Minister, as we heard from the noble Lord, Lord Steel, said recently on a trip to Singapore that, “it is important to make sure the House of Lords more accurately reflects the situation in the House of Commons”.

There is another part to that quote, which the noble Lord will recall as well. The Prime Minister went on to say that, “that’s been the position with prime ministers for a very, very long time and for very good and fair reason”. Has it? I do not recall any other Prime Minister—only the current Prime Minister and the previous Deputy Prime Minister—saying that that was the basis on which appointments to your Lordships’ House should be made. It has not been the position for a “very, very long time”. Therefore, can the noble Baroness confirm that it is truly the Prime Minister’s intention that, with each election, new appointments to your Lordships’ House should be made based on the result of that election? How does she feel that squares with the view of appointments that has instigated is not sustainable; and that he will not concern him. Of course it concerns him. All the facts show that he must bear responsibility for the acceleration in the growth of the size of your Lordships’ House. Because he has the authority to appoint, without being curtailed other than by the Appointments Commission on very limited criteria, he can use any changes we make here to reduce the size of this House as an invitation for more political appointments.

We want to see change. We believe the House is too large and that the evidence shows that this Prime Minister’s approach to appointments is not only providing the opportunity for external criticism but sidelinining serious discussion of our true purpose and value. It is hard to believe that there is not a political agenda here. Before any meaningful discussion and serious decisions can proceed, we need an assurance from the noble Baroness the Leader of the House that the Prime Minister understands the role of this House in assisting the Government in scrutinising legislation; that he recognises that the approach to new appointments he has instigated is not sustainable; and that he will not use any measures that reduce the membership of this House as an excuse to create additional skewed government appointments.

These are important issues. We want to make progress and we will be involved in discussions to reduce the size of your Lordships’ House. However, we cannot do this in isolation, without a commitment from the Government that they have also signed up to the same agenda.

4.33 pm

Lord Wallace of Tankerness (LD): My Lords, it is important when we are debating a take-note Motion that refers to “further incremental reform” to put it in context by recalling that the introductory text to the Parliament Act 1911 passed by the then Liberal Government says:

“And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation”.

I rather suspect the House would have been surprised that 104 years later it still had not been brought into operation. In the 21st century, in a modern, forward-looking, innovative country like the United Kingdom, it is simply wrong that the public have never had the opportunity to vote for Members of this House, or the ability to hold us to account for our record. I believe that anyone who makes the laws of the country should
be accountable to those they expect to obey those laws. In a democracy, we believe that legitimate power and political authority ultimately derive from the people.

It is worth reflecting that if the coalition government Bill proposed in 2012 by Nick Clegg and passed at Second Reading in the Commons with a majority of 338 had not had its progress frustrated in the House of Commons, we would now have Members of this House who were elected by the public and we would not be having this debate today. Questions of the burgeoning size of this House would not have arisen as membership of the House would have been reduced by a third under the provisions of that Bill. To be frank, I accept that the number on these Benches would be smaller, but the House of Commons frustrated that move.

Although I do not necessarily agree with the conclusion of the noble Lord, Lord Pearson of Rannoch, on what should be done, I can perfectly understand his frustrations. He made points that I readily recognise. His party received a larger share of the vote in the United Kingdom general election than my party, yet there is only one UKIP MP in the House of Commons and there are eight Liberal Democrats. If there was a fairer, more proportional system of election to the House of Commons, there would be more than 80 UKIP MPs and 51 Liberal Democrats. At Question Time, last week, the noble Lord, Lord Cormack, suggested that 40 of my colleagues should retire. It occurred to me that it would help address the balance in both Houses if it was possible to dispatch 43 colleagues from this House to the other place, but I suspect that that would not be democratic, either.

We are addressing issues this afternoon about the size of this House, the size of individual parties within this House, the balance across the House and, in discussing retirement, whether in effect membership of this House should actually be for the whole of the rest of one’s life. These are important issues about how this House is composed, and all are symptoms of a wider problem which has not been touched on in all the discussions around reform over the course of the summer in particular: what is the House of Lords for?

If there has been a weakness in the previous efforts to legislate for reform, it has been the inability to address the fear in the House of Commons that a democratically elected second Chamber would pose a threat, or at least be a rival, to the supremacy of the Commons. That is why it is necessary to address the question of function as well as composition. To my mind, the role of the House of Lords is not dissimilar to that articulated by the noble Baroness, Lady Smith of Basildon. It is to: scrutinise and revise the Government’s legislative agenda; to hold the Executive to account through questions, debates and the work of Select Committees; and, from time to time, to ask the House of Commons to think again. To be a Member of your Lordships’ House is to be in a position to fulfil this role. It is an honour and a privilege. Collectively, this House takes that role seriously. Individually, it has to be said, not every Member of the House applies themselves to this role with the same degree of dedication. Over the years, this Chamber has upped its game. It has listened to criticism and taken measures to strengthen the Code of Conduct and ensure that the Nolan principles on standards in public life are observed.

However, there is no job description; and, crucially, most appointments are still largely reliant on patronage. As long as that is the case, this House and its Members will continue to be vulnerable to the charge, however unfair, of not working hard enough.

My noble friend Lord Steel of Aikwood has suggested a compulsory retirement age. I am not personally persuaded by that; it is a somewhat blunt tool, designed simply to reduce the size of the House without asking the fundamental question of what kind of Members we need to have to effectively do the job we are asked to do. Experience and collective memory can both be useful attributes in fulfilling our revision and scrutiny roles. Not only does a fixed retirement age jar because of discrimination; it could lead to the exclusion of some who have still much of relevance to contribute. Some of my colleagues have suggested automatic retirement if a certain percentage of attendance is not reached in a Session. It is superficially attractive but attracts the old adage “Be careful what you wish for”, because it will defeat the object if it leads to Peers who seldom attend turning up more often but still not contributing, simply to keep up their membership.

Many rudimentary issues may be touched on this afternoon regarding the role of your Lordships’ House. One to which I could dedicate the entirety of this speech is how this House relates to the nations and regions of this country. In its evidence to the Kilbrandon commission in 1970, in which my noble friend Lord Steel of Aikwood played a part, the Scottish Liberal Party argued that, “a second chamber could facilitate federal co-ordination if it were composed of representatives of the national parliaments elected by them in proportion to their political composition.”

In a more federal United Kingdom, with a confident Scottish Parliament, an Assembly in Wales—which is set to see its powers increase—a still-delicate devolution settlement in Northern Ireland, and the promise of a northern powerhouse, we should be considering how this House can and should relate, and be relevant, to an evolving constitutional settlement. Such a discussion should surely take place and be remitted to a constitutional convention, as has been proposed in his Private Member’s Bill by my noble friend Lord Purvis of Tweed. In spite of what the Government have said, I urge Ministers to give serious consideration to supporting that Bill. It would ensure a process that is fully representative of the nations and regions in this country, and there would be an important conversation about our constitutional future.

Lord Foulkes of Cumnock (Lab): Has my noble and learned friend noticed that the leader of the Opposition has appointed a member of the shadow Cabinet, Jon Trickett, with specific responsibility for taking forward a UK constitutional convention?

Lord Wallace of Tankerness: That is very welcome. It is not just within our respective parties but in many other parts of the House that there is a view that we should do that and look at some of these fundamental issues in a proper context.

From these Benches, our quest for a better whole will not prevent us seeking improvements in the component parts where possible. That is why I will respond positively to the invitation from the noble...
Baroness the Leader of the House to engage and find ways in which the Government, the Opposition and, indeed, the Cross Benches can improve the workings of this House, albeit short of the democratic mandate that I would like.

One such measure would be to end the system of hereditary by-elections to the House. As my noble friend Lord Steel of Aikwood said in 2011:

“I do not see that in the 21st century we can possibly stand up and say that people become Members of the British Parliament by heredity and election by three or four people”—[Official Report, 21/10/11; col. 474.]

As I understand it, when it was introduced, the by-election system was supposed to be a temporary measure until the then Labour Government’s “second stage” of Lords reform. But like the promise of the 1911 Act, we are still waiting.

The role of patronage in the appointment of Members could be significantly reduced, with a stronger role for the independent Appointments Commission, as has been said by the noble Lord, Lord Lea of Crondall. A more radical change to membership, but one that would be consistent with the thinking of the 2012 Bill, would be to introduce time-limited appointments rather than membership of the House being for the rest of one’s life. This would address some of the concerns of ever-increasing membership, while ensuring that membership is refreshed.

The main premise of the Motions before the House today is that, if we reduce the size of your Lordships’ House, everything will be fine. Respectfully, I profoundly disagree. There are fundamental issues to be addressed in our ever-evolving constitution, of which the role of the House is but one. I continue to believe, and make no apology for it, that democratic reform of the House would go a long way to addressing some of the criticisms that have been levelled at us in recent weeks. But in the absence of democratic reform, I undertake to work constructively with the other Benches in your Lordships’ House to improve our composition, our processes and, I sincerely hope, our reputation. However, I urge the Leader of the House, in the haste to resolve a seating shortage, please do not lose sight of the deep-rooted challenges facing this Chamber.

4.42 pm

Lord Armstrong of Ilminster (CB): My Lords, there are many issues about the future of this House that could well be reviewed. However, today, we are addressing the question of its size.

It is a truth universally agreed that the House is too large and should be smaller; how much smaller is a matter for debate. I suggest that we should be aiming at an average of about 450 Members as our eventual goal, with not more than 500 and not fewer than 400.

Out trouble is this: the intake resulting from the creation of new Peers persistently exceeds the outflow resulting from deaths and voluntary retirements. So the size of the House has been, and is, increasing remorselessly.

I listened with great respect to the speech by the noble Baroness, Lady Smith of Basildon. However, I am afraid I do not believe it realistic to think that any Prime Minister would be willing to accept the imposition of any restriction on the number of peerages that he or she may recommend to be created. Any restraint on the part of the present or any other Prime Minister would be very welcome but purely voluntary.

We need, therefore, to look for means of increasing the rate at which Peers leave the House. In my view, we should not try to do this by setting a fixed age of compulsory retirement—attractive though the proposition by the noble Lord, Lord Steel, is—because that would provide only temporary relief. Instead, we should look for a more rational, progressive and lasting way of dealing with the problem, and the way we deal with it should be a matter for the House of Lords itself to decide and operate.

My proposals would be as follows. The Life Peerages Act 1958 should be amended so as to provide that people shall be appointed as Peers for life but as Members of the House of Lords for fixed terms of five years. The House should have the power to renew the appointment of a Peer as a Member of the House of Lords for a further term or terms of five years. Decisions to renew should be taken on the recommendation of a reappointments committee of the House, chaired by the Lord Speaker.

That committee should be able to recommend, and the House to approve, repeat renewals without any statutory limits on age or length of service. In deciding whether to recommend a renewal, the committee would have regard to length of service, to age, to value of contribution to the work of the House, and to any other relevant considerations. No doubt the committee would be able, if it thought fit, to have regard to considerations of balance between the various party political and independent groups of Peers.

The presumption should be that at the first review of an appointment after the first five years of membership, the committee would recommend renewal for a second five-year term unless there was some positive reason, such as minimal contribution to the work of the House, to justify withholding such a recommendation. For second and subsequent renewals, the burden of proof should be reversed: the committee should look for positive reasons to recommend renewal for a further five-year term.

These provisions would apply to Peers created after the new legislation came into effect. There would need to be transitional arrangements to deal with those who are already Members of the House. My proposal here would be for the existing Members of the House to be brigaded in five groups according to length of service. Each group would be reviewed by the reappointments committee at the beginning of a parliamentary Session, and the committee would recommend which of the members of the group should be asked to take voluntary retirement under the 2014 Act not later than at the end of that Session.

Thus, those in the first group with the longest service would be reviewed in May 2016, with those recommended for voluntary retirement being asked to retire not later than April 2017. The process would then be repeated in 2017-18 for the second group,
including those who had survived from the first review, and so on. Thus the last group would be reviewed in 2020-21.

These transitional arrangements could probably be given effect by Standing Orders if there was general agreement that they should be introduced. If the proposals were adopted, I suggest that noble Lords who are hereditary Peers be allowed to continue as Members of the House until death or retirement but should not be replaced.

I commend these proposals for the consideration of the House as offering a rational, progressive, lasting and workable means within the control of the House for reducing the size of the House of Lords to a more acceptable level.

4.48 pm

Lord Strathclyde (Con): My Lords, it has not been a great few weeks for your Lordships’ House. There has been much commentary and debate in the press and the media in general, especially discussions on the growth of numbers in this House. This has been tied in with the Prime Minister’s Dissolution list, which was inevitably longer than a mid-Parliament list would have been. We should recognise that it also marked the end of the coalition, which is why the Liberal Democrats were so recognised with an increase in their number.

This debate is premised on numbers. I have been waiting to hear a definitive case for a reduction in numbers to be made, and there have been various suggestions. The noble Lord, Lord Armstrong, has just suggested a figure—450—that we should come down to. I recognise that there is a general dissatisfaction about the numbers in our House, which is reflected outside it, but I am not convinced that the case has been made, or sure how much that reduction should be. One reason is that we hear far more about the number of Peers who come in, rather than the numbers who leave for whatever reason. I would encourage my noble friend the Leader of the House to make known every quarter, perhaps by Written Statement, how many Peers have left and whether they have died, retired or taken leave of absence. I think that the noble Lord, Lord Lea of Crondall, said that we lose about 20 a year through death, and that the Leader of the House said that about 30 retired in the last 12 months. That is 50 altogether, which puts the Prime Minister’s list into a slightly different perspective.

Lord Lea of Crondall: My Lords—

Lord Strathclyde: I am very happy to be corrected later on, perhaps by the Leader of the House.

More importantly, I am not sure that numbers have ever counted for much in the House of Lords. In every single Parliament between 1945 and 2001, Labour were in a small minority in the House, particularly in the 1980s and 1990s. Yet, when in government they were always able to carry the Queen’s business—as did the Conservative Party—but perhaps more important than that, when in opposition they were extremely effective. In fact, I have always thought that the Labour Party was better in opposition in the House of Lords than in government.

One of the reasons for that is that we all recognise the limits of our power in the House of Lords. Yet, this century we have been testing the limits of that power. While we as a House might have become more relevant, and perhaps more political, I am not sure that we have become more powerful as a House, and nor should we. The House of Lords defeats the Government from time to time, but what is much more powerful than defeat is the strength of the argument that is deployed and the influence that is brought to bear, particularly if there is a sign of a rebellion from the party in government.

Lord Hunt of Kings Heath (Lab): My Lords, I am most grateful to the noble Lord for giving way. I recollect that during his time as Leader of the Opposition in your Lordships’ House, he and other Opposition parties defeated the Labour Government on, I think, 33% of all the votes. Is he now recanting from that?

Lord Strathclyde: When the noble Lord reads my words, he will see that I said that far more powerful than defeating the Government was the strength of the argument. I maintain that that was the case even when we defeated the Government when I was Leader of the Opposition.

As other noble Lords have said, what also counts is that this House should do what it is asked to do: holding the Executive to account; scrutinising and revising legislation; debating the great issues of the day and informing Government and the people of our collective views; holding great committees of inquiry that take evidence; and thinking through the solutions to the difficult issues that face our country. The noble Baroness the Leader of the Opposition indicated that that might not be complementing the work of the House of Commons, but that is exactly what my noble friend the Leader of the House meant when she said that we should complement the Commons. I very much welcome the fact that the Leader of the Opposition is still in post. It is a great relief to us all that she was reconfirmed.

Baroness Smith of Basildon: I can inform the noble Lord that I am elected by the Labour Peers, and whoever is leader of the Labour Party, they have me.

Lord Strathclyde: My Lords, we are all very happy that that was the case.

I shall comment briefly on the various options of which there are only three. One is term limits, which the noble Lord, Lord Armstrong, mentioned. I shall have to read what he said to understand some of his nuances. Others mentioned a term of 15 years. I wonder whether someone who was in mid-career, aged 45 or 50, would really welcome doing just 15 years in the House of Lords, or say a Conservative Peer arriving in 1996 and being flung out in 2011 just as we got into government.

Secondly, age limits sound simple and fair, but as the noble Lord, Lord Steel, realised, we might lose rather more than we gain. He has therefore invented a sort of life after death: a reverse euthanasia for Peers over 80. Yet, following me, the right reverend Prelate the Bishop of Lichfield will be making his valedictory
The third option is a straightforward reduction—say, 20% of the House—like that of the hereditary Peers in 1999. This probably has the greatest merit, but it is not without its flaws. First, it is an immensely unpleasant process: I have been through it and can attest to that. Secondly, it creates what I may call the Pearson problem: the noble Lord, Lord Pearson, is part of a smaller party, as are the Greens and the Welsh nationalists. I wish there were Scottish nationalists here as well—and I think they should be excluded from any process of reduction because there are so few of them.

I also echo what the noble and learned Lord, Lord Wallace, said: that any solution to this must recognise that we represent so many different parts of the United Kingdom and that the constitutional settlement is currently in flow. Nothing will happen unless the leaders of the parties and the Convenor of the Cross Benches can come to an agreement. I strongly urge that they work with the noble and learned Lord to see whether there is any consensus for coming forward with what I hope will be a non-legislative solution.

4.55 pm

The Lord Bishop of Lichfield (Valedictory Speech): My Lords, one of my few really painful regrets is that I have not spent more time in your Lordships' House, not least because of all the characters that one meets along these corridors. I remember that the first time I had a sandwich lunch here, I found myself sitting between one Peer who had just made a killing in his Bond Street gallery and another who had been in trade unions all his working life. It was wonderful to hear the conversation between them. So, before addressing the debate, I want to give my thanks to the officers and staff of the House, who have been so supportive during my time in your Lordships' House.

As noble Lords know, Bishops sit not as Peers but as Lords spiritual and our position is ex officio. When we retire from our office, we also retire from this House. My own time to withdraw will be at the end of this month, so this is likely to be my final contribution from these Benches. Like all on these Benches, I have greatly appreciated the opportunity that it has provided to take part in debates on issues of great national and international importance. I have enjoyed the tussles and I have been astounded by the courtesy of so many Ministers, who have left no stone unturned to try to find an answer to the questions that I have had or the comments that I have made.

Since King Charles II's time, the number of Lords spiritual allowed to sit in this chamber has been capped by statute at 26. It is an arrangement that ensures that there is a steady turnover on these Benches and that, over time, each part of the nation that the Church of England serves has a voice and a presence in this House. The question of the size of the House is back at the forefront of the debate on Lords reform. This Bench has worked for so long with the principle of an upper cap; it is something that others may want to consider.

Bishops have been Members of this House for as long as it has existed, apart from a brief period under Oliver Cromwell, and until the Reformation the majority of Lord Chancellors were also Lords spiritual. We took our modest, modern-day role seriously as part of our general vocation towards service to the nation. It is often said—and it has been said already today—that, when it comes to governance and reform, our country is fonder of evolution than revolution. The same could be said for your Lordships' House. In response to pressing need, steady and incremental changes have been made, and they have ensured that this House has kept itself equal to the task of revision and scrutiny so vital to its function.

We have in recent years been preoccupied with the size of the parties in this House, and rightly so. As a more or less neutral observer, it appears to me that this House is at its best when neither Her Majesty's Government nor her loyal Opposition have large overall majorities. Proper, detailed, expert scrutiny, debate and discussion is what this Chamber thrives on. In that regard, it is essential that Cross-Bench and independent Peers remain a significant presence in this House to hold the balance and to ensure that all sides work together for the good of all.

Whatever the future holds for this House, it has been a great privilege to serve the people of Staffordshire, Shropshire and the Black Country, as well as being the 98th Bishop of Lichfield. I expect that the seat I vacate on these Benches towards the end of the month will be occupied by the new Bishop of Newcastle, Christine Hardman. She will become the second female Lord spiritual to join your Lordships' House. I wish both her and the new Bishop of Gloucester well in their roles here. As I have, I am sure that they will find the opportunity to serve in this way an enriching and rewarding experience. I give you my thanks.

5 pm

Lord Cormack (Con): My Lords, it is a very great pleasure and honour to follow the right reverend Prelate. I was a member of the Lichfield General Synod delegation that met in the appointments committee to recommend a new Bishop of Lichfield when the former bishop retired. We chose the right reverend Prelate to be our bishop in the diocese of Lichfield and he did not disappoint us. He quickly became known for the exercise of quiet, gentle authority. He will be much missed and fondly remembered in the diocese of Lichfield. I no longer live in that diocese—I now live in Lincoln—but I shall always treasure my connections, in particular the friendship that I enjoyed and I hope will continue to enjoy, with the right reverend Prelate. The House of Lords owes him much, and by his speech today he has demonstrated that there is a real validity and value in having a Bench of Bishops in your Lordships' House.

I must declare an interest. As many of your Lordships know, some 13 years ago my noble friend Lord Norton of Louth and I founded the Campaign for an Effective Second Chamber, which only today had a well-attended meeting with more than 50 of your Lordships present. Before the events of July and before the new list, we established a sub-committee, which I have the honour
of chairing, to look at the whole question of numbers in your Lordships’ House. This is not a problem that has just emerged; it is one of which we have been very conscious for a long time. It would be wrong for me to come out in favour of any particular solution in this debate because I would be pre-empting the discussion of our sub-group, but there are things that we are looking at and have to look at—some have already been touched on in the debate. I hope that we will be in a position to produce a degree of consensus in a report that your Lordships’ House will be able to consider, along with other reports, later this year.

I am well aware that to go for an arbitrary retirement age would be a simple but slightly crude solution. I am bound to say, along with my noble friend Lord MacGregor, the chairman of the Association of Conservative Peers—who sadly cannot be here today but he asked me to mention this—that I find some attraction in this solution. As the noble Lord, Lord Steel, has already referred to, at the end of this Parliament on 30 March 2020, by which time Dissolution has to occur, 260 of your Lordships will be aged 80 or over, of whom I will be one.

The noble Lord, Lord Steel, has indicated in his Motion that his solution perhaps needs refining—maybe we should look at other things. With the help of the Library I got some figures. There are 140 Members of your Lordships’ House who spoke less than once a year in the last Parliament. Some 17 of those eligible to attend in the last Session did not come at all. In the whole of the last Parliament, 119 voted fewer than 20 times and 47 did not vote at all. These are things that we have to take into account. I believe that there are solutions. I am bound to say that, much as I admire and respect the noble Lord, Lord Armstrong of Ilminster, I thought that his solution was a tad complicated, but we could set a limit, a cap, on the number of Members in your Lordships’ House. At our sub-committee meeting last week, there was something approaching consensus in saying that we should try to fix your Lordships’ House at a size no bigger than that of the House of Commons—in other words, 600, as it will be at the beginning of the next Parliament. Maybe we should move on beyond that.

How do we do that? One solution that could commend itself to your Lordships would be that at the beginning of each Parliament the Cross-Benchers—who should be guaranteed 20% of the places—and the various party groups should elect, or select, so many of their number. There are constitutional precedents for this. The Acts of Union 1707 gave the Scottish peerage the opportunity and the duty of selecting 16 of their number to sit at Westminster in the House of Lords. Nearly 100 years later, in 1801, the Act of Union with Ireland gave the Irish peerage 28 seats in your Lordships’ House. Maybe this is a precedent that we should look at carefully. If we had a cap on numbers and did something like this within the Cross-Bench group and the party groups, we would have some satisfaction that it would not be driven by age or any other specific factor; it would take into account the contributions made by the Peers concerned. I also think we ought not to have a situation where the Prime Minister’s patronage is extinguished—that would be completely wrong—but, if at the beginning of each Parliament he were given 10%, he could nominate new or reappoint old as he wished.

My final point in this necessarily brief speech is that there is some merit in saying that a peerage should be for life but membership of this House should be for a defined period. I would make it a genuinely long defined period—perhaps as long as 20 years, but certainly 15—because I do not like the power of the Whips, and if they thought they could exercise a sort of perverse patronage every five years, your Lordships’ House would not be what it is today. I believe fundamentally in a House that does not challenge the unambiguous democratic mandate of the House of Commons and that acknowledges the supremacy of the House of Commons, but that brings together talent and experience from all walks of life in a way that no other second Chamber in the world is able to do.

5.08 pm

Lord Campbell-Savours (Lab): My Lords, I quote from a very interesting little article in the New Statesman the other week by Mr Peter Wilby, a former educational correspondent on the Guardian:

"Are the Tories secretly planning to kill off the House of Lords in its present form? It is hard to reach any other conclusion from David Cameron’s extraordinary ennoblement of failed and discredited politicians alongside obscure Tory donors and former special advisers. Now the house has more than 800 members, it has become a joke, even to those who were previously among its firmest supporters”.

In my view and in the eyes of the electorate, this House looks quite ridiculous. All the good work by very talented men and women is now sidelined in a sea of ridicule. A very small number of individuals, party donors, expenses cheats and vendors of access have undermined the credibility and reputation of this institution. It is in that climate that Mr Cameron now intends to stuff not just 50 or 35 Conservative Peers—whatever it is—into the House. This is only the first group; there will be further groups in the next 12 months.

We know he has a problem because the Government want their business to get through, but he created the problem by bringing into this House a disproportionate number of Peers in the last Parliament, many of whom were Liberal Democrats. This is not the first time that he has stuffed the House. He stuffed it with 110 Peers in the period between May and November 2010, putting so much pressure on the introductions system that, in the Procedure Committee, we had to carry two reports that year—the first and third reports—recommending an arrangement for an increase in the daily intake of Members. A Motion was put before the House to do that, and I suspect that it will have to come before the House again. We are in a position to block it if we wish to slow down the process of introduction.

I want a cap and have a partial solution for that: one death equals one new appointment, and one retiree equals one new appointment—what I call the policy of substitution. That approach, in a rather simplistic way, would immediately cap the numbers, but the problem of the disproportionalities remains. In the procedures and practices debate earlier this year, I
predicted that the Liberals would be reduced to a rump, which they were; that there would be a huge increase in the UKIP and Green vote, which there was; and that all that would be followed by a further invasion of a large number of Liberal Democrat Peers, who in my view should not be taking their seats in this House at this stage. I recognise the immense contribution made by people like Menzies Campbell and Alan Beith over many years in the House of Commons, but I still do not believe that they should be coming in at this time on the basis of the present arrangement. They should come in on the basis of the policy of substitution which I referred to.

My long-term view has remained the same from the day I was appointed to this House. I believe in either indirect or direct elections, and everything else is a compromise. In the interim, however, how do we proceed to reduce the numbers? The document produced by the Library sets out a number of possible arrangements, such as severance and the proposal of the noble Lord, Lord Steel of Aikwood, for the 80-plus option. But we could consider a two-tier system of membership: voting membership and non-voting membership. How would you divide the voting membership from the non-voting membership? You could have internal elections, which I suppose could reflect proportionality, or you could have another system which is more blunt but which to some extent takes into account the system proposed by the noble Lord, Lord Steel. You could have a system whereby those who remained in the House after the age of 80 would simply not have a vote; those under 80 would vote. That would enable those with huge experience who were still clear in their thinking to come to this House and give it the benefit of their judgments and then leave without voting. It would provide them with flexibility in their later lives and yet bring to the House the benefit of their knowledge.

5.14 pm

Lord Greaves (LD): My Lords, the Leader of the House, the Lord Privy Seal, in introducing this important debate said that the House “cannot grow indefinitely”. The problem is that, at the moment, it is growing indefinitely. Therefore, unless somebody somewhere decides that the tipping point would indeed make us look ridiculous, in the words of the noble Lord, Lord Campbell-Savours.

The Leader also said that we should concentrate on our purpose, and the leader of my party, the Liberal Democrats, my noble and learned friend Lord Wallace of Tankerness, asked: what is the House of Lords for? I think that most of us who are here have a pretty good idea of what it is for, because it is what we do. By and large, we do it fairly well. We can argue as to what we ought to do and whether we should do more or less of it, and we can argue about the ways in which we do it, but those things are relatively marginal. We know what it is for. The problem is that, increasingly, people out there—the rest of the country and the rest of the world—do not know what we do. They do not understand it, and those journalists who do have given up trying to tell those who do not.

The noble Lord, Lord Campbell-Savours, said that we are looking ridiculous. I think that he said that we are wallowing in a sea of ridicule, or something like that. We have to understand what the tipping point was in the media that caused that to happen. It was nothing to do with the size of the House. It was not to do with the Prime Minister appointing new Peers; it was not anything to do with what we do. It was the stupid behaviour, caught by the media, of one particular senior Member of this House. In the way that the British media operate, that is the event which put the House of Lords into a sea of ridicule—if that is where we are.

After what has been a dreadful summer for this House from a publicity point of view, the first thing that we have to do is to avoid any more ridicule in the short run. People who have the ear of the Prime Minister really have to tell him in words of one syllable that there must be no more significant appointments, no more large lists—there may be individuals, but that is different—of new Peers for the foreseeable future, certainly for 12 months. Then we can see how it goes beyond that.

Of course, the Prime Minister is accused of trying to boost the government numbers in the new circumstances of a Conservative Government, but he has not actually done that. He has boosted the government numbers on a net balance between the opposition parties and the government party by seven. Why appoint 45 Peers, and get all the opprobrium for doing that, when all it does is boost the government numbers by seven? The 10 defeats of the Government before the Summer Recess were all by majorities larger than that—some by very significantly larger majorities. The idea, which some people in the Conservative Party were telling me was going to happen, that we were going to get a lot of new Conservative Peers to make sure that the Government had something like a majority in this House, is nonsense. It cannot be done without a huge number of appointments.

One thing that can be done to avoid a degree of ridicule is the immediate abolition of hereditary Peers’ by-elections, which are amusing and fun, but if anybody out there really knew about them and what was going on, they would be a matter of derision. There must be a moratorium on lists. The idea of the noble Lord, Lord Campbell-Savours, of one out and one in is a good one, although it does not actually reduce the numbers. Combined with a self-denying ordinance of no more lists for the foreseeable future, numbers would start to fall.

We must remember that one of the principles underlying the halfway reform of the House of Lords in 1999, when most of the hereditaries were invited to leave, was that never again would the Government have a majority in the House of Lords. Therefore, the House of Lords would be different; it would be a body with no overall political control. That was tested to its limits in the last five years under the coalition, and it was something that a lot of us on the Liberal Democrat Benches were well aware of. To some extent, some groups—I had better be careful how I phrase this—of people on the Cross Benches stepped in and filled the gap. They were very largely responsible for those occasions...
on which the Government were defeated, and they did a very good job with that. We are clearly the pivotal group again in the House, and that is the situation that was expected after the 1999 settlement. I therefore say to the noble Lord, Lord Campbell-Savours—and I agree with a lot of what he said—that he has to stop his obsession with the Liberal Democrats and the numbers we have here.

Finally, in the whole of my political life, I have been an observer of and a member of bodies, including this House until recently, where the Liberal Democrats were disgracefully underrepresented. Now, suddenly, we are overrepresented; suddenly, we find that people such as the noble Lord are new devotees of proportional representation, but only in so far as it does us down. Let us work together on these things, rather than making those kind of remarks. I believe that there are ways forward and we should look for them constructively.

5.21 pm

Lord Wakeham (Con): My Lords, getting up to speak at this stage of the debate, I find that there have been so many interesting points that different people have made that I feel like abandoning what I was going to say and trying to comment on what other people have said; but I will resist that and try to say what I originally intended.

First of all, we ought to say that in spite of what everybody says, this place still does a pretty good job in what it is supposed to do. I do not think we should run ourselves down so much that people think we are a complete shower, as some people might have implied. Secondly, I accept that there are too many Peers in the House of Lords for us to do as effective a job as we ought to; we do not need as many Peers as we have. Therefore, if we could think of some ways of dealing with that, it would be right.

I congratulate the Leader of the House on her speech; I thought it was absolutely excellent. She employed the right tone for trying to see whether we can employ the right tone for trying to see whether we can work together with the other leaders of the parties to see whether we can work out some practical, sensible solutions. All sorts of things to do with allowances and so on can be done.

It would not be sensible for me to suggest in detail what should be done because once you start those sorts of negotiation, as with the reform of Europe, if you announce your final objectives then everybody wants to criticise them. We should genuinely have negotiations between the parties to see whether we can find practical solutions to deal with some of the problems. I am certainly prepared to write a letter to my noble friend to set out some of my thoughts on that but it is unhelpful to start a discussion by saying what you want to achieve at the end of it. We will not achieve everything but there is no reason why this House cannot do a number of things. We must find a majority that want to do them. In the interests of Parliament and recognising that we do a good job, I say that there are too many of us here—that is my recommendation to my noble friend.

5.27 pm

Baroness Hayman (CB): My Lords, unlike the noble Lord, Lord Wakeham, I cannot resist temptation. I will not go through the Hayman formula for the basis on which to reduce numbers in your Lordships’ House. We are only a third of the way through the speakers already. We have had myriad suggestions and will have a few more. We will have many repetitions of suggestions.

I have nothing particularly novel to suggest to the House. In principle, I like the idea of term appointments but I would be more radical in divorcing membership of your Lordships’ House from the honours system completely in future. It is also important that, although I understand the Leader’s call for simplicity, we do not choose an instrument that is so blunt that it leaves us balanced; it was this and that and the other thing—and then they did sweet nothing about it. It is interesting to reflect on why that was the case: the reason was that we had attempted in the royal commission to find a balanced solution that gave something to everybody. Actually, however, nobody—but nobody worth while—was prepared to compromise in any way. The result was to go on as we were. The lesson there is that we must find a consensus. The Prime Minister and Government are absolutely right in not bringing forward substantial legislation to reform this House until we can achieve some form of consensus. That is what we must do, and that means everybody will not get what they absolutely want. They will get some but not all of it.

What do we do now? As I listened to the suggestions, I should have made a list. On one side would have been those that require legislation. Forget about those—they will not happen for the next few years—so what can the House do without legislation? There is a great deal more we could do to find solutions if we set about that properly. They will not be perfect solutions and they will be, in my view, only temporary. It will be five or 10 years before any reform of this House comes into effect. It will probably be 10 years from now, even if it starts in the next Parliament. However, there are a lot of things we could do to deal with the numbers. My noble friend the Leader is absolutely right. She should work together with the other leaders of the parties to see whether we can work out some practical, sensible solutions. All sorts of things to do with allowances and so on can be done.

