

House of Lords - Structure & Procedural Reform

The first paper on Parliamentary Devolution states that House of Lords Reform would be imperative but deliberately remained silent on the subject, not wishing to cloud or confuse the essential simplicities of "House of Commons" National Devolution. In the light of current government objectives to "Reform" the House of Lords this supplementary paper is necessary to distinguish between preferred Reforms consequent upon National Devolution, and Constitutional Reforms as a government political objective. Additionally, the Prime Minister and many other commentators have said, "we want the people's views and contributions on House of Lords reforms". The original proposals centred only on Structural and Procedural Reforms of House of Commons seats.

By reference to both the model options it is seen that all the proposed National and British Parliaments and Executives have a constitutional relationship with the existing House of Lords. There are two very sound reasons for this. Firstly, unicameral legislative chambers should never be contemplated because, lacking mature scrutiny, they almost always lead to poorly formulated legislation.

Secondly, maintaining the present House of Lords functional links, further cements the United Kingdom British Federation as reflected in the Trans-National cross Border Constituencies.

Procedurally, it would seem sensible for the Lords to restructure themselves and establish National Sub-Assemblies to scrutinise and revise separately all National and British Bills in exactly the same manner and with the same authority as is done presently.

All of the Lords Assemblies must remain domiciled" in London/Westminster, further underscoring the British Federal United Kingdom. The new English Parliament should be located outside London but somewhere central, not with respect to overall population density but rather with respect to social neutrality, ie. not in the Prime Minister's constituency, bearing in mind this new "Seat of Government" could develop into a de facto English Political Capital.

NB. Amendment.

Subsequent to the 2014 Scottish referendum on Devolution, and the lack of a high proportion of present MPs comprehension of how English devolution should be

structured and domiciled, it is now here recommended that the existing Westminster HoC

Chamber should be utilised separately by both the new English and British parliaments on a Time Share arrangement. This is de Facto the way in which the Lords currently chooses to operate, ie. self selecting Lords only Attend; Sit; Speak; and vote in respect of matters that interest them.

House of Lords - Constitutional Reform

Phasing out of hereditary peers was/is a cornerstone of the policy; by means of attrition i.e. no successor inherits a seat (now overtaken) coupled with immediate disqualification of any Peer not having contributed to the House's parliamentary work during the preceding 5 years or since the last general election. The number of Bishops to be curtailed to the two archbishops (or their nominees) but other religious leaders to be elevated i.e. the Chief Rabbi; Catholic Primate; Muslim; Hindu; & Sikh Leaders etc ensuring that all principal religions are represented.

The political character of the House to be maintained by the offer of Elevation of all retiring Commons Front Bench Government and Shadow Ministers. It is self evident that all the above class of members are - have been - at some time, elected or selected to represent a strata of society ie. they are not unelected people. Their very existence and/or political pedigree demonstrates past Election or Elevation worthiness.

All of the above can legitimately be classified as Constitutionally Appointed Members (CAM). The remainder or residual Members to be "Elected Party Appointments" (EPA) nominated by the

Leadership of all those Political Parties winning any Commons Seats in the preceding general election, equal to the proportion of votes cast Nationally; eg.

Party A wins X Commons Seats, securing Y% of the National Vote

Party B wins N Commons Seats, securing Z% of the National Vote

Party C wins P Commons Seats, securing V% of the National Vote

Where $Y + Z + V = 100\%$ of the Gross National Vote

Then Party A nominates Y% of the Residual Peers; Party B nominates Z% of the Residual Peers; Party C nominates V% of the Residual Peers: Irrespective of number of Common Seats won.

These residual members (EPA) to be given life peerages and they would serve as voting/working members until they retired. By the above means, the House of Commons remains a First Past The Post constituency based House whereas the House of Lords becomes a true proportional Representative House, truly representing the allegiance and aspirations of the whole voting population, and most importantly, those voters inclined to vote for minor Political Parties or Candidates of non winnable Commons Constituencies will know that their votes are not wasted votes as they count towards establishing Lords representatives.

There would also be a likely additional spin off with regard to the percentage participation in General Elections, which is presently lamentable. This new elected Lords element, negating wasted votes, would possibly generate more voter interest and hence strengthen democracy overall. Of course, the Queen/Monarch would maintain the right to nominate whomsoever she/he wishes.

Considering for a moment the present anomalous situation with respect to certain groupings of Lords, eg. Bishops and Law Lords; all nominated but they cannot be presumed to be an homogeneous group, and all are equally capable of harbouring extreme Left or Right political (not spiritual) dispositions. The same circumstance

could pertain with any other group, Law Lords even, when not considering legal issues. Therefore, if the political balance of the House of Lords is to be transparent to the electorate, then all nominated peers, not just Bishops, must be required to affirm, by written declaration, their political inclinations, and if they are identifiable as Left or Right, then they must sit on that side of the House, only occupying "cross benches" if they declare no political leaning.

Whipping

On the premise that independence of the Party Machines is a desirable objective, and that must surely be so in a contemplative revising chamber, then whipping can only be interpreted as a contempt of the House of Lords, and of its prime constitutional function, and should be banned under House of Lords Standing Orders. The merit of this innovation would be undermined if the term of office were short, and if re-selection to the Lords were a prospect, there would remain this constant awareness of one's party allegiance.

