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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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# House of Lords

*Tuesday 19 December 2017*

11 am

*Prayers—read by the Lord Bishop of Leeds.*

## House of Lords: Lord Speaker's Committee Report *Motion to Take Note*

11.06 am

*Moved by Lord Burns*

That this House takes note of the Report of the Lord Speaker's committee on the size of the House.

**Lord Burns (CB):** My Lords, I thank the noble Baroness the Leader of the House and all those who have made today's debate possible so soon after the publication of our report. I also recognise the contribution of my fellow committee members. It has been a great pleasure to work with them. We produced a unanimous report and the contributions of all members were very important. We were fortunate in having the support of the talented Tom Wilson as clerk, together with his team, and some experienced external advisers, who are listed in the report.

The committee has been greatly encouraged by the response of noble Lords to our proposals, and indeed from those outside the House. For their part, the Government have made it clear that they are interested in finding out whether the committee's conclusions command widespread support in the House. I hope that today's debate, involving almost 100 noble Lords, will serve that purpose and demonstrate that the proposals have strong backing.

Today, I will not repeat the details of the report. Many noble Lords have already heard me go through them—some more than once, I am afraid to say. Rather, first I will make a few general comments about key aspects of the committee's approach and proposals. Then I will tackle some of the questions and issues raised with us since publication. Later today—if it is today—I will try to answer queries and concerns raised in the debate.

From the outset, the committee recognised that most people were understandably focusing on how to reduce the current number of Members of this House. By contrast, little thought had been given to how to stop the historic tendency of the House to increase in size. Whatever your views on the current or future size of the House, such a trend is simply not sustainable. Accordingly, while looking at how to get numbers down, we also focused on designing a system which would cap the membership of the House for as long as it remains an appointed Chamber—we called this the "steady state".

Throughout our discussions, the committee's overriding priority was pragmatism. We all know how difficult it is to achieve any legislative reform of this House. We set out to design a system which could be implemented without legislation, but which could be formalised in statute in due course if the political will was there. I stress that the purpose is not to exempt our proposals

from the spotlight of legislative scrutiny in both Houses. Rather, it is to make progress in the areas where widespread agreement can be reached, as quickly as possible.

The first step was to analyse the options for ensuring a turnover of Members sufficient to allow the membership to be rebalanced and refreshed within a cap. It is clear to us—the reasons are set out in the report—that fixed terms are the only solution which will provide a steady stream of vacancies in a way which is fair to all groups. Therefore a key pillar of our recommendations is that all new Members should serve a single, non-renewable fixed term of 15 years. They would be offered the peerage on that basis and would make an undertaking to retire after 15 years when joining the House. We do not envisage any Members going back on their word, but we have robust legal advice that the House has the powers to enforce the undertaking to retire.

A second pillar is that appointments which became available would be allocated between the parties on the basis of the most recent general election results. This would be calculated as a combination of each party's share of Commons seats and of the national vote. Along with 15-year terms, this would mean that the composition of the House at any point once we reach a steady state would give a 15-year picture of the political views of the country, as expressed in elections. Our calculations in the report show how the relative strength of the parties would have developed historically under our proposals. For recent years, they generally mirror what happened in real life in broad terms—with the single crucial difference that it would have been within a cap of 600 Members. Election results would of course not affect the Cross-Benchers. They would, as proposed by the great majority of your Lordships and others, make up a constant proportion of at least 20% of the House.

I now turn to the more immediate question of reducing the current membership to a reasonable level in a way that is fair to all, which is what the committee called the transition. The weight of opinion supported a membership of about 600, although our proposals would work just as well with a higher or lower number, within reason. In reducing the current membership of 824 to 600, there are two important but conflicting priorities. The first is to make the reduction within a reasonable period. The second is to enable a continuing flow of new appointments, so that the membership can be refreshed and rebalanced rather than stagnating.

The committee came to the view that, until we were down to a membership of 600, the best compromise would be a system with half of the departures contributing towards a reduction in the overall membership and the other half being allocated to new appointees. Once the target had been reached, each departure would lead to one appointment. I emphasise that these figures apply in aggregate across the House, not within each party group. I will touch on this later because there has been some confusion.

Appointments would be made in line with election results as I described earlier, so replacement rates would vary between parties. The speed by which the target of 600 is reached depends on how rapidly existing Members leave the House. We understand that no current Members

[LORD BURNS]

can be forced to leave without legislation, so it will be for the House as a whole to decide how quickly to proceed and for individual Members to retire when the time comes.

The committee's report sets out a proposed profile of departures, which would enable the House to come down to 600 over about 11 years. The departure rate starts off gently but increases over time; the committee came to this view because it reflected the increasing age and length of service of current Members, and the fact that they will have longer to make retirement plans. Each party group would contribute the same number of retirements as a proportion of its pre-2018 membership each year, but of course the number of new appointments would vary according to how well that party had performed in the most recent election. As for which individuals should leave and when, the committee felt it was right to leave this decision in the hands of the party groups, but we have made some suggestions. For example, age or a combination of age and service might be useful yardsticks.

These are the key elements of the scheme. If we are to make progress, we will need agreement from the Prime Minister that she will make new appointments in line with the suggested formula for total numbers and for the allocation of appointments by party. She has the power to give this scheme the momentum it needs. If subsequently we can show progress it is difficult to imagine that her successors would revert to the current unsustainable position. But to get to this position we require the support of the party groups, which will be responsible for meeting the retirement targets agreed by the House—and a willingness from all of us to take a constructive approach to our own retirement plans.

I now turn to some of the main comments and queries we have received since the report was published. First, many people have asked why the reduction to 600 cannot take place more quickly. It certainly could, but increasing the ratio of departures to new appointments would slow down the flow of appointments, with a knock-on effect on refreshment and rebalancing. The only desirable way of speeding up the reduction is for people to retire at a faster rate. This is in the hands of your Lordships. The committee put forward what it thought was a reasonable pace.

Secondly, others have suggested that the “equal contribution” process is unfair—why should each party be required to achieve the same rate of departures regardless of whether they are currently overrepresented or underrepresented in the House? But departures are only half the story. It is necessary to take into account both departures and appointments. Because new appointments will be allocated on the basis of the most recent election the party breakdown will adjust accordingly from day one. If a party's electoral performance is better than its initial share of seats, its overall share of the House will gradually increase—and if its electoral performance is worse than its initial share of seats its overall share of the House will fall.

The third common query has been about what happens to groups that miss or exceed their departure targets. The answer is straightforward: for each departure below or above target the party gets one less or one

more appointment. We are satisfied that there is no realistic way of gaming this arrangement. A party that overdelivers on retirements will have more appointments but this will not affect its total strength in the House. Similarly, a party that underdelivers on retirements will have fewer appointments but will not gain in its overall party strength.

Fourthly, some Members have expressed their dissatisfaction that the hereditary by-election system is left intact under our proposals and that the number of Bishops will remain at 26. We have stressed that this does not reflect our personal preferences, but the reality is that legislation would be needed to make any changes in these areas. We suggest that this is not an issue for today.