It would not be sensible for me to suggest in detail what should be done because once you start those sorts of negotiation, as with the reform of Europe, if you announce your final objectives then everybody wants to criticise them. We should genuinely have negotiations between the parties to see whether we could find practical solutions to deal with some of the problems. I am certainly prepared to write a letter to my noble friend to set out some of my thoughts on that but it is unhelpful to start a discussion by saying what you want to achieve at the end of it. We will not achieve everything but there is no reason why this House cannot do a number of things. We must find a majority that want to do them. In the interests of Parliament and recognising that we do a good job, I say that there are too many of us here—that is my recommendation to my noble friend.
with a House of only recent appointees and none of the corporate memory that is often of great assistance to the House in its purpose. Purpose is important.

Unlike the noble Lord, Lord Strathclyde, I think size matters, too. The size of the House at the moment is a barrier to public understanding of what the noble Lord, Lord Wakeham, just said, which is absolutely true: the House does a very good job on a range of issues on which we have a common understanding. We cannot fight through the current level of disbelief in the necessity of a House of this size. The noble Lord, Lord Strathclyde, said he had not heard a good argument for reducing the size of the House, but public perception is a good argument. We can no longer say that the play is wonderful but the audience is terrible.

I did a lot of media commentary at the end of July. It was not a happy experience, but it left me in no doubt that, although it may have been sparked by the behaviour of an individual, we are in something of a perfect storm so far as the House’s reputation is concerned.

The number of appointments, the seemingly random nature of how we decide the size of the House and the continued use of the prerogative are causing great damage to the reputation of the House.

There is also another argument about the working of the House, and the noble Lord, Lord Wakeham, referred to this. I do not believe that ever-increasing numbers are allowing us to do our job of scrutinising the Government—of holding them to account—better. You have only to look at the truncation of speeches in debates and the inability of people who are often world experts to get in at Question Time to see that having more and more people does not make us more and more productive. It is tremendously important that we tackle the size of the House.

I agree with the noble Lord, Lord Strathclyde, that nothing will happen unless the Leader of the House is able to create the political will among the leaders of the other parties and the Convenor to take this forward. The key is not to have the detailed list of how we are going to do it, but to create the sense that action will follow the statement of principles. For the statement of principles, I would go for a cap on the size of the House before the next general election that reduces it to below the size of the House of Commons. I may not have only to look at the truncation of speeches in debates and the inability of people who are often world experts to get in at Question Time to see that having more and more people does not make us more and more productive. It is tremendously important that we tackle the size of the House.

What is more difficult, and on which we also need political agreement, are the implications for party strength within the House. If we come up with a formula for retirement at 80, for example, it disadvantages one party against another—it is a non-starter. It will never happen. The more difficult task of deciding where we are and how we will accommodate the reduction within the groups is the most important thing that group could do.

Finally, we seem to be developing, if not inventing, conventions about membership of your Lordships’ House with regard to temporary civil servants. We need conventions governing the principles on which appointments are made to this House after a general election. No one will get a Prime Minister to give up completely his prerogative over appointments, but there is a real case for public discussion and decision about how the results of a general election should be reflected in the proportionality of groups in this House. Unless we crack that one as well, we will be having the same debates after another general election.

5.34 pm

Lord Hunt of Wirral (Con): My Lords, in 1997 when I arrived in this House, I received wise words from my mentor and introducer Lord Weatherill, who stressed the need for incremental reform of this House. He pointed out that there would be moves for long-term, permanent reform, but said that he favoured slow but steady changes that would do much to underpin and strengthen public trust and confidence in this House.

Concentrating on raising public trust and confidence should be what this debate is all about. My noble friend the Lord Privy Seal, the Leader of the House, talked about our core purpose and how right she was in stressing that we complement. My definition of “complement” is that we make, shape and revise laws and check and challenge the Government of the day.

In that way, we fulfil our purpose. Size is very important, but it should never seek to dominate our agenda to the exclusion of the need to demonstrate our experience and knowledge. As we discuss the Motions before us, I urge all noble Lords to be realistic. As my noble friend Lord Wakeham just pointed out, we should never seek to be overambitious as we will never do everything that needs to be done as quickly as we would like. My speech, therefore, is just to persuade that the right way forward is by using the power of incremental change.

I had the honour to respond to my noble friend, then the Leader of the House, and to chair the Leader’s Group on Members leaving the House five years ago. I am very grateful to Dan Byles, who pointed out that when he proposed what I call the Steel Bill, but is apparently the House of Lords Reform Act, he was intent on delivering “very modest reform”. That is why he succeeded. I am very grateful, not only to him but also to the noble Lord, Lord Steel of Aikwood, the noble Baroness, Lady Hayman, and other noble Lords for their key role in securing the changes implemented as a result of that Act.

Since then, as we have learnt in this debate, the number of voluntary retirements has risen to 35 and I single out for praise and thanks our Lord Speaker, for the initiatives she has taken to ensure that colleagues can now retire with honour and dignity. That was just one of our key recommendations and there are many others.

My colleagues on that group—the noble Baronesses, Lady Farrington of Ribbleton, Lady Murphy and Lady Scott of Needham Market, the noble Lord, Lord Hunt of Kings Heath, and my noble friend Lady Sharples—and I organised a widespread consultation on a range of issues relating to the future of the House. Eighty-three colleagues put forward suggestions. Many of them have already participated and will be participating in this debate, and I still have all those pages of suggestions, which are a wonderful reservoir of advice. We said in paragraph 36 of our report, “that the party leaders and the Convenor should develop a new understanding … about the proportion of seats in the current House on which it would be appropriate for each party or group to rely”.

[Baroness Hayman]
In paragraph 57, we said that if voluntary retirement did not result in a sufficient reduction, “further consideration should be given to an arrangement whereby the different groups in the House elect those who should remain”. We also suggested having voting and non-voting Members. There was a great deal in that report, which I urge noble Lords to revisit.

There are many other recommendations, including my personal one in paragraph 48, that there should be a fund, “resourced entirely by voluntary contributions from members and at no cost to public funds … to assist retired members who might otherwise experience financial hardship”. I strongly believe that it is about time we took action to look after those of our colleagues—a rising number—who take retirement and in later years need some form of financial help. We should regard it as our obligation to assist them.

I also refer to our recommendation in paragraph 63 that the honour of a life peerage should not automatically entail appointment to membership of the House, which should be reserved to those who are willing to make a significant commitment to public service in Parliament. There are many other recommendations, so instead of urging further seminars, discussions and debates, I urge noble Lords to revisit some of the many suggestions that have been made in the past and come forward with the consensus that can enable incremental reform.

5.41 pm

Lord Stone of Blackheath (Lab): My Lords, unlike my noble friend Lady Hayman, I cannot resist elevation, so whatever we decide after this debate about the total membership of this House, I have a rather radical proposal which would take some time to work through but may make us more effective. It attempts to address many of the concerns raised by the noble Baroness the Leader of the House about the total number of Members and their attendance.

My proposal allows us to retain the wide and rich variety of knowledge, wisdom and skills of our Members, but in such a manner that we all could contribute more in a focused and manageable way. It gives all Members of the House of Lords the opportunity to commit to a fixed period of full-time work in the Lords. In this way, the public would feel that they may hold us more justifiably to account. I have made this suggestion on various previous occasions when we have discussed the role, functions, procedures and membership of the House of Lords. I submitted evidence to the Wakeham commission. I have talked about this with Lord Chancellors and have written about it to the noble Baroness the Leader of the House.

I want your Lordships to include in your deliberations the concept of full-time and part-time Members of this House. After listening to 15 years of discussion of membership of the Lords, I am more than ever convinced that adopting a system whereby each Peer during his or her life as a Member can spend a period here as a full-timer is worthy of consideration. This scheme uses all Lords’ talents while retaining Members’ independence and skills. It allows them to carry on their work outside the House, which, after all, is what brought them here in the first place: it is their excellence in their jobs or professions which made them eligible to serve here. I believe that moving to this system, together with any changes we are discussing today, would greatly enhance our effectiveness.

So how could we move to a system in which one-third of the Members of the House are full-time, and yet still allow Lords to carry on with their work outside the House? The first innovation, which has already been mentioned, is that Members of the upper House serve for a fixed period—something that I think will eventually come—of nine years, although my suggestion could also be adapted to six, 12 or 15 years. For a third of their time—three years—Peers would serve as we do now, part-time. For example, I was managing director of Marks & Spencer when I became a Member of your Lordships’ House. So, as now, Peers would continue to work outside the House and be unpaid for their work here, except for the daily allowance.

For the middle three years, they would become full-time and would be paid a salary. They will have had three years’ notice, which is enough time to arrange a secondment from their normal employment and for their employers to plan for it; and in that first three years they will have had time to learn how this place works and therefore will have been trained for their full-time jobs. The lower-paid who come here—the teachers, nurses and social workers—and young Peers would be delighted with pay equivalent to, say, an MP’s, and company directors or wealthy professionals will take the pain of a drop in salary for three years for the sake of the honour and experience.

In the final three years of their time here, Peers would return to their work outside this place, but they would have become experienced part-timers in the Lords. They would have a great deal to offer the novices coming in, and could be mentors to those in their middle three years here starting their full-time job. Eventually, with, say, 750 Members of the upper House, there would always be 250 part-timers who were just getting involved; 250 who had been here for at least three years and were serving full-time; and 250 wise and experienced part-timers who had been here for at least six years, three of those full-time.

How we appoint or elect Members will be discussed many times, but whatever we decide on how to bring people into the House, how many Peers there should be and for how long they should serve, I feel that this suggested innovation would enhance and strengthen the changes we eventually agree to in the House.

The other convention I think we should adopt is that if noble Lords are given six minutes to speak and speak for only four, they should be able to bank the other two minutes for another day.

5.45 pm

Lord Jopling (Con): My Lords, I do not apologise for returning to a theme I have been pursuing for some 12 years in suggesting how this House might be reformed. I was very pleasantly surprised to hear the speech of my noble friend Lord Cormack about the meeting that the committee he runs with my noble friend Lord Norton of Louth has just had. It seems that it embraced nearly all the points I have been advocating for the past 12 years and which, about eight years ago, I
presented to that distinguished committee. I do not apologise for returning to this issue because if we are talking about incremental changes, we ought to know where those changes are going to take us and, therefore, where the steps are going to take us.

On the size of the House, I find it rather curious that the Government keep topping up the Members when the same Government, in coalition, proposed in legislation only a few years ago a House of about 500 Members. I think we all agree that the House is now far too big, and I have been advocating a cap for all these years.

The argument I want to make today is entirely illustrative, and I hope it will be taken that way. To make the arithmetic easy, let us suggest a cap of 500. I have suggested all along that the Cross-Bench element should be 20%, which would mean 100 Cross-Bench Peers. I suggest that at each general election, the cap should return to that total of 500. Within each Parliament, there should be only limited opportunities for new appointments, totalling 5% or 10%, say.

I am opposed to an age limit, and I do not agree with what the noble Lord, Lord Steel, is proposing. I would leave it to each party after each general election, based on the result, to decide who stays and who goes. The party caucus knows best who contributes, who attends, who does not bother and who is really of no great assistance.

I come to a point that I have not made before. People often talk about the party balance of the 400 Members who are left, saying that it should reflect either the general election or the state of the party balances in another place. I have always advocated that the balance of the parties here should reflect what goes on outside. I have been trying to illustrate how that might work, and I am most grateful to Russell Taylor of the Library, who has done a survey for me on how the 400 Peers with a party affiliation might be split. He has kindly worked out for me what the House would look like today if the remaining 400 were proportionately distributed among the UK parties, based on a halfway point between their percentage share of the vote and their percentage of seats in the House of Commons after each general election.

I find the result quite interesting. Under present arrangements, the Conservative Party would have 175 seats, some 38% of the total vote in this House. The Labour Party would have 132 seats—about 27%—not far from where they are now. The Scottish National Party would have 27 seats, about 5%. The Liberal Democrats would have 18 seats, about 4%. UKIP would have 26 seats, about 5%. The Greens would have eight seats, which is between 1% and 2%. That would leave 14 seats for some of the regional groups—the Northern Ireland parties and Plaid Cymru—which together would have around 3% of the total. This is purely an illustration of how it might be done. You could alter it so that it was not 50% of votes and seats, but that would be a matter for discussion.

I believe, as I have believed for the last 12 years, that a solution such as this would result in a House with a substantial Cross-Bench element, which everyone seems to want. You would have a Government with less than 40% of the vote and maybe a cap on all governments, so that they would not be allowed to go over that figure. It would avoid having a membership that mirrored that of the Commons, which an elected Chamber, to which I am opposed, would lead. It would mean that the House of Lords would remain no ultimate threat to the House of Commons. I make these suggestions once more as illustrations, and I hope they may be helpful.

5.52 pm

Lord Stevens of Ludgate (UKIP): My Lords, the title of today’s debate is “Further incremental reform to address the size of the House”. It seems a funny thing to debate. Surely the debate should be why the Prime Minister is creating so many new Members when we are already overcrowded. The best way to control immigration is to close UK borders. There are other solutions but that is the easiest solution, and the same applies here. Whether it is right to close down completely is another matter.

I am greatly reassured by the statement of the noble Lord, Lord Strathclyde, that the number of UKIP Peers should not be reduced. Looking at the numbers created under this and the last Government, it is difficult not to come to the conclusion that the Prime Minister is making a mockery of this House, deliberately to force reform from this place, because probably neither House will agree to it. The House of Commons will not, and why should it, when over a quarter of our Members were Members of the other place? But one has to ask the question: why should existing Members be penalised to accommodate more new Members? Why should we, who were appointed for life, now be told there will be a retiring age, fixed terms, attendance requirements—which of course achieve nothing—and then be criticised for not taking part in so many debates? For example, you can be in the House for three to four hours to speak for five minutes.

The recent state of proposed appointments is a Dissolution Honours List. Where are the UKIP appointments? This is the party whose voting pattern helped this Government to be elected. Where is the recognition that UKIP got 4 million or 13% of the vote and came second in over 150 seats? UKIP required 100 times as many votes for its one elected MP as the Conservatives did for each of theirs. Surely one way to right this wrong is to honour the commitment given by the Government in this House in reply to Written Questions tabled by the noble Lord, Lord Pearson, and by me. For example, on 21 May 2013, I asked a further Written Question on the same subject:

“To ask Her Majesty’s Government what steps they have taken about rebalancing the membership of the House of Lords in line with the share of the vote secured by the political parties in the last general election”.

The noble Lord, Lord Wallace of Saltaire, replied:

“It remains the Government’s intention that appointments to the House of Lords will be made with the objective of creating a second Chamber that is reflective of the share of the vote secured by the political parties in the last general election.”—[Official Report, 21/5/13; col. WA 57]
One way to do that, while recognising the Cross-Benchers, would be to limit this House to, say, 600 Members to start with—the same as the reformed Commons—and to allocate Peerages based on the percentage vote secured by each party at the last general election. Members would be proposed by the respective parties, serve for five years and then be reviewed based on the following election result.

On the basis of votes cast last May, UKIP would be entitled to more than 65 Members rather than the three we have now—none of whom were originally members of UKIP. Is this really a fair representation of the views of the British population who, according to the latest opinion polls, might well vote to leave the European Union?

Despite our concern about the numbers in this House, the Government have had a chance to honour the above commitment but they have failed to do so. May I ask when or even if this will be honoured, or are the Government now wriggling on their latest statement that Peers’ numbers should reflect the result of the last general election? But even on that basis, how can the Dissolution Honours List be justified? A reduction in some parties’ membership of this House would be more appropriate. At the last general election the Conservatives got 330 seats with the vote from 24% of the electorate; UKIP got one seat with 8%. It is a clear case for electoral reform.

This House has too many Members, but if this Government are to persist in the creation of more, they should recognise their commitment to making this House more representative of the votes cast in the general election, and any new appointments should clearly honour that commitment.

5.57 pm

Lord Lamont of Lerwick (Con): My Lords, Anthony Trollope, the Victorian novelist, once observed that the cure for admiring the House of Lords was to go and actually have a look at it. If he went and had a look at it today he might admire the valuable work that the noble Baroness the Leader of the House referred to; or he might see an assembly bursting at the seams, overflowing into what used to be space reserved for visitors, and a somewhat untidy Question Time. If he ventured into the Library on a crowded night, he might see something resembling a Belgian battlefield. There is a problem of size.

The emphasis in my noble friend’s admirable speech was on incremental reform. Of course the reform can only be incremental; we are not discussing the ultimate solution—the ultimate reform of this House. What we are discussing can only be provisional, though we should be encouraged by the fact that nothing tends to last as long as the provisional. There needs to be action to reduce the size of the House. It is not just bursting at the seams; I very much agree with what the noble Baroness, Lady Hayman, said—that the problem of numbers is actually making it more difficult for the House to do its job. As she said, there are debates in which expert speakers are restricted to two or three minutes. It is the same when these people try to get in at Question Time. The problem of numbers is related to the purpose of this House, which is to revise and to hold the Executive to account.

I have great sympathy with the Motion that has been put forward by the noble Lord, Lord Steel. I think he demonstrated with the arithmetic—I had some other figures which were not as up to date as his—that what he proposes would make a very significant difference to the size of this House. He has put in an escape clause for there to be certain exceptions, and I am sure that we can all call to mind certain people who might reach the age of 80 but who make a very valuable contribution to this House. When people go and consider all the alternatives that will be offered, they will probably find that the proposal put by the noble Lord, Lord Steel, is pretty unavoidable.

One alternative would be to consider ending by-elections for the 92 hereditaries. That would also have an effect on numbers but would very much affect the party balance on this side of the House; it would affect the representation of the Conservative Party. Again, as the noble Baroness, Lady Hayman, said, proposals that disadvantage one party at the expense of another will not be agreed, so that would have to be considered alongside the question of the overall balance in this House.

I, like other noble Lords who have spoken, believe that we ought to have a cap. However, that cap ought to be introduced now on the present numbers, and it should be a reducing cap. The noble Lord, Lord Campbell-Savours, both today and on a previous occasion, proposed a cap and a one-for-one solution; that is to say, one new Peer appointed for every one that goes out. I suggest that it ought to be something like one for three—three out, one in—and that the cap be slowly reduced over time. We want a whole series of measures that will reduce gradually. It cannot be done overnight, as the Leader of the House very rightly emphasised.

It has been reported in the press that the Prime Minister believes that reform has to come from this House. Well and good. However, it also has to come from restraint on the part of the Prime Minister in the number of peerages that he appoints. I would suggest that that discretion ought to be exercised within a reducing cap. We made a mistake some years ago when we bought into the idea that Governments who win elections are then entitled to make more Peers to reflect the result of the election, whether it be in seats or in the percentage of the vote. That is just a recipe—particularly if there is an alternation of Governments—for an ever-increasing size of the House, which is just not practical. No Government, Conservative or Labour, will have a majority in this House—there are too many Cross-Benchers for that—but we have to accept that a Government of whatever complexion will always be in a minority. As has been said by my noble friend Lord Strathclyde, Labour Governments operated for a long period when there was a very large Conservative majority against them. That is the reality which Governments in the future will have to operate against.

The question was asked, I think by the noble Lord, Lord Stevens: “Why should we bring in other people when we have been appointed for life?” But, of course, we have to recognise that experience grows old and the Government need to bring in fresh talent. Experience is a wonderful thing but it can get out of date. The Lords is also a convenient way of appointing Ministers
who may have special expertise or have come from a commercial background with no particular political involvement. Often, when they have been a Minister, they lose interest in this House and return to the City or their businesses. Why cannot the same statutory mechanism for retirement be used for those who, having been Ministers, wish to go back to their businesses? Perhaps they could be appointed Ministers of this House on the understanding that they will use the statutory mechanism once they cease to hold office.

Lastly, in passing, perhaps I may just say, although I do not want to make too much of this, that I do not think that people should be appointed to this House who, for various reasons such as Civil Service practice, are not allowed to speak. The Leader has previously commented on this, but I think it is quite wrong to appoint people to this House who are not able to make a contribution actually by speaking, particularly when so many other people might be candidates for this House. I was very surprised that this passed the Appointments Commission—perhaps someone will comment on that later. I agree with my noble friend the Leader of the Commission—perhaps someone will comment on that later. I agree with my noble friend the Leader of the House that we want simplicity; this cannot be done in one leap; and we need to work with other parties to achieve a consensus. However, we need action on the size of the House, and quickly.

**Lord Low of Dalston (CB):** My Lords, I am very glad to follow the noble Lord, Lord Lamont, with whose remarks I found myself in a very large measure of agreement. I declare my interest as a member of the House of Lords Appointments Commission, but I make it clear that anything I say today is said in a purely personal capacity. To pick up on a point made by the noble Lord, Lord Lamont, at the end of his speech, we in the commission did not feel that we had a great deal of jurisdiction over the cases of people who are civil servants, or spads—special advisers—but we might be able to do better about that on another occasion.

The deluge of hostile publicity over the summer seems to have reached tipping point, such that it is now imperative that we do something to neutralise the cheap hits that it is all too easy for people to make at the expense of the House. At least three issues need to be addressed. First, on size, like everybody else, except possibly the noble Lord, Lord Strathclyde, I would like to see the size of the House substantially reduced to somewhere between 450 and 600 Members. Various formulae for achieving this are suggested. I have my doubts about the arbitrary way in which a retirement age might work, although the proposal of the noble Lord, Lord Steel, for introducing an element of flexibility might make that more acceptable. Time-limited terms might have something of the same effect, but perhaps not quite to the same extent.

I favour a cull of those who attend infrequently and contribute little. From figures I have recently heard, this might go a considerable way to achieving the desired result. After that, I would invite the party and Cross-Bench groups to complete the required reduction through a process of deciding who should leave rather than who should stay—the reverse of the exercise that was undertaken to determine which of the hereditaries should remain after House of Lords reform in 1999.

Secondly, there is the issue of prime ministerial patronage. In 2007, the House of Commons Public Administration Select Committee urged, “that the next stage of Lords reform should not wait for a consensus on elections”, proposed that the Prime Minister no longer determine the size of the House of Lords and the party balance and called for an agreed formula for sharing out appointments. In 2013 the Commons Political and Constitutional Reform Committee emphasised that agreeing such a formula was the “most crucial” next step in Lords reform.

Professor Meg Russell of University College London’s Constitution Unit has made detailed and carefully worked-out proposals for addressing the questions both of size and of prime ministerial patronage. Her suggestions include applying a one-in, two-out formula until the desired reduction has been achieved. I was going to say that that is somewhat more radical than that proposed by the noble Lord, Lord Campbell-Savours, until I heard the noble Lord, Lord Lamont, recommending a one-in, three-out formula, which seems even better. Professor Meg Russell argues that the Prime Minister should be pressed hard to commit to changes along the lines of her proposals. I am not quite sure how one persuades the Prime Minister to engage in a self-denying ordinance. However, perhaps the noble Baroness the Leader of the House might have a word with him and draw the UCL report to his attention with a view to promoting a positive discussion. At all events, I endorse what the noble Baroness, Lady Hayman, said about her role in creating the necessary political will.

Thirdly, while I do not favour elections as the means of populating this House, further consideration needs to be given to the way in which Members are appointed. The threat of elections has been seen off for now, but so long as appointment is based principally on a system of patronage this House will continue to be vulnerable to charges of illegitimacy. As noble Lords may recall, I favour a system of appointment by an Appointments Commission as at present, but greatly strengthened by a system of nominations from the different branches of civil society—the law, medicine, the arts, sport, education, the armed services, businesses, the trade unions, the third sector and so on. Schemes of this sort are sometimes spoken of as a system of indirect election based on electoral colleges. They are more correctly thought of as a more broadly based system of appointment. This is my idea but a range of alternative proposals have been made in a similar vein. I was pleased to see that both the Joint Committee on the Draft House of Lords Reform Bill and the alternative report on that Bill called for further work to be done on the question of indirect election. That would provide a framework for examining the various proposals for strengthening the system of recruitment to this House. I hope that once they have finished addressing the question of the size of the House, the various groups looking at these things may agree to undertake some
work on the issue of appointment, and I should like to think that the Government might give some support to this work.

Do I get an extra minute to bank for future occasions?

6.11 pm

Lord Norton of Louth (Con) My Lords, I wish to address three points based on the four Motions before us. The first is on the purpose of reform. I very much welcome the Motion moved by my noble friend the Leader of the House. She quite rightly stresses the importance of incremental reform. There is general acceptance in the House that we should undertake such reform to address the size of the House. The acceptance is, in many respects, a starting point in our consideration. We accept the need for it but are in danger of avoiding the reasoning behind it. Why do we undertake reform? We need to have a clear understanding of the qualitatively distinctive role of the House and the justification for it; only then can we establish what needs to be done to ensure that we are doing our job as effectively as we can. The House of Commons indulges in the politics of assertion. This House engages in the politics of justification. We need to protect that. Our work rests, as with much of the British constitution, on a series of understandings. We could begin by recognising what they are and drawing them together. That would in essence establish the foundations of this House’s role in the political system.

The size of the House can be located within this wider context. Having a larger membership creates problems for the efficient functioning of the House and in how it is perceived by the media and the public. It is necessary that we address it and I initiated a debate on it last year. However, we must not lose sight of the fact that while such reform is necessary it is not sufficient. A smaller House may increase our efficiency, but we need to look not just at the size of the House but also at the process by which Members are appointed.

My second point relates very much to the Motion tabled by the noble Lord, Lord Lea of Crondall. There is public disquiet at the size of the House, but the legitimacy of the House in the eyes of the public rests as much on the process of appointment as it does on how many Peers sit in the House. The 2007 Ipsos MORI poll of public attitudes to this House found that the factor deemed most important in determining the legitimacy of the House was trust in the appointments process. Some 25% of those questioned deemed it important; 70% deemed it very important. Next in ranking was the process of detailed legislative scrutiny. We need to look therefore at the appointments process, implementing the provisions of the Steel Bill by putting the Appointments Commission on a statutory basis, raising the threshold for appointment and making the whole process more transparent.

My third point relates to the other two Motions before us in the names of the noble Lords, Lord Steel of Aikwood and Lord Pearson of Rannoch. As we have heard this afternoon there are various proposals for reducing the size of the House. The point to stress, and it has come over in a number of speeches, is that they are not mutually exclusive. One could have an age limit, as we have heard, but one may need to think about other reforms as well. Indeed, I argue that we have to. An age limit is effective but, as we have heard, it is arbitrary and does not deal with the party-political conundrum highlighted by the Motion of the noble Lord, Lord Pearson. As we have heard, one can get fluctuations in party support, sometimes quite significant ones as we saw in May’s general election. One may get alternation of parties in office, with each incoming Government wanting to boost their numbers. We may need therefore to consider a more subtle means of adjusting numbers than is possible through an age limit. One possibility is to consider a formula whereby following an election each party is allocated a number of Members based on the party’s support in the election, be it in terms of votes or seats or arguably, following the line of my noble friend Lord Jopling, a combination of the two, with say 90% of the Members being elected by the party group in the House and the remaining 10% in the gift of the party leader. That is one possibility, but it is to be considered alongside and not necessarily instead of the others put forward.

We have a track record of achieving change. The obstacle to achieving legislative reform has not been this House, but rather successive Governments, who have had to be pressed to agree to the reforms we favour getting on to the statute book. Major reform has failed not in this House, but in the Commons. We have the political will to achieve change. We should articulate our role and the understandings that sustain it and then agree on what needs to be done to ensure that we are as effective as we can be. We cannot afford to miss the opportunity, but let us make sure we do not fixate on just one part of what needs to be done. Our starting point should not be size, but purpose.

6.18 pm

Lord Desai (Lab) My Lords, it is a pleasure and privilege to follow the noble Lord.

All sorts of things have been said, so let me start with something that has not, and that is about the way the public, and especially the media, view the House. Whenever there is any whiff of scandal or when they want to criticise us, the picture they give is of the State Opening of Parliament. People are invited to ridicule us because there we are in our robes and tiaras and so on—this is not a frivolous point but is very much evident. I have proposed before in this House that we should move the State Opening of Parliament from here to Westminster Hall. The Commons and Lords should be invited to sit down together, so that we do not have to be in robes, and Her Majesty should give a speech about her personal moments, rather than having to read the Prime Minister’s speech, and then invite the Prime Minister to read the speech he has written. This would do lots of things: it would reduce the absurdity of the House of Commons people standing at the Bar; it would get us out of our robes; and it would increase our respectability in the eyes of the public, because people cannot understand that we do not actually come in robes every day—they still think we are always like that, prancing around. That is my one constructive suggestion for the evening.

Being the 22nd person to speak, I think that practically every solution that I could have thought of has been put forward. However, we have what economists, artists,
[Lord Desai] engineers and so on generally call a “stock-flow” problem. We have a large stock of life Peers and the egress is very small, with maybe 20 per year; the incoming flow is always much larger than the annual egress, especially around election times. In the nice paper that the House Library has produced, I notice that over the past 15 years we have had a large ingress around election time—either in the year before an election or in the year of the election. In 2000 and 2001, there were 87 new Members. In 2004 and 2005, there were 96 new Members. In the Parliament of the coalition Government, the figures were really extreme: in 2010 and 2011, there were 129 new Members; and, when the coalition was going out, in 2013 and 2014, there were another 69, so there were 200 new Members within the coalition Parliament. It is a problem when one has a limited reservoir; with little egress and a lot of people coming in, the place will be flooded—and we are flooded right now.

There are solutions. First, let the Prime Minister do whatever he wants by way of appointments but say to him that, to begin with, he can only give people a peerage but not the right to sit in the House of Lords. That right would be rationed by the number of people exiting. Either we have “one for one” or we have “three for one” or whatever. That will slow things down. Secondly, we should try another solution: as we did at the time of the reform of the hereditary peerage, each party or constituent group should select from within it a number of people who should leave. That could be done by a “first past the post” or proportional system. If we could say that the number would not reduce from 800 to 400 unless each group decides to halve itself; and, perhaps after deciding whatever the necessary number of voluntary retirements should be, the groups would choose who leaves. In that way, we could reduce our numbers ourselves voluntarily. We could say to the Prime Minister, “You can appoint who you like, but those men and women can come here only if there is a vacancy”.

If we combined those two things, we may within five or 10 years achieve a House of Lords of about 400, which is the ideal size. But it would have to be done by a drastic reduction in the current numbers and a limit on the number of people coming in to match the number of people leaving.

6.23 pm

The Earl of Caithness (Con): My Lords, I have not resiled from my position of wanting an elected second Chamber in this country. The noble and learned Lord, Lord Wallace—rather misty-eyed—referred to the preamble to the 1911 Act. The noble Lord, Lord Steel, sitting two rows behind him saw off Nick Clegg with a blow to the heart not many years ago, and I think that the Border reiver would be happy to stab the noble and learned Lord in the back if he tried to bring that proposal forward again. It is something I would like to happen, but I fear that we have to work on the basis of incremental reform.

As to the Motions before us, I cannot support that of the noble Lord, Lord Pearson, because it does not include the Scottish nationalists, and would therefore be unfair. I like the principle of what he says.

Lord Pearson of Rannoch: My Lords—

The Earl of Caithness: I have only limited time, which is not as much as the noble Lord had. However, I agree with the principle of what he is after but the wording is wrong. I cannot agree with the noble Lord, Lord Steel, because his proposal will not have that much effect. He spoke about the gross numbers of Peers over the age of 80. What he did not and cannot tell the House is the percentage of the over-80s who are active. I do not think that his proposal would make that much difference. I will come back to the point later. Having to select among yourselves who is going to stay is not an enjoyable performance—I say that having been through it.

I have some sympathy with the proposition of the noble Lord, Lord Lea of Crondall, because it moves away from dealing with the size of the House into the much more important area of public trust and confidence, which is at a lower ebb than it was before the reforms of 1999. I wish to touch on one point with regard to that. Do not assume that the judgment of this House should be based on the number of defeats against the Government. I agree with my noble friend Lord Strathclyde and wish to enter into his debate with the noble Lord, Lord Hunt of Kings Heath. When I was a Minister, it was the persuasiveness of the argument that was much more important than the defeat. I remember on many occasions being persuaded, particularly by Lord McIntosh of Haringey—my opposite number for much of my career—to agree to his amendments. The Government would word the amendment and I would give it back to Lord McIntosh to table on the Order Paper and accept it. That was the right way in which to do so because it was his idea, not that of the Government. If one considers the effectiveness of opposition from that point of view, one gains a totally different perspective.

I thought that it would be wise to reflect on what I consider to be the major changes that have happened since I joined the House. Perhaps the obvious one that we all know about is the introduction of the life Peers in 1999. However, that led to a situation that changed the House dramatically; it became a much more political House and is increasingly a political House. I pose the question, as I did a couple of years ago: is it right that the second Chamber should be over a quarter full of ex-MPs? Our MPs are not held in the highest regard. I like individually those who are here, and those who are coming, but is it right that a quarter of the second Chamber should be composed of people who have served time in another place, let alone the party hacks who are going to come in?

As a result of that, the House has become much more active. When we talk about size, we must differentiate between the size of the House and the active House. We talk about the size of the House now, but in 1998 its size comprised 500 more than at present yet the average daily attendance was only 50 fewer than now. The issue is the amount of time people spend here. This House has become much more professional; it has become much more necessary to attend, and all the reforms that have been suggested today will be a further step in that direction.
My fourth point derives from that. The part-timers are being squeezed out, and that is a huge loss to us. I have tried to take part in debates and to take part after Statements, and it is sometimes difficult to get in to speak because those who attend and speak regularly are quick at getting up and are very forceful. This is not the courteous House that it used to be when people gave way.

My fifth and final point relates to one of the other changes to this House—the increase in expenses, which happened after the 1999 Act when the new influx of life Peers would not accept the same expenses that we hereditaries had existed on. When I joined the House, the maximum daily rate was £36, which amounts to about £157 in today’s money. We are now, therefore, allowed to claim twice as much as I was allowed to claim when I first came into the House. That encourages people to attend and to participate. As we get more for coming to the House—although it has been frozen for the last five years—all the reforms that we have heard proposed today would increase the number of people wanting to come and wanting to participate. That will add to the fact that this House is not as respected as it used to be and will continue to decline in the public’s estimation.

I believe that the number of people who are actually worried about the overall size of the House outside the Westminster village is about equivalent to the number of speakers today. What they are much more concerned about is whether we do a good job and whether we are trustworthy.