The Lords has functioned admirably throughout its long history on the basis of life membership and no logical argument was presented in the House of Lords debate on reform or the wider public community to set aside that tradition. The question has been raised of how the balance (political) of the House of Lords will be maintained "after a landslide election". Simple arithmetic solves this non-problem but, it is clear that a more detailed step by step analysis would be helpful for some to appreciate its simplicity.

The previously presented arithmetic gives the percentage of the "residual" numbers of Lords members that the Party "leaders" nominate to establish the political balance proportionate to the Gross National Vote - at a General Election. The apparent unknown is the unspecified "residual" number but this is deliberately expressed so, because it is, and always will be, a variable - but which becomes definitive upon the proportionate vote at each election.

Firstly it is necessary to establish ground rules: ie.

1. There shall not be a fixed number of Members.
2. a). There shall not be a maximum number of Members
b). There shall not be a minimum number of Members.
3. A target membership to be established; under the guidance of, say the Privy Council and
or the Electoral Commission: for the purposes of this discussion let us say 600.
4. All Members must declare their Party allegiance (as explained above).
5. Voluntary retirement from active participation - Title Emeritus to be

recognised. Such members shall not be counted in the Party apportionments, and are barred from voting in the House.

6. Compulsory retirement for any member not participating during the previous Government period. Right of appeal recognised for compassionate/health reasons. What a compulsory retiree calls him/herself is an interesting point to ponder.

7. Agreement (Privy Council?) as to the proportion of nominated/elected members to be established: let us speculate 50/50.

The above criteria establishes the balance; not the numbers, of the House membership identifiable prior to a General Election.

To theorise:

A). 600 Target Seats:

The current number of Lords is notionally about 900 but very few attend regularly, and even fewer contribute routinely to Government business. Self evidently, reform is needed, as is often voiced by many observers and commentators of the British parliamentary system. The following proposals demonstrate how the present arrangement could be rationalised, and provides a viable Model for future functionality and sustainment.

Firstly, a hard but realistic decision must be taken to rationalise/reduce the total number of Working members. The targets for this reduction will be all those “passengers” alluded to above. For the purpose of this discussion assume that the result of this “cull” reduces the active sitting members to say 600 + or --, and an analysis of the “pedigree” of these 600 reveals there are say 300 non party electees, ie. 150 nominated for some worthy cause but having declared their political leanings, plus 150 affirmatively independent. The other half; (300) members having been elected via Party nomination; then the make up of the house can be shown by the below tabulation, being the status quo upon which future numbers can be based following a general election.

A) The Status quo of the House Incumbents prior to the adoption of HoL reform.

300 Nominated & Declared; say 50 Lib/dem

50 Lab
 50 Con
 150 Independent

300 Party electees; say
 here as
 sum

60 Lib/dem]
 150 Lab] referred to
 90 Con] the residual

B) Of the party affiliated Lords, the party proportionality pre-first-election is therefore:

600 minus 150 ie. 450

Lib/dem 50+60 = 110 ie. 24%] %ages rounded up to whole numbers
 Lab 50+150=200 44%]
 Con 50+90 = 140 31%] The above residual sum
 having been
 voting Nos subsumed into the total
 for each Party.

C) The first subsequent election Assumes 5% attrition overall but the Nominated element of the House should be maintained at 300 approx. and the numbers of retiring and deceased Lords would, as customarily, be substituted by non Party elevation therefore those numbers remain unadjusted.

ie. 577 incumbent members; 104 Lib/dem; all reduced by 5%
 190 Lab
133 Con
 427 Party members plus 150

Independents.

Therefore, 23 Party electees (the residual sum) are required to maintain the necessary Target

D) Assuming a post election Commons proportional vote of;

Lib/dem 24%
 Lab 37%
Con 39%

Then the respective numbers

of the residual sum
required to maintain the 600 Target (notional) are:

Libdem	5 seats
Lab	8 “
<u>Con</u>	<u>9</u>

All rounded to whole

numbers as it
is not possible to elect half members.

E) Final post election whole number Party membership plus Independents
is:

Maximum total vote 599	Lib/dem	109	
	Lab	198	
	<u>Con</u>	<u>142</u>	plus 150

independent.

All to be repeated per subsequent general elections. See addendum A.

At first reading , the non “arithmetic” person might view the above numerical analysis a little daunting but in these days, once the ground rules have been set – by an all party working group - and enacted, a simple computer soft-ware programme would cough out the required balancing numbers instantaneously.

Also, as the system is just a simple "feed-back loop" re-establishing voter proportionality, the "adjustment" numbers will almost always be very small; as seen in the above example. Even with a landslide General Election, on the first passed the post system, which distorts the numerical strengths of voter preference, the changed numbers of Lords would be far less dramatic, because of the lesser volatility of the national numerical voting patterns of the country as a whole.