Fifthly, a number of people have stressed that a Prime Minister needs to be able to appoint Ministers directly to the House. The committee agrees. Our proposals make specific provision for Prime Ministers to bring forward one of their appointments when they are due, enabling them to appoint Ministers at short notice.

Sixthly, there was some concern about effective Ministers being forced to leave office when their Lords terms expire. We propose that serving Ministers within the statutory cap, as well as certain Lords officeholders, should be allowed to remain in the House until the end of their period of office, even if this takes them beyond the 15 years.

Seventhly, some Members have asked what would happen in certain unusual circumstances, such as the swift emergence of a new party or a party refusing to use its allocation of appointments. I refer noble Lords to appendix 5, which deals with these issues.

Finally, we are aware that our proposals in respect of non-affiliated Members need further work. We hope that they will sign up to the principles of the scheme and take a responsible decision about when to retire, but we accept that the House may need to exert pressure in some instances. It is particularly important to get this right so that there are no incentives for Members of the main groups to join the list of non-affiliated Members to avoid the tap on the shoulder from their group.

We have also received representations on a number of issues which, while we have sympathy with the points raised, were not within our remit. These include the regional, gender, age and ethnic balance of the House, which lies in the hands of the party leaders and HOLAC, who are responsible for selecting new Members. We have also had questions about the system of financial support for Members, which is a matter for the House of Lords Commission and the party leaders.

These are important issues for the future. The only question now is whether implementing our proposals would make it more or less likely that we would be in a position to make progress with these issues. For myself, I cannot see why the position would be worse and in the longer term I hope we would see an improvement.

In concluding, I say to your Lordships that this may well be the last opportunity for the House to tackle its size on its own terms. Our proposals would end the anomaly of it being the only Chamber in a western democracy which has no cap on its size and

no limits on length of service. Resolution of this issue would comprise the third and final key step in the development of a sustainable appointed House, without prejudice to any future introduction of elections.

The first step was the introduction of life peerages in 1958, which enabled Prime Ministers to rebalance the composition of the House without creating permanent titles to be handed down the generations. The second step was the House of Lords Act 1999, which largely dealt with the outmoded phenomenon of membership by birthright. The problem is that neither reform dealt with the inflationary pressures which stem from combining political rebalancing with lifelong membership. I regard the committee's proposals as this third step.

If we can create a system which enables rebalancing and refreshing of the membership within a fixed cap we will have cracked a problem inherent in granting peerages that entitle the recipient to a lifelong seat in this House. I greatly look forward to hearing the views of noble Lords throughout the day. I beg to move.

11.20 am

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, I thought that it would be helpful to the House to say at the outset that I will keep my remarks brief, as my main purpose today is to listen to what the House has to say about the report of the Lord Speaker's committee.

I thank the noble Lord, Lord Burns, and the other members of the committee. This report is a serious piece of work that provides much food for thought about how we might address the size of this House. I am grateful to all noble Lords contributing today. This is a debate in which views from across the House are important, as this is a report by the House for the House.

During today's debate, I hope that noble Lords will give their views on the report and ask any questions they have about the analysis and recommendations. It will be for the noble Lord, Lord Burns, and not for me, to respond to those questions. It may be that, arising from this debate, the committee wishes to reconvene to consider additional points, which I understand it has offered to do if necessary.

What has been clear to me through discussions with noble Lords over the past few months is that there is a desire, across all Benches, to ensure that, whatever reforms might be implemented in the future, this House continues to draw on the invaluable breadth of expertise and experience of Peers as we do today so that we can continue to perform our important role of scrutinising and revising.

The Government have been clear that comprehensive reform of this House which requires legislation is not a priority for the current Parliament. The House we have today is not the product of any deliberate design but draws legitimacy from the value it adds to the legislative process, complementing the work of the elected House.

Noble Lords who have been in this House much longer than I have will have lived through both significant reforms and stalled attempts. Those attempts which failed did so because they were unable to achieve the

necessary consensus, and in many cases this also meant consensus in the other place. House of Lords reform is a complex, difficult and constitutionally significant area into which anyone must be advised to tread with caution and having learned the lessons of history and unintended consequences. I recognise that the noble Lord, Lord Burns, and his committee have understood this and reflected it in the way they have approached their deliberations. As such, they have focused on developing proposals that they believe will not require legislation.

For the Prime Minister and the other party leaders, the committee has recommended a cap on the number of appointments made each year and a set formula when allocating those numbers to political groupings. This recommendation requires detailed consideration of the constitutional and political issues it raises. I know that the Prime Minister will consider carefully her response, as I am sure will the other party leaders.

The context of the Burns report is a widespread concern among noble Lords at the size of the House and what has been perceived as a never-ending increase in numbers, with attendant fears over the reputation and effectiveness of this House as a second Chamber. I am sure that today's debate will reiterate this concern. In light of this, it is worth highlighting the fact that the Prime Minister has taken a restrained approach to appointments. Total membership has decreased since July 2016 when she took office.

A key first challenge that the noble Lord, Lord Burns, and his committee have set the House is to take advantage of the means which already exist to help achieve this end: that is, to encourage sufficient retirements. Seventy-eight Peers have chosen to retire since 2014, when this option became available. The Conservative group in this House takes our responsibility in this regard seriously, which is reflected in the number of those retirements which have come from the Conservative Benches.

As in all things, this House works at its best when it exercises self-regulation. If we are to meet the targets that the committee has set out, I am sure that noble Lords will agree that it is incumbent on all groupings in this House to consider what they can do to further promote the culture of retirement among their members at the appropriate point.

Noble Lords will note that achieving sufficient retirements forms the basis and to a significant degree dictates the success of the report's proposed approach to reaching the goal of a smaller House. We must show our commitment as a House to reducing our size if we are to expect party leaders now or in future to agree to the restrictions that the report seeks to place on them. There are indeed two sides to achieving the outcome that the report seeks to achieve.

As I made clear, I believe that if we are to make progress, we have to do this together as a House. Indeed, the recommendations set out by the noble Lord, Lord Burns, and his committee depend on this. The way forward will not be for the Government to lead on and deliver alone.

I end simply by reiterating my thanks to the noble Lord, Lord Burns, and the other members of the Lord Speaker's committee for their hard work. They have produced a valuable report which I am sure will lead to a thought-provoking debate.

11.26 am

**Baroness Crawley (Lab):** My Lords, as Ella Fitzgerald once sang:

“We can’t go on this way”.

A year ago this month, this House arrived at the same conclusion and agreed that reduction in our numbers into a sustained future was the way forward for our credibility and that methods be explored by which this could be achieved. The significant move did not come out of the blue. It came from the Campaign for an Effective Second Chamber, and thanks must go to its officers and members for their perseverance over many years. Thanks must also go to our Lord Speaker, who was determined there and then that a committee be set up urgently to explore the means by which we move forward. I was privileged to be a member of that committee, and I thank our chairman, the noble Lord, Lord Burns, for his leadership and his astonishing ability to resolve multiple complex issues before our very eyes. His membership of the Magic Circle must surely be imminent. Of course I thank my fellow committee members for their wisdom, patience and good humour. After lengthy and robust debate, the final report was approved unanimously.

