



HOUSE OF LORDS

Library Note

Joint Committee Report on the Draft House of Lords Reform Bill: Reaction

This Library Note outlines the reaction from a range of commentators and organisations to the publication of the report of the Joint Committee on the Draft House of Lords Reform Bill. It takes as its starting point the publication of the report on 23 April 2012 and does not include any commentary which pre-dates this report.

This note complements other recent House of Lords Library publications on Lords reform, including: *Bibliography of Lords Reform* (26 April 2012, LLN [2012/014](#)), *Public Attitudes Towards the House of Lords and House of Lords Reform* (2 March 2012, LLN [2012/006](#)), *House of Lords Reform Draft Bill* (16 June 2011, LLN [2011/021](#)), and *Possible Implications of House of Lords Reform* (25 June 2010, LLN [2010/014](#)).

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27 April 2012
LLN 2012/015

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1. Report Summary

On 23 April 2012, the Joint Committee on the Draft House of Lords Reform Bill published its report, [HL 284/HC 1313](#). The report included the following conclusions and recommendations:

- A majority of the Committee agreed that the reformed second chamber should have an electoral mandate, provided it has commensurate powers (Paragraph 23).
- The Committee agreed that Clause 2 of the Draft Bill would not be sufficient on its own to preserve the primacy of the House of Commons (Paragraph 55). It also argued that the Government should avoid the possibility of judicial interference in the relationship between the two Houses (Paragraph 49).
- A majority of the Committee agreed with the proposal for an 80 percent elected and 20 percent appointed House (Paragraph 107).
- The Committee agreed that a House of 300 members, proposed in the Draft Bill, would be too small to fulfil the demands of a revising chamber and were in favour of a House of 450 members (Paragraph 114).
- The Committee believed the voting system for a reformed second chamber should allow voters the option of casting a simple vote for a political party while also allowing voters the opportunity to express a preference among individual candidates. To this end it recommended a version of the Single Transferable Vote system currently used in New South Wales (Paragraphs 147–152).
- A majority of the Committee agreed with the Government's proposal for single non-renewable terms in office. The Committee also agreed, following a separate vote, that the preferred length for this term would be 15 years (Paragraphs 167 & 173).
- The Committee concluded that a reformed second chamber would take on a representative function. However, members wishing to pursue personal casework similar to that of MPs would be constrained by the lack of resources made available to them for this purpose and by the size of their large regional constituencies. The Committee did not recommend the introduction of any other restriction on this representative role (Paragraphs 221–224).
- The Committee recommended that the House of Lords Appointments Commission should become a statutory body (Paragraph 231).
- The Committee agreed that the reformed second chamber could contain government ministers (Paragraph 266).
- A majority of the Committee agreed that the number of seats for bishops in the reformed second chamber should be 12 (Paragraph 290).

- The Committee recommended that the Government should hold a referendum on House of Lords reform in view of this being a significant constitutional change (Paragraph 385).

2. Other Publications by Members of the Committee

On the same day that the Committee's report was issued, a cross party group of three MPs and nine Peers who sat on the Committee published [House of Lords Reform: An Alternative Way Forward](#) (April 2012). It argued that the proposals in the Draft Bill were insufficient to prevent a challenge from a reformed second chamber to the primacy of the House of Commons and that the Government's proposals would lead to a rise in the cost of the second chamber.

The issue of costing was not addressed in the Joint Committee's report. The latter stated that an attempt to cost the proposals in the Draft Bill would have been outside its remit because the Government had not put forward any costing either in the white paper or following requests from the Chairman to the Minister responsible.

On 24 April 2012, the Society of Conservative Lawyers published [An Elected Second Chamber—Building a Better House](#) (April 2012), written by Oliver Heald MP, a member of the Joint Committee. It criticised the Government's proposals on grounds of cost, the added complexity to the voting system and that the Draft Bill if implemented would weaken the system of government in Westminster.