6.30 pm

Lord Lee of Trafford (LD): My Lords, I declare my interest as having had the privilege of serving in your Lordships’ House now for nine years and reached the age of 73. I am also a member of the Campaign for an Effective Second Chamber and of its working group, supporting the noble Lords, Lord Cormack and Lord Norton, in looking at a range of options for improvement and change.

I strongly support an appointed House, which is not the position of my party. I believe in your Lordships’ House being a House of experience and expertise, but would like to see less party political influence. All political parties have their stalwarts and zealots, but I suspect that others, carrying their party affiliations more lightly, would prefer the independence and freedom of the Cross Benches. Perhaps moving to the Cross Benches should become more than a relatively infrequent occurrence.

All of us are obviously very conscious of the rising criticism of this House following the unfortunate behaviour of some individuals, some of the more recent appointments and, of course, our overall numbers. Clearly, some changes are necessary, but I strongly believe that the silent, thinking majority of our nation want this great institution to survive and prosper.

On numbers, there is a near-universal view that 800-plus is too great. So a trimming of ermine is just too convoluted and complicated. So we have two clear, simple alternatives to bring down the numbers: a limit to the length of service or an age cut-off at, say, 80. On balance, I currently favour the latter, but am attracted to the idea in my noble friend Lord Steel’s Motion of a small number—perhaps up to 20—being allowed to remain past the age of 80 but being chosen by the whole House. Perhaps we could refer to this as the Tweedbank clause, from which it originated.

As for party balance in future appointments, the percentage of votes at the last general election is probably the most logical yardstick, as is the Prime Minister of the day ceasing to have near total patronage in favour of a rather broader consensus. I am attracted by some of the ideas expressed by the noble Lord, Lord Low. If one is at all fair, it is very difficult to justify UKIP not being awarded any new peerages following the last general election. I have some sympathy, therefore, with the noble Lords, Lord Pearson and Lord Stevens. Of course, some uncharitable souls have compared the 100-plus Lib Dem Peers here with the eight MPs in the other place. Our official line is that it is in the Commons that we are underrepresented.

Finally, I want to make two points on finance, which has not really been mentioned today. First, although it is fair to say that the majority of this House are probably financially comfortable or better, a definite minority have virtually no income other than their attendance allowance from here. They find life particularly difficult if they live outside London and have to pay for accommodation. Surely, some modest extra supplement is warranted for them. Secondly, retirement from this House could be encouraged by a limited financial package, which would certainly benefit the taxpayer overall. I know that this is not popular in many quarters, and probably will not come into force, but it would make financial sense.

6.34 pm

Lord Elton (Con): My Lords, I start by declaring an interest. I am an excepted hereditary Peer, and the position of those such as me and my noble friend Lord Caithness is an issue when it comes to the size and composition of the House. I also declare a disinterest, given that, whatever happens, this is almost certainly my last Parliament and I think I shall do well to last until the end of it. I speak, therefore, with a certain amount of dispassion.

My noble friend the Leader of the House suggested that we were here to complement the House of Commons, and there has been a discussion about the meaning of that word. My view is that we are here to balance it as much as to complement it. One of the changes during my parliamentary life has been the change in character of the composition of the House of Commons. When I came in, it was largely composed of people who had long experience in either a trade or a profession, one to which they could count on returning. Therefore, they were independent, to a much greater extent, of government or party control—because Governments alternate between parties—than a House that is now composed much more largely of people without a trade or profession to return to and without the experience gained from that. In this House, we have a diminishing
but still significant proportion of people who have professional lives outside the House—rather fewer have a trade—and who bring a relevance of experience that is sometimes lacking in the other place. The more it becomes professionalised, the less it will balance the House of Commons in that respect. I also agree with my noble friend that the more Peers are paid, the more that will happen.

That tempts me to go on to a review of the extent to which the Crown, which is now largely the Government, has retrieved from Parliament the powers that it lost when Parliament was invented. But that is another issue.

What we are facing now is a moment of both crisis and opportunity. Am I not speaking into the microphone when Parliament was invented. But that is another issue.

Baroness Smith of Basildon: My apologies. We were all slightly concerned because there was a buzz coming through the speakers. Everything is fine now.

Lord Elton: Thank goodness for that. There is a buzz in my hearing aid, so I know all about that. I understand that all is clear now and that I am owed another 30 seconds.

The need of the moment is to address public disquiet over Parliament as a whole. Latterly, because of the alleged conduct of a couple of Members, that disquiet has been focused on this House. We need to do something quickly. We cannot wait for a general fix of the constitution, such as my noble friend Lord Norton of Louth would advocate. We need something that does not stir up the five, six or seven hornets’ nests that were stirred up in the House of Commons when an attempt was made to fundamentally change the nature of this House in 1999.

The size of the House is one matter on which a sort of consensus is emerging. That is what the Leader of the House has, with great courtesy, picked as the focal point of this debate. A cull is obviously due, but how it is to be done and who is to do it? I agree with my noble friend Lord Hunt that it should be done by us, because we are the people who know what individuals and groupings in this House actually contribute. How it should be done was illustrated for us in 1999, by which method, as my noble friend again would advocate, the decisions on who should serve are taken within the party group. We need a method of getting that principle in place without disturbing the wasps’ nests. I suggest to your Lordships that the way is to arrive at the total we think should be the maximum for this House. It could be related to the size of the House of Commons before we know what that size is—you could either pick a number such as 500 or 600, or you could say that the number should not be greater than the number in the House of Commons at a particular date, which could change with each Parliament. The Prime Minister can then recommend as many people as he likes into the House, but periodically—every Parliament—there would be an election within the groups maintaining the proportion of their Members relative to the whole membership of the House at the end of the previous Parliament.

The electors in the groups would have to respect those proportions and, I suggest, the proportions within them of excepted hereditary Peers. To qualify, the electors would have to have served a full Parliament. You could put in a caveat of how much time they should have spent there. I remind your Lordships that it is an element of this House’s strength that we do not have to be here all the time, therefore I would not put it at a very high attendance rate. As to speaking, of course we should speak on occasion. We are called here for our judgment. Our judgment has to be expressed verbally on occasion, but it is also expressed in the voting Lobby. That is an important function, and the silent voter, provided they are not the mute voter, is not a bad thing.

I think I am into my extra 30 seconds. I am just warming to my theme, so I should give way to the next speaker.

Lord Carswell (CB): My Lords, the noble Baroness, Lady Oppenheim-Barnes, has had to withdraw her name from the speakers list, so I shall follow now.

We are all agreed—or perhaps I might say all but one agreed—that the number of Members of this House is too large and that some steps are required to bring it down to a suitable level. As to what those steps should be, well, one is reminded of the old Latin tag that there are as many opinions as there are people—I will spare you the old crack about two lawyers and three opinions.

Another thing that is manifest is that one should keep one’s eye firmly on the function of the House as a revising Chamber, which was spelled out very clearly by the noble Baroness, Lady Smith of Basildon. Many of the issues before the House concern matters of policy and there is a clear and obvious need for a substantial cadre of those with experience of public affairs and political knowledge and skills, though not necessarily garnered in the other House.

But, of course, there are other matters in the important process of the House of refining the legislative provisions and closing gaps left in the Bills that come before us, and these require other types of knowledge and experience to be brought to bear. Your Lordships can readily think of many spheres and much legislation in which that is important and this seems to me a strong argument against an elected House, because people possessing such skills and experience would not be too likely to put themselves forward for election.

I do not propose to offer a blueprint for a reformed House—others of your Lordships with long experience of the House and its work are much better qualified to do that—but I would make a plea for the avoidance of rigid categories in deciding who becomes a Member, who must leave and who can stay. In that, I would echo the thoughts of the noble Lord, Lord Campbell-Savours.

On the proposal of a cull at 80, with which I would certainly take issue on the ground that I have put forward—even with the siren call of the exception suggested by the noble Lord, Lord Steel of Aikwood—we can all think of Members of this House who have attained that magic age who have a lot to offer, and
keep offering it, through their knowledge, skills, experience and wisdom. However the proposals are framed, for that and for other issues, I suggest strongly that we should not have rigid or arbitrary categories. I make it clear that this is not a plea for myself—I have not attained the age of 81 years and if a cull at 80 were brought in, I would be in the first tranche of those who had to go. If that is the decision of Parliament, so be it, although I may be allowed to express the wish and hope that it would not be.

My real and sincere objective in offering these thoughts is not to seek personal advantage but to make suggestions which may help the future of this House to best effect. In the time during which I have had the privilege of being a Member of the House, I have formed a huge regard for it, its work and the people who take part in it. It is my earnest wish and hope that in any future manifestation it may form the most effective and serviceable possible component of the legislative process.

6.46 pm

Lord Naseby (Con): My Lords, as a reasonably active Back-Bencher, I want first to pay my tribute to the current and previous Lord Speakers and to the Front Benches of the political parties, because I sense the beginnings of a unanimity that we require action and that they are going to drive it forward. It might be invidious to mention four colleagues, but I think that we should pay tribute to the noble Lords, Lord Norton, Lord Cormack and Lord Steel, and the noble Baroness, Lady Hayman.

On size, I think it really is quite simple: it should be 50 fewer than the Commons. I do not know why we have to go for some complicated computation; it should just be 50 fewer than whatever the House of Commons is. I cannot think that anybody is going to vote against that.

I had the privilege for five years of being Chairman of Ways and Means. I sat many hours in the chair—much longer than the Lord Speakers sit here. That teaches one to observe, and I sit here on the fourth row because I like to observe what is happening. What have I observed recently in relation to tonight’s debate? First, perhaps against what many of the sceptics thought, retirement seems to work: those taking retirement have thought about it, discussed it with their families and discussed it in terms of their own ambitions in life, and recognised that the time has come to retire. Against that, I say thank you to the House authorities and the Library and limited facilities. It may be that the time has come to wonder whether there should not be something comparable to what is in the other place, which is an organisation for those who have retired. Doubtless I shall be among those who will retire in the not-too-distant future and I would help to make that happen.

I also observe, and this is across all parties, that, frankly, there are those today who attend and do not take part, and I think that it is incumbent on the leaderships of the parties to have a quiet word with them and suggest that their retirement be pretty imminent. There are still those who do not attend at all or hardly at all, and I cannot think what their objections would be to being leant on to take retirement but of course to keep their title.

The noble Lord, Lord Steel, mentioned the 80 age limit for those at the end of the Parliament. I fall into that category; I am willing to accept that. I am not, frankly—maybe I am one of the awkward squad—one who favours having any exceptions to that. It is an age criterion, and if it is an age criterion then it would apply to everybody and there should not be any exceptions at all.

I also observe that some colleagues might face some degree of hardship if they had to leave because of one policy or another. Again, in another place there is a hardship fund. It works well. I sit as a trustee of the parliamentary pension fund, as colleagues will know, and that works extremely well. The fund might need a bit of pump-priming to get it going but it is incumbent on all of us, in a similar way as happens with Members of Parliament, to make some contribution to it. I certainly would have no objection to that at all.

On the matter of hereditary Peers, in all honesty I cannot see why there should be another by-election. From now on, if somebody dies as a hereditary Peer, that attendance should lapse and slowly the numbers would come down.

It is difficult for my noble friend on the Front Bench and the Leader of the Opposition—and, indeed, the leader of the Liberal party—to try to come to a numbers agreement. Certainly in the time since I have been a Member of this House following the removal of significant numbers of hereditary Peers, neither of the two leading parties has had a majority in this House. The key to that, as we have discussed several times, is the Salisbury convention and what is in the manifesto. There is a need for clarity that the Government of the day should get their business, although it is part of the role of the revising Chamber, if necessary, to ask the other House to think again, and to think again at least twice, and then to give in. That in itself, if implemented properly, would be a controlling factor.

On the reverse side of the coin is the numbers coming to us. I am a loyal member of the Conservative Party but, frankly, 45 more Members is too many. I do not understand why there was not more sensitivity at No. 10 about that, given the discussions that had gone on before. I also do not understand why, in today’s world, the honours list is not being used in the way that it used to be. About 25 or 30 years ago it was quite common for hard-working people within the parties, who had helped and worked with the parties, to get CBEs if they were young enough; or if they looked about ready for retirement they would get a knighthood. Those were fully justified. At the moment it seems that those awards are not being offered and people have to come to the Lords. That is absolutely wrong.

It is wholly unfair on the advisers who are coming that they will not be allowed to speak. They will find that an embarrassment themselves, and it would have been much wiser if someone had reflected on it. They will not feel themselves to be full Members of this House, which is not a good idea at all. I finish by saying that just before the House rose for the general election, I asked whether it was not time, since we do
[LORD NASEBY]
not vote on money Bills or on going to war, that we had a vote at general elections. Certainly those who have retired should be given the vote in general elections.

6.53 pm

Lord Soley (Lab): My Lords, I thank the Leader of the House for the way in which she introduced the debate. I agree very strongly that reform must be incremental, arising from any bigger changes that come from constitutional changes. At the moment it has to be incremental. The other thing that she said, as have others, is that if we are to get agreement it has to be led by the parties and groups in the House. If we took a vote on any of the suggestions that have been made today, we would have about 101 different approaches, which would not help. Those two suggestions are very important.

I want to talk about process. Everybody here knows that this House does incredibly good work. If we did not do our job, the people outside who are expected to obey the laws passed by Parliament would have much more difficulty understanding them and would have to struggle with some of their contradictions. We understand that and some experts understand it, but the vast bulk of the public do not. We need a process of reform to which we can draw attention. The noble Baroness, Lady Hayman, used the phrase “a perfect storm” for the events in July. I made comments at that time, too.

The three things driving that perfect storm are: first, the size of the House; secondly, the appointments; and thirdly, individual behaviour, which at times is either sad or bad or both.

The problem is that we are in this perfect storm, which I will talk more about in a moment, because we are not addressing it in a way that the media can respond to, and indeed people outside can respond to. I say that from a long history of dealing with the media and politics, some of it successful and some of it very unsuccessful. What makes up a perfect storm for a political institution in relation to the media is: first, if there is a bad story and it runs without being stopped or addressed; and secondly, a series of bad events one after another that again are not seen to be stopped or addressed. Right now, if we took a vote on any of the suggestions that have been made today, we would have about 101 different approaches, which would not help. Those two suggestions are very important.

All of us should be warned, particularly on the Conservative Benches, when the Daily Telegraph and the Daily Mail start saying that the House of Lords should be abolished, is not worth it, is a disgrace, or whatever. We have an image problem, and a serious one. The noble Baroness, Lady Hayman, was right that we need to find a strategy for dealing with that.

I like the approach of the Leader of the House, but it needs to go a bit further. We need a reform process. It is process that matters. If we can look at ways of both dealing with the problems and addressing them to the media, we can begin to fight back. At the moment we are like a rabbit in car headlights; we are frozen. When I was interviewed in the media in July—the Lord Speaker had already done a great job, and one or two other Members addressed them, too—I was struck by the number of people in the media who would say, “Why is nobody doing anything about this? Why, as an institution are you not addressing it?” It is as though we are frozen not just by the media but because of the fear of what the House of Commons might do or say.

The reason why I urge the noble Baroness to talk to the leaders of the other groups about this, and why we might need a reform structure led by her and the others, is that we can come up with a list of suggestions that we can keep quiet at first until there is broad agreement and then begin to spell them out. We would have two achievements. First, there is a story to tell to the media about not only what we do right, but above all what we are doing to stop some of the bad stories. The majority of people out there think that we have done nothing about those who have committed criminal offences and are still here. In fact, we have done things, but it is not out there. Secondly, we have to be very clear that without something that we are seen to be doing ourselves, it feeds those people—particularly in the House of Commons, but outside as well—who simply say, “It will never be reformed. We have to abolish it, scrap it, elect it”, or whatever. As I have said before, the question of election is secondary to the issue of what we want this House to do.

I plead with the noble Baroness to take the initiative that she already has, which I support and applaud, and discuss it with the leaders of the other groups to see whether we can broaden this out so that we are addressing a range of issues and can start telling a good story about how we are dealing with the problems that face us. We have to have ways of dealing with this. I talked in July about the need for the House to have a system where a Member could be stood down for a period until the storm blew over. That would protect the Member as well; it is not just a protection for the House. Very often, if a Member has done or said something wrong, they will actually dig themselves in further unless they are in some way stood down, as they would be in almost any other organisation. We need to address that. If we do not, we will continue to be driven by the storm, because the media have now decided that this place is beyond reform. That is profoundly dangerous, and it is believed not just of here but of down the corridor as well.

7 pm

Lord Lucas (Con): My Lords, it is very nice to follow a speech from the Benches opposite that I completely agree with. I am sure that, under the new leadership of the party opposite, that will be increasingly the case. I must point out to the noble Lord, Lord Soley, that actually we have the right to limit or decrease our size as a House just by passing a Motion. However, as my noble friend the Leader of the House said, that is not the most important matter, so I will come to it last. We almost all know that we need reform; we have to get on with it and we ought to be able to look to the Government to support us in getting on with it.

I agree very much with the Leader of the House that change should be gradual. Human institutions change much better when they evolve rather than being pushed into some catharsis. Mistakes are much
smaller and much easier to rectify when you can see where you are going and when each step is only a short distance in front of your face; whereas if you try to change something radically it is very easy to make mistakes. So we need to get into a position where we are allowed to have a process of continuous self-criticism and improvement. The sort of approach that we urge on schools and many other institutions should be available to us. The way people get to be Members of this House, the balance of this House, and all the other issues that my noble friends and others have been discussing today: we need to move all those matters out of this process of primary legislation—because the constipation down the other end never lets anything happen—and into a process where we can do it by agreement with the other House, by a vote of both Houses, or by something much less occasional, where we look every year or few years at how we should change. I really look to my noble friend to institute a process, as the noble Lord, Lord Soley, says: to get us something we can work with, make some changes, see how they go, and make more changes, without getting stuck in the legislative logjam.

I know that this needs to be done with consultation between the parties, so I am absolutely delighted by what the noble Lord, Lord Tyler, has been quoted as saying about removing the opposition to gradual change that came from the Liberal Democrats in the last Government. It would be great to get some agreement on where to move next between the parties, but we do have to make this a matter of open debate. I very much hope that we will involve the Constitution Unit and others who can moderate the debate in a friendly way, and that we will let other people in, rather than having a closed decision made by people in this House and in politics.

When it comes to size, an effective Motion would be to resolve that, notwithstanding any practice of the House, no more than 20 new Members appointed under the Life Peerages Act 1958 may be introduced to the House in any calendar year. We can do that. If we chose to allow 10 new Members, we would be set on a course of reducing the size of the House. It is already within our powers to resolve that, but I very much hope that we will instead find ourselves engaged on a wider process of reform. If we are not allowed to do that, I think we should take action on size, but if we have a wider process of reform—if we can tackle the bigger issues, with the help of the Government, with a process involving all parties, and sharing that with the public, as the noble Lord, Lord Soley, says—that will be a much better route forward.

7.04 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, as a member of the subgroup led by the noble Lords, Lord Cormack and Lord Norton of Louth, I am altogether more interested in learning the views of others than in expressing any clear views of my own today.

Two things are clear beyond doubt. First, the size of this House really is a problem—alas, not the only problem we face with regard to the reputation of the House, but the one which in my experience is generally the first criticism to be levelled against us with a measure of mockery. We are, indeed, becoming something of a laughing stock, and it cannot go on. Secondly, it is now for us to devise, if we possibly can, a workable solution acceptable to the House as a whole, difficult though that may be in the light of the very many differing views that have already been expressed in the course of this debate. Whatever solution we may devise will ultimately depend for its effectiveness on the Prime Minister being prepared to be fastidious and reticent in the exercise of his prerogative for the future.

As for what the solution may be, I will tentatively offer a few thoughts. First, the fact that we are a House of part-time Members is clearly not understood by the great majority of the public. There are plainly advantages in having within our membership a number of people, experts in their particular field, whose expertise can usefully be called on as and when it is required, but who are not regular attenders of the House. Of course, such Members occasion no expense to public funds unless and until they actually attend and claim an allowance, but undoubtedly, in the public perception, they swell the numbers of the size of the House. Moreover, unless they attend a substantial proportion of proceedings, they cannot realistically play any very effective part in the business of the House. There seems to me to be an argument for moving gradually towards a House consisting largely of working Peers who attend regularly and contribute widely.

It is idle to suppose that Section 2 of the House of Lords Reform Act 2014, on non-attendance during the course of a Session, will play any significant part in the size of the House. It will not—not even if, as I would hope, the basis on which Members can obtain leave of absence is very considerably restricted.

Secondly, as others have also pointed out, although our principal function is as an advisory Chamber, scrutinising, revising and occasionally delaying proposed legislation—acting, therefore, rather as wise elders than as an essentially party-political group—we should recognise the need to attempt some broad relationship between party representation here and in the other place. The Motion moved by the noble Lord, Lord Lea of Crondall, calls this, “an appropriate balance between the political parties”, although—and this point has been made too—before 1999 there was never such a balance under a Labour Administration. Perhaps this could be achieved in the sort of way that the noble Lord, Lord Jopling, has suggested for some years: by periodically fixing the size of each group and then achieving that by election within the group. In the mean time, it may be hoped that those Members belonging to parties that are overrepresented will act rather as elder statesmen than as promoters of policies that have not apparently been accepted by the electorate.

The third point is that of age. Unless the proposals of the noble Lord, Lord Jopling, are adopted, it will become difficult to resist any longer the suggestion that we need to reduce the size of the House by introducing some age limit. The proposal of the noble Lord, Lord Steel, may be the way ahead, there being an obvious advantage in fixing it by reference to the end of a Parliament to achieve continuity. Of course it would mean that some Members would remain until
Mr. Lord Brown of Eaton-under-Heywood said that some elected and some appointed Peers—one could call it the “Clegg plan”—fell through the gap in the middle. After every general election, the leaders of the political parties in this House shall agree numbers based on the numbers of MPs elected to the House of Commons in their respective parties. They shall then hold a ballot, similar to the ballots conducted by the hereditary Peers, to limit numbers within their respected parties. This way Peers elect themselves: they know best who should continue to serve in this House. Leave it to noble Lords to decide who stays; they know best. It worked for hereditary peers when we had that reform. My noble friend Lord Strathclyde said that it was a painful process, but I do not think it was painful; I think that it worked rather well. I should say that that is perhaps because I was elected—I think largely because, having a name beginning with “A”, it came top of the list; had it been further down, God knows what would have happened, but luckily it was in alphabetical order. If a Peer cannot remain in this House for whatever reason, there could be a by-election among the political parties. During a Session, the Prime Minister would be able to advise Her Majesty to create further Peers, either to become Ministers in this House or to top up numbers.

I am sure that the Lib Dems and now UKIP want it to be based on share of the vote. I do not think that that would work because it would produce a House very different from the House of Commons. It would undoubtedly lead to a logjam of legislation, and it would not stand the test of time.

I also believe that we should look at the Bishops’ Benches. They should also limit their numbers of who should attend. I have always believed that we should find some way of ensuring that other faiths are better represented in this House than they are now.

The result of my modest proposal—it is simple, which is important—is that the Government would have a majority, but they could be easily defeated by a combination of opposition parties and the Cross Benches. We would still be a revising Chamber; we would still have clout. We might be respected, so that we might even be able to persuade the SNP to nominate Peers to attend this Chamber.

I hope that the opposition parties and the leader of the Cross Benches will work with the Government to consider proposals. Time is of the essence and we must not lose it. I understand that the position of the Lib Dems is that they do not feel bound by the Salisbury convention. If that is correct and they oppose or wreck government Bills in alliance with the Labour Party or whoever, that will put the final nail in the coffin of a second Chamber. I hope that when he comes to wind up on behalf of the Lib Dems the noble Lord, Lord Paddick, can enlighten us on their position. I do not think that the Commons would stand it.

We also have to wonder what the position is of the Labour Party. It has not been made clear. I am not sure whether its new leader is in favour of an elected second Chamber or its abolition. I am sure that the noble Lord, Lord Hunt, will reveal all when he comes to sum up for his party.

Lord Hunt of Kings Heath: My Lords, I am sure that he gives thought to little else than Lords reform.

Viscount Astor: I am delighted to hear that. I very much look forward to the noble Lord, Lord Hunt, telling us what the views of his new leader and of his party are.
There is a small window of opportunity. We should be brave and grab it. I am convinced that reform must come from this House. If it does, we have a chance of putting together a second Chamber that will stand the test of time.

7.16 pm

Lord Rennard (LD): My Lords, when I became a Peer in July 1999 there were approximately 700 hereditary Members of the House and its total membership was around 1,300. As a new boy and a life peer, I, of course, respected all the Members I met and I enjoyed conversing with them. However, I was surprised that I was asked several times about my father. As he had died in 1963, I found it strange to be asked about him, until I realised that the assumption was that, as I was over 39 at the time, my father must have been a hereditary Peer in July 1999 there were approximately 700 hereditary Peers. While some hereditary Peers were then, and still are now, among our most active and respected Members, others who attended specifically for those votes were doing so for the very first time —ironically, it seemed to me, to preserve their voting rights. I recall packed scenes just outside the Chamber when the Division Bells rang and some of those Peers asking me, “What’s that noise?”.

Thanks to the House of Lords Act 1999, the size of the House of Lords shrank by about half to around 650 members, bringing it in line with the size of the House of Commons. After the passage of that Act I could show visitors where I now had my own coat peg; I had had to share one previously. I could explain that further changes to the size, composition and role of the House would soon follow. But they did not. Since then the size of the House has grown by around 200 members, hence today’s debate. My initial optimism about more radical reform following rapidly after 1999 was quite misplaced, as Tony Blair’s Government appeared to lose interest in constitutional reform.

I am sure that 104 years ago, those who voted on the Parliament Act 1911 would never have believed that the process they began would still be continuing more than a century later. A century seems to have been not long enough to work out what further reforms to make. So I make no apology for having supported the House of Lords Reform Bill in the last Parliament. If I may correct the noble Viscount, Lord Astor, the Bill was not rejected by the House of Commons: it was supported by 462 to 124 votes, a majority of 338. The Bill was based on common principles set out in all three main party manifestos at the previous general election. I believe that we should have considered it here. I and my party were disappointed by its failure to make further progress, but I was not then someone who thought that this failure should prevent us looking at more modest and sensible reforms that might be agreed.

Thanks to the efforts of my noble friend Lord Steel of Aikwood and others, his Private Member’s Bill enabled Peers for the first time to retire. As we have heard, 35 Members of the House have already done so using its provisions. My noble friend’s original Bill also provided for the ending of what I might call the ludicrous by-elections to keep topping up the number of hereditary peers. We will soon have had 27 such by-elections, and we should have no more. Ending them would contribute significantly over time to reducing the size of the House, and this should be our next priority.

However, the biggest problem with the composition and size of the House is the power exercised by party leaders, and by Prime Ministers in particular. Their power of patronage is simply not appropriate in a 21st-century democracy. The Appointments Commission, or what one of my father’s favourite jokes was that when he was in this place he saw a book in the Library entitled The Need for a Second Chamber, by a Liberal Peer. Get it? No? I am sorry about that.

Viscount Ridley (Con): My Lords, the noble Lord, Lord Rennard, mentioned his father. I am reminded that one of my father’s favourite jokes was that when he was in this place he saw a book in the Library entitled The Need for a Second Chamber, by a Liberal Peer. Get it? No? I am sorry about that.

As a relative newcomer to this House and as an elected hereditary—the product of a ludicrous by-election—I hesitate to intervene. There are far more experienced and expert figures than me to listen to and, moreover, a great deal of what I wanted to say has already been said, so I shall cut my remarks very short. I very much follow the same line as my noble friends Lord Hunt of Wirral, Lord Jopling and Lord Astor, and the noble Lord, Lord Desai. By far the simplest, quickest and fairest way to reduce numbers in this House is surely to hold an election among ourselves, by party grouping, as to who stays and who
Viscount Ridley: A reduction election. As the noble Viscount, Lord Astor said, it worked well for the hereditaries in 1999, so we have a precedent.

We will always struggle to come up with rules that can command agreement based on age, expertise or attendance. We all know of people who speak very rarely, or have been on the planet for many decades, whose wisdom we would not want to lose. No doubt, each of us also knows people who speak a great deal, or are in the tenderest youth, who, to paraphrase Mr Bennet, have delighted us long enough. So instead of trying to devise rules about when noble Lords have to leave, let us just fix a total number, give each party grouping a quota and hold secret ballots to decide who stays and who goes. After that, of course, managing the numbers to stop it growing again will need a carefully agreed process, but I do not propose to go into that, because I think we have heard enough and I am looking forward to hearing from others. With that, I will curtail my remarks because if I have learned one thing here, it is that brevity is the soul of wit.

Lord Pearson of Rannoch: My Lords, since the noble Viscount has been commendably short, may I ask whether he agrees with the point made by his noble friend Lord Strathclyde? If we are to go into an arrangement whereby the parties cull their own numbers, would he exclude from that the minority parties which really have not got very much to cull?

Viscount Ridley: Indeed. The noble Lord makes a fair point. I assume that, under the arrangements I am suggesting, most of the main parties would cull and some of the other parties would grow at the same time.

Lord Pearson of Rannoch: I am most grateful.

7.26 pm

Lord Davies of Stamford (Lab): My Lords, very remarkably and unusually, there has been considerable agreement in this House, and almost unanimity, with the possible exception of the noble Lord, Lord Strathclyde, although I may have misunderstood his speech. Every other contribution has made it clear that the noble Lord or Baroness feels that there is a major problem and that urgent action is required to get here, and that that would be true of many hereditary Peers in the future, but I do not see why there should be any different, privileged avenue available to them to serve here that is not available to other potential candidates.

Of the three possible methods of reducing the numbers, I would hesitate to have an immediate cull. It would be a blood bath and very unpleasant and we should be in danger of creating some perverse incentives which might be quite difficult to deal with. One of them has just been raised. If the small parties were excluded there would be an incentive for people to join a small party, or, if the Cross-Benchers were protected in some way, an incentive to join them or, perhaps, to become an independent in order to avoid the cull. I do not know how that perverse incentive would be dealt with. It would be a cynical thing to do, to behave in that fashion, but that does not necessarily mean that nobody would be tempted to do it.

Another problem would be that if we take into account, as we ought to, as the noble Lord, Lord Cormack, among others, suggested, the record of a Peer’s activity—whether they have attended, whether they have made a useful contribution—we would have to do that going back over several years. Otherwise, some people, in the light of threatened exclusion from the House, might suddenly turn up, maybe paying other people to write speeches for them so that they could rapidly deliver a contribution to a debate about which they in fact know nothing at all. There are a number of difficulties about that and I would prefer not to go down that road if we can avoid it.

I also have some hesitation about an age limit, partly on the grounds of principle and partly on pragmatic grounds. It is now a principle of legislation that age discrimination is illegal, and I declare an interest in that I was the first MP in the House of Commons ever to introduce an anti-age discrimination Bill. It did not get through all the stages in the House of Commons and on to the statute book, but I did extract an undertaking from the then Prime Minister Tony Blair at the Dispatch Box to legislate on behalf of the Government; although that was then overtaken by the European directive. I have a track record and do not like the principle of age discrimination. I also think it is not as effective as a time limitation would be in refreshing or renewing the body of this place. That phrase is rightly often used in this context, but if you want to refresh this place, you probably do not want people staying here for 30 or 40 years. I would favour a generous, reasonable length of service with a maximum of, say, 20 years. That would give people a sense of independence, make sure they can find their feet and make a contribution, and provide for a certain amount of continuity between different batches of entrants—a point that has also been made—but also contribute to reducing the numbers.

My second point is that there is no point in doing any of this—in going down any of those roads at all—unless we have a clear undertaking from the Prime Minister that he is not going to take action that will make any effort we make entirely nugatory and pointless. I am very afraid that some of our colleagues who have retired from this place in the last few months may have done so very high-mindedly and selflessly, hoping that their disappearance would help to resolve our numbers problem, only to find that, in fact, everything they have sacrificed has been completely in vain because the Prime Minister has taken the opportunity to appoint another 45 people to this place, taking the total he has
appointed to more than 200—about a quarter of the total size of this House—which is a quite disgraceful situation. I say with great conviction, to the Leader of the House in particular, that there is absolutely no point in going down this road—and we should indicate to everybody concerned that we will not go down this road—unless there is the possibility of such an assurance, so that any efforts that we make will not be rendered ineffective before we have even started.

My third point is that we should take the opportunity to raise the bar of entry to this place and improve the quality of entry in the first place. For example, I have wanted for a long time to have more scientists in this House and have always felt that if you are a Nobel laureate, you should, assuming you are qualified on the other grounds, ipso facto become a Member of this place. I will not pursue that now as this is not the occasion to do it. However, there are two categories of people which are very dubious, and to be quite frank it pains me very much to see them figure in the Prime Minister’s latest list of appointments.

One is special advisers. The House of Commons had a problem in the 18th century with placemen. Noble Lords will remember the efforts of reformers such as Wilkes and Wyvill to get rid of the placemen—people who were taking money from George III. They were not Ministers or responding for the Government; they were just sitting in the House of Commons, supporting the Government and biasing the activities of the House. It was a nasty piece of parliamentary corruption. It is a horrible thought that, in the 21st century, the present Prime Minister should be reviving the malpractice of placemen by putting people here who are not members of the Government and cannot respond at all on their behalf, but are totally beholden to the Government and quite incapable, by definition, of taking an independent position, which is the essence of the function that we all have. That is a disgrace and should stop.

The other thing which is a terrible disgrace and should stop—this is my final point—is people coming to this place primarily or largely because they have given money to a political party. That, in modern times, is a very nasty development introduced by Lloyd George at the beginning of the 20th century. It has been practised by some Prime Ministers, including, very sadly, those of my own party. Both Wilson and Blair were guilty of it, and the present Prime Minister is certainly guilty of it. If it was discovered, for example, that you could buy your way into the Italian Senate, one could just imagine what would be said in every pub in the land. The Daily Mail would be having an orgy of self-righteous chauvinism. Everybody would say, “That’s just what you expect from Europeans or continentals and from foreigners. We always knew they were corrupt; it is the sort of thing that happens in southern Europe” and so forth. In fact you cannot buy your way into the Italian Senate, but you can buy your way into this place. It is an absolute disgrace, and the sooner we bring that to an end the better, because it is something that will really besmirch this place if it continues.