Not everyone in this Chamber will agree with every paragraph—some may not agree with any—but I sincerely hope that a majority of your Lordships will agree that we have a fair and sensible plan of action in front of us, within our limited terms of reference. Our challenge was to ensure respect for existing Members while laying sound foundations for a sustainable future for new Members. I believe that this is our best shot at reform for a generation, and we need to grasp this opportunity, despite it not being everyone’s perfect vision. Until we do that, as the noble Lord, Lord Burns, said, the Prime Minister, No. 10, the Government and the leadership of the political parties in the country will not hear their prompt to step on to the stage with us and be part of our reformed future. We should be proud of the detailed scrutiny we do in this House, yet that is often not as the public and the media see us. To put it mildly, we are not loved, and our willingness to embrace this report today may go some way to healing that disconnect.

In a nutshell, after listening to evidence from noble Lords and others, we recommend a future House of 600 Peers, its numbers capped, with 15-year terms for new Members, with the possibility of a five-year pause. New Members would be subject to a code of conduct undertaking to leave the House after that period. No party would have an absolute majority and a minimum of 20% of seats would be reserved for the Cross-Benchers. Parties would share political appointments in line with the results of the previous general election, based on an average of the parties’ share of the national vote and of the seats won in the House of Commons. The combination of this formula and the 15-year term limit would ensure that the future make-up of this House reflected the political views of the country over the medium term. This would be an historic first for us. To reach this point it is suggested that there be an accelerated “two out, one in” programme of departures. On page 3 of our report there is a chart showing how this would look until 2042, with a very gentle start in the first five years for existing Members.

That is what our report proposes. It does not propose new legislation. Our terms of reference were to identify practical and politically viable options that might lead to progress on this issue. Waiting for successful legislation to come along, as we know, is neither practical nor politically viable. The report does not propose a specific retirement age as society is moving away from that and, anyway, so many of our older active Members make a significant contribution to the work of Parliament. It does not propose an allocation of Peers via the nations and regions, as some noble Lords wish. We believe that it is the responsibility of the political parties to ensure that membership is not London-centric. The report does not alter the situation regarding hereditary Peers’ by-elections, despite the negative effect that has in terms of gender and background in a capped House, because that would require legislation; similarly, with the Bishops’ Bench. However, many of us believe that government support for a Private Member’s Bill, such as that of my noble friend Lord Grocott, may follow hard on the heels of this reform package being accepted. We can live in hope.

Christmas is coming and our best Christmas present to ourselves this year would be—no, not BB-8 from “The Last Jedi”—overwhelming support for the document in front of us.

11.32 am

**Lord Newby (LD):** My Lords, when it was announced that the Lord Speaker was to establish a committee to look at ways of reducing the size of your Lordships’ House, I do not think many of your Lordships thought that it would achieve anything. Indeed, there were some cynics who suggested that that was its very purpose. However the noble Lord, Lord Burns, and his committee have proved the doubters wrong. They have produced an elegant set of proposals that fulfil their remit and have done so by proposing a very British way forward—constitutional reform by informal agreement. They deserve our thanks.

From these Benches we have no objection to the principal features of the proposals. They would, if enacted, lead to a considerable diminution of Liberal Democrat ranks—for the foreseeable future at least—but we cannot complain about that. If we had had our way during the coalition and if the 2012 House of Lords Reform Bill had been enacted our numbers would already be smaller, as we would have had our first set of elections under the new system. Noble Lords know that we were prevented from getting the Bill through by a coalition of Labour and Conservative MPs, who by rejecting reform gave a vote of confidence to the current arrangements. It is rather amusing therefore to see members of those parties now grumbling that there are too many Liberal Democrats in your Lordships’ House. They had the chance to do something about it and they flunked it.

The proposals from the noble Lord, Lord Burns, offer an alternative way forward. From these Benches, as I say, we support their principal features: a significantly reduced size of your Lordships’ House, party membership based on electoral performance, and a gradual phasing in of the new arrangements. We do not of course resile from our policy of having elections for the political Members of your Lordships’ House, but we are realistic

enough to know that this is not going to happen any time soon. In the meantime, it is highly desirable that something is done to reduce our size.

A problem about any proposal for reforming your Lordships' House is that there are many possible models and, if past experience is anything to go by, absolutely no agreement on what a perfect arrangement would be. If we are serious about reform, I suspect that every single Member of this House will have to accept at least some features of the new system with which they disagree. If we are to have reform, therefore, we must not, individually and collectively, let the best become the enemy of the good.

There are certainly some features of the proposals before us today which we believe are not ideal. The argument for having membership based on the mean of votes cast and seats won has in our view no rationale. It is a fix. It benefits the two largest parties at the expense of everyone else and yet again reflects the steadfast determination of Labour and Conservatives alike to prevent Parliament, even your Lordships' House, reflecting the will of the people, to their own permanent advantage.

The inability to do anything about the remaining hereditary places is also a problem. This is one element of the proposals about which we on these Benches can afford to take a relatively relaxed position, as we are barely affected, but, at this point, to have a reform which increases the proportion of hereditary Peers, however personally distinguished, is perverse. If the main thrust of the reforms are accepted by the Government, we hope that they might also relent in standing out against the Private Member's Bill of the noble Lord, Lord Grocott, or a Bill of their own which would deal with this problem. The same consideration applies to the number of Bishops but, again, a short, free-standing Bill could deal with the issue.

Our main concern with the proposals, however, is not their content but the attitude of the Government towards them. If we and the other parties and groups are to agree voluntarily to reduce our numbers, we need a cast-iron assurance from the Government that they will also accept them. There is no point increasing the flow of Members out of your Lordships' House if the Government at the same time are not reducing the flow of people in. In this respect, it is concerning to read reports that, any day now, the Government plan to create another tranche of Peers. If, as seems likely, they follow the plea of St Augustine—namely, “Lord, make me pure, but not yet”—and follow this up over Christmas with another list of Peers, the proposals before us today are on the life-support system. The Government are already by far the largest bloc in the House. If this advantage is significantly increased, and if the other parties were to accept and stick to these proposals, the Conservatives would entrench their advantage for many years, even if they were to do less well in future general elections. I am sure that even noble Lords opposite who support these proposals would see this as unacceptable.

So we are prepared to give these proposals a cautious welcome today. We would greatly prefer the politicians in the House to be elected. We do not think constitutional reform by informal agreement is the ideal way of entrenching things, but the key thing now is the attitude

of the Government. If in today's debate there is a large majority of support for the proposals before us, as I expect there to be, will the Prime Minister constrain her current unfettered powers to create Peers in order to make the proposals viable, and will she act in good faith by not putting more Conservatives in your Lordships' House before the new system kicks in? To coin two phrases, the ball is in the Government's court and the clock is ticking.