Further, the apparent anomaly of a surplus of sitting Lords in a party securing a lesser proportionate vote (as in the example given) would almost certainly be ameliorated as a result of retirements - (age or volunteers) or deaths during the past session, so apart from the initial election under the new system, the various parties would only be searching for very small numbers to elevate from their party "short lists" or to retire to the "substitutes bench".

The House of Lords is a deliberation and revision chamber, requiring maturity of thought, not rash hot heads with burning ambition and seeking notoriety if not glory. Any form of "self nomination" always carries that attendant risk.

Therefore, this proposition is that each party sets up its own internal appointments committee, and draws up a spectrum of profiles of the range of people and talents they would wish to have speaking on their benches, and then actively seek out persons matching that profile, not necessarily party members, and invite them to be placed on the party's Lords short list.

Further, it is recommended that the list be kept secret, and any person disclosing their inclusion on such list shall automatically be disqualified; we, the people, wouldn't want such people. The new system is not advocating closed Lists - just suggesting discretion.

Naturally, at the time of an election all Lists - from all Parties - should be open to scrutiny, for the people have a right to know who the likely nominees would be. Similarly the present Lords appointment committee should be given an expanded role, with specific terms of reference to seek out and make recommendations for additional nominated members, as the need arises, to maintain the 50/50 balance between nominated and elected members.

The House of Lords shall not be a clone of the Commons and it must have a separate source of political authority; these proposals achieve both goals whilst relying upon a Commons General Election vote. Also, the underlying worry previously expressed by many Lords with regard to the risk of compromising the authority of the Commons has no force if the elected proportion is not predominant ie. the elected proportion should not be more than 50%, and similarly, the nominated element should not be more than 50%; so equality exerts itself.

Numerically a high Commons majority could theoretically (but very unlikely) be surpassed if a high proportionate vote led to a large number of opposition Lords appointments allied to a high degree of declared nominated Lords. But such a second chamber could not legitimately challenge the elected House because it would be relying upon unelected members that could never claim democratic superiority.

There is no conflict of view here, even when a presumed fear is expressed as "generating a microcosm of the House of Commons". This would never occur under these proposals as the majority and or the relative strengths of the party political membership will never be equally balanced between the two Houses. And, furthermore there will always be a large wedge of non-party cross-benchers.

The theoretical model presumes 50% (for ease of arithmetic) party affiliations of the non-elected element. In reality, this would be very much less; there are already some 180 cross bench members, thereby making the party element an even lesser proportion of the whole House; ie. it would never become a microcosm of the Commons.

A further important point must be considered regarding the "election of a truly independent (ie. non-party affiliated) person". If this was not facilitated, such a system would be contrary to and an affront to democracy. Once again, under these proposals and model, person(s) offering themselves as independent would create no perturbation to the procedure or arithmetic. Indeed, it would just mean that the political element of the House would be further compressed. In this connection these proposals would permit any person to present themselves to the Returning Officer of any Parliamentary Constituency as an independent Lords candidate, and the Returning Officer would present each voter with a separate Lords ballot paper; as happens when local and general elections coincide.

Not forgetting that Lords elections are to be on a proportional basis, but recognising that an independent will be offering him/herself to a constituency, for the purpose of the vote, these proposals would allow for two separate qualifying criteria for election, namely; a candidate shall be elected if he/she obtains a vote equal to or higher than the winning MP vote in the constituency in which the independent "Lord" is standing; reflecting the first passed the post concept or equal to or higher than the average vote of all elected MPs, reflecting the proportional representation concept. Such an elected peer would obviously sit on the cross benches; again not upsetting the political balance.

As there would be two qualifying thresholds, equity would demand a theoretical "double victory" if two or more separate candidates each achieved one or other of the qualifying standards. A maximum limit of two "winners" would be necessary (to contain "theoretical" proliferation). If two or more tie on the same threshold standard then the "short straw drawer(s)" lose: as is the present rule for General Elections.

In conclusion, reform of the House of Lords is a matter in which the people of this nation have a vested interest, and should therefore be accorded a voice that is listened to which is the purpose of this dissertation and which one trusts will invoke a wider range of thought.

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As amended

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Adendum (A)

Subsequent general elections.

From the original example the final post election whole number Party

membership was:

Maximum total vote 599:	Lib/dem	109	
	Lab	198	
	<u>Con</u>	<u>142</u>	Plus 150 Independent.

Again assuming a 4% Party attrition the pre-election voting Nos are;

Total incumbent members	Lib/dem	105	
Max. No 581	Lab	190	
	<u>Con</u>	<u>136</u>	Plus 150 Independent

Therefore 19 Party electees required to maintain the 600 seat target.

Assume a post election Commons Land Slide proportional vote of;

Lib/dem	6 %
Lab	61 %
Con	33 %

Then the respective Nos of the Residual sum required to maintain the notional 600 target are:

Lib/dem	1 seat
Lab	12 “
<u>con</u>	<u>6 “</u>

Therefore final post election whole number Party representation is:

Lib/dem	106	
Lab	202	
<u>Con</u>	<u>142</u>	Plus 150 Independent

Total House of Lords membership remains on Target (approx) at 600 Seats, demonstrating that the System is sound and capable of dealing with any electoral result.