Finally, I have to say that people should not get around such a ban by just becoming treasurer of a political party and saying that, in that case, they have held public office, That is not a public office and is not an activity which either requires or is likely to deliver, in any individual, the sort of qualities necessary to make a useful contribution in this place.

7.35 pm

Lord Luce (CB): My Lords, I recall that the noble Lord, Lord Williams of Elvel, led a debate back on 6 January on the question of the size of the House of Lords. On that occasion, there was almost unanimous support for dealing with the question of size. Since then, I have been very struck by how far things have moved on. Today, after the general election, the Leader of the House and the Prime Minister have thrown down a challenge for us in this Chamber to take up to produce proposals for dealing with the size of the House of Lords. I am very struck today by the momentum—by the fact that there is enormous all-party support for this and a great desire to get on with it. That is certainly a change in the atmosphere. I think we are all pretty well agreed today, with one or two exceptions, that having too large a Chamber could well undermine the effectiveness of the work we do. Indeed, it is very interesting that in Canada, where the second Chamber has 105 appointed members, the Prime Minister has just called a moratorium on new appointments because he thinks it is getting too large. There is a serious point here that needs to be dealt with. We owe thanks to the noble Lord, Lord Steel, the noble Baroness, Lady Hayman, and Mr Byles for all the work they have done in laying some foundations for us. We have now got to move on.

We cannot insulate the questions of appointments and retirements from each other. The one depends on the other, and they have to be interrelated. As far as appointments are concerned, it is time in my view to introduce clearer criteria. Of course we need a continuing infusion of new blood—we cannot afford to stop that—but we need a cap. Again, I am struck today by the fact that there is a pretty strong view that we should limit ourselves, perhaps by the end of this Parliament, to being somewhere around the size of the House of Commons or even a little smaller. I totally agree with that, but it means that we have to agree the formula for the size of the parties, as well as accepting, as I think the House does, that the Cross-Benchers ought to make up at least 20% of the House. We also have to deal with the minority party situation that the noble Lord, Lord Pearson, introduced and ought to acknowledge the point that he made.

However, the question then arises of who supervises these criteria that I hope we are going to devise. Here, the role of the House of Lords Appointments Commission comes into play, because it will be up to it to interpret the criteria that this House agrees for appointments. The Prime Minister has enormous powers of patronage, and it is not unreasonable to ask him to constrain those powers, to ask the Appointments Commission to say what the balance of the parties should be in the House, according to the cap that we require, and to then ask the leaders of the parties, including the Prime Minister, to nominate their own people for their own party. All of that seems to me to make sense, on top of the need for the Appointments Commission to take into account, as it already does, the balance of expertise that this Chamber needs.
[Lord Luce]

We then get to the question of retirement, where the number of ideas is quite enormous. None is perfect, and every single one of the ideas that has been produced has a down side—we just have to accept that. I will start with the voluntary retirement system. It is of course good that we have 35 people who have volunteered to retire. Like the noble Lord, Lord Naseby, I am committed to retiring during this Parliament, when I shall reach the age of 80. However, before everyone cheers very loudly at the news I have just disclosed to the Chamber, I would say that I do not wish to retire until I see real, concrete progress on the question of tackling the size of this House.

There so many other ideas: selecting active Peers to retire at the age of 80; a mandatory system of retirement after 15 or 20 years; an age of retirement of 75 or 80; or, following the precedent of the selection of Irish and Scottish Peers, a process of self-selection, electing our own groups according to the numbers that we require. The noble Lord, Lord Cormack, mentioned that last idea, which I find attractive.

We must have a carefully balanced system. It will be difficult, but we must do it. We have to take into account the Leader’s point that it must be as simple as possible. That is the biggest challenge of all to those of us who are prepared to work on these issues. The body chaired by the noble Lord, Lord Cormack, is already working on this. I welcome the fact that the Lord Speaker has an advisory group. All parties will have to be committed to this effort, with as much urgency as possible. As the noble Lord, Lord Wakeham, said, based on the experience of his commission 15 years ago, there has to be a will to make it work. If there is no will, we will not succeed. We must have an immense amount of give and take if we are to get consensus. In my view, each of us ought to be exercising not our rights in this Chamber but our responsibilities to this country.

7.41 pm

Lord Horam (Con): My Lords, I do not think I have ever participated in a debate in the House of Lords where there has been so much consensus; it is almost embarrassing. As the noble Lord, Lord Luce, just said, the momentum since our last debate on this issue has been incredible. I am really heartened by the extent to which people are prepared to consider a cap at a significantly lower level than our present size.

As we know, one suggestion is that the House of Lords should be of a similar size to, or not bigger than, the House of Commons. There is a great deal of merit in that. Others have gone further, such as my noble friend Lord Jopling. In an interesting article in the Financial Times, Lord Grenfell, who recently retired from the Labour Benches, wrote that the figure should go down to 450 or 500, for various reasons which I shall not go into now. Personally—as someone who is perhaps showing a latent masochistic or even suicidal interest in this issue—I rather favour the lower number, but whatever the number, whether 500 or 600, the whole point is that it must be significantly and observably lower than our present number. I am heartened by the extent to which there is agreement on that fundamental point.

If we can agree on that, the next issue, on which I think there is also agreement, is the proportion of the House that should constitute Cross-Benchers. One-fifth, or 20%, has been a common figure. That seems to me wholly right, because it fulfils the essential requirement that there should be no government majority under any circumstances in any conceivable carve-up of the political groups in the House. Beyond that, inevitably, there will be a carve-up of the political groups according to some formula related to the numbers in the Commons or the numbers of votes at the previous general election. That is inevitable and right, and I see no way round it.

I would not prescribe from the centre the way we get from here to there; the political groups should be left to decide. As my noble friend Lord Jopling said in his excellent speech, the groups know their own members best, and the caucus can come forward with a reduction in numbers or some other method. They understand their members—they understand the balance of age, experience, activity and so forth within that group—and I believe they can be trusted to take a decision on that basis. I would leave it to them, without a central diktat.

The other immediate question is exactly when we take that step. In my view, the most sensible idea is to do it in one fell swoop after the next general election. I appreciate that voices have been saying—this is perhaps the only real point of difference among the Benches—that the process should be more incremental. My noble friend Lord Lamont mentioned three out and one in. My problem with that is practical: I wonder whether it will actually achieve the reduction in numbers that we want. It will be an uncertain course; we will not be clear when the next hurdle will be arrived at. That is a practical problem. Nor will it have the same effect on public opinion—a point raised by the noble Lord, Lord Soley, who has just left the Chamber.

We need to have a big number to show the public—my noble friend the Leader of the House made the point about the importance of public opinion—that we are really serious about this and that there is about to be a big reduction in the number of Lords. As the noble Lord, Lord Soley, said, the media strategy is important in this. To me, that is a persuasive argument for having a cull all at once, rather than the slowly, slowly approach of an incremental procedure. In the mean time, inevitably, we need a paper from an all-party group—I am so glad that various people are working on that—which will hopefully be published and set out some sort of framework.

Following that, we need rule changes, and I hope that we can avoid legislation. One thing that I have always said to aspirant Ministers when they have occasionally asked me about my experience of ministerial office is, always, under any circumstances, avoid legislation. It is a can of worms. It will always go wrong. It will absorb your civil servants. It will inevitably attract amendments that you do not want and there will be trouble in the House of Lords, so do not do it. If we can possibly avoid legislation, let us do so. If we can do this by rule change, we really should. That is extremely important.

I sense that this is our chance. If we do not take it now, in my view, we will not be fulfilling our responsibilities to both Parliament and country.
Lord Willoughby de Broke (UKIP): My Lords, I strongly support the Motion of my noble friend Lord Pearson, and I will not rehearse the arguments he made so persuasively. I think it is common ground now in this House—even, I sense, after this evening’s debate—and certainly in the country at large, that it is absurd for a party which got nearly 4 million votes at the general election, have been given 11 extra peerages and will now be grossly overrepresented with, I believe, 112 Peers.

The noble Lord, Lord Steel, warned my noble friend Lord Pearson to be careful what he wished for, because we have only one MP in the Commons, while the Lib Dems have eight. They have eight MPs and 113 Peers. By simple arithmetic, that is 14 Peers per MP, so UKIP deserves at least 14 Peers here—QED, I think. I hope that the noble Baroness the Leader of the House will take note of that. I am grateful to the noble Lord, Lord Steel, for raising that point.

I wonder in passing who was the genius who advised the Prime Minister to create 11 extra Liberal Democrat Peers. He must have known that they would routinely vote against him, particularly when it comes to the EU Bill, which we will be considering shortly. The Bill is coming to this House on 13 October; I think, for its Second Reading. This House has a Europhile bias. That is not a complaint or a stricture, it is just a fact. We have a galaxy of starry ex-Commissioners, ex-MEPs, European officials and advisers, all of whom have a Europhile bias, just because of the jobs that they have been doing. The EU Select Committee is heavily overweight with EU enthusiasts.

During the previous Government, Members on the coalition Front Bench vied with each other to make cheap cracks at UKIP, its leaders and the people who supported it. It is quite wrong that we should have no better representation in this House. It is also short-sighted because—and I find that some of the pro-EU Members of this House find this hard to believe—let us remember that outside this House UKIP won the European elections last year, defeating the Conservatives and Labour, and leaving the Lib Dems with only one MEP. All the recent polls have shown that about half of those polled want to leave the EU.

It is absurd that the millions of people who believe that this country can be run without advice from Brussels and without the help of the Brussels bureaucracy are so underrepresented in this House when it comes to debates on European Union matters. In spite of the best efforts of my noble friend Lord Pearson, we are still being stymied by Number 10 and the Prime Minister. We have been offered no more Peers. I hope that the Leader of the House will understand our deep concern at this loss and this fear of giving us more representation. I hope she will do her very best to put this right.

Earl Attlee (Con): My Lords, I apologise for not being present for the majority of the debate. I put my name down to speak in this debate as well as the
the Minute Room and say to the clerk, “Oral Question—first available slot to ask Her Majesty’s Government”. You cannot do that now—you have to queue up—but in those days there were fewer active Peers and it was rather easier to operate. At the very least, therefore, we need no more new Peers and we will have to consider some sort of cull mechanism along the lines suggested by noble Lords.

7.56 pm

Baroness Taylor of Bolton (Lab): My Lords, in June of last year, this House debated extensively a report by a group of Labour Peers called A Programme for Progress: The Future of the House of Lords and its Place in a Wider Constitution. There was a great deal of consensus in that debate, and it was a very productive one. One of the things that we asked was that there should be a meeting of minds, led by the Leader of the House and others, to take the matter further. That was denied us, but I welcome the statement of the Leader of the House today that she intends to follow such a route. It was a very useful debate and the report is still available, by the way, free of charge. I hope that some people will look back at that, because some of the ideas discussed today are discussed in that report in some detail.

I share the very deep and genuine concern in this House about the Prime Minister’s recent list—both the numbers of the Conservative and Liberal Democrat nominees and the inclusion of the spads. It is damaging to the reputation of this House because trust in the appointments procedure is extremely important in terms of trust in this House, as the noble Lord, Lord Norton, pointed out earlier. Many people warned beforehand, but we are where we are: the damage has been done and, unlike the noble Lord, Lord Strathclyde, I do not think that this is a normal situation. The figures that my noble friend Lady Smith provided earlier show that this is not the usual situation and it creates some problems for us.

The first problem relates to our reputation. It does none of us any good when these matters are raised and we see in the press a photograph of the State Opening, with everybody in robes, and comments such as, “They are nearly as big as the National People’s Congress of China”, with implications about how we operate. Incidentally, if anybody wants to improve the reputation of this House, we might think about whether it would be helpful not to wear robes at the State Opening. Perhaps that is a little too far for some people.

The numbers do affect us all: they affect our ability to do the job, as has just been pointed out. It is a strain on resources, on office facilities and on trying to speak in the House. Earlier, the Leader quite rightly mentioned the distinction between the top-line numbers and actual attendance daily. That is a very important distinction, but intakes over the last decade or so have seen an increasing number of working Peers. That increases the strain for everyone and changes the balance of the figures that she was talking about.

I have a couple of questions that I would like the Leader to deal with, because they are important and relevant to anything that we want to do to change things in future. The first concerns the party balance in the House, because we get contradictory messages here. What do the Government think is an appropriate party balance in this House? Traditionally, Governments have not sought a political majority here. My noble friend Lord Hunt talked earlier about the difficulties in the Labour Government years, where 33% of votes were lost by the Government. However, the PM seems to challenge that view, in the way that the former Deputy Prime Minister once did. Sometimes we hear that this House should reflect proportions in the Commons and sometimes those at the last election—they are not necessarily the same. I am concerned about what the situation might be, and that the Leader said earlier that we should complement the House of Commons. Our job is not to replicate what happens there but, as others said, to revise and scrutinise.

Another question is that I still do not understand why the Government are so opposed to a constitutional convention. Do they not understand the fragmentary nature of and some of the difficulties that we are storing up for the future with all the changes in Scotland and Wales, with EVEL, Northern Ireland and city regions? Those need to be looked at in the round. The role of this House in all that is important. When we suggested and discussed a constitutional convention in the past, we were told that it was being put into the long grass—or the “unmovable grass” as my noble friend Lord Richard used to say. If a constitutional convention had been established when we called for it, we might be nearer a solution to some of these problems today.

However, that is for the long term. We have talked today about some of the more immediate things that this House could do. The noble Baroness, Lady Hayman, talked about the cap on numbers by the mixed election, which would be very appropriate. I do not think it matters where we draw the line between 450 and 600, we must just work towards that. We heard of separating the honours system and membership of this House. That is worth pursuing, as is perhaps membership and voting, which is interesting. Probably a majority of people favour ending the hereditary by-elections. I think a fixed term is an interesting proposition, be it 15 or 20 years. Minimum attendance and participation is a possibility. However, I do not like the suggestion from the noble Lord, Lord Jopling, for a cull. That is fraught with dangers, difficulties and potential abuse. I am afraid the renewal system of the noble Lord, Lord Armstrong, did not excite me, except as a former Chief Whip because I would quite like to be a Chief Whip when that is operating.

All these ideas, which are not mutually exclusive, need considering and taking further. One incidental benefit of a discussion of this kind is that it makes us all consider our own individual position. Debates of this nature over the recent past have led to people thinking about when they will leave the House, when they should retire and what their future should be.

The noble Lord, Lord Luce, just said that there is a great deal of momentum on this issue; I agree. We had the work that the noble Lord, Lord Cormack, referred to on the Campaign for an Effective Second Chamber. The Lord Speaker has taken initiatives. The noble Lord, Lord Foulkes, and the noble and learned Lord,
Lord Wallace, talked about what their individual parties are doing. However, I am afraid that none of this will get anywhere and that momentum will not translate into positive proposals unless the Government actually take this seriously. The comment that the Leader of the House made earlier was a bit vague. We would like to know more about what is proposed, particularly some indication of the timescale. We cannot leave all these issues in the air if we are to protect the workings and reputation of this House.

8.04 pm

Lord Kakkar (CB): My Lords, I declare my interest as chairman of the House of Lords Appointments Commission and emphasise that I speak in this debate from an individual perspective.

Your Lordships have recognised in this debate that the size of the House has now become the subject of considerable concern, both within Parliament and outside. This concern has the potential to impact on the standing and reputation of your Lordships’ House and its ability to discharge its constitutional responsibilities. The debate rightly emphasised time and again the importance of recognising our constitutional role in determining the way forward in further stepwise reform, particularly on the question of the size of the House. It is well recognised that our principal role is that of scrutiny, revision of legislation and holding Her Majesty’s Government to account, but in such a way that complements the work of the other place—particularly with regard to the role of holding Her Majesty’s Government to account. Any proposal on addressing the size of your Lordships’ House should also, I believe very strongly, help consolidate our constitutional role and ensure that we can continue to discharge those responsibilities most effectively.

A number of proposals have been made in this debate on how the size of the House might be limited, among them the suggestion that there might be an age limit for participation, a term limit or a simple cull of Members. The problem with the suggestions of either an age or term limit is that they are rather indiscriminate. In adopting either proposal, your Lordships run the risk of removing from the House Members who make particularly good and active contributions, whose expertise and wisdom is of the greatest importance in discharging our constitutional role or who, in many ways, help distinguish and differentiate us from the other place most effectively. The potential problem of a cull might be that it would exclude on a permanent basis Members of your Lordships’ House who have the capacity to make an important potential contribution, especially recognising that the nature of legislation coming before your Lordships’ House is determined by the priorities of the Government in question and those priorities change over time. Any system dealing with Membership of your Lordships’ House must retain the ability for flexibility in ensuring that the appropriate expertise is represented when it is necessary.

An alternative solution to a cull might be for all Members of your Lordships’ House to continue to receive a Writ of Summons, therefore forming a pool of eligible Peers from which a smaller pool of sitting Peers could be elected by each individual grouping, potentially on a sessional basis dependent upon the nature of legislation that the House would address for that particular session. If a sessional basis were considered too short, it could be done for the duration of a Parliament. The advantage of such a system is that it would allow each grouping to determine how best to put at the disposal of your Lordships’ House, from among its wider pool of eligible Peers, those most able to contribute to the work of the House for that particular Session or Parliament. It would also allow the groupings to determine from among their eligible Peers those willing to make an active contribution, participating in the work of the Chamber, committees and other responsibilities of active, working Peers. It would provide the opportunity for those not in a position to make that contribution for a specific time to stand aside, not putting their names forward for election to the pool of sitting Peers from their grouping.

On the cap on the size of the House, I use as an example the suggestion that we reduce the current size by 50%. Under those circumstances, there would be about 410 sitting Peers from among the 820 or so currently eligible to sit in your Lordships’ House. To that would be added the Government Front Bench of some 20 Peers. That would give a House of around 440 to 450 Members. As I said, that would be composed on the basis of each grouping electing those from among the eligible Peers receiving the Writ of Summons. Only those sitting Peers would be in a position to avail themselves of any allowances, expenses or other accommodation in your Lordships’ House. Other eligible Peers would continue to receive information about the work of the House and to be eligible to be elected by their groupings to serve as active sitting Members.

This proposal might require some attention to the wording of the Writ of Summons, but may not require extensive primary legislation beyond that. If that were the case then it would be something that the House could act on in a relatively short time. It would deal with the question of the size of the House and the perception about the House being too large, as it would be reduced by a very substantial number. But it would not exclude Peers permanently and it would provide the opportunity for noble Lords, as and when their expertise would be of greatest use to the work of your Lordships’ House, to be available on the basis of the support of their party groupings, having elected them to do so.

8.10 pm

Lord Dobbs (Con): My Lords, I have listened to every speech and after such a fascinating debate I am not sure that I have much new to offer, but I will try.

These last few months have been cruel for the reputation of our House. Much of the criticism is unfair, yet we live in a world that takes great delight in toppling gilded towers. Our gilded tower is one of the most spectacular. It is also the easiest of targets. A lot of repair work can be done, and surprisingly quickly, if we are able to engage in information and rebuttal, to explain the work we do and to correct some of the more grotesque distortions that have taken hold. An information and rebuttal post could be set up now, within weeks. We could move very quickly.
[**LORD DOBBS**]

The public deserve to know the facts, not just the fiction. Take our dining habits. It is widely believed that we dine on lobster and caviar; I am not sure what I will dine on this evening but it certainly will not be that. Most of us, I suspect, have not even eaten lobster here. Being a good working-class lad, the closest I got to caviar is a taramosalata salad in the River canteen. I must confess to buying a little champagne, but like so many noble Lords, almost every drop of it has been to raise money for charity. The delusions and distortions that we suffer are appalling. They may pass, but I rather doubt it. Some of us, a few, have played into their hands.

So how can we fix the damage? First, by re-emphasising that we are a House of duties, not privileges. We Peers are here to serve this House and the country beyond; we must never make it seem as though this House is here to serve us. Secondly, none of us deserves a job for life by right; there comes a point where enough is enough—move on.

In the mean time, we must focus remorselessly on the quality of the work that we do. That work is vital. I like to think of this House as a great parliamentary composting machine, improving and making more fragrant whatever—I was about to say “rubbish”—is thrown at us from the other place. My Lords, we should take pride in being parliamentary worms or rather glow-worms.

How do we translate all this into specific proposals? With fixed terms, age limits, enforced retirements? They have the merit of simplicity, but suffer the tragic weakness of not finding the pleasure of my noble friend Lord Strathclyde. Perhaps we should go back to finding the more traditional methods of finding constitutional compromise: Strathclyde and Steel in a locked room—winner takes all. It is a thought.

**Lord Strathclyde:** I would win.

**LORD DOBBS:** What is fundamental is that the size of this House should be restrained. It may not be a silver bullet, to use the phrase of my noble friend the Leader, but through restraint so much more would follow. We cannot carry on growing like a pig’s bladder. A House without limits is a House of confused qualities, with too many dusty corners for those who should not be here at all. So, numbers reduced by internal selection following the precedent set by hereditaries and others—as set out so ably by my noble friend Lord Cormack—a House no larger than the Commons would have the huge benefit of focusing public attention both on the job we do and who is best to do it.

None of this is easy. Sometimes in politics you have to do rather a lot to achieve just a little, and that is where we find ourselves today. Perhaps I am wrong about all this—I am often accused of turning everything into a drama—but this House is a House of service or it is nothing. If we cannot move forward with some urgency, we may find ourselves being dragged behind a crowd of flat-earthers, who do not understand public duty and who want to sweep this House away lock, stock and biscuit barrel. In that we will have lost a thing not only of great—

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**Lord Lea of Crondall:** I am grateful to the noble Lord for giving way, but he seems to be implying that turning off the tap is down to us. Is it not down to the Prime Minister?

**LORD DOBBS:** My Lords, perhaps given the lateness of the night and the fact that I am a breath away from finishing, we can conduct the rest of this conversation outside. The noble Lord has already had a long list of minutes today, so if he does not mind I will treat this later.

I conclude by saying that, if we allow the flat-earthers to win, if this place is swept away, as it could be, we will have lost not only a thing of great beauty but a thing of unique value.

8.17 pm

**Lord Paddick (LD):** My Lords, I start by paying tribute to the contribution of the right reverend Prelate the Bishop of Lichfield. We, too, regret that he has not spent more time in the House during his service, and we wish him well for the future.

As the final speaker for the Liberal Democrats, it is my duty to put forward our party’s position, and I can do no better than to repeat the words of my noble and learned friend Lord Wallace of Tankerness. The Liberal Democrats and our predecessors have called for a democratically elected second Chamber for more than 100 years. It is also important to look at its purpose. This House is a revising Chamber that holds the Government to account and asks the other place to think again from time to time. As my noble and learned friend said, the best way forward would be a constitutional convention that would look at devolution and the democratic legitimacy not only of this House but of the other place. The only way for the Lords to reflect the democratic view of the people is for it to be an elected Chamber. If the Conservative Government want to address the issue of representation in the Lords by bringing forward proposals for an elected second Chamber, Liberal Democrat Peers will eagerly vote for it. But it is not likely to happen.

In the mean time, we can look at ways in which things can be improved. As to whether there are too many Liberal Democrat Peers in the Chamber, I find it somewhat confusing that noble Lords from UKIP seem to be attacking us when we are, and always have been, advocates of proportional representation. I know that the phrase “lies, damned lies and statistics” has been well used, but I shall quote figures that differ from those quoted by the noble Lord, Lord Pearson of Rannoch. In the general election, 7.9% of votes were cast for the Liberal Democrats, and when you add the Liberal Democrat Members of the House of Commons to the Liberal Democrat Members of the House of Lords, we have 7.7% of parliamentarians. You can cast the numbers whichever way you like. As my noble friend Lord Greaves pointed out, it is interesting that it is only now when, according to the votes cast in the general election, the Liberal Democrats are overrepresented in the House of Lords—whereas until then we were underrepresented—that there is this cry for proportional representation.
The noble Viscount, Lord Astor, asked me whether we will conform to the Salisbury convention. We will comply with the Salisbury convention as much as the Conservative Party adhered to it when there was a Labour Government and the Conservatives were in opposition. In fact, a committee on the conventions of the UK Parliament recognised the right of the House of Lords, in extreme and exceptional circumstances, to say no. What extreme and exceptional circumstances are is a matter for debate.

I feel somewhat sorry for the noble Lord, Lord Strathclyde, and I have some sympathy for what he said about not having heard many convincing arguments about the need to reduce the size of the House. If we go down to 500 or 600 dedicated and enthusiastic Members, all determined to prove their worth, would Questions be any more genteel than now? Would speakers lists be any shorter? As the noble Baroness, Lady Taylor of Bolton, mentioned, every time the size of this House is mentioned in the media, it is said that it is the second largest legislative chamber after China’s National People’s Congress, and we need to address the public perception that we are bloated and far too big. The way to do that, as many noble Lords have suggested, is for this House to match or be slightly smaller than the House of Commons.

The noble Lord, Lord Dobbs, spoke about the need for an information and rebuttal office, and I thoroughly agree. We have been subjected to a completely one-sided attack on the reputation of the House of Lords in recent weeks. Clearly there is need for reform, and some party leaders’ recent appointments have made this institution a sitting duck, but what has not been thought through is how to retain the best aspects of the House of Lords while dealing with the worst. My more than 30 years’ experience of the Metropolitan Police Service has taught me a number of things: the importance of real experts, as opposed to people who think they know the answers; corporate memory; and strategic thinking. If you are spending a lot of time campaigning and trying to win or keep your seat, you are concentrating on that issue more, perhaps, than on the legislative process. We need people who are free to concentrate on holding the Government to account and going through legislation line by line, as we do so well in this House. I did say that these are my views, rather than those of my party.

Partisanship can be put on one side in this House, as we saw during the passage of the Modern Slavery Act. More than 100 amendments were made to legislation that had already been through the process in the other place. How much better is the Modern Slavery Act as a result of the experts and experience in this Chamber than it would have been if we had no House of Lords at all or if the House of Lords simply reflected a similar make-up to the other place?

Three major questions need to be looked at. Obviously, if we have a wholly democratic second Chamber, then primacy becomes an issue and that needs to be addressed. The second issue is how do we retain the expertise and experience that we have in this House, particularly among the Cross-Benchers? Again, in a wholly democratically elected Chamber, that would have to be dealt with. The third issue, as I have already mentioned, is the ability of Members of this House to dedicate themselves to the legislative process, to holding the Government to account and to campaigning on important issues, rather than having to spend a lot of time convincing either members of their own party or members of the public that they are deserving of an elected place in this Chamber.

The House of Lords is too big. It is carrying too many passengers and some people who are being appointed do not appear to me to be likely to add much value to the business of the House while damaging its reputation. To the critics of this place I would ask: how do you avoid throwing the baby out with the bath-water? We need practical suggestions for something better than we have now, rather than destructive criticism.

8.25 pm

Lord Hunt of Kings Heath (Lab): My Lords, I am delighted to wind up for the Opposition. I, too, would like to pay tribute to the right reverend Prelate the Bishop of Lichfield, who made his valedictory speech. He has made a rich contribution to your Lordships’ House and he will be much missed in his retirement.

This has been an excellent, highly significant and encouraging debate. Of the many discussions that noble Lords have had about the future of this House, few have displayed such a unanimity of view on the need to constrain the size of the House, while enhancing our crucial scrutiny role.

The fact that the Government wanted to have this debate today and to postpone other important business suggests that they have been stung by the criticism of the latest list of appointments. Up to now, they have turned their face against substantive reform and rejected the widely supported proposal for a constitutional convention through which the whole future of the House of Lords would be looked at in the context of wider constitutional change. To noble Lords who hark back to the last Government and the ill-fated proposals of Mr Clegg, I say that the reason why they ultimately failed was that the Bill that was presented made no reference whatever to the relationship between an elected House of Lords and the House of Commons. That issue needs to be grappled with and the question of the respective powers of those two Chambers resolved. All the other issues that noble Lords have discussed concerning Scotland, Wales and devolution in general need to be looked at before we can hope to come up with any substantive proposal about the future of your Lordships’ House. That is why it is so important to have a constitutional convention. We remain committed to having one. My right honourable friend the Leader of the Opposition has appointed a specific Member to take forward our proposals on such a constitutional convention. I hope that reassures the noble Viscount, Lord Astor, about the continuity of policy in this important area.

Let us come to the question of size. Size is not everything. I take the point that the noble Lord, Lord Wakeham, made and I pay tribute to him again for his royal commission report—which was so sensible that, as he said, unfortunately the political process made sure that nothing would be done with it. I take his point about not talking down our achievements, but the threat of an ever-increasing size is now putting our reputation at great risk.
We have all looked at the outstanding work of Meg Russell. She has examined what the impact would be if the coalition policy were still in place relating to securing a second Chamber reflective of the votes of political parties at the preceding general election. The Leader of the House has made it clear that that was a coalition Government policy and that the Government have moved on from that. We have seen that the Prime Minister appears keen on further appointments, and we seem to have a new policy, enunciated in Singapore, that the second Chamber should match the make-up of the Commons. We know from Meg Russell's work that eventually, this would lead to a House of more than 1,000 Members. I suspect that, unlike the last time we had over 1,000 Members, we would have 1,000 pretty active Members, which would become unsustainable. If you then take the point made by the noble Lord, Lord Pearson, and add seats for the minority parties, clearly you reach a ludicrous position.

The noble Baroness, Lady Hayman, talked about the public reaction to events over the summer, and there is no doubt that size has something to do with that reaction. We also know that many times under different Governments—too many times over the past few years—sensible incremental change has been postponed or rejected on the altar of substantive reform. However, substantive reform never came, and it ain't gonna come any time soon. Therefore, the argument for making progress on the issue of size is persuasive and very clear tonight.

I am glad that the noble Baroness the Leader offered today to convene cross-party talks, including the Cross-Benches. That is welcome, and Her Majesty's Opposition are glad to take part. I hope she will respond to my noble friend Lady Taylor, who asked her to spell this out in a little more detail, and I am sure the House would welcome that. There is a great body of work to draw upon: that of the noble Lord, Lord Hunt of Wirral; the work co-chaired so ably by my noble friend Lady Taylor; the work undertaken by the noble Lord, Lord Cormack, which he talked about; and as we know, the Lord Speaker has also convened a working party. We have heard some very interesting and wide-ranging proposals tonight. I do not agree with all of them, but surely the options and parameters are now pretty clear. The stage is set for progress.

I want to emphasise a point made by the noble Baroness, Lady Hayman. This will not work if the Government stick to the principle of the Prime Minister's Singapore edict. One way or another, the noble Baroness the Leader will have to make it clear that the Government have no intention of seeking anywhere near a political majority in your Lordships' House. Agreement on a scheme to reduce the number of Members will have to be predicated on an agreement on the size of the Chamber reflective of the votes of the different parties and the Cross Benches, plus the level of discretion to be given to any Prime Minister after a general election. If you look at all the options proposed for reducing the size of the House—whether it is age retirement, activity level, length of service, election or a combination of all those—the question of balance cannot be ignored. That is clear from research done by the Lords Library.

If we look at the outcome of retirement at 75, 80 or 85, the results are different for each option with regard to party balance. On the elections option, I know that the hereditary Peers opposite, who went through it, think that life Peers ought to be made to suffer in the same way; I have always recognised that that is a factor. I gently warn the House of the consequences of elections: the risk is that those with independence of thought might be put at some disadvantage. I do not need to spell that out to politicians in this House; if I mention the terrible word “slates”, they will know what I mean. If elections is the chosen option, you will still have to decide how many seats each party and the Cross Benches are going to get, and to do so you will have to reach a long-term agreement; otherwise, it just will not fly. At some point, the noble Baroness the Leader will have to face up to that. There is no point in going into discussions about a scheme of reduction without knowing how it will work out as regards balance.

This is also tied in to the effectiveness of this House as a revising Chamber. The noble Lord, Lord Strathclyde, is right. Our reputation depends on the power of argument, and often we have very powerful arguments but, as he found when he was Leader of the Opposition, and as I found to my cost as a government Minister at the time, the power of argument is not half supported by the power of votes. My goodness me, he was very happy to use those votes. Our ability to revise legislation is in direct proportion to the House's ability, within the widely understood conventions, to ask the Government to think again by passing amendments or by the Government making concessions because of the risk of being defeated. The noble Lord, Lord Naseby, was absolutely right on that point. Getting an appropriate balance is crucial to resolving the problems of size.

I end by saying that I am very proud to be a Member of this House. I am proud of what it does. I am proud of the fact that we improve legislation. I have no doubt whatever that we safeguard the public interest. In recent months our reputation has taken an awful knock. Every Member of the House has had to listen to comments made by friends, colleagues and members of the public, and frankly those comments have not been very kind. I thought the noble Lord, Lord Dobbs, was absolutely right. We have all been damaged. The noble Lord, Lord Norton, is right too. Size is much less important than function, of course, but size is harming the way people look at us. It is part of what my noble friend Lord Soley called the perfect storm. It is upon us. The ball appears to have been put into our own court. Surely we should now accept the challenge and run with it.

8.36 pm

The Lord Privy Seal (Baroness Stowell of Beeston) (Con): My Lords, I am very grateful to all noble Lords who have spoken this evening and for the contributions they have made. I will certainly try to do justice in responding to the debate. I echo something that the noble Lord, Lord Hunt, has just said. Like him, I am very proud to be a Member of this House, and I am even prouder to be the Leader of this House. I know that that pride is very much echoed around this Chamber by the way in which everybody has made their contribution tonight.
I said at the outset that our discussions should be about our core purpose, but the way in which the noble Baroness the Leader of the Opposition responded calls for me to be even clearer about what I mean when I talk about purpose. The noble Lord, Lord Greaves, is absolutely right: all of us understand that we are here to scrutinise legislation and to participate in debates about public policy. We do that by holding the Government to account and by complementing the work of the House of Commons. We scrutinise and, in the end, have the final say. The key thing for me about purpose is not so much what we do but why we do it. I said at the start of my remarks today that this about how we can best give the public confidence in the laws that Parliament makes. For me that is why we are here. That is why we do all this scrutiny. At the end of it all, that is what we are trying to do: to give the public confidence in what Parliament ultimately decides. It is that clarity of purpose—giving the public confidence—that I feel should very much drive our considerations, whether it is, as I said earlier, about when we attend, how we contribute, when we retire or, indeed, about issues that we have been discussing tonight, such as the size of the House. I think that that has been reflected very much in the debate tonight.

I also pay tribute to the right reverend Prelate the Bishop of Lichfield on his valedictory speech. We all thank him for his contribution and wish him a successful retirement and certainly look forward to welcoming the new women bishops later this year.