*11.39 am*

**Lord Hope of Craighead (CB):** My Lords, I thank the noble Lord, Lord Burns, for the very helpful way in which he introduced this debate, and all members of his committee for the work they have done in the preparation of the report. How very fortunate we are that the Lord Speaker was able to capture the noble Lord, if capture is the right word, during his brief period of rest between two very demanding appointments, to perform this task for us.

As so often happens in life, the problem is easy to identify. Finding a solution to it is much more time consuming and difficult. The problem, of course, is that the House is too large and, if nothing is done about it, the House will without doubt grow still larger. The comparisons so often made with the Chinese People's National Congress in Beijing are rather unfair. We have all seen the pictures—the serried ranks, everyone there, every seat filled, everyone anchored to their seats, no sign of any dissent from the party line. Of course we are not like that. For one thing, so much of what we do is done outside the Chamber, as the noble Lord, Lord Howell of Guildford, pointed out yesterday. For another, in our case, attendance is not compulsory. The daily average at present is only about 490. In the case of the Cross-Bench group, for example, on any given day, no more than about half of our number are present. To a not insignificant extent, therefore, we are a part-time House. We draw strength from that. Many of our Members have outside interests, their engagement with which adds to the quality of our debates and the work of our committees. Nevertheless, our increasing size is an embarrassment to say the least, and if nothing is done, it risks being even more than that. We are running out of space. We cannot give everyone the desks and office space that they need. That, in short, is the problem.

What, then, of the solution that the noble Lord, Lord Burns, and his colleagues have come up with? In answering that question I must make it clear that, although I am their Convenor, it is not open to me to express a view on the issue on behalf of the Cross-Bench group. It was suggested that I should seek to gather signatures from our membership in support of the report. But that is not the way that the group works. It is not for me to tell them what to do or to canvass support for either side. What I can say, however, is that it is my impression—I can put it no higher than that—that the group is in favour of the report's conclusions. I base that impression on the complete absence of complaints or representations given to me against it, and on the many indications that I have received of support for it.

I am sure that if any of the 31 Cross-Benchers who will speak after me disagree, they will make their position clear. My own position, for what it may be

[LORD HOPE OF CRAIGHEAD]

worth, is that the noble Lord, Lord Burns, has taken our search for a solution a very long way. This is an excellent report, which deserves to be supported. But I must leave it to those who will speak after me from the Cross Benches to express their own views.

Time is short, and this is not an occasion to go into detail, but, speaking for myself, I am content with the recommendation that we should seek to limit our numbers to 600. A system of fixed-term appointments is far preferable to a system based on age or length of service, and I am of course happy with the recommendation that the Cross-Bench group should be fixed at 20% of the House's membership. But I must face the fact that reducing the number of Peers on the Cross Benches in the way recommended by the report will not be an easy task. The Convenor can advise or try to persuade, but cannot direct or give orders to anybody. Of course, everything will depend on whether the Government, and the Prime Minister in particular, will support the scheme. I very much echo the words of the noble Lord, Lord Newby, in searching for a cast-iron guarantee in that respect. I hope that they will be able to give that. The scheme cannot operate without their agreement.

I should like, however, to mention one matter that, although not within the remit of the noble Lord, Lord Burns, will require careful attention if the scheme goes ahead—here I echo some words of the noble Baroness, Lady Crawley. We must try to ensure that all regions are properly represented so that the House does not become even more centred on London and the south-east than it already is. Members who attend less frequently, and would thus be among those more likely to be asked to leave as we reduce our numbers, tend to be those who live further afield. We must not be too ready to ask them to go. We must also bear in mind that the daily allowances have not been increased to keep pace with inflation since they were introduced seven years ago. Left as they are, they risk leaving Members who have to find accommodation in London out of pocket day after day after their hotel bills or other costs have been paid. Those who live in London do not face those costs and they do not have to travel long distances to get here.

This is a serious issue for people like myself who do. If, as seems likely, a smaller House will require more frequent attendance, steps will have to be taken to ensure that those who live further away are not so penalised by lack of support that they will stop coming, as some perhaps already do. I am sure that other factors will require attention as we reduce our numbers, but the need for proper representation by Members from all parts of the country and ensuring that they are not out of pocket when they come here—that at least they are entitled to expect—should be high in the order of priority.

11.46 am

**The Lord Bishop of Birmingham:** My Lords, as convenor of the Lords spiritual, I welcome warmly the report of the Speaker's Committee and pay tribute to the work of the noble Lord, Lord Burns, and his fellow committee members for their thoughtful and thorough attention to the question of the size of the

House, which we all agree is in need of urgent resolution. I notice that the word "magic" has already been used in the debate, but the desire for love has also been added at Christmas time. To hear the leader of the Lib Dems imploring the work of the Lord in becoming pure is a most encouraging start to this debate.

The main recommendations of the committee are ones that I hope most of us in this House can rally behind. They offer a set of suggestions which, with good will and a spirit of co-operation, not least from the party leaderships, will provide us with a route map for reducing the membership of this House to a more acceptable level. That is something that my predecessors as convenor and many others on these Benches have supported consistently. Rather than comment on the detail of the proposals, I thought that it would be helpful to focus my remarks on what the report did or did not say about the Lords spiritual.

A central feature of the recommendations of the report, as we have heard, is their non-statutory approach. In my own submission to the committee I suggested that a statutory solution was one that was most likely to stick. But these are finely balanced judgments and I can certainly see the case for moving quickly if there is a broad consensus behind achieving these changes without legislation. As the committee noted, a side-effect of the non-statutory approach is that there can be no change under this method to the number of Lords spiritual. As many noble Lords will know, as well as a retirement age of 70, these Benches operate under a cap fixed by legislation dating back 170 years, which would require further legislation to amend.

At the time that cap was placed on these Benches, Bishops made up around 5.7% of a much smaller House. To put that into some context, had the Victorians decided to fix Bishop numbers by proportion instead of a number, there would currently be 45 of us squeezing on to these Benches. As it is, while the number on these Benches has remained fixed and static at 26 for the best part of two centuries, our proportion in relation to the rest of the House has fluctuated as the number of Peers has risen, fallen, and risen again. It currently stands, as noble Lords have already calculated, being mathematically accurate like the chairman of the committee, at 3.3%.

In my submission to the committee, I made it clear that there is a variety of views on these Benches about reform of this House, numbers and proportions. I entirely agree with the noble Lord, Lord Burns, who said in a recent newspaper article that the most important thing was to get the major structure in place and not to be distracted from that by more complicated details such as legislation for Bishop numbers. We have no wish to be a distraction to the House on this urgent work. Having canvassed opinion on these Benches, I will briefly say something about the general consensus that I believe there is.

The proposals of the committee would see this House reduced to three-quarters of its current size. One has to go back over 30 years to when this House debated a government proposal on Sunday trading to find an occasion when more than three-quarters of the Lords spiritual took part in a single Division. That is partly a natural result of the Bishops' Benches not operating in a bloc or as a party. The Bishops are

26 independent Members and, though I am a convenor, I am neither their leader nor their Whip, as we have heard with a similar group in the House this morning. Perhaps, like the Convenor of the Cross Benches, I may have some influence; that is no reference to our origin in Scotland, but to a possibility for making things work under the arrangements that we have.