3. Press Reaction

Roland Watson, political editor at the *Times*, claimed that the Joint Committee had 'demolished' the Deputy Prime Minister's central claim that the creation of an elected second chamber would not change the balance of power with the Commons (*Times* website, [Lords Reform on the ropes as committee slams Clegg's mess](#), 24 April 2012). He argued that the absence of a consensus from the Joint Committee had emboldened opposition to the Government's proposals for House of Lords reform, damaging the chances of a Bill becoming law.

Mary Ann Sieghart, writing in the *Independent*, also argued that the Committee's report had undermined the Government's argument that the Draft Bill would not change the relationship between the two Houses. She claimed that the Government would therefore have little realistic chance of bringing the proposals into force. She instead argued for more limited reforms to the existing House of Lords, such as reducing its size (*Independent* website, [Clegg needs to find an exit route from Lords reform](#), 23 April 2012).

Writing in the *Guardian*, Polly Toynbee backed the view that the balance of power between the two Houses had not been resolved in the Government's Draft Bill (*Guardian* website, [Lords Buffoonery has to end. So why not abolish them?](#), 23 April 2012). She agreed that there should be a constitutional convention as recommended in *House of Lords Reform: An Alternative Way Forward*. She also criticised the Government's proposals, endorsed by the Committee, for a mix of appointed and elected members, advocating instead the abolition of the House of Lords accompanied by deeper reforms to revive democracy.

A counter argument was put forward by Lord Desai in a letter published by the *Guardian* (*Guardian* website, [Romantic notions about the House of Lords](#), 24 April 2012). Lord

Desai argued that those who stood in the way of reform were 'romantics' who either wanted to abolish the House of Lords or preserve it in aspic. He also thought that, were the Commons left to operate alone, Bills would not be scrutinised and that, if the Government of the day had a comfortable majority, the executive would not be challenged.

Philip Johnston, writing in the *Telegraph*, described a lack of consensus in the Committee as an inevitable result of the difficulty of drafting reform which would improve the effectiveness of the second chamber while meeting the expectation for more legitimacy (*Telegraph* website, '[If we must reform the Lords, here's how...](#)', 23 April 2012). He believed that the amount of disagreement amongst members of the Committee 'renders the so-called majority report meaningless'. He also maintained that a referendum would be impossible as the issue was too complex to be made into a 'yes' or 'no' issue. He instead advocated the model of a 'Council of the Realm' put forward by the late Lord Bingham of Cornhill, which would retain a revising chamber with no legislative or delaying powers which built on the strengths of the current system.

Writing in the *Scotsman*, Alan Trench favoured the Committee's endorsement of 15 year non-renewable terms for members of the reformed second chamber, which he argued would offer the chance of preserving the independence of members (*Scotsman* website, '[Many high hurdles to get over before such major changes can be made](#)', 24 April 2012). However, he suggested that the Committee appeared not to have considered how to prevent the risk of newly elected members using the reformed second chamber as a preparation for entering the House of Commons, so reducing the upper chamber to an 'ante-chamber to the Commons'.

Richard Morris, writing in the *New Statesman*, described the 'Westminster firestorm' as a disproportionate reaction to the Committee's report which included 'some sensible appropriate changes' (*New Statesman* website, '[The case for a referendum on Lords reform. If the politicians really can't decide, the public should](#)', 23 April 2012). He argued that lack of agreement between the parties and within the parties in Westminster was an argument in favour of a referendum.

4. Blogs

Lord Tyler and Baroness Scott of Needham Market, writing for the Lib Dem Voice website, stated that in the Committee there was majority support for the overall package put forward by the Government and that this was reflected in the final report. They also stated that it was not the final opinion of the Committee that an 80 percent elected second chamber would necessarily lead to the primacy of the House of Commons becoming unduly weakened. They described the calls for a referendum as a ploy by those who were opposed to reform. However, they believed that those in favour of reform could win such a referendum (Lib Dem Voice website, '[We urgently need to reform our bloated second chamber](#)', 25 April 2012).