Unsurprisingly, a range of views have been expressed this evening. I am glad to hear support from all Benches for making progress on this important issue. In trying to respond, I might start by picking up on some of the remarks that have been made about the Prime Minister and appointments to your Lordships’ House. The noble Baroness, Lady Taylor of Bolton, asked me a specific question, as did others. I should be absolutely clear that the Prime Minister and this Government are not seeking to create a majority in your Lordships’ House. We are not seeking to do that whatever. Some noble Lords referred to the comments that my right honourable friend made about party balance. On that, there has been some misunderstanding of what he was trying to say. He was certainly not suggesting that he was seeking any kind of formal arrangement to reflect the general election results. As the noble Lord, Lord Hunt, acknowledged, we are not in coalition now. This is a Conservative Government and our Conservative manifesto was clear about our intention with regard to the House of Lords. It is worth bearing in mind that when the Prime Minister referred to party balance—noble Lords should believe me; I am not seeking to make any political point—he was reflecting on the fact that the Conservative Party won the last general election, and, as has been customary in recent years, that is something for Prime Ministers to be very much mindful of when they are thinking about their own legislative programme.

My noble friend Lord Strathclyde and the noble Lord, Lord Hunt, had an exchange earlier. The noble Lord referred to the Conservative Party in opposition and its success in defeating the then Labour Government. Noble Lords might be interested to know that during the last Labour Government—and indeed historically over decades—the average rate of government defeats, certainly in the 2005-10 Parliament, was running at about 33%. In the period since the general election this year until the Summer Recess, the defeats suffered by the Government have run at about 60%. There is therefore a distinct difference at the moment in those rates of defeat.

I share other views expressed by noble Lords in this debate that the issue of government defeats in this House is not the only important thing. It is also important to note that the Government listen to the arguments and debates and respond constructively to the legitimate work that this House does in scrutinising legislation and coming forward with amendments. That is what this Government intend to do. During the last Parliament, 21,000 amendments were tabled in your Lordships’ House, 6,000 of which were accepted in legislation by way of either government amendment or other amendments that we accepted. We therefore very much recognise the role of this House and that it is important that it is effective and in a strong position to do its important work.

As has been mentioned, the Prime Minister feels that it is right and understandable that this House would like to address the issue of its size. He feels it is right that we as a House should come forward with our own proposals for change because that is a tried and tested method. After the 2012 Bill failed to proceed out of the House of Commons in the last Parliament, it was measures drawn up in this House by Private Member’s Bills that were successful. Those incremental steps—whether it was the Bill originally in the name of the noble Lord, Lord Steel, or the Bill in the name of the noble Baroness, Lady Hayman—were measures to address important matters that came out of this House and, with government support, succeeded in becoming Acts of Parliament. I therefore absolutely reject any idea that this Government have some kind of hidden agenda for the future of this House. What we and I want to do is ensure that I, as Leader of the House, along with my government colleagues, support the House in making the changes that we feel are right in order for us to be effective in the important work that we do.

Let me respond to some of the specific points that have been made about appointments. Some noble Lords have argued—most sincerely, I recognise that—for what I might describe as giant leaps that I fear may be overambitious as a starting point. Examples are: starting to look at criteria for appointments to your Lordships’ House; setting formulas for its composition; and introducing a cap or conditions on the way in which the Prime Minister is able to make appointments. As I have already said, progress will be made through incremental reforms, and our recent experience bears that out. We have a lot of work to look at already, whether the work done in the past by groups chaired by my noble friends Lord Hunt and Lord Wakeham or the work of other groups currently looking at these issues.

Reference was made to putting the House of Lords Appointments Commission on a statutory footing. Again, I feel that that is a big step at this time and certainly one that I consider overambitious. However, I am pleased that the noble Lord, Lord Kakkar,
contributed to today’s debate. It is important that we recognise that the commission does exemplary work in scrutinising the probity of appointments to your Lordships’ House, and there has never been a Prime Minister who has ignored the very important advice it puts forward.

We need annual appointments to this House. They are an important way of our refreshing ourselves and ensuring that we have modern and relevant expertise alongside the wealth of experience that sits on your Lordships’ Benches.

I do not want to get into a long discussion about special advisers, but so many comments have been made that it is important that I at least make a couple of points. On the guidance and advice for special advisers, the practice followed is that followed by the previous Labour Government in the appointments that they made of special advisers. However, most importantly, I think we need to be careful that we do not attack people before they have had a chance to make decisions about their own career and future. These people have not yet been introduced. Very few of us make our maiden speech within days or weeks of arriving; there is usually a bit of a lag. We do not know yet what decisions some of these people are going to make. Let us give people a chance to reflect on their contribution before we rush to judge them.

Lord Forsyth of Drumlean (Con): As my noble friend knows, I raised the issue of the special advisers who had been appointed on the basis that they would be able to come here but only to vote and not to speak. It was not a personal attack on the individuals or their decisions; it was on the question as to whether or not it is right to appoint people to this House with a condition that they are not able to speak. That could be seen as the Government simply using people as lobby fodder.

Baroness Stowell of Beeston: I have addressed that point in the remarks that I have just made. I am going to move on from appointments to what was said about addressing the size of this House and our membership.

Several noble Lords suggested a preferred number for the membership of this House. At this stage, I do not want to get distracted by talking about a specific target. What is most important is the effective ways for us to proceed. I have acknowledged, and am very serious about the fact, that we need to make progress in this area and address the size of the House. At the moment, I want to ensure that we proceed with a process that will achieve some improvement in this area without fixating, right now, on a specific end target.

On some of the ways forward proposed today, the noble Lord, Lord Steel, led us by referring to some specific limits. He mentioned age, with some exceptions around that. Several noble Lords expressed support for that measure, but perhaps others expressed some concerns. There was support also for specific term limits; others again expressed some concerns. As time is tight, I shall not go through and name-check everybody who was for or against. What I will do after this debate is study carefully all the arguments that have been made. As I said earlier, this area attracts some serious consideration.

Another idea, put forward by the noble and learned Lord, Lord Wallace, and referenced as well by the noble Baroness, Lady Hayman, was that we might take a more mathematical approach to slimming down the House, with each group leader agreeing a set proportion from their number to leave the House by either election or another means of their choosing. That could certainly merit further thought as we proceed if it is something that all parties support, and especially if it can be disentangled from some of the other measures which I might describe as adding to the complexity of this kind of arrangement—or, to quote my noble friend Lord Elton, unnecessarily stirring up a hornets’ nest.

I note that my noble friend Lord Strathclyde suggested that if were to look at that kind of approach the small parties be exempt from such a process. I noted as well the exchange between my noble friend Lord Ridley and the noble Lord, Lord Pearson of Rannoch, in specific regard to UKIP.

Such an approach, as has been already acknowledged, is not dissimilar to that followed by the hereditary Peers when it was decided to reduce their number. I take this opportunity to pay tribute to the hereditary Peers who are Members of your Lordships’ House. They make a very important contribution to our work. Any idea of removing the hereditary by-elections is a fundamental question about our composition which should be considered in the round as part of a wider approach to reform.

As to encouraging more Members to retire and the progress that we have made there, I pay tribute to the Lord Speaker. It has been rightly acknowledged that she has done a lot in a very sensitive fashion to encourage retirement. It is right that retirement becomes a fundamental part of our culture, because it should be recognised as a decision of public service when noble Lords feel that the right decision for them is to retire, when they can no longer contribute in the way they feel the public have a right to expect. I agree with my noble friend Lord Naseby that retirement is working. Thirty-five noble Lords will have retired very soon if we include those two noble Lords listed as having given their notice.

Other noble Lords put forward different ideas. The noble Lord, Lord Low, referred to attendance limits. The noble Lords, Lord Stone of Blackheath and Lord Desai, and others talked about withdrawing allowances as a way forward. They are all interesting ideas. I should be explicit that I categorically cannot support the idea of the noble Lord, Lord Lee of Trafford, that there should be some financial incentive from the public purse for noble Lords to leave your Lordships’ House.

My noble friend Lord Caithness raised some important points that contribute to our effectiveness and the perceptions that people have of us. My noble friend Lord Astor reinforced the importance of the Salisbury/Addison convention, which is so important to maintaining our legitimacy as an unelected House. I was very pleased to hear the noble Lord, Lord Paddick, state that the Liberal Democrats now respect the Salisbury/Addison convention. That is good news indeed.
I will not get into the detail of some of the ways in which our function as a House is affected by size, except to say that I agree with my noble friend Lord Strathclyde and others who made the point that, as we are right now, we are doing a good job. We often do ourselves down about how we are operating. Although I will not rattle through the various statistics, contrary to what some people say—certainly my noble friend Lord Attlee—if we look at 2013-14, when average attendance was at its largest, our average speaking time in Questions for Short Debate was seven minutes and more than 10 minutes in balloted debates. So it is not quite always as people would have us believe.

Although I say that, I was also pleased to hear the noble Baroness, Lady Hayman, acknowledge that she agreed with my sentiments, expressed when opening the debate, that the gap between the headline figures in terms of our size versus our average attendance is muddying the public understanding about our work. That is important.

Baroness Hayman: I was not stressing that point; I was stressing that I believe that the size of the House interferes with the quality of work we do. I apologise for taking the time of the House, but I was really encouraged by the noble Baroness’s opening remarks that there was political dynamism behind doing something. I have to say that in these remarks she has talked about not being overambitious and not being fixated, but without political dynamism or real determination from the political leadership that she brings together, we will have an infinite number of discussions, such as I have taken part in in the past nearly 20 years in this House, and we will not make progress.

Baroness Stowell of Beeston: I think I have responded to what the noble Baroness referred to in respect of the Prime Minister. The Prime Minister and the Conservative Government in our manifesto have committed in this Parliament to massive reform of the kind attempted in the previous Parliament, which failed because the House of Commons would not get behind the legislation. We will not try that in this Parliament. This Government and Prime Minister have given us an opportunity—a period of stability—to address important matters that are necessary for us to remain an effective second Chamber. That is what I want us to do, and I think we should seize that opportunity. It is an opportunity that I, for one, am very enthusiastic about and on which I want to see some progress. I will give way to the noble Lord.

Lord Campbell-Savours: That is nonsense.

Baroness Stowell of Beeston: As my noble friends behind me are urging me to state, of course I will not agree to conditions as I go into these talks. There will be 26 Conservative Peers joining your Lordships’ House, and I am very much looking forward to welcoming them. There will also be 19 Peers from opposition parties. That is because they are borne out of a Dissolution list that reflects the outgoing Government.

Baroness Stowell of Beeston: I think I have responded to what the noble Baroness referred to in respect of the Prime Minister. The Prime Minister and the Conservative Government in our manifesto have committed in this Parliament to massive reform of the kind attempted in the previous Parliament, which failed because the House of Commons would not get behind the legislation. We will not try that in this Parliament. This Government and Prime Minister have given us an opportunity—a period of stability—to address important matters that are necessary for us to remain an effective second Chamber. That is what I want us to do, and I think we should seize that opportunity. It is an opportunity that I, for one, am very enthusiastic about and on which I want to see some progress. I will give way to the noble Lord.

Lord Campbell-Savours: That is nonsense.

Baroness Stowell of Beeston: My Lords, I feel really disappointed. We have spent about six hours today debating this really important matter. I felt that we started off with a real sense of willingness for us all to get together and see some real progress on this important issue. That is what I want to see us do. I want us to make progress in the areas where we ourselves have some control, where we can do something about it. Instead of us looking to the Prime Minister to come up with the answers, and looking for him to take control, let us make some progress. Let us have some action on those areas where we can make progress. That is what I want us to do. I give way, finally, to the noble and learned Lord, and then I will draw my remarks to a conclusion.

Lord Wallace of Tankerness: I am very grateful to the Leader of the House. I accept what she says, notwithstanding my party’s long-standing commitment to substantial reform. We recognise that that is not going to happen in this Parliament. She is right that we should therefore take this opportunity to work constructively to make progress, and we will enter these talks on that basis, in a constructive spirit. However, I would like the noble Baroness, having listened to the debate, to tell us what she thinks that progress will be: two years from now, will the House be smaller than it is now, the same size or a bit larger?
Baroness Stowell of Beeston: My Lords, if we get together—the noble and learned Lord, the noble Baroness and the noble and learned Lord, Lord Hope, when he is in his new position as Convenor—and enter into these talks in the spirit that I believe the House wants us to enter them in, we will make progress. That is what I want us to do.

Motion agreed.

Life Peerages Act 1958
Motion to Resolve
9.03 pm
Moved by Lord Pearson of Rannoch
To resolve that this House considers it an abuse of the constitution for any new peerages under the Life Peerages Act 1958 to be conferred on persons intending to take the Liberal Democrat party whip until at least 12 new peerages under that Act are conferred on persons who intend to take the United Kingdom Independence Party whip.

Lord Pearson of Rannoch (UKIP): My Lords, I shall be extremely brief. The noble Earl, Lord Caithness, chided me for not including the Scottish National Party in my Motion and remarks. The reason for that omission is that, regrettably, it does not want any seats here, let alone the 35 which its performance at the last general election would give it under the Liberal Democrat coalition policy.

One other important suggestion has been brought home to me during this lengthy but creative debate. We should not concentrate so much on the total size of your Lordships’ House as on average daily attendance. The Library tells me that, as of last week, actual membership was 775, but our average daily attendance is only 483. Yet, before most of the hereditary Peers left us in 1999, we numbered some 1,325 Peers, but the average daily attendance was only some 446, so it is not much more today. Of course, it is daily attendance that costs taxpayers money. Peers who do not attend do not get the daily allowance. If the public understood that better it might do something for our suffering reputation.

That said, I am most grateful to all noble Lords who have supported me. Ever an optimist, I hope that the Prime Minister will take note of our debate. I beg to ask leave to withdraw my Motion.

Motion withdrawn.

House of Lords Reform Act 2014
Motion to Resolve
9.04 pm
Moved by Lord Steel of Aikwood
That this House considers it desirable that on the Dissolution of each Parliament those members of the House aged 80 or over should retire from the House under section 1 of the House of Lords Reform Act 2014, save that such members should elect 12 of their number to remain as members of the House for the following Parliament.

Lord Steel of Aikwood (LD): My Lords, the Leader of the House has every reason to be pleased with the debate. We have taken note. We have been unanimous in saying that they have to get on with reducing the size of the House. The noble Lord, Lord Norton, was right to say that the various suggestions put forward are not mutually exclusive—mine certainly is not. The noble Lord, Lord Wakeham, is right that we do not necessarily need more legislation. We can do a lot by the will of the House. In that spirit, I beg to ask leave to withdraw my Motion.

Motion withdrawn.

House of Lords Appointments Commission
Motion
9.05 pm
Moved by Lord Lea of Crondall
That this House calls on all political parties to work together, in conjunction with a statutory House of Lords Appointments Commission, to ensure that recommendations for future appointments to the House (including those arising from the internal mechanisms of the parties themselves) are made with a view both to enhancing the reputation of the House and to ensuring an appropriate balance between the political parties.

Lord Lea of Crondall (Lab): My Lords, many speakers have acknowledged the central feature of my Motion, which is that the size of the House, which has been the single most important point in the debate, depends on numbers coming in as well as number going out. I am glad to know that that is now generally accepted. I beg to ask leave to withdraw my Motion.

Motion withdrawn.

House adjourned at 9.05 pm.
Grand Committee

Tuesday, 15 September 2015

The Role and Capabilities of the UK Armed Forces, in the Light of Global and Domestic Threats to Stability and Security

Motion to Take Note

3.30 pm

Moved by Earl Howe

The Minister of State, Ministry of Defence (Earl Howe) (Con): My Lords, I am very grateful for the opportunity to speak to your Lordships on this timely subject. Events of recent months, from terror on a Tunisian beach to the great migration precipitated, in part, by the fallout from the evil actions of ISIL in Syria, Iraq and Lebanon, have reminded us once more that we live in a darker, more dangerous world. Yet global terror, whether from ISIL, Boko Haram or lone wolves, is far from the only problem facing us. When I last served in the Ministry of Defence 20 years ago, the Cold War was not long over. I could not have imagined that within two decades we would see Russia once more resurgent, threatening her neighbours and challenging our international rules-based order, almost as if the Berlin Wall had never come down.

All these issues pose direct and indirect threats to our national security and remind us of the importance of our Armed Forces. They underline that defence of the realm must always be a Government’s number one priority, and there can be no question—as some would have it—of the UK retreating to its goal line. On the contrary, we have to be more active than ever, leveraging our global influence and the strength of our Armed Forces to speak out and stand up to aggression wherever we find it. That is what our brave Armed Forces have been doing right around the globe.

They are doing so in the Mediterreanean, where our ships are rescuing migrants; they are doing so in eastern Europe, where we are stepping up training of Ukrainian troops and where we have Typhoons patrolling Balkan airspace. Next year they will be back for the third year in a row. They are doing so in Iraq, where RAF Tornado and Reaper aircraft have now flown approximately 1,300 missions and conducted 288 strikes while our Tornados gather 60% of the coalition’s tactical reconnaissance. Are we making a difference? Yes. Thanks to this support, surrogate local forces have regained 25% of the territory ISIL held in Iraq after its advance last summer.

As the Prime Minister made clear in his Statement to the House of Commons last week, the Government will not hesitate to act in Syria, where ISIL’s command and control is based, or in Libya, should there be a direct threat to the British people. The recently successful precision strike against a UK national and two ISIL associates by an RAF remotely piloted vehicle shows our determination to take on and defeat the terrorists wherever they are hiding.

These are far from our only areas of activity. We are currently taking part in 21 joint operations in 19 countries—more than double the number of five years ago. The reason we have been able to maintain this impetus is because of the tough action we have taken over the last five years, ridding ourselves of a financial black hole of £38 billion, balancing the budget and reforming defence from top to bottom, so that we now have a more agile, better-equipped fighting force.

Yet the subtext of today’s debate is whether we will continue to have what it takes to address the ongoing threats of the future. Here, too, I believe we can answer in the affirmative for three reasons. First, we are investing in the capability we need for the future. One of the main results of our defence reform programme was that it enabled us to set aside a budget of £163 billion for equipment over 10 years. Consequently, we are now investing in the best capability money can buy, including Hunter Killer submarines, T26 global combat ships, fifth generation F35 fighters and the cutting-edge Scout vehicle, complete with a new cased telescope cannon.

Some of this kit is on display this week at the DSEI exhibition in Docklands. What you will not get the chance to see, because it is too big, is the first of our 60,000 tonne Queen Elizabeth class carriers. These future flagships of our fleet are the most powerful vessels ever constructed in the UK. The fact that we are one of four countries in the world building carriers underscores our commitment to remain engaged in the world. Taken alongside our upgraded capabilities across all domains, it gives us a full-spectrum capability to be proud of.

My second point is that innovation is as much about tactics as about capability, and the tactics of our enemies are changing. They are using proxies to wage low-fi warfare and undermine other sovereign states; they are adept at cyberattacks, targeting not just military but civilian infrastructure such as banks and transport networks; and they are making increasing use of social media techniques to spread lies and misinformation, while luring impressionable minds into committing acts of terror against their own countries. To respond, we too must adapt, and we are doing so in a number of ways. We have the Army’s advance guard, 77 Brigade, working to become masters of the narrative and harness the internet to deliver a faster truth. We have the RAF working on a cyberstrategy and building cyber into the planning and execution of coalition missions. And when it comes to facing down terror, the Government are taking a full-spectrum response. We are publishing a comprehensive strategy to counter extremism that will improve our understanding of such fanaticism, introduce measures to promote our shared values and strengthen civil society to prevent extremism taking hold.

We have already joined forces with internet companies to take down more than 90,000 pieces of extremist material. We have trained thousands of local government workers to identify and prevent radicalisation and we have excluded nearly 100 preachers of hate from entry into Britain—more than any other country. Meanwhile, we are using moderate voices across the Middle East, north Africa and in the UK itself to air a counternarrative.
The terrorists need to know that we will stop at nothing to stop their poison taking hold, so we are changing our tactics—but we also need to augment our strategy. The conflicts we are facing are global in nature and generational in duration, so we have to forge strategic partnerships with global allies if we are to confront and solve these issues. That is why the UK is continuing to strengthen its network of friendships and alliances. At a bilateral level, we are proud of our ongoing special relationship with the United States, where we work together across the world from the Baltic to the Indian Ocean, and have a regular dialogue with our counterparts across the pond, and we will soon mark five years of the Lancaster House treaty, which has augmented our ties with France.

Next year, our combined Joint Expeditionary Force will take part in an exercise to bring it up to full operating capacity. However, we are not just working bilaterally but multilaterally, especially as part of NATO, the cornerstone of our defence. We have been a leading voice for NATO reform, and since last year’s summit hosted in Wales, we have upped our game. We have committed 1,000 personnel to each year of the Very High Readiness Joint Task Force. We have also increased the number in NATO training exercises, from 3,000 to 4,000, and this month we will be contributing an Army brigade HQ battle group, naval task force and RAF Typhoon aircraft to Exercise Trident Juncture, the largest live NATO exercise for over a decade.

Critically, following the Chancellor’s Budget announcement, we will now also be committing to NATO’s 2% target for the next five years—a move that President Obama praised as sending, “a significant signal from their primary partner on the world stage”.

The Chancellor’s announcement on defence was significant in two other respects. By emphasising that the defence budget would now grow, he has allowed us to invest any future savings we make in the organisation into front-line capabilities, whether in the latest high-tech gear or in the talented personnel to operate it. The Prime Minister has already said that some of this money will be used to augment our intelligence, surveillance and reconnaissance abilities and Special Forces.

A growing budget means that we now have essential breathing space to conduct our strategic defence and security review. We are not starting from scratch. SDSR 2010 provided the foundations for this review. It set the template for a far more agile and flexible force, able to meet the varied and multiple challenges of an uncertain age. Yet the reason we introduced regular five-year defence reviews was that we understood how much can change in a comparatively short space of time. With our major commitments in Afghanistan now delivered, this review presents an opportunity to refresh our thinking about the roles of defence, the way in which we direct defence activity and how we describe our outputs to the public.

Make no mistake: the review, now well under way, will be full and comprehensive. Led by the Cabinet Office in close consultation with relevant departments, it will be driven by our national security and foreign policy objectives. It will take a look at both traditional defence and security topics, as well as the complex risks we face in a rapidly changing world. It will also go further by creating a new framework for defence. That framework will ensure that we can maintain our operational and technological edge: recruit and retain the best people; forge stronger international relationships and stimulate trade and technology, as well as support industry; allow us to continue making strides on efficiency, since the more we do to reduce cost, the more we can put into the front line; and ensure that we maintain our reputation as a country with some of the best Armed Forces around—a country that is truly a global player. We will formally publish the national security strategy 2015 in late autumn. We anticipate that the SDSR will be closely aligned with the 2015 comprehensive spending review and should be published by the end of 2015.

We are living through what the Chinese might call interesting times. At such times, we are immensely grateful for the tireless work of our Armed Forces in defending our shores around the clock and we have spent the last few years making sure that they have the capabilities—despite financial constraints—to keep responding whenever the call comes. They have done us proud but the threats we face are constantly changing, so our review will help prepare us for what comes next. However, whatever the challenges to come, noble Lords should be clear that we are utterly unequivocal about one thing: the Government are determined to do everything in their power to keep our country safe and secure. I beg to move.

3.44 pm

Baroness Smith of Newnham (LD): My Lords, I am most grateful to the noble Earl, Lord Howe, for introducing this debate, particularly today, the 75th anniversary of the Battle of Britain. I will take this opportunity to thank our Armed Forces for all the work that they do. Those noble Lords who are looking closely might notice that I am wearing an RAF lanyard today. I do not normally remember to wear it, but as a member of the Armed Forces Parliamentary Scheme—RAF branch—I thought that today would be an appropriate time to remind everyone of the importance of looking back to the role that our Armed Forces have played over the past century.

We must also look forward. Learning from the past matters immensely, but now is the time to be looking forward to the next strategic defence and security review and the next national security strategy. However, I fear to say that they go alongside a comprehensive spending review. The Minister has already mentioned that we have a template in the forthcoming SDSR—the SDSR 2010—yet in many ways that document was a problem. It dealt with one set of issues: defence spending, procurement and the ongoing defence expenditure problems. It dealt with things on a managerial and accountancy basis. It had some good ideas in terms of Future Force 2020, but essentially it was a Treasury-led activity. So I was relieved to hear the noble Earl suggest today that the forthcoming review would focus on what the threats are to this country rather more than on what the bottom line looks like.
How far will the Government focus on strategy? It is very easy to talk about defence. There is a group of people who talk about defence, what we need to achieve, what the threats are and what the capabilities are or should be. We talk about security in a wider sense, but rarely do we think about the strategic and the longer term. That is one thing that was missing from SDSR 2010. There is a danger that it could be missing from SDSR 2015 as well. However, the opening speech this afternoon suggested that that may not be the case. Certainly, the commitment in the Budget of July 2015 to the 2% that NATO requires of us was a welcome announcement.

The percentage of GDP spent on defence is only part of the issue. Money is important, but how we spend that money, what the procurement strategy is and what we are trying to achieve are also factors that matter enormously. The amount that we put into the budget is important, but what risks do we face? What are the capabilities that we aspire to deliver? All of that goes back to the question of the United Kingdom’s role in the world. That remains an issue that has been insufficiently discussed in the United Kingdom, essentially ever since the end of the Cold War.

We have already heard this afternoon that there is a global role for the United Kingdom to play, but perhaps that is not universally believed in across the United Kingdom. It is not wholly clear, with the change of leader of Her Majesty’s loyal Opposition, that a commitment to defence and to an international role for the United Kingdom is one that all parties are committed to. So there are questions about where the United Kingdom sees its place in the world that will impact on how we deal with threats, domestic and global, and what future capabilities we think we need.

Returning to SDSR 2010, the government response to the House of Commons Defence Committee’s report stated:

“We can assure the Committee that we will be looking very closely at the evolving threats to our interests in the SDSR.”

Clearly, it is important to look closely, but I suggest that it is also important to look across the horizon. One of the issues that beset the previous NSS and SDSR was a failure to look to the longer term. We looked at the threats as they were in 2010, not at prospective threats. Obviously it is easy with the benefit of hindsight to say, “We should have thought about Russia and we could have thought about the Middle East”. We did not, but one of the lessons has to be that we need to think about the unpredictable, as well as about potential threats and how we might deal with them. So we should look closely, but we should also look long and hard into the distance.

I will briefly suggest that we need to think about our place in the world, how we respond to threats, and what that means for our capabilities. It is easy to talk as if Britain remains a major global player. That has been the predominant narrative of political parties ever since the end of the Cold War, and yet the considerable cuts in defence expenditure as a result of the end of the Cold War and as a result of austerity mean that we have seen considerable cuts made to the Armed Forces, which raises questions about what we can deliver. What we want to deliver depends very much on whether we think that we should be a global player or that our predominant role is that of a regional player. I suspect that most Members of your Lordships’ House, and certainly those present in Grand Committee today, believe that we should be playing a global role. However, if we want to do that, we have to make sure that our commitments are credible.

If we are going to play a global role, is it one that will be predominantly for humanitarian intervention or do we perceive ourselves as a country which may still need to intervene for other purposes? Why do we arm ourselves? Is it for the defence of the United Kingdom—the predominant role of the state—or is it to defend others? How far are we seeking to defend our partners and allies in NATO and how far are we seeking to deal with the problems in Iraq by helping the Iraqi Government because they asked us, or is it because we perceive a threat to the United Kingdom? Here we see the nexus between the domestic and the global. In the 1970s, we assumed that terrorism to the extent that it affected the United Kingdom would be linked to Northern Ireland and to a particular grouping, and that even if funding for the IRA was coming from third countries, it was essentially a domestic problem.

In the 21st century, terrorism is global. The source might be predominantly from the Middle East, but much of it potentially will feed back to the United Kingdom as well, and therefore the global nature of terrorism links back strongly to the threats we are dealing with. However, we need to be clear about whether we are responding to challenges that affect the United Kingdom or taking on the global threat of ISIS. Why we are doing it is going to be hugely important in determining how we deal with these issues and how decisions on deploying the Armed Forces in future are taken—particularly in the other place, where such decisions are likely to be made. Given the importance of tackling the threats of the 21st century, I would be keen for the Minister not only to reiterate the Government’s global view but to consider how far the SDSR and the NSS will deal with strategic decisions rather than simply tactics.

I was going to talk a bit about bilateral, multilateral and other forms of co-operation, but I was delighted to hear that the Minister has already dealt with these issues. Given that he has taken them into account, I do not feel the need to opine any further on them. I will therefore conclude with a brief reference to the phenomenal commitment of our Armed Forces and raise the question of whether we believe that we are going to be adequately equipped and that our forces will be large enough to deal with the threats of the 21st century. There are still questions to be asked about the cuts that were brought in by SDSR 2010 and to consider the moves to increase the Reserve Forces. This is welcome, but it raises a whole set of new questions around whether the Armed Forces will be dealt with adequately. Questions about recruitment and retention need to be dealt with. The more cases we deal with on an international basis, the more deployments we will have. That will raise ever more questions about how we ensure that our reserves are kept fully on board and looked after in the way that we owe them. We owe our Armed Forces a debt of gratitude and we
need to look after them. In return, they will provide us with the commitment that we will need to tackle 21st century threats.

3.55 pm

Lord Davies of Stamford (Lab): My Lords, I start off with an apology: I am trying to speak also in the other debate in the Chamber, so I will be coming and going in the course of this afternoon. I am delighted, as I think everybody here is, at the initiative of the Minister. I am very grateful for this opportunity to talk about such an important subject today.

There is no point in having Armed Forces unless we can use and deploy them when there is a real need to do so. The great thing about our forces is that, thank God—I touch wood when I say this—they never let us down; they always carry out their missions with superb professionalism and accuracy. That was the case the other day with the RAF taking out those two terrorists in Syria. I was delighted, as I think was the whole country, to see that we were prepared to use our means of defence against the murderous army of ISIL. If anybody ever needed to use their defence forces and had a right to do so, it must be in the face of that kind of threat, so I have no inhibition at all in saying that I congratulate them. I believe that I will be supported by a great many people in this country when I say that. I also congratulate all those who took part in the intelligence inputs that will have been so central to the success of that operation.

Before I come to my main remarks, I want to say a word or two about the Minister. The noble Earl is a man of great ability; the whole House knows that. I believe that he is genuinely committed to defence; for that matter, I believe that I am as well. However, I wish that when he comes to make statements before the House he would raise his game a little and distinguish between facile and disingenuous PR and a fair description of the facts. He said two things today that have led me to make that remark. One was that he said that the Government were now able to go ahead with a whole list of programmes that he then listed, such as Astute, carriers, Scout vehicles, the F35 and so on. In fact someone who did not know much about defence—that does not apply to anyone in this Room today, of course, but applies to an awful lot of our citizens in the country as a whole—would have assumed that the Government themselves had conceived and launched all those programmes. In fact, they were all inherited from the previous Labour Administration, and there is continuity. Indeed, some of them have been held up or reduced, and he did not say that either. So there was something very disingenuous about the way that he presented that.

He also once again raised the issue of the so-called £38 billion black hole. I have had this disagreement with him in the past and we really must resolve it. I think that the Government get to the figure of £38 billion if they use the assumption that we were not going to increase defence spending in real terms, or indeed nominal terms, which would have meant a considerable real-terms reaction—which of course is exactly what the Government did. We were actually committed to a 1.5% annual real-terms increase in defence spending. If he looks at the figures based on that assumption, which is the assumption that I was working on when I was Defence Procurement Minister, he will find that there is no such thing as a £38 billion black hole. I challenge him to ask the OBR to examine the figures, and if it comes back and says, “Yes, there was a £38 billion black hole”, I will formally apologise to the House and eat my words. If it does not come back and justify this figure, I hope that equally he will apologise to the House and eat his words.

We are at a critical moment. The Government are a purely Conservative Administration. They have a majority. They are about to come out with their own defence review. We have had a period of five years of devastating reductions in numbers and capability and programmes have been cancelled or cut—we all know that story—but the Government have now turned over a new leaf. They are going to increase procurement spending by 1% per annum and are committed to the NATO target of 2% of GDP. That is all splendid and I have already congratulated on them on that in the House. So this is a good moment to look at matters. I shall focus today on the equipment programme and ask the Minister a number of questions about it. I do not expect detailed answers today but I would be grateful if he would write me a letter following today’s debate and place a copy of it in the Library of the House so that we can see where we are on some of these very important equipment programmes.

First, I will start with a rather sad story, the Nimrod programme. When the coalition Government came to power, within a few weeks—if I recall correctly—they literally cut up the MRA4 Nimrods when every penny of their capital cost had already been incurred. They were not even mothballed so that a future Government could use them. They were simply destroyed. That left a tremendous capability gap and the Government, again, have been less than straightforward about this. They often come to the House and say, “It’s all right. We are covering the gap with the use of other assets”. I have heard that phrase so many times and it is complete nonsense. You cannot cover the gap with the use of other assets. No helicopter has the range or endurance required to do that job and we do not have any other fixed-wing aircraft in the British Armed Forces capable of dropping buoys, let alone with the electronic equipment required to handle the output from those buoys. So there is a very serious capability gap.

I gather that there have been occasions when, because there has been an intrusion into NATO waters—not territorial waters but NATO waters—of an Akula class submarine or other sinister intruder, we have had to call upon the French and the Americans to help us out and to deploy a P3 or something of that kind to locate the submarine. I do not think any great damage has been done, as a result of the co-operation that we have been able to call upon. I ask the Government to state this afternoon or subsequently in a letter where we stand with filling this important capability gap. I do not want to hear that it is the sort of matter that will be considered in the defence review. It is a very urgent issue. I particularly want to know how many times we have had to call on French or American allies. I pay tribute to them—of course, the whole
country should be grateful to them for coming to our aid. We cannot really call our independent deterrent “independent” if it requires another country such as France or America to carry out the necessary maritime surveillance to uphold the integrity of that deterrent.

Secondly, I come to the carriers. I thank God for this and take personal pleasure and pride in it because when the Government came to power, they wanted to cancel the carriers but found that it was practically impossible to do so. I am glad to say that they have now made a virtue of necessity and have moved away from their idea of not commissioning the “Prince of Wales”, and we are going to have two carriers. That is extremely good news and I am grateful to the Government for that. I genuinely congratulate them on that very encouraging turnaround.