Unlike other Benches in this House, 100% of the membership of these Benches have significant—some would say full-time—external responsibilities covering the regions of the country. It is fair to say that any problems of overcrowding experienced in the House are not generally caused by too many Bishops filling the Lobbies, blocking the gangways or occupying any other part of the House where people may gather. I cannot envisage another situation, certainly while the process of achieving a reduction is ongoing, where a similarly high proportion on these Benches would attend for a debate or vote. When legislation for reform looks set to come before the House that has the backing of the Government and commands the support of a wide constituency we will of course engage closely on the issue of Bishops' numbers and proportions. Until then, we will continue to be as committed and active servants of the House and the country as we can, all the while operating fully within the spirit of the committee's proposals.

*11.51 am*

**Lord Wakeham (Con):** My Lords, I cannot pretend that I come to this subject entirely with a fresh mind. I have been at it for years. When I chaired the royal commission some 17 years ago—a number of very good friends were on the commission with me at that time—the House then had around 600 Members. It now has around 800 and some people have forecast that if we go on as we are, it will not be long before we are at 1,000. I remember talking to the Bishops at that time and, if I may say so, the right reverend Prelate's contribution to our debate today reminded me of those discussions. The Bishops have a view and put it very eloquently, but they are also extremely co-operative on finding a practical and sensible way forward. His speech fitted exactly into that role.

The House decided that we ought to do something about our size. However, the essential point, which has been made several times already, is that getting the numbers down is pretty useless unless we have a plan to keep them down. The Lord Speaker took the initiative and set up a committee under the chairmanship of the noble Lord, Lord Burns. I have served on a good many Select Committees over the years and chaired a fair number of them; I do not think I have ever had a chairman as good as the noble Lord, Lord Burns, was of our committee. He was absolutely first-class and we are extremely grateful to him for what he did.

We decided early on that there was absolutely no chance of legislation and that we had to explore the self-regulatory methods. I say at the outset that self-regulation puts a great responsibility on each of us and unless we are prepared to go along with it, nothing will be achieved. We looked first at the question of the numbers and our first task was to see how we could get them down, but we had to have a system for

keeping them down in a way that was fair for all and broadly reflected public opinion over the medium term. There was no attempt at all in our committee to alter the conventions of the House or the way we operate. Establishing that in our minds enabled us to consider ways of reducing the total membership, bearing in mind that we are appointed for life and cannot be forced to retire, but that a voluntary system of retirement is essential if we do not have legislation.

That is the nutshell of our proposals. We looked in our proposals at the different components that make up the House and we hope we will all consider these proposals very seriously. Those who serve currently in the House of Lords—existing Members—cannot be forced out without legislation. There is some flexibility in our conclusions—how quick and so on—but I explained it to people like this: “If you have been in the House for 20 years and are over 80, maybe in the next five years you ought to think about retiring”. That did not seem a terribly harsh view; a great many of your Lordships will think that a reasonable and responsible way to go.

The opposition parties get a guarantee of replacements, but cannot be expected to agree to our proposals unless they can be sure that the House does and—as has already been said—that the Government do. For the Government the decision is more finely balanced, but I come down on the side of giving the proposals a fair go. The number of peerages that the Prime Minister can recommend will not be very different under our proposals from the average number that Prime Ministers have recommended since the passing of the Life Peerages Act. Indeed, I see some advantages for the Government. They will be able to get a firmer commitment from potential Peers that they will attend and work, particularly as it is possible to grant a peerage without a seat in the House of Lords, as we pointed out in our report.

The Government are entitled to be assured that the House will accept self-regulation in the way we propose, however. There will need to be another debate to confirm that and the way the House wishes to go. The Government must have confidence that the House will not seek to use its majority in a way more assertive than it has historically done. If the Government could be satisfied on those matters I would say to the House, “Let's give it a go”. That would not in all circumstances be a long-term commitment, but if the House agreed to the scheme of self-regulation so should the Government. However, if there is no such commitment, the Government clearly cannot go along with it. If self-regulation were agreed and then broke down, the Government would be able to revert to the existing system without any legislation, but I hope very much that that is never the way things go.

I would not think it wise for a Government who were assured that their business would be sustained to seek to prevent a House reforming itself by a self-regulatory agreement, to reduce excess numbers and make itself more efficient and more acceptable in the eyes of public opinion.

*11.57 am*

**Lord Hain (Lab):** My Lords, I wish to make just two broad arguments: about the imperative for reform

now, and the legitimacy of the committee whose recommendations we are invited to endorse by taking note of its report today.

I will deal first with the legitimacy of the committee and its report. With the commendably active support of the Lord Speaker, your Lordships' House established a fully representative Committee to look at reforms to deal with our increasingly embarrassing, ballooning size. Collectively, each major party and Cross-Benchers determined who should sit on it and who chaired it; it is our committee. Some colleagues have questioned details or specifics in the report and, yes, there are arguments for special pleading on this or that detail. Of course Members will find reason—I trust not excuse—in each bit to criticise the whole, but surely we all have to accept that the whole package hangs together or falls together. It is most ingeniously interconnected. Surely the point is that reducing the size has always been fiendishly complex, and that the committee has done an amazing job in solving the hitherto seemingly insoluble.

Secondly, I will talk about the imperative to act now. Weight watchers have shown that the best way to tackle a problem of excess is to combine personal responsibility with collective resolve and mutual support. The alternative—drastic surgery—involves unnecessary risk, no guarantee of success and an unpredictable outcome. A Commons Select Committee, having already begun considering the matter, stands ready to report but awaits the conclusion of your Lordships' House. The media are also waiting to pounce. Newspapers, MPs and Ministers have already made threats over Brexit, which will doubtless increase to a crescendo when the withdrawal Bill reaches us early next year.

Yet we all know that things cannot continue as they are. We number over 800 and rising. Commercial properties are commandeered in the vicinity at great expense to provide us with additional offices. Through no fault of our own, we have become not so much an embarrassment but, many say, a scandal. At a time of austerity, when everything else is cut, our numbers rise inexorably through no fault of our own—until now.

Until we set up this committee to recommend reform some among your Lordships could argue we were more sinned against than sinners. We did not fill this House to bursting; Prime Ministers did. We did not put ourselves here, others did—although we all agreed with their immense wisdom in choosing each one of us. But all that changed when we, absolutely correctly, decided to establish the committee to solve the problem. That decision—our decision—means the buck stops right here with us in this Chamber today. Find excuses and we will be rightly pilloried. I therefore urge that the recommendations of this report are endorsed and implemented as soon as practicable early in the new year. I hope the noble Lord, Lord Burns, in replying will confirm this and I hope the Lord Speaker, with the party leaders, will also make sure that this happens.