Also posting on the Lib Dem Voice website, Mark Thompson saw a referendum on Lords reform as a political inevitability given the number of MPs who would support one in the House of Commons. Although he recognised the misgivings of other Liberal Democrats for another referendum following the success of the No2AV campaign in 2011, he argued that there was a strong argument to be made in favour of reform of the second chamber (Lib Dem Voice website, '[Lib Dems should not fear a Lords reform referendum](#)', 23 April 2012).

Conservative MEP Dan Hannan, writing on the *Telegraph* blog, also advocated a referendum. Although he disagreed with the Government's proposals for House of Lords reform he argued: "If we want a legislative chamber with popular legitimacy, the nature of its composition should command general assent" (*Telegraph* website, '[Without a referendum on the House of Lords, we risk a politicians' stitch-up](#)', 23 April 2012).

In response to the report, Sadiq Khan MP, Labour's Shadow Lord Chancellor and Secretary of State for Justice, welcomed the Committee's recommendation that there should be a referendum on House of Lords Reform (Labour Party Website, '[We welcome the publication of the Joint Committee's report on the Tory-led Government's proposed reforms of the House of Lords](#)', 23 April 2012). He also stated that the powers of the reformed second chamber needed to be clarified and that the relationship between the Commons and the second chamber should be codified. He argued that the Draft Bill in its current form would: 'risk total gridlock in the way we are governed, something pro-reformers of all political colours will want to avoid'.

John Humphries, writing on the YouGov blog, asserted that there were many commentators who thought that the Government would have to concede a referendum on reform of the second chamber. However, he saw parliament as a long way from reaching a settled view on what reform would be put to the public in a referendum, and that this 'could take a very long time indeed' (YouGov website, '[Lords Reform: Cameron's next car crash?](#)', 24 April 2012).

A similar analysis of the lack of consensus on the issue of House of Lords reform was provided by Mark D'Arcy, the BBC's parliamentary correspondent, who outlined the arguments put forward at the press conferences held on the morning of 23 April 2012 by the Committee Chairman Lord Richard, members of the Committee in favour of the Government's proposals and by the authors of *House of Lords Reform: An Alternative Way Forward*. Mark D'Arcy proposed that there was 'no danger whatsoever of consensus breaking out' on the issues dominating these press conferences: the cost of reform, whether the reformed second chamber would become a rival to the House of Commons, and whether the electorate should be consulted in a referendum (BBC website, '[Why Lords reform is a gift for Labour](#)', 23 April 2012).

5. Academic Reaction

Patrick Dunleavy, Professor of Political Science and Public Policy at the London School of Economics and Political Science (LSE), writing on the LSE blog, was critical of the Joint Committee's report, arguing it would have little influence and that its recommendations were a 'chaotic mess of ideas' (LSE website, '[The Joint Committee report on reform of the House of Lords is mostly headed for the dustbin of history—because this mess of arcane proposals cannot be sold to voters](#)', 23 April 2012). Though he believed that a referendum would be necessary, he argued that a House of 450 members would be an anathema to voters because it would be too high a number for the role of the reformed chamber. He also contended that a single non-renewable term would be unacceptable to the British public as it would leave members unaccountable.

Meg Russell, Deputy Director of the Constitution Unit at University College London, was quoted in an article on the politics.co.uk website as arguing that pressure to concede a referendum would become irresistible following its recommendation in the Committee's report, and given its support from the Labour Party leadership and backbench Conservative MPs (politics.co.uk website, '[Deep divisions reveal rocky road ahead for Lords reform](#)', 23 Apr 2012).

Akash Paun, writing on the Institute for Government website, described the disagreement amongst members of the Committee as illustrative of:

...deep divisions... not just on the principle of election but on an array of subsidiary matters including the electoral system, the powers and size of the reformed chamber, and how to preserve the primacy of the Commons.