A carrier is merely a platform—albeit a very impressive one—and it is as much use in defence terms as the systems or aircraft that are carried on it. Can I ask therefore how many F35s we are going to procure? This is an essential question. The number of Force Elements at Readiness that we were planning was confidential under the previous Labour Government and perhaps I should not mention the figure now, but what is known is that each of these carriers has a maximum capacity of 18 F35s. That means 36 F35s could be theoretically deployed. If we cannot deploy as many as 36, what we are doing is reducing the return on capital and on investment in the building of the carriers, which is unfortunate. If we put ourselves in the position where we can sustain the deployment of 36 F35s, how many F35s do we require in inventory to provide that? I suspect that, taking account of the need to recycle machines as well as men in operations, the need to maintain training so that the aircraft can have a flow of pilots—otherwise we run out of pilots—and taking account of attrition and so forth, we are talking about something like 120 F35s. Is that the order of magnitude that the Government are looking at or is it something much less than that? It is time that we as a country should be quite clear where we stand on that and on what kind of capability we are going to get from the massive investment we have made, correctly in my view, in the carrier programme.

I want to come on to other future combat aircraft. In my time in the MoD, we realised that the F35 and the Typhoon were probably going to be the last manned combat aircraft that the RAF would have. I do not think that other NATO countries have made a very different assessment of the prospect of the continuation of manned combat aircraft in the future, but I know that the matter is controversial in certain areas. However, we were determined to make sure that the British aircraft industry maintained its capability to produce UCAVs and UAVs and continued with its effective project management, with research in new materials, new stealth techniques and the essential techniques of aerodynamic design, so that we had the capability to provide the generation of unmanned combat aircraft to replace the Typhoon and the F35 in due course in 20 or 30 years’ time.

We were working on two projects. They were of course not aircraft. One of them we called Mantis, which was an air superiority capability, and the other we called Taranis, which was a deep-penetration bomber. Can the Minister let the Committee and therefore the public know exactly where we stand with those two programmes? Have they been continued, perhaps under different names or with different objectives, and what changes have been made? I brought the French into the Mantis programme, which seemed sensible to get the benefit of their skills and particularly to make sure that if we went ahead with the programme, we had a larger potential market for the resulting vehicles than we would otherwise have had. I would be interested to know how that co-operation has fared.

I want to ask the Minister about a sensitive matter but I think I can remain within the rules of confidentiality when I mention it. It is about tactical anti-ballistic missile capability. There is of course no suggestion of producing strategic anti-ballistic capability in this country. The Americans have been working on that for 25 years, and sometimes parking the project for a long time. That is a different story but a tactical capability is technically feasible and seems essential in the medium term. If we engage in concentrated operations such as amphibious landings or were deploying extremely expensive major assets such as carriers, we want to make sure that they cannot be taken out by a ballistic missile. We know that the technologies of this world are such that they not only exist in one or two other countries—anybody can guess where I am referring to—but sometimes leak out of the countries which have developed them, so this is a matter to be taken seriously. There again, I initiated a dialogue with the French on that matter but I would be interested to know what the Government can tell us in public about their thinking on tactical anti-ballistic missile theatre or capabilities.

I will just mention the Scout vehicles—another of the vehicles which you would have thought from listening to the Minister, if you did not know about it, had been launched by this Government, but where almost the exact reverse occurred. I was determined that we should get it through in time before the election, in case that produced some hold-up. It would have been held up anyway because of purdah; we would not have been able to place contracts for the month or so before polling day. Thanks to the two teams in the DE&S working literally through the night and at weekends, we got the development contract through just a few weeks before the election.

I see that the noble Lord, Lord Dannatt, is speaking immediately after me in this debate. He may recall a conversation we had about a range of potential armoured vehicles—fighting vehicles, communication vehicles, command and control vehicles and so forth—under what was called at the time the FRES programme. I said to him: “Look, let’s be serious about this. Which do you really want most?” He said, “What we need most is a reconnaissance vehicle to replace CVRT, which has been there for a very long time”. It was about 40 years, as I recall. I said to him, “Richard, you will get it”, and I think I was as good as my word. So we launched that programme and we were afraid that it would not continue, but I am delighted that it has. However, I would very much like to know the potential in-service delivery date of the Scout armoured vehicle programme.
Role and Capabilities: UK Armed Forces

Lord Davies of Stamford

I repeat that I am not expecting the Minister to give me detailed answers this afternoon. I would not like him to try to do so because it would be impossible to cover those subjects in sufficient detail in his wind-up speech, where he has to deal with remarks made by a great many noble Lords. However, I would be deeply grateful for a letter setting out systematically the progress on these and any other capability programme which he thinks might be relevant, so that the House can see the position in black and white.

4.08 pm

Lord Dannatt (CB): My Lords, I very much welcome the debate this afternoon, which is very timely in the context of the work being done on the current SDSR. As the noble Earl, Lord Howe, outlined at the start, we are all conscious of the current security situation in which we are operating. Quite rightly, the noble Earl pointed out the wide range of operations and activities that UK Armed Forces are superbly carrying out at present.

I also welcome the commitment made before the Summer Recess to 2% of GDP being spent on defence because that is a considerable help to defence planners as they do their work within the SDSR. I made a side note to myself as the noble Lord, Lord Davies of Stamford, was speaking. I do not want to step into the word-eating competition between himself and the Minister, but I would observe that in 1997 when the then new Labour Government began their strategic defence review, I was the director of the defence programme staff, which in simple terms meant that I had some staff responsibility for the allocation of funds. It was actually an extraordinarily good SDR with a good series of policy outcomes which were widely recognised at the time. The sadness about that otherwise excellent SDR was its underfunding almost from the start. Over the next 13 years as I progressed from being a brigadier as the director of the defence programme staff until I retired as Chief of the General Staff in 2009, I watched the cumulative effect of the underfunding of the defence programme. I do not know whether the figure was £10 billion short in the defence equipment programme, or whether it was £35 billion or £38 billion short, but a shortage of funds in that programme undoubtedly accumulated as a result of the underfunding of the otherwise excellent SDR of 1997 through to the culmination of the then Government and the election in 2010 and the SDSR of that year. I shall watch with interest to see what the OBR says about the size of that underspend, but I am in no doubt from my own observation of 13 years in and out of the Ministry of Defence that underspend in equipment there undoubtedly was.

A useful and constructive point to make today is that the commitment to 2% of GDP being spent on defence undoubtedly gives the planners, in the context of this SDSR, a confirmed budget and a firm baseline from which to operate and to counter the wide-ranging challenges we know we are experiencing both at home and abroad. We must make sure that we have the right set of capabilities to deal with them.

Without rehearsing the many positives of the UK Armed Forces, I would like to raise a number of points in areas where I think we could and should do better. One of the principal lessons we learnt from our operations in Iraq and Afghanistan is that we handicapped ourselves at the outset with our poor level of understanding of the culture, history and background of those countries. The current initiative for greater emphasis being placed on defence engagement is hugely to be welcomed: to use some of our existing resources more robustly when exercising in those parts of the world we think we want to understand better and where there is a possibility that we might find ourselves operating in the future. This seems to be an extremely effective and worthwhile use of military capability. The question I would be grateful if the noble Earl would consider answering either today or at another time is whether defence engagement will formally become a military task. It seems eminently sensible to me—it is not expensive and it would authorise the use of much of our existing capability.

A subset of defence engagement is our ability to communicate with the people in the countries in which we are operating. I am talking about language skills and the need for us to use interpreters. I am mindful of the current criticism of the present Government’s policy on Afghan interpreters and whether we are looking after them adequately. I am grateful to the Minister for his recent letter explaining what the Government’s policy is. I regret that I have not yet written to the noble Earl to thank him, but this is advance notice of my thanks. However, I would point out that there is a perception that our policy is ungenerous and mean in some regards. Whether that is true, I am not entirely sure; I discussed it with the Minister for the Armed Forces last week. If it is not mean and ungenerous, there is a perception that that is the case. In my view, I think that it would be sensible of Her Majesty’s Government to mount a proactive campaign pointing out that we are looking after our interpreters properly rather than to allow the alternative narrative to gain credence. If it is thought that when the UK needs language assistants and interpreters in faraway places where we do not have native skills ourselves, then in the global world in which we live, people in other countries will be very wary of taking on employment with us if they think that when we have departed, we will have no further interest in their welfare or well-being. There is a problem. It must be addressed. If it is only a problem of perception, it still has to be addressed.

Also in this further subject of defence engagement on the softer side of defence, I would be interested to hear whether the Minister believes that sufficient effort is being made in terms of co-operation between the Foreign and Commonwealth Office, DFID and the Ministry of Defence in working together to prevent conflict through better integration of our defence, diplomatic and development capabilities. We have talked about this a lot in recent years. I am not convinced that I have sufficient evidence that we are putting substance into the words and there is a lot to be achieved in preventing conflict by better integration of our capabilities in those three areas.

This debate is essentially about capabilities to meet the current security threats that we face. One of those threats is from a resurgent Russia under its current President Vladimir Putin. I have raised before that although back in 2010 and prior to that I was one of
those who very much favoured the complete withdrawal of the Army from Germany—in 2010 it seemed to be the right thing and I welcomed that within the context of the SDSR—I believe that we would send a useful and quite significant message if we were to leave an element, perhaps a brigade-sized element, of our Army in Germany. In this regard, is the Minister confident that we will have the funds to complete the withdrawal from Germany in the timeframe predicted in the 2010 SDSR? If, as I suspect, we do not have those funds, it is a consideration that we could turn a necessity into a virtue by deciding to leave an armoured brigade in Paderborn and Sennelagar. That would show solidarity with our NATO allies on the continent of Europe and contribute to sending a message that the UK does indeed take seriously its defence responsibilities in mainland Europe. That would not be an expensive thing to do, but it may be a necessity and I would strongly urge Her Majesty’s Government to consider turning that necessity into a virtue.

Another point that I remain concerned about that I have raised in your Lordships’ House before is the issue of protected mobility. Whether we remain with an element still in Germany or not, our battlefield manoeuvre capability remains compromised by the effective cancellation in 2007 of the Army’s medium-weight vehicle replacement programme. The noble Lord, Lord Davies of Stamford, recalled a conversation with me at about that time when he asked me about my priority for the FRES programme, which is the unfortunate acronym for that particular programme. My priority was and is the Scout vehicle, mostly because the vehicle that it was due to replace, the CVRT vehicle, was designed in the 1970s and very light. The concept of its design was to be small enough to go between two rubber trees in Malaya. Clearly, that concept was outdated by the time we got to Afghanistan. Not surprisingly, I said that my priority was that we should have the Scout vehicle. But it was only my priority in a whole range of vehicles that we required at medium weight. The only survivor of that medium-weight vehicle replacement programme is the Scout vehicle, now called Ajax.

Now that we have withdrawn from Afghanistan and the Army is reconfiguring to Army 2020 around several brigades but three armoured infantry brigades, there are battalions within those armoured infantry brigades that do not have the vehicles that were originally intended in the 2001-02 endorsed medium-weight vehicle replacement programme. Those battalions are now equipped with what we salvaged from Afghanistan under the UOR programme—the Mastiffs and the Ridgebacks. Those vehicles have no place on a modern-manoeuvre battlefield. I cannot see where we will fight a modern-manoeuvre battle, but a lot of us cannot see much about the future and at some point we will be required to put one or more armoured infantry brigades into the field, probably in a division, and those battalions and combat support, and combat service support units, do not have suitable battlefield mobility. That remains a major failing.

It comes back to this issue of: was there a deficit in the defence budget building up towards 2009-10? Yes, there was. The competition in the Defence Board in 2007 was between two major programmes, of which there was a deficit for one. One was the carrier strike programme and the other was the Army’s medium-weight replacement vehicle programme. A debate was had, a decision was taken and the carrier strike programme was funded. It would be churlish of me to be anything other than welcoming of the two new large aircraft carriers, in which we can all take pride in the future. However, I am in no doubt that the casualty of that success was the Army’s medium-weight vehicle replacement programme, which leaves our Army hobbled in the future. I have a question for the Minister.

Lord Davies of Stamford: I do not think there is much difference between us on this issue. I am prepared to agree with the noble Lord; I am sure it is still correct that we could have, and probably should have, spent even more money implementing the 1998 White Paper, which, as he said, was an excellent White Paper. That, however, is not what is referred to when the black hole myth is mentioned. The black hole myth implies not that we did not contract for enough military equipment— you can always usefully buy more military equipment and, of course, there are other things we could and would have liked to have done if we had had the money to do it—but that we could not pay for the equipment that we had contracted for. The programmes the noble Lord is talking about—the rest of the FRES programme, apart from Scout and so forth—was not something we ever contracted for or pretended that we had contracted for. There is a real distinction here and I do not think there is any difference between my perception of that period of our history and that of the noble Lord.

Lord Dannatt: I am very grateful for that information. I do not want to extend this debate unduly other than to observe that at the time when the Army endorsed the requirement for what became the FRES programme in 2001-02, the money for that programme was available because we had cancelled two other programmes, TRACER and MRAV, and the production money sat in the budget for the years 2007, 2008 and 2009. We could have paid for it if the money had not been reallocated by the Defence Board to the otherwise very welcome carrier strike programme. However, I do not want to go any further down that track other than to observe, without being unduly lengthy, that I attended the Welcome to Norfolk party for the Queen’s Dragoon Guards last week—a reconnaissance regiment which previously had been equipped with CVRT and might have been expected to be equipped with something like Scout, but discovered that they have four-wheeled unarmored Jackals and their combat boots in which to conduct their reconnaissance. They have less capability than they have had over the past 30 or 40 years and this, I am afraid, illuminates the fact that, if we had more money, we would have done more things that we needed to do. We did not have that money; therefore, we have gaps in our capability.

I am conscious that I have taken far too much time, for which I apologise. However, I have a wider concern about our national defence industrial capability. It is something that we are right to worry about. We are told that European collaborative ventures, while superficially attractive, are the way forward, but experience has shown that many of them are costly and slow.
We often do not get what we want when we want it and in a manner that we want. The alternative is that our national industrial capability is protected and preserved. That, of course, is good for jobs and apprenticeships in this country, and is good for giving youngsters coming out of education hope for decent employment in the future. However, I accept that bolstering, if you like, the national industrial capability is more expensive. Perhaps less expensive is not to go down the multilateral European route but to adopt some bilateral options. Some very good examples exist of bilateral arrangements between the French and the United Kingdom at the present time and, indeed, of course, with our well-known partner, the United States.

There is a current debate about Apache attack helicopter replacement: should we buy Boeing off the shelf or Westland, as we did last time? It does not have to be an either/or debate: we could buy the aircraft from Boeing and Westland could undertake to do the maintenance and upgrade. However, I worry that if we go too much further down the European collaborative track we will not get what we want when we want it and it will cost an awful lot more.

Finally, I am suspicious—maybe overly so—that those who are keen proponents of European defence industrial integration see it as a stepping stone to European armed forces integration, ultimately providing a unified set of European armed forces, which is an essential element for those who wish to see full European political integration. I may be overworrying here, and there is a wider issue at stake, but I would not want to see defence used as a Trojan horse in a wider political argument.

4.25 pm

The Lord Bishop of Portsmouth: My Lords, in welcoming this debate, I offer some comments addressing the subtext—as the noble Earl, Lord Howe, put it—and in particular the strategic defence and security review. I am very well aware of the range and depth of experience among your Lordships. I offer these comments without such knowledge and background but from deep admiration for those who serve in our Armed Forces, without such knowledge and background but from experience among your Lordships. I offer these comments addressing the capability gaps and shortfalls accepted in 2010 as temporary—in particular the maritime patrol aircraft capability; the challenge for the Navy in crewing ships; the diminishing fast jet fleet; the challenge for the Navy in the Royal Navy, for which you will understand my local pride. We all share a concern for the stability and security of our nation and our world.

Unsurprisingly, I note that, at the time of the last strategic defence and security review in 2010, the plan for 2015—that a light-touch strategic defence review would be needed now—was based on what seems today no more than a pious hope. The world today looks far more dangerous than it did then. There has been a series of issues that make the context anticipated then, of a planned withdrawal of British forces from combat operations in Afghanistan and a period without significant change, seem a distant pipe dream. NATO in Libya; the US pivot to Asia; the rise of so-called Islamic State; the Russian illegal incorporation of Crimea and the civil war in Ukraine, among other things, have contributed to the flow of refugees towards Europe. The world has changed and, as we all know, some have also raised questions about the credibility of the United Kingdom as an ally. As one notable American commentator put it rather sharply, Britain has effectively, “resigned as a global power”.

The journalistic style may be questionable, but such a perception about our credibility is disturbing. As the noble Lord, Lord Dannatt, reminded us in his comments about translators, this is a reputational risk, even if not an actual one.

As a credibility gap has emerged over these five years, so also has a capability gap, most notably in maritime patrol aircraft and aircraft carriers. Happily, the Government have already committed to the NATO target of 2% of GDP, with a related, but distinct, commitment to spending 0.7% on international development. Significant other commitments have already been made in advance of the review: enhancement to UK Special Forces; expansion of drone capability; retention of both new aircraft carriers; new Type 26 frigates; no further cuts in Regular Forces personnel; no more regimental reductions; an Army of not less than 82,000; retention of the Red Arrows with new aircraft; a successor system to the current nuclear deterrent with updates at Faslane and Coulport. I hope I have got that right.

With these commitments already made, is the Minister able to commit the Government to deepening and widening the public consultation process? Though there has been welcome wider engagement outside government this time, it has remained largely limited to the traditional London think tanks. The online consultation process limits contributions to only 2,000 characters—rather less, if you count them, than my speech so far. That seems to be superficial public consultation, and I ask the Minister what steps the Government will take to encourage deeper consultation with civil society in a more thorough way.

Secondly, will the Minister confirm that the review will address the capability gaps and shortfalls accepted in 2010 as temporary—in particular the maritime patrol aircraft capability; the challenge for the Navy in crewing ships; the diminishing fast jet fleet; the timing and the size of orders for the F35B joint strike fighter; recruitment and retention within the Reserve Forces; and the not yet resolved issue of women in combat? Will all these be addressed urgently?

Lastly, the review must articulate and justify a narrative about Britain’s place in the world and how the Government intend to respond to changes in the international security environment. As we have seen over the past five years, that will involve not just a response to present circumstances but a plan for other possible challenges as yet unknown. As we respond to secure stability and security, we surely must confirm that we retain the talent, history and capacity not only to respond but to shape the international order.

4.32 pm

Lord King of Bridgwater (Con): My Lords, I fully support the comment from the right reverend Prelate that the seriousness of the situation that we face as we approach the SDSR requires the maximum possible public involvement and understanding of the issues that we face. I think the Committee will be grateful to the Minister for initiating this debate today at a very important time, coinciding as it does with the very difficult situation that we face internationally and,
coincidentally, with the opening day of the very big defence exhibition, DSEI, which sets out a lot of the sort of equipment that many of our armed services would much like to have if they could afford them.

We start this debate helped by a brief from the Library that includes the report of the Defence Select Committee in the House of Commons, published in March 2015—this year. It is full of interesting things, but in a significant sense it is already out of date. Some of the challenges that we now face did not exist then. We know about the issues of failed states, the mass migration of people, the risk of terrorism, the increasing power of Daesh—I insist on calling it that, not ISIL—and the range of different problems that we now face. We are asked to consider the role and capabilities of the UK Armed Forces in the light of global and domestic threats, stability and security.

The changes since the last SDSR are even more profound. The noble and gallant Lord, Lord Craig, and other noble Lords who are present for this debate have shared with me the responsibility of adjusting our Armed Forces as a result of what we thought was the permanent end of the Cold War. More recently we have come to know the worries about what is developing, and exactly what President Putin’s attitude is must be taken seriously into consideration. I am on the record as saying that I think that NATO needs to show sensitivity towards the understanding that Russia, much humbled and embarrassed as it was by the total collapse of the Soviet Union, is clinging to a desire for some sort of status in the world. That accounts for President Putin’s extraordinary level of popularity in Russia because he has given self-respect back to many Russians after the humiliations they endured at the end of the Cold War.

Having said that, I personally have made it clear that I do not think it is sensible to advance for ever the boundaries of NATO. I do not think it is sensible, and indeed it is provocative. That does not excuse the obvious Russian involvement in events in Ukraine or the way in which the Russians have approached Crimea. But an intelligent and sensitive approach on the part of NATO is important. Against that, as the noble Lord, Lord Dannatt, said, there would need to be some evidence of a credible and effective NATO response were there to be unwise approaches coming out of Moscow. There may be some thinking, following the events in Crimea and some Russian activities in Ukraine, that NATO no longer really exists as an effective opposition. Exactly how that should be addressed is a very important issue, and I think that some presence on the ground in Germany in the way we used to have and with no precipitate withdrawal might be a sensible way to proceed.

I turn now to wider developments. There is no question but that the problems we now face are extraordinarily widespread and are coming very fast. We did not have the issues in Yemen on the huge scale they present when the Select Committee produced its report in March. The humanitarian challenges that may be imminent are extremely worrying. Obviously we have been supportive of the attempt to restore the existing Government of Yemen, but the challenges posed by that campaign are very real indeed.

When we look around the world at groups such as Boko Haram and the situation in Libya—I hope to see greater stability in Egypt because that is an extremely important element—we can see the huge scale of the refugee crisis that is only just beginning. We have an idea that we are dealing with the problems presented by the numbers that are coming now. Some 200,000 people have now been killed in Syria in the appalling collapse of order and civil war that is taking place in that country. If there are 4 million refugees resulting from that, the scale and the challenge in which such numbers represent, and the difficulties we are having in dealing with the situation, are only going to multiply.

We used to talk about “failed states”. I wonder who could add up for me the number of failed states we have in the world. Some have failed through civil war and others through brutally awful Governments. I do not know what our relations with Eritrea are like, but it was interesting to note the number of Eritreans who have been involved in the deaths and tragedies in the boats as people try to escape. No doubt it is a pretty brutal regime. It is against that background that we should consider the challenges faced by the Ministry of Defence and the Government around conventional defence and what is apparently is now called “ambiguous warfare”, but used to be known as asymmetric warfare. I thought that that was interesting.

What are the weapons in the hands of some of the people that we face? One of the weapons to which as far as I know we have no answer at the moment is the suicide bomber. How interesting that in the attacks that have been launched by Daesh and other terrorist groups that have been advancing, the initial salvo is not an artillery bombardment. We saw it most recently in the escape of 350 prisoners from an Afghan prison when the opening salvo was the suicide bomber who blew down the gates. I instance that as an illustration of the quite different challenges that we face. I do not want to sound alarmist about this but I thank my lucky stars for the fact that, including when I was responsible for Northern Ireland, the Irish situation has never involved suicide bombers. It poses a major challenge and we know it is a challenge that we may have to face in this country as well. I instance that because of the range of challenges that are coming up in the SDSR which are the responsibility partly of the Ministry of Defence, partly of the Home Office and partly of the intelligence agencies. The whole range of the defence and security apparatus of our country needs to be knitted together effectively at this time.

It is against that background that I welcome the statement—which took a little time to come—of the 2% commitment from the Government, and the phrases that are used about being “a force for good in the world” and “punching above our weight”, but I then consider how many things we need to do to be able to justify those claims. The Select Committee report states that,

"the UK must rebuild its conventional capacities eroded since the Cold War. The requirements are many, including Maritime Surveillance, Nuclear, Biological, Chemical and Radiological warfare
What threat were we anticipating? Fortunately, I answered: "keeping all those people. The Cold War was finished, an enthusiastic BBC reporter why on earth we were agreement with that figure. I was asked at the time by The noble and gallant Lord, Lord Craig, may nod in uniform of 350,000, which were then reduced to 250,000. When we did represented by the SDSR. The old saw, "the future is very difficult to get out. in stabilisation operations, it is very easy to get in and get involved. What we knew at the start of Afghanistan talked about understanding the countries in which we real consideration. The noble Lord, Lord Dannatt, to which we can get involved in stabilisation is a very very difficult to get out."

That shopping list going into SDSR is a challenge and the Minister is looking suitably depressed at this particular moment because the challenge is immense, and it includes also the extraordinary difficulty of the world of social media, which did not exist when I had any responsibility. We know that the advance of Daesh—ISIS—and its capture of Mosul was done on WhatsApp. That was the way in which it communicated with its forces effectively and speedily. Unsurprisingly, we find that with the refugees who are now moving through Greece and being told which way to come through Macedonia and into Hungary and Serbia or wherever, WhatsApp is at the heart of their operations. The whole social media problem poses enormous new challenges for our intelligence agencies as well as our security services, the Armed Forces and the police, in terms of the speed at which they can move.

What all this means—having read that huge shopping list out—is that, of course, we have to be flexible. We have to try and ensure that it is certainly not a time to be weak. There is a real risk in parts of the world of a descent into total chaos and it is against that background that we have to think very hard about what we can actually do in terms of punching above our weight and being a force for good in the world if we start getting involved in too many stabilisation operations. I think of working with the noble and gallant Lord, Lord Craig, in the first Gulf War. We went in; with co-operation, the alliance liberated Kuwait in about nine months; and we got out. We are now in the 14th year of our involvement in Afghanistan. Knowing the years we spent in these other territories, the problems they posed and the price we paid for them, the depth to which we can get involved in stabilisation is a very real consideration. The noble Lord, Lord Dannatt, talked about understanding the countries in which we get involved. What we knew at the start of Afghanistan, is true of other places. I am afraid the message is that, in stabilisation operations, it is very easy to get in and very difficult to get out.

Against that background, I see the enormous challenge represented by the SDSR. The old saw, "the future is not what it used to be", is very true of the present time. When we did Options for Change, we had forces in uniform of 350,000, which were then reduced to 250,000. The noble and gallant Lord, Lord Craig, may nod in agreement with that figure. I was asked at the time by an enthusiastic BBC reporter why on earth we were keeping all those people. The Cold War was finished, what threat were we anticipating? Fortunately, I answered: the threat of the unexpected. Four days later, Saddam Hussein walked into Kuwait, totally unpredicted by the intelligence agencies. The unexpected had hit us very hard.

The noble Earl said, very splendidly, that defence of the realm is the first priority of any Government. It is not for the Treasury, which does not seem to have heard the line yet. Education, health and a few other areas are protected areas of expenditure but defence does not qualify. For the first time, I will say in public that I seriously wonder whether 2%—especially when amended by ingenious devices such as including military pensions and other things—will meet the challenges we face at this time. It is an extraordinarily difficult problem, at a time when the nation's finances are least able to support it. Manning levels in the Army are a particular hobby-horse of mine. If they are dependent on reserves, and if we are going to be able to sustain the level of those reserves, I hope the Government will stand by their undertaking that if the reserve figures are not matched they will look again at the level of the Regular Army. We cannot tell where the challenges are going to come from, but they are real enough at this time. It is very important that we keep our flexibility. I will say one other unkind thing. The noble Lord, Lord Dannatt, complained about the carriers depriving flexibility for further capital investment in the Army. The Navy has also been something of a casualty. I am a great believer in the maximisation of platforms and we now seem to have got ourselves into a situation where the carriers are not available. We have had to live without them and they have stopped a lot of other things that might have been available a bit earlier and met many of the problems we face. I have been thoroughly unhelpful to the Minister and I apologise for that. He has an exceptionally difficult job and I very much appreciate the opportunity for a number of noble Lords who are concerned about the country's future and the dangerous world in which we live to contribute to the discussions at this early stage.

4.49 pm

Lord Craig of Radley (CB): My Lords, I, too, thank the Minister for arranging this debate. I would like to follow on from the tour d'horizon of the noble Lord, Lord King, on one particular point—the number of platforms. I have expressed my concern on a number of previous occasions about the paucity of the number of platforms; by which I mean the airframes, ships and fighting vehicles that now form the front-line fighting strength of the three services.

I readily acknowledge that the striking power of individual platforms with modern, smart weapons provides a step change in hitting power and accuracy compared with previous generations. But that makes no allowance for the vulnerability of platforms themselves, nor of aircrew or other key sectors of manpower or logistics that support their use in combat. They are vulnerable to a variety of risks and not just those posed by an opponent. For example, there could be a hangar fire at an operational airfield that destroys a number of airframes; a loss of key components such as engines in a flood disaster; a damaging and fatal explosion in a crowded briefing room or on board a major warship; or a cyberattack on key intelligence or
on equipment distribution. There could even be a tornado or other extreme weather event that causes physical damage. Any one of those risks and many more could deplete our already very limited front-line numerical striking strength, suddenly and unexpectedly. It is too easily forgotten that a freak hailstorm in Afghanistan in 2013 did more damage to front-line aircraft than the Taliban managed in the whole of the decade-long campaign in Helmand province. Is it a sensible policy that pays little or no heed to such potentially serious risks to combat capability?

Our complete mastery of the airspace in recent conflicts may also lure some into thinking that future operations will be just as loss-free from enemy action. But a better-resourced and capable opponent could in some future conflict readily inflict operational losses. Even against the less well-trained and equipped Argentine forces in 1982, we lost half a dozen fighting ships with as many badly damaged, more than a third of our deployed fighter aircraft and numerous helicopters to Argentine attacks. But we had sufficient strength in numbers to ride out those considerable setbacks. That strength had been procured many years previously and was operationally capable. Today, even small losses could greatly diminish our total combat ORBAT, which so lacks the numerical strength of earlier generations.

As has been mentioned, we pride ourselves that we punch above our weight, but the opposition, too, will doubtless mount some form of counterpunch. To succeed, we must have the resilience and firepower to overcome any form of counterpunch no matter how much damage or destruction it might inflict to our own front-line numbers. Let me say it again: we no longer have such resilience. That could be a critical factor between success and abject failure in future operations.

Even more critical so far as numerical platform strength is concerned is the vital contribution that conventional kinetic power has to play in sustaining and underwriting the credibility of our nuclear deterrent. Previous generations of the deterrent were procured when front-line conventional strength was orders of magnitude greater than what is available today, or likely on present plans to be available in the foreseeable future. Thus, it would have been possible, if faced with some gross threat to national survival, to mount a strong or even sustained conventional response, along with other non-military responses, to the aggressor. This would indicate national resolve and serve to underwrite the determination, if national survival were at stake, and ultimately, after all else had failed to deter or defeat the aggressor, to rely on the threat of a devastating nuclear strike. I fear today that the Government’s determination to remain a nuclear power, which I still support in principle, lacks adequate conventional muscle to underwrite and give a sure credibility to a nuclear deterrent strategy.

What in-depth analysis has been made of a minimum force mix—conventional force mix—that might be necessary to provide the Government of the day with the ability to indicate with strength their resolve to resist an aggressor? Otherwise, due to a paucity of conventional combat power, the Prime Minister could be faced with a most dreadful dilemma: a choice of the very starkest nature. It would be a choice between almost immediate use of a failed deterrent or surrender to the opponent. Does the Minister accept that current levels of conventional hitting power are not yet sufficient to give the deterrent truly believable credibility? Will this aspect of the renewal plan for the four new submarines be given the consideration that it merits in the SDSR work now in hand?

Finally, I return briefly to another issue that I raised, so far without success, in your Lordships’ House. Surely, it is time for the Armed Forces, so much reduced in numbers, to expect and look for some reduction in the number of Ministers with direct responsibility in the Ministry of Defence. I am not singling out personalities: all six of them are most diligent and hard-working, most notably the noble Earl himself. But it should be possible to reapportion responsibilities to have at most five rather than six Ministers on the payroll. Such a discipline has been applied repeatedly over many years within all three services. It would be an important signal to the forces. They have faced redundancies and other cuts. It is time that their Ministers shared in that downsizing burden, allowing the costs saved to be applied elsewhere in the defence budget. It is a reasonable reduction and it is long overdue.

4.56 pm

Lord Selkirk of Douglas (Con): I, too, am very grateful to the noble Earl for giving us the opportunity to have this debate. It is a great pleasure to follow the noble and gallant Lord, whose wise counsel is always very welcome.

The 2010 strategic defence and security review was undertaken at a time when we faced the biggest budget deficit in our post-war history. There was a widespread feeling that it was Treasury-driven and much concern was expressed, not least in this House, about the swingeing reductions that it set out for our armed services. Ministers were increasingly being pressed to justify the ring-fencing and safeguarding of overseas aid, but not defence.

More recently, there was grave concern here at home and among our allies abroad, particularly the United States, when it appeared that the United Kingdom might be on course to fall below the recommended NATO defence spending target of 2% of GDP. As a result, the Chancellor’s announcement in the Budget that the UK would in fact meet the 2% NATO target for every year of this decade was very warmly welcomed by those of us who felt that the cutbacks had threatened to put our security—and perhaps even our place on the UN Security Council—at risk.

However, relieved as we were, it now seems clear that that promise should be subject to careful scrutiny. It has emerged that parts of the budget for our intelligence services could be included in defence spending, and even portions of the foreign aid budget. In view of this, the words of Dr Julian Lewis, the chairman of the Defence Select Committee in another place, should be taken very seriously. He commented:

“My concern throughout this process is that creative accounting should be avoided and that we should calculate the percentage of GDP spent on defence in the same way in the future as it has been in the past.”
In my 10 years as a Scotland Office Minister, I always dreaded receiving a letter from a Treasury Minister that concluded with the words, “We are not persuaded”, which is well-known Civil Service jargon for a most emphatic “no”. I suspect today that if the Government go too far down the road of creative accounting, many parliamentarians could well answer like the Treasury that, “We are not persuaded”.

It seems that decisions may have to be made against a background of competing priorities for apparently finite resources. On the difficult decisions which may take place, I wish the Minister every good fortune in his detailed discussions and say that we hope to have the outcome that will strike the most appropriate balance. But with the Government seeking a further £20 billion of cuts in departmental budgets over the next few years, it would be unwise indeed to assume that the MoD has nothing further to fear. Although there was a promise in the Budget that defence spending would rise in real terms by 0.5% above inflation each year during this Parliament, the MoD first has to find £500 million-worth of cuts this year as part of overall government spending plans. It has insisted that these cuts will not affect operations or manpower. It is greatly to be hoped that the latest SDSR, which is now under way, will be driven by the long-term needs of our armed services and not by preordained reductions on a Treasury balance sheet in Whitehall.