When the committee was first established, I asked one venerable sage on our Benches for a view on the likely outcome. "It will be shelved as reform always has been shelved," he said with a weary, knowing smile. I trust your Lordships' House will prove him wrong. Things have reached a point where change is

unavoidable. The question is therefore not whether there is change, but who makes it. Either this House takes responsibility or it will pass to the Commons and the Government. Either we reform ourselves or others will reform us.

12.01 pm

**Lord Beith (LD):** My Lords, it was a privilege and a pleasure to serve under the chairmanship of the noble Lord, Lord Burns, and to work with such a wise group of Members as composed the committee. Among us there were differing views about the future of the House and many more differing views have been expressed today and will be before the day is over. These are on a range of issues: what to do about hereditary by-elections, how many bishops there should be, the methods of selection, the allowance system and the way—as the noble and learned Lord, Lord Hope, pointed out—it works against those distant from London. There are also the other respects in which the system tends to make it difficult for people to undertake work here if they are not London-based.

But we need to act and we do so at a time when major legislation is frankly out of the question, particularly when we see what other legislation is heading down the track as a result of Brexit. We need to control the size of the House in order to protect its reputation and, indeed, to avoid raising question marks over all new appointments to the House, however meritorious, that will result from people saying, "It is too big already. Why is this or that person being appointed?". We need to enable the refreshment of the membership of the House. We cannot simply lock the doors and put up a "House full" sign and preserve the present House. Attractive though that might be to noble Lords, we have to enable the groups to bring in new people and we need to reflect shifting public opinion over time.

It is time to bury the now fanciful notion of Prime Ministers packing the Lords with hundreds of Peers as a response to government defeats in this House. We say in paragraph 3 of our report that Governments over the years have learned how to get their legislation through, with concessions, arguments and the eventual deference of the House to the primacy of the Commons. Prime Ministers will remain under pressure from many directions to appoint Peers, as any former Prime Minister or former Chief Whip will in all honesty admit. In the absence of an orderly process it is more difficult to resist that pressure. If we can put in place the kind of process that the committee has recommended, so that Governments and other parties are all working within a clear and understood system, strong pressures can be resisted.

I hope to see not merely firm government commitment to go ahead with these proposals but that kind of commitment as part of the advice given to future Governments, featuring in the Cabinet Office manual and becoming a settled part of how we organise things for so long as this is an appointed House. As my noble friend has pointed out, we on these Benches wanted to see a predominantly elected House, but that is for another day and for the kind of legislative opportunities which clearly are not coming our way at the moment.

We have set out a scheme which is fair to parties and groups, fair to existing Peers, imposes no fixed term or formula on them, fair to new Peers—who will come in on an understanding that they will serve for 15 years—and does not challenge the role of this House or the primacy of the Commons. But for it to happen, we need a clear expression of wide support in the House—which can be achieved today—and a clear indication that the Government are willing to accept and operate the system. Once it is in place, any Government failing to observe the cap would bring retirements on all sides to a sudden halt. Just as opposition parties can pull out of the scheme so, as has been explained, can the Government. It is a voluntary scheme based on mutual respect and understanding.

On House of Lords reform, support for our proposals may not be unanimous, but I believe that it is very widespread indeed, quite widespread enough for the Government to accept that it should go forward. This is the only show in town, so let us go for it.

12.05 pm

**Baroness Boothroyd (CB):** My Lords, this report opens up yet another phase in the long struggle to defend the integrity of this House and maintain the authority of our bicameral Parliament. It is a cause to which I have devoted the past 25 years of my life and, decrepit as I may be, I am not giving it up yet. Parliament is and must remain the chief forum of the nation, never more so than at a time when the country's future in Europe and the world is at a critical stage.

I support the thrust of the report very much, although I have reservations about some of its proposals, as many of us have. For example, I would prefer the age of retirement to be clear cut, as outlined in the Labour Peers' report of 2014, rather than the 15-year sentence of Burns—but those reservations will have to wait for another day.

What matters now is that we seize the opportunity that the Government's election manifesto gave us to put our own House in order without legislation. Of course, that does not give us *carte blanche*. Our principal aim should be to encourage a faster rate of retirement and promote the recruitment of new Members whose abilities, experience and suitability are examined and endorsed by a more authoritative Lords Appointments Commission. The independent guarantee of a candidate's suitability will be even more important in a much smaller House—here, I confess that I would like a cap on this House's membership of about 400.

I shall be content to go when the time comes, but I shall not go alone; I intend to take others with me. Neither shall I go to make way for another tranche of prime ministerial appointments for services rendered to No. 10 or payments to party funds—that is out.

If I may pose a question, I would like to do so as they do in the other place. It goes something like this: will the Prime Minister, in the course of her busy day, accept the need to curtail her powers of patronage and, by so doing, reduce the size of the House of Lords and make possible the reforms we urgently need? Let us not hold our breath on that one.

The Burns report is complex in many respects. Some of its proposals are far reaching and, of course, much depends on the Prime Minister's co-operation.

Much also depends on strengthening the authority of the Lords Appointments Commission—I am very keen that it should have greater authority in statute—to examine appointees not only for acceptability but, more importantly, for suitability.

Alas, I do not share the optimism of the distinguished academic adviser to the Burns Committee that the report is,

“focused on what can be implemented straightaway”.

Aligning future appointments to reflect the votes cast in general elections is a daunting long-term proposition. So is the suggestion of draconian financial pressure to unseat stubborn Peers. I must also question the opinion of the committee's legal adviser that, on balance, we are the sole judges of the lawfulness of our own proceedings. To my mind, there should be no doubt about the balance: we need to keep the courts out of our business.

This may be our last chance for many years to reform this House. Our inflated size fosters our laughing-stock image. Its burial, I say, is long overdue.

12.10 pm

**Lord Cormack (Con):** My Lords, it is a real privilege to be able to follow one of the great Speakers of the other place. She has certainly not lost her vim or vigour, nor her questioning powers. I begin by declaring an interest as the chairman of the Campaign for an Effective Second Chamber, of which the noble Baroness is a regular attender and participant. I also have to apologise on behalf of the noble Lord, Lord Norton of Louth, who, with me, began this group in 2001. Sadly, he has to be at the funeral in Hull of a very close friend and mentor today. Another founder member of the group, the noble Lord, Lord Cunningham of Felling, is also at a funeral today of his oldest and closest friend.

In extending sympathy to them and giving an apology to the House, I am also warning noble Lords that we will not have the benefit of their wisdom and experience. Another person has asked me to mention his absence, about which he is very sorry—my noble and learned friend Lord Mackay of Clashfern. He asked me to stress, particularly to colleagues on this side of the House, that he stands 100% in support of the Burns report. That does not mean that he agrees with every jot and tittle; nobody possibly could. But we owe the noble Lord, Lord Burns, and his colleagues a real debt of gratitude for the rigour and vigour with which they conducted their investigations, the elegance—a word used by the noble Lord, Lord Newby—of their conclusions, and for producing something that is entirely practical.