A referendum, in his view, might be the only way of bypassing a drawn out process in parliament dominated by political wrangling. He noted that a complicating factor for any referendum was that House of Lords reform was not a simple binary debate, and that the question put to the public in a referendum would have to be agreed in Westminster (Institute for Government website, '[Lords reform—is a referendum the way to finally settle the issue?](#)', 24 April 2012).

6. Other Comment

Unlock Democracy, responding to the Joint Committee's report, welcomed the recommendation for a majority elected House of Lords. To coincide with the report, Unlock Democracy published the following results of a poll it had commissioned from YouGov:

- 69 percent (of those asked) supported a half, majority or wholly elected second chamber. The most popular response was for a fully elected second chamber (33 percent). Just 5 percent supported a wholly appointed second chamber, while 22 percent did not know.
- 45 percent believed that members of the Lords should not be allowed to block reform. 32 percent felt they should, while 17 percent did not know.
- 48 percent supported experts being invited to participate in legislation on an ad hoc basis, rather than being given life peerages. Only 20 percent felt that they should be given life peerages, while 22 percent did not know.

(Unlock Democracy website, '[Unlock Democracy welcomes Joint Committee's support for Lords reform](#)', 23 April 2012)

A number of other opinion polls have been conducted on issues around House of Lords reform. The House of Lords Library Note *Public Attitudes Towards the House of Lords and House of Lords Reform* (2 March 2012, LLN [2012/006](#)) provides information on previous opinion polls on this subject.

The Campaign for an Effective Second Chamber described the Committee's report as a 'stinging rebuff' to the Government's proposals. The Campaign also advocated recommendations made in *House of Lords Reform: An Alternative Way Forward* for a constitutional convention:

Its argument is simple and unassailable: a decision as to how to change the basic governance of the country cannot just be taken by party politicians with their eyes on electoral deals or their own reputations. It must be taken by a proper constitutional process involving different parts of society and the devolved

nations, and it must involve outside experts and people of wisdom, without party political affiliation.

(The Campaign for an Effective Second Chamber website, '[The Government's proposals and what's wrong with them](#)', 23 April 2012)

The Bishop of Norwich, writing on the Church of England's website, stated that the Joint Committee's report highlighted important questions such as whether the primacy of the Commons could be maintained against an elected Lords, whether the Parliament Acts would still apply, and whether elected Lords would encroach on the constituency roles of MPs. He welcomed the report's acknowledgement of those who placed value on the Church's commitment to "ongoing service to the nation" through the Lords Spiritual and the Joint Committee's endorsement of the Government's proposals for continued places for the Bishops. He supported the Joint Committee's suggestion that faith representation should be one of the criteria for the Appointments Commission to consider when appointing members. He was disappointed that the Committee had not suggested how to deliver a greater breadth of representation across civil society, but agreed with the recommendation to increase membership from 300 to 450, which would provide better opportunity for those with outside professionalisms and experiences to participate in the House. Though the Church did not have a declared view on the merits of a referendum on reform it hoped that the Government would look very seriously at the suggestion. He also referred to *House of Lords: An Alternative Way Forward*. He noted with interest its suggestion for a constitutional convention, for a Joint Committee to look at conventions between the Houses and for Government in the meantime to take on the provisions contained in Lord Steel's Private Member's Bill (Church of England website, '[Statement on report from Joint Committee on the Government's Draft House of Lords Reform Bill](#)', 23 April 2012).

The British Humanist Association (BHA) criticised the Committee for endorsing the Government's proposals to retain reserved seats for 12 Church of England bishops in a reformed second chamber. They argued that the proposed reforms would see the number of bishops decrease but the size of their proportion in the second chamber increase. BHA Chief Executive Andrew Copson said: "The report of the Committee published today is at odds with the reasoned evidence submitted to it and presents no good arguments whether in principle or otherwise for the retention of Bishops" (British Humanist Association website, '[Committee recommends retaining bishops in a reformed House of Lords](#)', 23 April 2012).