My noble friend Lord King of Bridgewater made the point very effectively that we need flexibility. We need flexible forward planning and, where necessary, additional resources based on an up-to-date assessment of the defence capabilities required to meet current threats confronting the United Kingdom and her allies. Among a number of commitments already made, the Prime Minister promised that the strength of the Army would not be allowed to fall below 82,000 service men and women—a reduction in numbers of 20,000 since 2010, which has already been reached three years early. This is a pledge which I hope and believe will be kept if we are to retain our international credibility.

Unlike the SNP Government, I strongly support the welcome recent announcement by the Chancellor that more than £500 million is to be spent on upgrading the submarine base at Faslane. However, among the vital issues to which the SDSR must give a convincing response is: what is to be done to ensure the safety of the submarine base at Faslane. This is a pledge which I hope and believe will be kept if we are to retain our international credibility.

Among a number of commitments already made, the Prime Minister promised that the strength of the Army would not be allowed to fall below 82,000 service men and women—a reduction in numbers of 20,000 since 2010, which has already been reached three years early. This is a pledge which I hope and believe will be kept if we are to retain our international credibility.

I welcome the commitments made by the Prime Minister over commissioning and deploying both the new aircraft carriers being built for the Royal Navy. We would like to be assured that the additional resources will be made available to maintain and protect both carriers. Perhaps the Minister can tell us, in the context of the SDSR, whether the armed services will be able to increase capabilities where there is a pressing need.

Will the Government be consulting our NATO allies about the capabilities which the MoD should maintain and protect?

My final and possibly most important point is that the Government must be prepared to allocate sufficient resources not only to deter aggression but to meet unforeseen threats and hazards. My noble friend Lord King of Bridgewater made a point about the threat of the unexpected. That was also touched on by the noble Lord, Lord Dannatt, and the noble Baroness, Lady Smith of Newnham. As a former MP, I remember vividly the recall of the House of Commons on that Saturday morning in 1982 when MPs were summoned after the invasion of the Falkland Islands, which the Government, headed by the then Prime Minister, Mrs Margaret Thatcher, had not altogether anticipated. Similarly, the attack on the twin towers in New York on 11 September 2001 came as a great shock and forced a change in global defence strategies.

The Prime Minister and the Defence Secretary have told us recently that you cannot have strong defence without a strong economy, and that for defence to be deliverable it has to be affordable. I agree, but surely the vital question is: now that the economy has recovered, how high a priority is to be given to the defence of the realm at a time of increased turbulence and turmoil in the world? I believe that it should be very high indeed, especially when it comes to allocating resources and protecting favoured budgets.

5.05 pm

Lord Burnett (LD): My Lords, I also am grateful to the Minister of State for initiating this debate. It is a pleasure to follow the noble Lord, Lord Selkirk of Douglas, who now has very close Royal Marine connections. I had the honour to serve in the Royal Marines. I draw the Committee’s attention to my entries in the Members’ register of interests.

I intend to confine my speech to the predicament of Sergeant Alexander Blackman, Royal Marines, who I believe is the victim of a terrible miscarriage of justice. I have given the Minister’s office notice of my intention and the fact that I would be raising this matter. I also wish to put on record my gratitude, and that of many others, to Mr Frederick Forsyth for his immense and invaluable contribution to this campaign; to the Daily Mail and its defence and campaigns team for their tireless research and work on this campaign and their wholehearted commitment to it; and to Mrs Claire Blackman, Sergeant Blackman’s loyal, steadfast and courageous wife.

Obviously I was not present during the events that gave rise to Sergeant Blackman’s court martial, and I did not attend the hearing. I have visited Sergeant Blackman in prison and spoken to him for some hours. He believes that he shot a dead man. Desecrating a dead body is an offence against the Geneva conventions but it is not murder.
To become a senior non-commissioned officer in the Royal Marines is an immense achievement. Being accepted for training in the Royal Marines is extremely competitive. The training is rigorous and long; to pass out from the commando school and King’s Squad will be the proudest day of any Royal Marine’s life and that of his family. Sergeant Blackman would in due course have been selected and passed a junior command course to become a corporal, then, some years later, a senior command course to become a sergeant. These courses are long and also rigorous. He as an individual would have been closely monitored and observed throughout. The same would be true in his lengthy specialist qualification training.

Sergeant Blackman’s 2011 six-month tour of Afghanistan with 42 Commando Royal Marines was his sixth deployment on active service. Deployments of six months are the norm. This is certainly not a complaint; that is what the Royal Marine commandos are for, and for six months Sergeant Blackman commanded an outpost right on the front line. He led a section of Marines. He was more than capable of doing so; he was an experienced and respected leader. On 15 September 2011, insurgents were spotted and an Apache helicopter was summoned from Camp Bastion. One insurgent was located by the Apache crew, who fired 139 rounds of 30-millimetre cannon. The crew believed that the insurgent simply could not have survived such a fearsome barrage. In 50 degrees centigrade of heat, Sergeant Blackman led a patrol to assess the damage. They found an armed insurgent either mortally wounded or dead, and Sergeant Blackman was filmed by a helmet-mounted video camera shooting him in the chest. Sergeant Blackman’s words were also recorded. He believed that the insurgent was dead and has expressed shame for what he said. He has explained his words as foolish bravado and dark humour, used by war-zone troops as a coping mechanism.

It is difficult to describe the extent of the stress and demands made of our combat troops in Afghanistan. These are the troops in the front line, constantly shot at, living, or more accurately existing, in the most desperate circumstances. No one who has not served through the hell and horrors of the front line in Afghanistan or similar war conditions can understand the stresses, pressures, exhaustion and danger that will affect even the strongest human being. I therefore ask the Minister to confirm that all departments of state will expeditiously co-operate with Sergeant Blackman’s defence team and provide the necessary evidence, including reports held by the Government, in order to assist his case. I would also like to ask the Minister to review the court martial system in the light of the comments I and many others have made.

Finally, I thank not only the members of the extensive Royal Marines family for their support, but also the millions of other citizens throughout the United Kingdom and beyond who support Sergeant Blackman. We owe it to our fighting men who continuously and selflessly protect us to fight for them in their time of need. There has been a dreadful miscarriage of justice, and I and millions of others call on the Criminal Cases Review Commission to ensure that justice is done.
Baroness Fookes (Con): My Lords, I was not aware that the noble Lord, Lord Burnett, was going to raise this case. He has put it most powerfully, and perhaps I may at least join with him in asking my noble friend the Minister to look seriously at all the implications. I do so with a reasonable amount of knowledge of the Royal Marines through my life as a Member of Parliament with Royal Marines stationed both in my own constituency and close to it. I have the greatest admiration for them as an elite fighting force, so I hope that justice will be done in this case. In any case, it is important, when we look at defence in general, to realise how important it is that forces such as the Royal Marines are used fully because they are so flexible. When we do not know, as we have all discussed in the debate today, what threats may come to us, that is invaluable.

I am grateful to the Minister for introducing this debate and for stating so categorically that it is the first duty of any Government to provide adequate defence and security for the realm. I fear he may need to repeat that in other places because too often it is not featured and is forgotten. It is perhaps ironic that the importance of the decision about the size of the House has attracted so much attention that we have had to be decanted into the Moses Room so that we would not start our debate at 10 pm. Need I say more on that point?

I want to look in particular at the role of the Royal Navy. When we had the review of 2010, I was frankly dismayed by the cuts that were made. I thought the noble Baroness, Lady Smith of Newnham, was rather diplomatic in her description. I will be a bit blunter. It was more of a cost-cutting exercise than a look at a strategy for defence. I hope and pray that the forthcoming review will be much more active and will give us some hope for the future: that we have seen the bottom and we shall rise up again and give defence the real support that it needs.

I refer particularly to the Royal Navy because I believe it has so many duties to perform that we need to think about it very carefully. First, it protects our sea lanes and our trade. We are a big trading nation. A lot of goods come in and out and unless they can be safely delivered, we are at real and immediate risk. We have just been looking at the end of the Second World War. One of our greatest worries then was the ability to get food through to us so that we avoided starvation. We relied on the Royal Navy and the merchant ships to do that for us. Let that lesson not be forgotten for the future.

In addition we need to look at our aircraft carriers. Mention has been made of those already this afternoon. They not only need aeroplanes on their decks, they also need a posse of support ships for them to be able to be used safely and successfully.

Furthermore, we need to look at possible dangers from mines. A few years ago, as a member of the parliamentary Armed Forces scheme, I was in the Gulf and watched a fascinating exercise where they were hunting for and blowing up mock mines. We apparently were much more successful than the Americans who were taking part in the exercise, which I have to say gave me a certain malicious pleasure. What struck home was when one of the officers said to me, “You know, it would be quite easy to put a mine or two in the English Channel and the effect of that would be absolutely devastating”. I do not know how easy or not it would be, but bearing in mind that we always have to be prepared for the unexpected, as my noble friend Lord King said, I think that is something to which we should give particular attention. Our interests could be threatened in this way anywhere else in the world as well.

The other point that I want to make does not refer precisely to the Royal Navy but to our personnel in all armed services. I hope when looking at this review that good account will be taken of the need to look after our personnel and to ensure that they are not persuaded to leave the service before time simply because there are various good jobs outside and we have gone into some pettifogging restriction which really irritates them. I will not go into the details but I am sure that all those who are interested in defence will know that sometimes small things in the course of their employment can be really irritating and can cause a man or woman to leave the service just when they are at their most useful.

I hope, too, that we shall not forget the military covenant. There is a great deal of publicity about this. It is a remarkably fine thing but it must not remain an empty gesture. It must be looked to, refreshed and be in the minds of our Government.

As noble Lords may know, I am also president of the War Widows’ Association of Great Britain. It does a great job in looking to the interests of those who have been bereaved in war. Unfortunately, we have had a good many more casualties as a result of recent conflicts and that continued support will be necessary. I hope we may look to the Government to always give support to service widows as well as those who have been bereaved by conflict.

I am aware that we are discussing a particularly difficult subject and that choices have to be made, but I hope that in making them we always remember that some of our greatest assets are the skill and dedication of the men and women who serve us in the Armed Forces.

Baroness Hodgson of Abinger (Con): I, too, add my thanks to my noble friend for initiating this debate. It is with some trepidation that I take part in it, because many noble and gallant Lords in this House have spent their whole careers in the Armed Forces and many have much more experience in military matters than I will ever have. However, during the past year I, too, have had the pleasure of being a member of the Armed Forces Parliamentary Scheme, which enables non-military parliamentarians to learn about defence. Through this, I have made a number of visits to the Army at home and abroad, meeting serving personnel from senior officers to new reservist recruits.

We all recognise how dangerous and increasingly unstable the world is. Global interconnectivity means that today’s conflicts can endanger us all, as jihadists call for attacks on London and other western cities. The numbers of displaced people fleeing conflict in
the Middle East are higher than at any time since World War II, with hundreds of thousands trying to come to Europe as a result. Delivering security is thus of paramount importance and I am sure we all welcome this Government’s commitment to defence spending. Consideration needs to be given to how and where conflict will emerge in the future, such as the risk of cyberattacks. This is all set against a backdrop of a growing world population where there may not be sufficient food, water and other resources for all.

Our Armed Forces are outstanding and have, in recent years, done exceptional work in Iraq and Afghanistan. However, lessons from Iraq and Libya have taught us that simply removing a hostile regime does not lessen the threat; worse risks may emerge from a chaotic void. Military intervention alone cannot deliver post-conflict stability, and DIID and NGOs need to come in alongside to assist with institutional reconstruction and establishing a rule of law. We may well also need help from the military to deal with the challenge of our domestic threats, and to work with police and security services.

I have been impressed to learn how our Armed Forces contribute to building relationships for the UK across the world. The world-class training delivered by Sandhurst and the Defence Academy at Shrivenham draws students from many countries, building lasting relationships. As we have heard, the British Army is engaged in activities around the world. In 2014, I believe that troops were deployed to over 300 tasks in around 50 countries. Last December, in my capacity as a member of the steering board of the Preventing Sexual Violence in Conflict Initiative, I visited the Gurkhas in Mali, where they were training the Malian army, and watched them deliver a training session on human rights. Delivering military training to enable countries to deal with their own domestic insecurity is an extremely valuable contribution to world security.

I have spoken before in your Lordships’ House about the disproportionate impact of war on women, and how their participation is crucial in building peace and helping to create post-conflict stability. So it is particularly important that our military are trained to engage with women as well as men in conflict zones. This can be extremely challenging, especially where rape and sexual violence are used as weapons of war. In May, I visited Erbil and met some of our military who are training the Peshmerga. As well as delivering military training, they are also training on protection of civilians and on dealing with victims of sexual violence. This is ground-breaking work, which I hope will be rolled out more widely in training for the British Army and in other overseas training missions.

I know that there is concern about whether we will reach the target of 30,000 army reservists by 2018, and I wonder if there has been sufficient recognition of the challenges of being a reservist and how onerous trying to reconcile this role alongside family and work can be. Are the Government looking innovatively at what more can be done with regard to attracting and better supporting reservists, especially post-deployment, as well as to incentivise employers and companies to release employees, particularly from small and medium-sized enterprises, to encourage greater numbers to sign up?

First-class Armed Forces mean first-class leadership, and that means attracting and retaining the best. I suspect that the military will never be able to offer the same salaries as industry and the City, but it can offer other things. Being in the forces is a way of life as well as a job, and this impacts greatly on families. Unhappy families create pressure to leave. It must be very hard being a wife in the macho environment of the forces, having to move with the children over 20 times to accommodate your husband’s career choice, or being left looking after small children while your husband is away on a dangerous deployment. Modern families’ lifestyles must be properly considered and facilitated: the wife who has her own career, and the returning children who wish to live at home post-school and university. As more women enter the forces, consideration needs to be given to male partners, as well as to accommodating couples who are both in the forces.

Above all, we have a duty of care to all those who serve in our Armed Forces. My noble friend Lady Fookes raised the issue of the military covenant. Has there been any study of how effective that actually is? Although it says the right things, does having no penalties if it is ignored not make it somewhat toothless? Is there more that we can do to support the families of those killed in action, for whom life will never be the same again? We must provide the best care and welfare for those who are wounded, especially those who suffer life-changing injuries. We need to ensure that they can access the best care and facilities, wherever that may be, and receive support for the rest of their lives. This includes the invisible mental wounds too. Access to psychological help outside the chain of command is important, as is good support once they leave and are back in the community.

Much has been written about PTSD and the fact that it can occur years after operations. Many service charities provide support for this, and more must be done to signpost the help that they can give. However, there are also many myths about the levels of PTSD. Research by the King’s College military research unit has shown that the rate of PTSD in service men and women who have been deployed is 4%. This is equivalent to the rate seen in the general population, although the rate rises to 7% for those who are in a combat role. Inaccurate impressions can damage the military in terms of not only recruitment but their employability when they leave the forces.

Many of the service personnel I have talked to have said that they are trained to do a job and want to do it. There are concerns that the public have lost their appetite for our forces being deployed in combat situations, due to what are perceived as ill-considered judgments over the past few years. If we are to ask our young men and women to put themselves in the way of danger that they are trained and willing to face, it places an especially heavy burden of responsibility on leaders, both political and military, to ensure that the full implications of decisions are properly assessed.

Visiting our Armed Forces is a humbling experience. At times we ask them to do some very difficult and dangerous things. I pay tribute to them for their professionalism, courage and dedication. We owe them a huge debt of gratitude. As Winston Churchill is.
sometimes thought to have said, we sleep soundly in our beds because rough men stand ready in the night to visit violence on those who would do us harm.

5.34 pm

Lord Ramsbotham (CB): My Lords, I, too, thank the Minister for initiating this debate. I am very glad that it is taking place in the period before we have the SDSR because that definitely did not happen in 2010. If lessons are to be learned, it is very important that there is as wide a consultation as possible on an SDSR before it is initiated. The right reverend Prelate the Bishop of Portsmouth mentioned this. I have to declare an interest as a member of the Joint Committee on the National Security Strategy.

The Minister confirmed that the Government have not just begun work on the national security strategy and the defence review but that they are due to report by the end of the year. As I listened to the contributions of noble Lords around the Room today, I began to wonder whether that was not too rushed. The last defence review was to be financed by what was promised to be there in 2015. At the time, we said, “We are not quite certain that that finance is likely to be there”, as indeed has proved to be the case. I therefore wonder whether, as a result of the consultations by the various Select Committees, plus those in this House, the Government might wish to think again before rushing ahead with something that they may not have considered.

I am very glad that there are two words in the Motion which I want to say something about. First, on “capabilities”, I would add “sustainability” at that stage because, as the noble Lord, Lord King, will remember from the Options for Change exercise, our key concern—certainly in the Army—was whether what was to be produced would be sustainable. Sustainability includes the maintenance of operations over a period of time. For example, when we sent help to Rwanda, the only thing we could do was to send a composite administrative force for six months, which mended roads, repaired vehicles and provided communications and medical support. There simply were not the replacements in the order of battle for us to continue with an operation that we had started. I fear that sustainability has been absent from many of the reviews I have seen in the recent past. It is a word that should be there.

However, I am very glad that “domestic” is in the Motion because it is often forgotten just how much the Army, for instance, is doing to underpin the domestic life of this nation. When I was commanding my battalion, I sent my soldiers off to a dustmen’s strike in Glasgow. When I was commanding the brigade in Belfast, we had a tanker drivers’ strike. When I was Adjutant-General, we had an ambulance drivers’ strike. In recent times, the Army have not only had strike preparation but underpinned the floods, the foot and mouth disease outbreak and the security at the Olympic Games. They have also gone off because of Ebola. In fact, the Army is underpinning quite a lot of the life of the nation. If it is all to be deployed only on operations—if only operations are being thought of—something will be lost which we cannot afford to lose. As your Lordships will understand, that is a plea not to reduce the Army to anything below the 82,000 it has now been forced down to. I do not think we can afford to do without that domestic role.

What is the actual aim and role of the Armed Forces? It was put very clearly in NSS 2010: to protect the nation’s, “security in an age of uncertainty”.

Uncertainty, as many noble Lords have said, is of course impossible to plan for. Above all, what is missing from a lot of the consideration that has been happening is what the military refer to as the critical mass needed to carry out the tasks identified or, as the noble Lord, Lord King, said, the minimum strength needed. It is exactly the same thing.

In the Ministry of Defence there used to be what was called a basket-weaving exercise, which happened every year. A White Paper or some other document would be produced which laid down what the services were to do. They then worked out how much it would cost to do what had to be done, and that was then compared with the money that had been made available. Inevitably, there would not be enough money. Then there would be a basket-weaving exercise where every aspect of what was required was costed and put into categories known as “essential”, “desirable” and “nice to have”. That basket was put to Ministers for them to make the decisions and say, “We know perfectly well that we are not going to get any more money, and we accept what you say, and therefore this is not to be done because we cannot afford it”. I do not think there is much evidence of basket weaving in some of the things that have happened. The equipment budget, which my noble friend Lord Dannatt particularly mentioned, raises questions about what should and should not be done, but I am not absolutely certain that that exercise has been carried out in full.

Mention has been made of the financial direction of all this and the role of the Treasury. Of course, since SDSR 2010 we have had Army 2020, which we all know was an entirely financially-driven exercise. The Chief of the General Staff was told by the Permanent Under-Secretary in the Ministry of Defence how much money he could have, and therefore the Army as it is structured today is designed to fit a financial envelope. I do not believe that that is correct in terms of meeting the challenges of an emerging world. The role and the capabilities of the Armed Forces need to be looked at in relation to the challenges they are facing. If you end up with a financial envelope that results in 17 fewer major units, you have not necessarily got something which can meet what had been decided would be the minimum only two years previously. I am concerned about the financial direction of much of this, and I agree strongly with the noble Lord, Lord King, that the strategic defence and security review should not be just an MoD exercise. It must include all the other connected ministries.

I have not mentioned soft power, but we should remember that of the 0.7% of GDP spent on aid, much of that is actually included in the military budget, so why not look at what the military are contributing as part of that 0.7%? It means that DfID and others must be brought in.
I come to my conclusions about all this, and why I think that the question of timing is so important. My late boss, Field-Marshal Lord Carver, used to say that there were two definitions of the word “affordability”: can you afford to and can you afford to give up? What would you have to give up in order to afford it? I worry that a lot of things in the defence budget would benefit from scrupulous examination under the terms of the second question. My noble and gallant friend Lord Craig mentioned the nuclear deterrent. I am not going to say anything more—other than that, in order to satisfy the concerns of the noble Lord, Lord King, about the inadequacy of 2% of GDP, consideration ought possibly to be given to whether a political weapon should be removed from the defence budget so that defence planning can be done based on the critical mass needed to meet our challenges, which would produce a conventional element that is capable of underpinning the deterrent. It is, after all, a political weapon and there is no doubt that it is unifying the defence budget.

5.45 pm

Baroness Buscombe (Con): My Lords, I rise to speak for the first time in a defence debate. Notwithstanding having been a Member of your Lordships’ House for 17 years, I feel some trepidation, as other noble Lords speaking in this debate know so much more than I do. However, I feel that I should declare an interest. I now have a son, of whom I am very proud, who is about to start training as an observer in the Fleet Air Arm.

As noble Lords know, maritime security requires a critical matrix of legislation, surveillance, intelligence fusion and co-ordination, interdiction, law and/or maritime enforcement. Effective surveillance is central to that matrix. There has long been a layered approach to UK surveillance, and the UK military used to have a fairly effective layered approach, developed to combat Russian submarines. The SDSR in 2010 removed the UK’s military marine patrol aircraft, a capability hitherto very effective for general surveillance and even search and rescue. The loss of marine patrol aircraft has put greater pressure on other layers including the air surveillance contracted by a number of government departments and agencies that look for specific things such as illegal fishing, customs breaches, narcotics smuggling and people smuggling, on the surface rather than under.

Noble Lords will know that in 2012-13, a House of Commons Defence Committee study showed how, unlike Australia for example, the UK had a number of separate air surveillance contracts emanating from different departments. This current ad hoc approach means that economies of scale have been lost and that aircraft working to different departments operate in the same airspace and leave gaps. Scotland also has an entirely separate contract for fisheries. The House of Commons Defence Committee recommended consolidation, for obvious reasons.

This inefficient ad hoc approach that allows gaps as well as duplication in our surveillance is about to become much worse given the now imminent loss of one of the air surveillance contracts, thereby further undermining our layered approach. There is a solution—to have one overarching, consolidated contract to deal with maritime security as opposed to military or anti-submarine surveillance. That would help to alleviate some of the pressure on SDSR 15 decisions on maritime patrol aircraft.

A quick résumé of current contracts might add weight to my suggestion. Current contracts approximate as Border Force, the Marine Management Organisation, the National Crime Agency, the Maritime and Coastguard Agency and Marine Scotland, which is entirely independent and operates only in Scotland. A single UK-wide contract is needed as soon as possible and, in the mean time, no diminution of the current capacity. Indeed, the contract that is due to expire in January 2016 should be extended to avoid a crucial gap in our air surveillance until a consolidated, more cost-efficient and effective contract can be executed.

Much of the work for a single contract was previously completed under the direction of the National Maritime Security Advisory Committee. To bring that about, we need central direction to direct departments and agencies to act as one. Noble Lords will know that a policy catalyst normally results from an incident or issue. For example, Australia got its act together in response to highly publicised boat migration. We now have a similar issue in our sights as well as the opportunity to gain efficiency for UK plc, especially if the SR and SDSR are putting individual departments under a huge squeeze.

There is a related issue in relation to surface ships surveillance—another important layer that presents a similar issue and requires consolidation. A similar issue goes to interdiction as well as surveillance. Noble Lords will know that interdiction requires law or maritime enforcement and therefore competent enforcement officials—police and customs-empowered Border Force officers and marine management-empowered Royal Navy officers who have the right jurisdictional
powers. Navy ships have weapons and sophisticated communications equipment and generally their own aircraft—helicopters—but currently, if required for a UK law enforcement mission, they have to embark customs, Border Force, police and so forth to make an arrest. That is extraordinarily inefficient. The only exception is fishing where Navy officers in our offshore patrol vessels—OPVs—have enforcement powers under UK legislation.

The other vessels for UK surveillance and interdiction are UK Border Force cutters. But unfortunately the UK Border Force is struggling to run them. Only three of five are available for at-sea work around the UK unless they are supported by Royal Navy staff. The obvious solution is to focus now on a trial undertaken by national maritime asset co-ordination which, as its name suggests, co-ordinates the activity of the Royal Navy’s OPVs and Border Force cutters to increase the capability of assets, expand geographical spread, increase the size of the area patrolled, deconflict activity to remove duplication and reduce response times.

A scientific study conducted in 2013 clearly demonstrated that currently UK surface ship coverage does not compare favourably with similar-sized countries such as France, Australia and Holland. The NMAC trial, however, places additional capabilities in different ships and the trial has already proved successful. More importantly, to assist in terms of practical solutions to the threats that we face and the task at hand, the Government have already committed to build three more offshore patrol vessels in Scotland in order to keep shipyards alive between finishing the two aircraft carriers and work on the next generation of Navy frigates—the Type 26. This surely presents the ideal, cost-efficient opportunity to use the Navy offshore patrol vessels to replace the Border Force cutters and thus have the capability to do UK-wide maritime surface patrol properly using OPVs with a maritime enforcement cadre embarked to cover all boarding requirements. That has been trialled and is achievable.

The SNP in Scotland often criticises Westminster for the lack of Navy and maritime patrol presence—particularly Border Force cutters—in Scottish waters, which this could address not least because Scotland spends more than £9 million per annum on its limited capability. In other words, they cannot do any other tasks. Rather shockingly, that is more than the Marine Management Organisation gives the Royal Navy towards the running of the offshore patrol vessels.

The nexus between the issues is that the current situation is a symptom of an ad hoc and inefficient approach thus far, which can only get worse. There has to be impetus to generate efficiency, better surveillance and better interdiction capability. The development of the National Strategy for Maritime Security plus governance mechanisms, ranging from ministerial oversight to an officials committee, has increased interagency coherence, but the bottom line is that each of those comes from a department where maritime security issues are only an element of the work and seldom core. So issues of funding are very difficult indeed, and cross-Whitehall savings or increased UK capacity do not register on departmental agendas. This is the context in which surveillance capacity, whether via an air or surface ship, needs to be considered.

What is needed is a rationalisation of air and surface assets, and improved mechanisms to use the information and intelligence product to the benefit of all.

I want to touch on another issue, which came to my notice when I recently visited Portsmouth, where of course the two new Queen Elizabeth class aircraft carriers are destined to arrive. Looking at a three-dimensional model of the dockyard, as well as driving through it, it struck me that there is a serious issue regarding planning for the necessary support services for the carriers, as well as all other ships, in what should become a 21st-century highly secure base.

My first concern is security. Since the terrible killing of Corporal Rigby at Woolwich, I would like to presume that high on the list of MoD priorities is the need to ensure that our Armed Forces personnel are as secure as possible. I suggest that the current layout of Portsmouth makes that difficult, given the presence of some listed buildings, a few of which currently have little or no function and which I suspect would cost a great deal to refurbish sufficiently to accommodate some ships and carrier stores. Whether they are empty or not, the Royal Navy is required to maintain those buildings out of the defence budget while looking for ways to improve access and flow across the base. In short—I have not shared this with any Royal Navy personnel, who may be horrified at the suggestion—I question whether it is sensible to ask the Royal Navy to accommodate the new carriers, and all the related equipment that that entails, coupled with the heightened need for personnel security in an area where currently it is something of a maze to navigate and, frankly, the historical value of a few of those buildings is quite questionable. Nowhere else in the world would the listing of a building, built hundreds of years ago to store goods and house staff, take precedence over national security.

Please be assured, I am not looking to wreck a wonderful historic shipyard; I am simply suggesting that the Navy should have the option to remove a few buildings in its midst to ensure we have a base to be proud of that is fit for purpose and which will protect our personnel and our very expensive assets in a less safe and secure world.

5.58 pm

Earl Attlee (Con): My Lords, I am grateful to the Minister for his usual brilliant introduction to the debate. Like the noble Lord, Lord Davies of Stamford, I too am double-hatted and was always going to speak in both debates. I listened carefully to the speech of the noble Lord, Lord Burnett. I still have confidence in the court martial system, provided that we can put right any mistakes. Who is to say that a civilian court would not be even less sympathetic in all the circumstances pertaining at the time? I think that we should consider and study this matter very carefully in the coming weeks and then, if necessary, put all the pressure that we can on the Minister to reconsider the matter.

I have not been so active in defence in recent years because I have been heavily involved in other matters within your Lordships’ House. I pay tribute to the
work of my noble friend Lord Astor of Hever, both for his time as Minister and now as Secretary of the Defence Study Group.

There is good news. Because the SDSR is to be a regular occurrence, we are getting better at doing it and can react in a more timely manner to changing circumstances, as the Minister explained. Even better, the budget for defence has been agreed, even though I still think that it falls way short of what we should be doing and we may yet regret not spending enough. Some might say that one should determine the requirement first and then provide the resources, but I have always felt that one should be honest and determine what funds are available first. That way, the SDSR is much more likely to provide a balanced capability. There is no point in spending large amounts of money on shiny jets and the latest AFEs if one has neglected ISTAR and does not have a clue where one’s opponent is or what he is doing. I do not think that UK defence gets enough credit in the media for getting this broadly right while other states can be appalling in this regard.

In the previous Parliament, the Conservative-led coalition got to grips with the black hole, however painful it was to do so. What assurances can the Minister give me that another black hole will not develop alongside the very expensive exercise of pushing programmes to the right—something that the Labour Government found themselves having to do because of the black hole?

I still believe that the concept for the reserves is completely flawed, as volunteer reserves are not a direct substitute for regulars. Here I declare an interest, as I am still commissioned in the REME reserves but am no longer posted anywhere. I have been in the reserves or TA ever since I was 17 and a half. Next month I will commence my final year before becoming 60 years old. There are some signs that the new policy is coming round but I am not holding my breath. I have some anxiety that some funding lines for the reserves have not materialised in order to meet budgetary restrictions. I take it that the SDSR will correct that by stating what is to be done with the reserves, what facilities they need and where capital expenditure needs to be made, and ensuring that funds are available.

Having smaller Armed Forces has the serious problem of increasing the proportion of resources allocated to the overhead—that is, the staff and civil servants. This is because a lot of functions still have to be undertaken irrespective of the size of the Armed Forces. This is especially so in the process of developing and procuring equipment, since every single piece of equipment has to be specified, developed and procured, whether it is a cooking utensil, a tent or a truck. This is an unpalatable thought and not one for this SDSR but, especially for the Army, would it not be better to draw everything that we can from US ordnance and use our own developed and procured equipment only when we absolutely have to? Of course, there would have to be a formal offset agreement with the US Government to ensure that UK industry still gets its fair share of business. The logistical advantages in reduced stockholding and commonality, both at home and when deployed, are obvious. One could ask why we do not do this in Europe. No doubt we are trying to, but the fact is that within Europe there are too many moving parts. I am just suggesting that we draw the majority of our stores from US ordnance.

Much has been made of the fact that we have the fifth largest defence expenditure in the world, but other states have different cost bases. India, for instance, which we are close to but we should be closer still, spends less than us but has about 1 million men under arms and about 3,000 main battle tanks. Of course, they will not all be as good as a European army but, as Napoleon once said, “Size has a quality all of its own”.

As I have indicated, I do not think that our Army is big enough or has enough combat power. That is my perception, but if senior people in Washington get the same perception or worse, we will become militarily insignificant so far as the Americans are concerned.

That is not a good position to be in. The recent statement about the 2% is helpful in that regard; it goes some way, but not as far as I would like.

Much attention is being paid to Special Forces, perhaps increasing their size, but, if you reduce the size of the Regular Army, you reduce the SF recruiting pool. If the ratio of SF to conventional goes the wrong way, there is also the risk of sucking out too many top-class people from the conventional forces. If you think about it, 2,000 out of 80,000 is becoming a significant percentage. In the last SDSR, we reduced the number of main battle tanks by about 40%, along with the support that they needed. You need very considerable support to run a large fleet of main battle tanks. This is despite the fact that in all the recent major deployments we took main battle tanks. On Op. Telic I we had 116 of them. Even on Herrick in Afghanistan we deployed T2; that is Trojan and Titan armoured engineer vehicles, which are variants of Challenger. We even had other nations support us with Leopard main battle tanks because, for very sensible reasons, we were not able to deploy Challenger in theatre. I sincerely hope that the capability managers have got that decision right and it was not more to do with the financial issues referred to by the noble Lord, Lord Ramsbotham.

I doubt the wisdom of keeping in service a whole range of land platforms that came into service as an urgent operational requirement. The whole point of UOR equipment is that it is specific to the current operation. Because of this, any weakness in that equipment that is not relevant to the current operation does not matter and no attention is paid to its future sustainability.

I turn to the new Scout armoured fighting vehicle. I can understand the need to replace Bulldog and, at some point, Warrior. However, I understand that Scout is a 40-tonne behemoth. I recognise that the reconnaissance effect of CVRT can be achieved by other means, but CVRT was a very good platform for framework patrols on peacekeeping operations because it only weighed about 10 tonnes. It was not particularly aggressive, but it did still pack a reasonable punch. What will provide that capability in the future other than a few UOR platforms that I have already referred to? I hope that the Minister and his department can provide a comprehensive briefing so that we can better understand the benefits of this important programme.
6.07 pm

Lord Boyce (CB): My Lords, I declare my interests as in the register. I am also grateful to the Minister for initiating this debate.

So far as the global aspects of the Motion are concerned, I can infer from comments from the Prime Minister and the Government, reiterated by the Minister in his opening remarks, that there is an aspiration for the UK to continue to be a global force for good, and that that should be across a full range of activities: trade, diplomacy, aid, security and so on. That is only right and proper for a nation with our history, our dependence on overseas trade, our membership of such bodies as the P5 and G7 and our key leadership roles in a number of international organisations. To meet that aspiration in a world that is increasingly dangerous, or, to use the Minister's words, “darker and more dangerous”, the Government rightly look to the Armed Forces as a key tool in their range of options. This tool must have credibility with important allies, especially the United States; it must be able to counter threats to our stability and security wherever they may arise—especially those that can materialise in our homeland—and have a reputation for professionalism that is a comfort to friends and a discomfort to potential opponents.