As I am in the business of giving thanks, I would like to say how much we owe to our Lord Speaker. I had the honour of introducing a debate on 5 December last year that addressed this problem, in which more than 60 Members of your Lordships' House took part. Within two weeks of that debate—a year ago tomorrow—the Lord Speaker announced from the Woolsack that he was setting up a committee under the noble Lord, Lord Burns, and gave the names of the committee's members. That committee got down to work immediately and would have produced its

[LORD CORMACK]

report much earlier, had it not been for the somewhat unexpected general election with which we were confronted earlier this year.

We owe the noble Lord, Lord Burns, a real thank you for what he has done. At recent, well-attended meetings of the Campaign for an Effective Second Chamber, we have had unanimous support for the general principle of the Burns report. I hope that, after today's long day, we will be able to convince my noble friend the Leader of the House, whose suggestion it was when she wound up the debate last year that the Lord Speaker might convene a committee, that there is—not unanimous; that is impossible—widespread support for the Burns proposals. I hope that she will then respond by doing all she can to facilitate progress towards implementation of these very sensible proposals. As a number of colleagues in all parts of the House have said, if we get the Government to respond, they will have to recognise that successful Burns implementation depends on the Government accepting constraints and limitations on their power, particularly the prime ministerial power of appointment.

We have no written constitution in our country; we operate through evolution. If we are to accept this report and all its implications we have to recognise that there will be new conventions within our system. Of course, this is nothing new. As it has evolved our constitution has required recognition of the acceptable, rather than assertion of the theoretically possible. That is why no monarch has declined to give assent to an Act of Parliament since the reign of good Queen Anne. If we are to build a new Chamber capped at 600 Members, those constraints must be accepted.

I conclude by echoing what has already been said by a number of colleagues. There will be no change unless your Lordships' House wills it. We will not have this chance again this Parliament and who knows what will happen after that? One of the fundamental principles of the Campaign for an Effective Second Chamber, which the noble Lord, Lord Norton, and I founded in 2001, is that the supremacy ultimately lies with the elected Chamber. We believe in an appointed House because we do not wish to confound the position of the elected Chamber by having an ambiguous mandate at this end of the Corridor.

I urgently request that everyone here considers very carefully indeed that this is a chance that may not come again and certainly will not come again in the near future. Let us show the Leader of the House that we are very much behind these proposals and, having done that, let us hope that we can proceed to seeing them implemented during the rest of this Parliament.

12.17 pm

**Baroness McIntosh of Hudnall (Lab):** My Lords, it is a pleasure to follow the noble Lord, Lord Cormack, who, as he said, chairs the Campaign for an Effective Second Chamber, a group of which I am very proud to be a member. I was also a member of the Labour Party's working group to which the noble Baroness, Lady Boothroyd, alluded earlier, which looked at these issues a couple of years ago. Therefore, I am in a reasonably good position to say that the task that the noble Lord, Lord Burns, and his team undertook was

fiendishly difficult and that they have have done an extraordinarily good job in resolving what some people have already referred to as apparently irresolvable issues.

They have presented us with a report which, of course, it is easy to pick holes in if one is minded so to do. Indeed, the noble Lord, Lord Burns, did it very effectively himself. However, in my view it is not helpful at this point not to take a broader overall view of what the report offers, precisely for the reason the noble Lord, Lord Cormack, identified, which is that this opportunity to help ourselves will not come again, probably in this Parliament or, possibly, ever. So we had better take the opportunity before us.

Many of your Lordships will be familiar with William Shakespeare's great tragedy, "Othello" and will therefore recall the painful cry of despair from young Cassio when he finds himself fallen from grace through, to quote my noble friend Lord Hain, "no fault of his own". He says:

"Reputation, reputation, reputation! O, I have lost my reputation, I have lost the immortal part of myself—and what remains is bestial".

Those are strong words, but that is, and has been for some time, the danger in which we now stand.

It was not Cassio's fault that he lost his reputation. He, like the House of Lords, was misunderstood, misrepresented and traduced, as we frequently are. But that does not alter the fact that reputation once lost is extremely hard to regain. We have an opportunity now to stop our reputation from becoming irrecoverable. The virtue of this report is that it is constructed to deliver benefits over a reasonably long period, but which, if we take them, will last. And they would do so without impeding or preventing wholesale reform of a different kind should any Government suddenly find themselves with the time and energy to undertake it—although, as the noble Baroness, Lady Boothroyd, suggested, it would be unwise to hold our breath on that either.

Our job in this matter and in others is to take the long view, thinking not just of ourselves and what will immediately impact on us, but on those who come after. Let us give these proposals fair wind. Let us send the Leader of the House, who gracefully contributed to the debate earlier, a strong message that she can take back to the Prime Minister that there is consensus in this House for this kind of reform, and let us get on with it.

12.21 pm

**Lord Harries of Pentregarth (CB):** First, my Lords, I send many congratulations to the noble Lord, Lord Burns, and his committee on their report, which is at once wise and ingenious. Some have argued in the past that reform of the Lords, although it may be desirable, is not a matter of great urgency. I respectfully disagree. I believe that our present size of 824 absolute membership and 798 actual membership, second in size only to the legislature of the Chinese People's Republic and significantly larger than the House of Commons, brings us into disrepute. I feel embarrassed when someone enquires about our size, even when I stress that the average daily attendance is only about 484.

The other reason is expense. We live at a time of austerity for a great many and, if the House of Commons is coming down in size, we have a duty to consider our own position from that point of view. Apart from our present size, as so many noble Lords have emphasised, if we do not accept the proposals in this report, the House would continue to grow larger, as it has done in recent years—82 new life Peers having been created since 1 January 2015 alone.

I had the good fortune to be a member of the royal commission chaired by the noble Lord, Lord Wakeham, and I find it encouraging, therefore, that some of our key proposals have emerged in the Burns report. Fundamental of course is the proposal that no one party should have an overall majority and that the proportion of seats in the Lords should in some way reflect the voting figures at the previous election. No less crucial is the proposal for terms of 15 years rather than life. That seems to be the right length. The average age of the 82 new Peers appointed since January 2015 on the announcement of their appointment was 57—15 years would take them up to the age of 72.

One difference from Wakeham is that it recommended a size of 450 as opposed to the 600 of the Burns report, but I fully accept that in order to reduce on a voluntary basis over a period of years, 600 is a realistic target. When that has been reached it will be possible to see whether that is the right number of active Peers for the work that has to be done or whether it could be done with fewer. That would also be the point at which those who believe in a fully elected House could press their case again. I very much hope that those who believe in a fully elected House will at least accept the proposals as an urgently needed interim step to give this House more credibility. It was particularly good in that respect to hear the noble Lord, Lord Newby, state his support for these proposals, at least as an interim measure.

The question of hereditary Peers may of course solve itself, if the Private Member's Bill of the noble Lord, Lord Grocott, goes through. But if it does not, more work will be needed on this issue, because at the moment Cross-Benchers and the Conservatives have by far the largest number of hereditaries.