All this needs to be underpinned by a new set of defence planning assumptions that have relevance to today’s scenarios, a set to replace those laid out in SDSR 2010, which so lamentably failed to predict any of the crises of the last five years, driven as it was to ignore anything that might interfere with the lust for cutting the defence budget. An example of this was the complacency of the national security strategy in categorising, as being the lowest possible threat, a complacency that has been shattered by Russia’s behaviour over the last couple of years. I trust that will be rectified in the upcoming review.

To fulfil a role that can deliver all the Government’s aspirations, the Armed Forces must have the capability to deploy at range, which means having endurance, sustainability and the capability to operate through the full spectrum of warfare, from high-intensity conflict through peacekeeping and humanitarian tasks to defence diplomacy. In broad terms, such capabilities exist in most part today—albeit with one or two significant omissions—and in the forward defence programme will do so in future in terms of quality, but, as I have already implied, this quality must be of a nature that makes us a partner of choice when operating with allies, particularly the USA. We ignore the interoperability component of our capabilities at our peril and regrettably this is something we are sometimes guilty of doing.

If we are—or will be by 2020—in a relatively good place in terms of quality, the same cannot be said of quantity. It may be conceivable that our Armed Forces may be able to go anywhere but they certainly cannot be everywhere, with their overall order of battle shrunk to a scale not seen since the 1920s; they are already unable to fill all the tasks that the Government would have them do. For example, we note some NATO commitments being gapped, and the stretch on the armed services is seeing some important activities deemed to be of lower priority. I am thinking particularly of high-level training, which is so crucial to fighting effectiveness. Some of those important activities are being put aside because the capacity to undertake them and meet front-line commitments is insufficient.

There are many examples in the land, sea and air domains of where the knife of SDSR 2010 cut too deep, but let me give a couple of examples from the maritime area. Our destroyer frigate force, as I have said before in the House, is woefully depleted and it cannot deploy on a scale apposite to a country with global interests and aspirations in an uncertain world, a world in which there are more national, NATO and allied active maritime operations running than 15 years ago when we had 30% more escorts. This situation is exacerbated by the workhorses of the fleet, the Type 23 class of frigates, approaching the ends of their lives, with their replacements, the global Combat ship, the Type 26—which looks to be the right answer for defence and the Navy—still over the horizon, with no promise of an increase in numbers from a bare 13. Furthermore, the possibility that a fit-for-task ship for the new ship is set is one ship every two years, which is difficult to understand. It makes no sense in shipbuilding terms. The drumbeat will be far too slow for efficient shipyard management. It will certainly not allow for the expeditious regeneration of a modern frigate capability and puts us in danger of seeing force levels drop while in transition, and the ageing Type 23s will also become increasingly expensive to keep running, assuming they are capable of doing so. The dearth of a fit-for-task national shipbuilding strategy is all too evident, and perhaps the Minister might comment on whether such a strategy, which of course has wider ramifications than just frigates, is going to be produced.

Secondly, our fleet submarine numbers, at seven rather than the originally planned 10, are equally too low—a serious strategic oversight, given what they can offer, particularly in special operations. Thirdly, our two carriers are currently planned to have far too few joint strike fighters to allow what is promised by this transformation in our strategic posture to be fully exploitable. This undermines the credibility and utility of what should be a major strategic asset.

Finally, as many other noble Lords have mentioned, the lack of a maritime patrol aircraft capability, removed in the aforesaid lamentable 2010 defence review, is a major drawback in having a fully effective maritime defence, especially at a time of a burgeoning submarine threat—from Russia in particular, literally on our doorstep.

The signs that this situation might be rectified look pretty bleak. Much of our deficiency must be put down to the inadequate funding, including the 9% cut that defence has received over the past five years, so the recent promise of not allowing the defence budget to drop below 2% is of course to be welcomed. We shall, of course, be watching carefully to see if there will be further creative accounting to deliver this 2%, such as occurred in the last Parliament. In that context, it would be good if the Minister could reassure the
Committee that other aspects of security funding previously not in the defence budget will not be swept into it to make up the numbers.

To look on the more positive side, it would appear that if rebalancing of the defence budget across the services is achieved—and that is quite a large “if”—then the Armed Forces may in fact be in a healthier budgetary and capability state in 2019, perhaps even making Future Force 2020 realisable. Does the Minister agree with that? However, getting to 2019 is going to be more problematic. The in-year savings that have been imposed, which the noble Lord, Lord Selkirk of Douglas, mentioned, and the Cabinet’s planned efficiency drive seriously threaten the Armed Forces in the short term in both capability and morale terms. It may be sufficiently bad to derail Future Force 2020.

I mention morale because much of the brunt of these short-term cuts will fall on the quality of life of our soldiers, sailors and airmen, which in turn will affect recruitment and, more importantly, retention. Perhaps the Minister would comment on how much attention has been paid to the effect of individual savings measures and their aggregation on people and their dependants. People are of course the critical component of the capability of all three services, especially the Royal Navy at the moment. The imposed manpower ceiling on the Navy, combined with significant problems being experienced in certain categories, especially engineers, is putting at risk operational viability. The coming SDSR has to recognise this. It will be a material failure if it fails to do so.

I wish to make a couple of extra points before I conclude. First, I associate myself with the comments made by my noble and gallant friend Lord Craig on attrition and conventional deterrence. I hope that those two words will appear in the future SDSR. Secondly, I ought to mention our strategic deterrent. The Government have made absolutely clear their commitment to a like-for-like replacement of the Vanguard class submarines and continuous at-sea deterrence, and that is to be applauded. I just observe that it is a pity they did not get round to agreeing to this in principle in Parliament before the Summer Recess, as I mentioned in the debate that we had in the summer. I hope that the Government remain confident about getting this through the new-look other place when the time comes.

The role that the United Kingdom Armed Forces should play in the light of global and domestic threats to stability and security is clear. Their capability fully to discharge that role properly is questionable, and it will be interesting to see whether the Government, when they announce the 2015 SDSR in November, before the end of this year, first get right their appreciation of the worldwide situation, which so impacts on our domestic stability and security—something that they failed to do in 2010—and, secondly, whether they will demonstrate in the SDSR the courage to match aspirations with resources, if necessary, as the noble Lord, Lord King of Bridgwater mentioned, increasing the 2%, if defence truly is the first duty of government. That always sounds very hollow to me when considering, for example, the ring-fencing of the aid budget.

6.19 pm

Baroness Jolly (LD): My Lords, I add my thanks to those of other noble Lords to the Minister for bringing this debate to Grand Committee today. I too shall be posing some questions for the Minister and I am quite happy for him to write to me, otherwise I think that we shall be here for quite a long time listening to many interesting responses, which perhaps will turn into a pamphlet.

Really, this has been a Janus debate: we are reflecting backwards and best-guessing forwards, while of course looking at current and previous operations. For the most part, the role of our Armed Forces is determined by the SDSR, as are their capabilities. Much has changed since the last SDSR in 2010. That was an austerity review that cut 17,000 personnel and gave us Future Force 2020, with a programme to recruit reservists in their place. It reduced the surface fleet and, through the carrier programme left in the air, has left the Royal Navy without a carrier strike capability until 2020. As many noble Lords have also said, it also axed the Nimrod programme.

Later this year, the Government will publish their long-awaited SDSR 2015 and it will tell us a lot about their thinking. It should indicate how the Government want to balance hard power with soft power. Our use of soft power has been very effective for many years and we need to ensure that we retain our links and influences with European, transatlantic and Commonwealth allies and partners. The SDSR should interweave policy on defence with policies on foreign affairs, home affairs and, indeed, international development. Back in 2010, the Arab spring looked optimistic. I wholeheartedly agree with the noble Lord, Lord King, about the use of the word “Daesh”. IS is not a state and so talk of “IS” gives it some sort of legitimacy; it has no legitimacy whatever. Daesh was on no one’s radar. Russia had not invaded Crimea, China had not started sabre rattling on its eastern seaboard, and few had heard of Ebola. The mass movement of refugees on the scale that we have seen in the past month or so had not happened since the 1940s. Cyber attacks and the use of drones have brought a new approach to warfare in the 21st century.

While I listened to the noble Lord, Lord King, I reflected with a certain amount of irony on the fact that we saw the Arab spring unveiling on social media. It was social media that brought the Arab spring to us 24 hours a day on television as well. The irony is that we all felt as we watched it almost such as Twitter and Facebook how, and the great excitement, that we saw the Arab spring unveiling on social media, and it was reflected with a certain amount of irony on the fact that we saw the Arab spring unveiling on social media. The mass movement of refugees on the scale that we have seen in the past month or so had not happened since the 1940s. Cyber attacks and the use of drones have brought a new approach to warfare in the 21st century.

We know that events will happen that we did not predict, as well as some that we might. I am concerned that the Chancellor may have been a zealous overseer of this review. My guess is that, but for some minute fine-tuning, it is almost finished. We cannot ignore the costs of defence, but neither should the Treasury totally dictate defence policy. There has to be a balance. It is true that in the Budget the Chancellor guaranteed defence spending at a welcome 2% of GDP, and he has also guaranteed an annual growth of 5% until the end
of the Parliament. But what is not yet clear, and I join many noble Lords who have said this in the debate today, is how much he will use the NATO flexibilities within this envelope to spend outside the traditional defence spend. Will the Minister explain the Government’s thinking on what proportion of the 2% will be on MoD expenditure and what on pensions, DfID and other related areas?

As an aside, the defence budget is a very complex one to put together. There are noble Lords here who have far more experience and understanding of that than I, but I wonder whether a longer period for budget planning might be better—say, a 10-year budget rather than the current five years.

We will see in the 2015 SDSR whether the Government have taken the opportunity to define their approach to foreign policy, from which our defence policy and the future debate should flow. Will it devote sufficient attention to the UK’s place in the world? As my noble friend Lady Smith of Newnham, said, without a clear vision of where we want to be, the role we aspire to play and with whom, the SDSR risks looking at tactics rather than strategy.

We have heard in the debate much despair about the reduction of our maritime patrol capacity. The Minister gave an assurance at Question Time during the summer that the current capacity is adequate for our search and rescue obligations, but is it sustainable? As we have already heard, our shoreline is more than 10,000 miles long and our search and rescue area covers 1 million square miles. Moreover, what about its other military and strategic roles and functions? Are the Government confident that we are not at risk? Might this be an area that will be revisited in the forthcoming SDSR?

All the fancy kit in the world is useless if we do not have people who are trained and ready to use it. I am particularly concerned about the national aversion to STEM subjects and the shortage of engineers at all levels and in all the services. That might impact on our capability and the effectiveness of our services. Is the Minister able to offer any reassurance on this?

Future Force 2020 proposed reductions in the regular force balanced by huge increases in the reserves. Recruitment to the reserves has been sluggish at best. Can the Minister confirm whether we now have the balance right? Are all the training programmes for reservists in place? Are large employers more involved and being more helpful than was the case a year or so ago? This strategy was not without risk and should be kept under regular review. I echo the call of the noble Baronesses, Lady Fookes and Lady Hodgson of Abinger: service personnel and their families need to be valued, as do our veterans. If we are asking fewer people to accept longer deployments, that can take a toll on their effectiveness and on the well-being of their loved ones. The Armed Forces covenant should ensure that no service personnel or their families are placed at a disadvantage as a result of them serving their country—and similarly for veterans. Will the Minister explain how the Government, which in the last Parliament ensured a wide take-up of the covenant, are now monitoring its implementation and effectiveness?

At the beginning of the Summer Recess, along with the noble Baroness, Lady Buscombe, I was fortunate enough to spend a week in Portsmouth with the Armed Forces Parliamentary Scheme. It is worth noting that all the women Peers taking part in the debate today either have been or are currently members of the scheme, which means that we are serious. During our week we visited ships and training facilities, we shared in strategic briefings from senior naval officers and spoke to junior ratings and all those in between. They were frank and optimistic about the next defence review. They want a period of stability and certainty because change is hard to manage and difficult to implement. Along with their colleagues in the Army and the RAF, they are willing to put their lives on the line for us, so we owe it to them to offer the support they deserve.

6.28 pm

Lord Rosser (Lab): My Lords, this debate, which has been initiated by the Minister, is most appropriate, coming as it does shortly before the Government finalise their pending 2015 strategic defence and security review. Presumably it is designed to achieve the aims of the national security strategy. I hope that in his response the Minister will be saying rather more than he has so far about the national security strategy and the Government’s current thinking on the SDSR, and the extent to which it will or will not either repeat or add to what his party said in its recent election manifesto. I will also wait to see if the Minister takes up the challenge posed by my noble friend Lord Davies of Stamford over the alleged black hole, assuming of course he survives the ministerial cull advocated by the noble and gallant Lord, Lord Craig of Radley. I also await with interest his responses to the powerful contribution and gallant Lord, Lord Burnett, on the case of Sergeant Blackman, as well as the points about the intended increase in our reserves and what will happen if that increase is not achieved.

One important point for a coherent strategic defence and security review is that it should set out both the thinking and the actual and anticipated developments which have led to the conclusions reached and decisions made. Without that, there will inevitably be doubts and uncertainty over the factors or pressures which have driven whatever proves to be the content and conclusions of the review. The SDSR, as has been said on more than one occasion in the debate, must be strategically driven. While there may be considerations or developments both actual and anticipated of a highly sensitive security nature which it may not be possible to disclose, I hope that the Minister will be able to give a commitment that the SDSR will be as open and transparent as it possibly can be in setting out the thinking and considerations which will have driven the conclusions and decisions reached, including the nature, length and extent of operations which our Armed Forces can be expected to undertake—including at any one point in time—in the light of the resources allocated.

The House of Commons Defence Committee published a report, I think last March, outlining a number of developments spelt out by the noble Lord,
Lord King of Bridgwater, that it considered meant that the national security strategy was no longer adequate, along with the Future Force 2020 structure. The committee also felt that there was a need for a rebuilt conventional military deterrent against states such as Russia and for continuing investment in what it described as next-generation warfare, including strategic communications, cyber warfare capabilities and intelligence.

The Royal United Services Institute, in drawing attention to the shooting down of the Malaysian Airlines flight MH17 and the distribution of the Libyan Government’s stock of arms across North Africa and the Middle East, has referred to concerns about the security implications of the proliferation of advanced military capabilities in the hands of non-state actors. Others, including noble Lords in this debate, have raised concerns about the loss for an island nation such as ours of a maritime patrol aircraft capability and about our ability in the future to defend the Falkland Islands. Can the Minister say whether these issues are among those being considered as part of the SDSR and the national security strategy? It would be helpful if he could also say something more about the Government’s thinking on the way in which the nature of military involvement, not least our military involvement, may be changing. Considerable publicity was given to the announcement by the Prime Minister last week that two British jihadis fighting in Syria had been killed by an RAF drone strike, which was long-distance military involvement conducted, as I understand it, by Armed Forces personnel within our own country. Technology can and does change the nature of military involvement and action, but so too does political decision-making. The Government have been very specific recently that we are not going to be involved in the latest actual or likely areas of military involvement through putting boots on the ground. Does that continue to reflect the Government’s approach and is that approach—which we saw in relation to Libya and which now applies in relation to Iraq—likely to be reflected in the SDSR?

Is there a Government view that we should be less actively involved militarily in future in what some might describe as other people’s conflicts, or is it the Government’s view that that should not be our stance but instead that where there is British military involvement in other countries, it should not be by having British troops on the ground engaged directly in military action? If the latter approach is the Government’s position, does that in their view mean a change in the relationship within our Armed Forces of the roles of the Army, Navy and Royal Air Force, a change sufficient to have a significant impact on how total available resources should be allocated in future between the three services?

I believe the Minister said that our forces were involved in 21 joint operations in 19 nations. It would be helpful if, following this debate, the noble Earl could provide more information on where our Armed Forces are currently involved in joint operations, and the nature and objectives of that involvement.

One issue which has been the subject of discussion and debate in the Chamber on a number of occasions and again today is cyber security and the threat of cyber attacks. I remember going to one discussion on cyber security outside this House at which one of the experts said, in essence, that it was effectively impossible to guarantee yourself protection from such attacks. The maximum that you could and should do was to make it as difficult as possible for those seeking to make such attacks, so that they were much more likely to turn their attention away from you and towards potentially weaker targets. The extent to which that factor might come into play may be more questionable in the defence field, where cyber attacks are more likely to be state-organised and state-run or financed. There ought to be a requirement on every company working with the Ministry of Defence, regardless of its size or the scale of its work, to meet the terms of a cyber security charter in order to seek to reduce the risk of hackers using small suppliers to break into the systems of major defence companies or the department itself. There also needs to be a requirement for all private companies to report serious cyber attacks threatening our national infrastructure, and that obviously applies to defence as well.

I do not of course expect the Minister to start going into detail about our own capabilities, either offensive or defensive, in the field of cyber security and cyber attacks, but I hope that he will be able to say something in general terms on this issue when he responds, including on how the additional resources which the Government have previously said are being put into cyber security have been and are being used. One would like to think that those who seek to attack us in this way are as wary of what we can do to them as we may be of what they might be able to do to us.

The need for defence, security, foreign affairs and international development strategies to be co-ordinated and developed together rather than in separate silos has never been greater. We are faced with a Middle East where conflict increasingly seems to be the norm rather than the exception. With that comes the consequence of large and increasing numbers of refugees within the Middle East itself and those seeking to reach Europe in the quest for the basic human desire of safety and security, and a chance to lead lives free of fear. In the Middle East and beyond, we face the impact of extremist terror and intra-Islamist conflict. In Ukraine, we have the instability and uncertainty created by hostile military intervention from Russia, while in the Far East we see China flexing its military muscles and desire for domination and control, which will probably only intensify as it faces economic difficulties within its own boundaries. In some other countries we see the emergence of nationalist movements and populist parties with their associated calls for a more introverted approach rather than the internationalist approach which must surely continue to be the way forward. The emergence of such movements and parties is usually driven by domestic issues, whether economic or political, which are portrayed as putting at risk prosperity, stability and identity.

The wide interest in the forthcoming SDSR and national security strategy will be shared by our defence industry and all those whose jobs, either directly or indirectly, depend on that industry. What are the Government’s objectives under the forthcoming SDSR for maintaining or increasing levels of employment in
This area and the need, if that is to be achieved and the skills base protected and developed, of providing a regular and steady workflow?

It is usual in debates such as these to take the opportunity to express gratitude and thanks to our Armed Forces for the vital work they do and the commitment they show and give, and this debate should be no exception; indeed, it has been no exception in that regard. In the last few years in particular, the commitment shown in protecting, defending and furthering the interests of our nation both at home and overseas has led on more than just a few occasions to loss of life, or life-changing or serious injuries, physical and mental, to members of our Armed Forces. The potential sacrifice they know they may have to make is not some remote possibility. It is real, and they deserve our respect and admiration for being prepared to accept that burden on our behalf. The noble Baroness, Lady Hodgson of Abinger, spoke forcefully on the need to support and help both those who make that sacrifice and their families.

The forthcoming SDSR and the national security review should set out what we require of our Armed Forces in the years immediately ahead. We need to be sure that they have the resources, including personnel, to meet those objectives. If we do that, we know that our Armed Forces will deliver in full.

6.40 pm

Earl Howe: My Lords, I think we would all agree that we have had a very constructive debate. I am exceedingly grateful for the contributions from all sides of the Chamber. I will try to deal with some of the points raised by noble Lords and noble and gallant Lords but I am conscious that I will probably be kept very busy writing letters for the next week or two as I do not think that I can answer in my closing speech every single question that has been put to me today.

The title of this debate asked us to take note, “of the role and capabilities of the UK Armed Forces, in the light of global and domestic threats to stability and security”. As all noble Lords are aware, that is a rather large field. We live in a world where, to use that almost eloquent Americanism, there are known unknowns and unknown unknowns. In looking at the ongoing strategic defence and security review, we are peering into a very dark glass indeed. However, we know for certain that this SDSR should be different from the last. Given the 2% commitment, it is certainly not about cuts. That enables me to start by addressing the defence budget.

My noble friends Lord King and Lady Fookes picked up on the sentence included in my opening speech which reinforced the Government’s recognition that defence must always be the Government’s number one priority. Lest there be any doubt on the matter, I re-emphasise that this is the view of government as a whole. The Summer Budget document published by the Treasury said:

“The first duty of government is to ensure the safety and security of the country and its people”.

That document formalised our commitment to spend 2% of GDP on defence until 2020. My noble friend Lord King questioned whether that would be enough. However, I remind him that that same document also committed to raise the MoD budget by 0.5% per annum in real terms over this Parliament. There will also be an additional £1.5 billion a year by 2020-21 in a new joint security fund.

The noble Baroness, Lady Smith of Newnham, took us to the issue of strategy and rightly challenged me on our thinking. The SDSR will be framed in the context of the national security strategy. The strategic context is fundamental to the work now under way. Our analysis suggests that the 2010 national security strategy judgment that we were entering an age of uncertainty, as the noble Lord, Lord Ramsbotham, mentioned, has been thoroughly vindicated in the intervening period. We anticipated that international terrorism would remain a major challenge and expected to see a range of domestic resilience challenges. Our decision to configure our Armed Forces to be flexible and adaptable to evolving threats has been proven correct.

However, we recognise that we have moved beyond the era of uncertainty to a period characterised best by heightened competition, instability and insecurity. I can tell the noble and gallant Lord, Lord Craig, that resilience is very much a principle that we are factoring into our deliberations. In general, procurement levels are set to allow for operational losses and sufficient resilience. I take his specific point about the need for credible, conventional combat power in addition to the deterrent. We are confident that the deterrent itself remains capable and effective and that we maintain sufficient and capable conventional forces.

The noble Baroness, Lady Smith, the right reverend Prelate the Bishop of Portsmouth and other noble Lords questioned whether it was the Government’s genuine aim for the UK to remain a major global player. We are clear that there will be no reduction in Britain’s influence overseas. Our military, security, diplomatic and development capabilities are respected globally. Our diplomatic network spans 268 posts in 168 countries and territories and nine multilateral organisations. The UK has world-leading intelligence agencies and Armed Forces, a strong police force and an impressive National Crime Agency. The UK led the EU’s response to the crises in Syria and Iraq, including responding to the threat from ISIL. The Government will continue to do more on forward defence, reducing the threats before they reach our borders.

The right reverend Prelate and the noble Lord, Lord Rosser, raised the issue of the SDSR process itself. In developing the NSS and SDSR, the Ministry of Defence, alongside the Cabinet Office, the FCO, DfID and the Home Office, has engaged with a broad range of internal and external stakeholders. We have met groups of external experts; hosted academic engagement sessions across the UK; participated in meetings with NGOs and industry round tables; we have briefed Back-Bench MPs, the House of Commons Defence Committee, interested Peers and the devolved Administrations. In total, we have discussed the review with more than 100 experts from nearly 40 different organisations and institutions. I can tell my noble friend Lord Selkirk that we have also engaged with
international allies and partners and welcomed the public to write in with their thoughts. The right reverend Prelate, in particular, will wish to take note of the online poll that was conducted recently. We are serious about open policy-making. We have sought comments over the summer, as this gives us the time to analyse the results and feed them into the review process in a meaningful way. The poll is only one of several ways of engagement and offers the public another avenue for comment.

The noble Baroness, Lady Smith, my noble friend Lord Selkirk, the right reverend Prelate and other noble Lords spoke about the capabilities that we are reviewing in the SDSR. The SDSR is clearly an opportunity to re-examine our capability choices. In 2010, we highlighted that we would return to some questions in this review. Maritime patrol aircraft, ballistic missile defence and future combat aircraft fit into that category and they will all be considered. We also committed to considering NATO’s capability shortfalls and which ones we could help to mitigate. I am afraid it is too early to discuss options and decisions in detail, although I will comment on particular questions that noble Lords have raised in a second. The noble Lord, Lord Dannatt, asked whether defence engagement would become a formal military task. The framework by which defence activity is directed is currently being revised as part of the review. Defence engagement is clearly a very important defence function and is likely to be very prominent in the future framework for defence. I am afraid that is as far as I can go at the moment, but I hope he will take comfort from the fact that it is in our sights.

The noble Lord also asked me about army basing. The army basing programme enables the Army to reorganise into its new Army 2020 structures, and delivers the Government’s 2010 SDSR commitment to bring all UK military units back from Germany by 2020. The programme has been delivered jointly by the Defence Infrastructure Organisation and the Army. Although some units have already withdrawn from Germany to the UK, the majority of the 30 moves or re-roles conducted in 2013-14 were inside the UK. In the summer of this year, some 5,200 service personnel and their families, totalling 10,000 people, will have returned from Germany to the UK.

The final phase of the army basing programme involves the remaining units in Germany, principally 20th Armoured Infantry Brigade based in Paderborn, and completes a number of residual internal UK moves. The whole programme is still scheduled to complete by 2020. There are sufficient funds to complete the programme and it is on track. We were considering bringing it forward but have decided instead to leave the plans in place. There are no plans to leave any units or force elements in Germany.

The noble Baroness, Lady Smith, posed the question of why we are in Iraq and whether it was just because we had been invited by that country to provide assistance. Let me make it clear: ISIL threatens the people of the Middle East and poses a threat to our own national security. Defeating ISIL will take time and patience but it is a fight that we must win. The UK is part of a global coalition of over 60 countries, including Iraq, Arab nations, European partners and the United States, united to defeat ISIL. The UK contribution to the coalition effort is significant. We provide capability across the full spectrum of air power, including reconnaissance and airstrike capabilities, and in many other areas. ISIL, as has been said, cannot just be defeated by military action. The underlying causes must also be addressed, which is why we are supporting inclusive governance in Iraq and political transition in Syria.

My noble friend Lord King rightly emphasised the importance of maintaining NATO as a strong and credible alliance to deter and face down any possible aggression. As I am sure he knows, the UK has made a significant contribution to NATO’s reassurance exercises since they came into being in May last year. NATO’s readiness action plan provides a comprehensive package of measures, including the development of the very high readiness joint task force and assurance measures to respond to changes in the security environment on NATO’s borders, including challenges posed by Russia. In my opening speech I mentioned the contribution that we were making and will continue to make in future. However, it is fair to say that the NATO summit in Wales in September last year demonstrated alliance solidarity at a time of tension on NATO’s borders, a tension that continues. It saw agreement on a number of key objectives, including NATO’s readiness action plan, which seeks to increase the responsiveness of allies through the development of the very high readiness joint task force, and by conducting assurance measures, particularly exercises in the eastern and Baltic states. Those exercises of course provide valuable training opportunities as well as contributing to the reassurance of Eastern allies.

The noble Lord, Lord Davies of Stamford, took me somewhat to task on several matters, including the so-called funding black hole in the MoD budget. I have no wish to irritate the noble Lord in the slightest. First, I readily acknowledge that many of the programmes that we are currently pursuing were initiated by the previous Labour Government. Ministers in that Government would perhaps not have been exposed to the £38 billion number, as it became apparent only during SDSR 2010 costing. The Government reported to the House of Commons Defence Committee on the figure of £38 billion in 2012. I am happy to write to the noble Lord with the figures that we provided to the committee at that time.

My noble friend Lord Attlee asked how we would ensure that no black hole would occur in the future. It is the job of Ministers to ensure that the MoD budget is in balance with its spending programme. The public spending envelope across government is now so strict and disciplined that it cannot be otherwise. It is our duty to report regularly and transparently to the Treasury and to account for our spending and our spending plans. Of course, we receive the benefit of its close oversight.

The noble Lord, Lord Davies, my noble friend Lord Selkirk of Douglas, and the noble Baroness, Lady Jolly, spoke about maritime patrol aircraft. We have acknowledged that we have a maritime surveillance
capability gap following the decision not to bring the Nimrod MRA4 into service. However, we have also made it clear that it is one that we have chosen to accept. We have not sought to pretend otherwise. It is a gap that we have been able to mitigate through the employment of other assets, as noble Lords have mentioned, particularly also through co-operation with our allies who have deployed maritime patrol aircraft on several occasions.

We are conscious that this issue is in the sights of many people. It is very much in ours. It has been the subject of recent studies by the Ministry of Defence. We have received representations from a number of industrial organisations and those have allowed us to understand better the nature of the platforms currently in existence, as well as the timeframe in which novel technologies are likely to mature. I mentioned the support of our allies. Incidentally, that is not a one-way street. We supply support to our allies in return, such as air-to-air refuelling, surveillance and transport.

The noble Lord, Lord Davies, mentioned the F35 joint strike fighter. That is the world’s largest single defence programme. We have played an important role in the system design and demonstration phase, as he knows, resulting in significant contracts and jobs for UK industry. To date, we have taken delivery of three F35B aircraft. A further five for the UK are in production and are scheduled to be delivered in 2016 and early 2017. UK F35 initial operating capability is scheduled for 2018 and remains on track.

Lord Davies of Stamford: How many?

Earl Howe: I am coming to that. The F35 programme has been established as an incremental acquisition programme with production contracts being led initially on an annual basis. We will order sufficient lightning aircraft to build up our initial carrier strike capability, but the overall number of joint strike fighter aircraft to be purchased will not be determined before the strategic defence and security review at the earliest.

The noble and gallant Lord, Lord Boyce, referred to the Type 26 global combat ship, which will progressively replace Type 23 frigates from 2022 onwards. We are implementing an incremental approach to approvals and commitment on the T26 global combat ship programme, with separate approvals covering demonstration and manufacture phases. On current planning and subject to a main gate decision, the manufacture phase will begin in 2016. He asked about the national shipbuilding strategy. The strategy announced by the Chancellor on 30 January this year is progressing well and its conclusions will form part of the forthcoming strategic defence and security review later this year. The aim of that strategy is to help deliver world-class ships for the Royal Navy while ensuring the best value for money for the taxpayer. It will also ensure that the Navy continues to have the capability that it needs to protect our nation’s interests and ensure continued investment in UK warship production.

The noble Lord, Lord Rosser, referred to cyber. I readily agree that, in defence, cyber is essential to preserve our freedom to operate despite cyber threats and to achieve military effects through and in cyberspace. The whole of the defence supply chain also faces cyber threats. In 2013, the Defence Cyber Protection Partnership was launched as a joint government/industry initiative to increase the resilience of the defence sector. Our Armed Forces depend on equipment and services provided by industry. In government we face similar challenges, and we believe that that partnership will be of considerable value; indeed, it is already proving to be.

I will write to the noble Lord, Lord Dannatt, on the issues around industrial policy because they are very important. I would simply mention in particular the Defence Growth Partnership, which I believe will see us achieve a more thriving defence sector in the UK underpinned by work to improve international competitiveness and to target research investment more efficiently and effectively.

I cannot finish without referring to personnel issues, which my noble friend Lady Hodgson and the noble Lord, Lord Ramsbotham, among others, emphasised with considerable persuasiveness. The Armed Forces are changing to meet the Future Force 2020 structure, which requires reductions in some capabilities and the growth of others. They are actively recruiting to sustain manpower balance across all skill sets, preserve future operational capability and support regular and reserve manning ratios. Recruitment continues to be supported by significant marketing activity in the current financial year. I say to the noble Baroness, Lady Jolly, that we need to increase attraction rates for a number of key trades such as medics and cyber engineers, nuclear, maritime and aviation. These are a particular issue due to national skills shortages. The latter issue is being explored in collaboration with other government departments. A joint team with industry has now been established and is undertaking a pathfinder project to allow the movement of skilled people across the defence sector.

With regard to the reserves, the new employment model that emerged from the 2010 SDSR aims to produce a modernised offer that reflects modern society. This is a wide-ranging review of the terms and conditions of service for service personnel, both regular and reserves, covering four broad policy areas: pay and allowances, accommodation, training and education, and career structures and career management. I will write further on where we are on recruitment and retention but I believe, as a result of a short brief I received this morning, that we are heading in the right direction.

With time moving on, with the leave of noble Lords I will cover just a few more issues. The right reverend Prelate raised the matter of women in ground close combat roles. That is not strictly an SDSR issue, as I expect he knows, but, following a review of the exclusion of women from ground close combat roles, my right honourable friend the Secretary of State for Defence announced at the end of last year that defence welcomes the prospect of opening ground close combat roles to women subject to the outcome of further physiological research before a final decision is taken in 2016.

The noble Lord, Lord Burnett, referred to the much discussed case of Sergeant Alexander Blackman, and I listened carefully to all that he said. There is a proper limit to what I can say in my ministerial capacity,
as I know he recognises. But it is common knowledge that Sergeant Blackman appealed to the Court Martial Appeal Court, which incidentally is a wholly civilian court made up of the same judges who sit in the civilian Court of Appeal. The fairness and objectivity of that process was reflected by the decision on 22 May last year by the Court Martial Appeal Court, chaired by the Lord Chief Justice himself, which decided not to overturn the conviction of a life sentence. The court did reduce the minimum term Mr Blackman must serve from 10 to eight years. The full reasoning behind that judgment was published on the Ministry of Justice website, and it was based on the consideration of a range of factors that I will not go into. The MoD has, and can have, no view on Sergeant Blackman’s guilt or innocence. It would be improper for us to express a view. There is a legal process to determine that question. The MoD will however of course fully co-operate with the judicial process.

The noble Lord, Lord Dannatt, referred to the issue of Afghan interpreters and locally employed civilians. Our policy offers a redundancy relocation option that does not require local staff to prove that they are at risk. The policies of other NATO nations are largely based on asylum criteria. I would just say that the way that the Government’s policy and the implementation of that policy have been portrayed in the press has been wrong and misleading. We are the only nation with a permanent team of trained investigation officers in-country to investigate claims of intimidation. These experts have provided support to over 200 former local staff. A total of 500 local staff are eligible for relocation to the UK under the redundancy scheme, out of whom 170 have already moved to the UK along with their families, bringing the current total to 400. I am happy to write further to the noble Lord but I would add that the intimidation policy, which is quite separate from the ex gratia redundancy policy, allows for all current and former local staff members, regardless of dates or length of employment, whose safety has been threatened to approach us to consider relocation.

I have been advised that I have overshot my time. I will write to noble Lords about the other subjects that I have not been able to cover, notably the Armed Forces covenant. I listened very carefully to the comments from my noble friend Lady Buscombe on the Border Force command and listed buildings in Portsmouth.

I am conscious that I am in danger of exhausting the Committee’s patience, if I have not done so already, so I conclude by thanking all those noble Lords and noble and gallant Lords who have taken part in the debate. I look forward to writing to them over the next few days.

Motion agreed.

Committee adjourned at 7.07 pm.
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