The Bishops are not part of the present proposal because any change to them would require legislation. The Wakeham commission recommended that there should be a reduction from 26 Bishops to 16 in a House of 450. I cannot speak for the Church of England—the right reverend Prelate the Bishop of Birmingham has helpfully given us the historical picture—but I would be surprised if it did not consider its position and at least look at the idea of reducing the number of Bishops by a quarter, commensurate with the House as a whole.

I wholeheartedly support the report. I had the good fortune to be here for many years as a Bishop of Oxford; if its recommendations are accepted and implemented I will feel an obligation to retire when I have served 15 years as a life Peer—that is, if the good Lord does not take me before or I am otherwise hindered or let from contributing to the work of the House.

12.25 pm

**Lord Empey (UUP):** My Lords, I am the 14th speaker, so I have great sympathy for those who will be 84th or even further back. We are greatly indebted, as others have said, not only to the noble Lord, Lord Burns, and his colleagues but to the Lord Speaker for taking the initiative. Credit must be given to my noble friend Lord Cormack and our absent colleague, the noble Lord, Lord Norton of Louth, who have ploughed a consistent and persistent furrow in this House over many years to achieve reform consistent with our constitution.

Obviously one can take a report of this size and nitpick here or there, as the noble Baroness, Lady Boothroyd, said. I represent one of the small parties, and there is of course a non-affiliated group and individuals outwith the party apparatus generally who speak in the House. The report is perfectly clear in referring to the fact that more work needs to be done on how that particular segment of the House is dealt with. But that is fine; I have no issues with that.

As the noble and right reverend Lord, Lord Harries, said, when the newspapers comment on the House and its size they ignore participation on a daily rate and the fact that not that long ago it was 50% bigger than it is now. The reality is that it is not the House that is determining the flow but the occupant of No. 10 Downing Street, whoever that happens to be at any point. The truth of the matter is that the general public out there have an idea in their heads. It will not be shifted unless we shift it. The only thing we can do is to go for a cap. We can argue about the figure, but let us not get into that. If you have a cap that has at least sufficient flexibility to allow the Government to conduct their business properly, that is the only way ahead.

We will look at the details. The noble and learned Lord, Lord Hope of Craighead, pointed out the Londoncentric nature of the House. We know that 70% of the House is based in London or the south-east generally. For those of us who come from the regions and further afield it is more complicated. It takes longer to get here. We have many obstacles in our path, whether it is the weather, strikes or whatever. Knowing this country, the only thing that I do not have problems with is leaves on the line, because we do not have a bridge over the Irish Sea. There are costs to being in London. I have been here for six years and they have risen by about a third since I came here. Okay, it is a privilege to be here and people want to be here, but they are certainly not going to grow wealthy on their allowance after they have had to pay their London costs.

It is a privilege to be here and we have to recognise that, but in their appointments—I think it is a good idea for there to be an increased role for the House of Lords Appointments Commission here—the Government have to bear in mind that to be representative of a nation means that people will have to come from different locations. Because there is a flow of people from particular backgrounds, if they have statutory positions in the courts or something, they tend to be based in the London area. That needs to be borne in mind. However, as the noble Lord, Lord Hain, said, we can argue about all these details. The message has to go out today that, both regionally and from different

[LORD EMPEY]

groups and parties in this House, we have to get on with it. I would like to see it move quicker, and I look forward to discussing with the noble Lord, Lord Burns, and his colleagues how we handle the unaffiliated segment, or “the others” as they are sometimes called. We will sit down and work on those details.

The fundamental message has to go out today that this House is going to do this; it is going to get behind the noble Lord, Lord Burns, and his colleagues; we will work on the details, but we appeal to the Prime Minister to join in this, because, without her support, nothing will happen. Like the noble Lord, Lord Cormack, I hope that the Leader of the House will be able to go away today saying that there is consistent and persistent support for this report. Let us get on with it.

12.31 pm

**Baroness Stowell of Beeston (Con):** My Lords, I congratulate the noble Lord, Lord Burns, and all members of his committee on the work that they have done in grappling with this difficult issue. They have produced a good report which makes a series of compelling recommendations in addressing the symptoms of the size of your Lordships' House, which I broadly support.

However, I want us to be tough not just on the size of the House but on the causes of it. Defining the problem we need to fix only as the size of the House means that we miss the bigger point. It risks us shifting responsibility away from ourselves to successive Prime Ministers, whether those of the past or those in future. In the volatile world that we are in right now, where institutions must respond correctly to society's need for change if they are to survive, we do not have the luxury of misdiagnosing the causes of some of the problems we are grappling with.

I do not have a principled objection to a membership of your Lordships' House capped at 600, but if we want it to happen and future Prime Ministers to respect that objective, we need to be clearer about what kind of House of Lords we want to be in the 21st century. I think that there is a real need for this House. In an era when people want and need more honest, frank debate that is not motivated by party politics, your Lordships' House has an opportunity to be a shining beacon.

But for us to be effective, we have to define our purpose; we have all to sign up to it and address our behaviours and conduct where they get in the way of meeting that purpose. I was struck particularly by paragraph 82 of the report, which states:

“We suggest that the Prime Minister may wish to task HOLAC with ensuring that all nominees are aware, before they accept a peerage, of what being an active member of the House of Lords entails”.

I endorse that. I do not endorse the point made by the noble Baroness, Lady Boothroyd, about HoLAC having a role in suitability, but I endorse the idea of it being clear about what is expected of new Members of this House. But what about those of us who are already Members? Are we all able to say to each other, quite honestly and right now, that we know what we should expect from each other as Members of this House? I am not entirely sure that we do.

I want increasing our accountability and serving the public better to be the driving force behind change in this House. So if we are to introduce term limits or a retirement age, which I would also support, surely we have to apply that to ourselves as well. I do not think we can wait until new Members come into the House in future. We made significant progress before 2015 by introducing permanent retirement, automatic expulsion for Peers sentenced to more than a year in prison and the power for this House to expel on the grounds of gross misconduct. Yet we sweep under the carpet the fact that some Peers remain Members of this House, even though they received prison sentences of more than a year, and we have yet to introduce a disrepute clause, even though the Privileges and Conduct Committee agreed on a recommendation for one in the spring of 2016. These are some of the things that have to change.

I believe in this House. I think that its Members are some of the most talented and accomplished people in our country. We do some great work, but if we are to remain relevant and serve the people of this country well, we have to address all the things that matter—and that is not just our size. More than anything, I want us to define our purpose for the 21st century and for us all to be united in meeting that purpose.

12.36 pm

**Lord Morris of Aberavon (Lab):** My Lords, I add my immense thanks to the noble Lord, Lord Burns, and his committee for their impressive energy in producing this report. If I strike a discordant note in my analysis, it is not to belittle their commitment. I fear that this is yet another piecemeal effort to tackle the fundamental issue of Lords reform, as by following strictly their remit they have reported on the size of the House while ignoring its functions as a legislative assembly for the whole of the United Kingdom and the points made by the noble and learned Lord, Lord Hope.

The House is of course much too large with 798 Peers. How did this come about? It is substantially through the political incontinence of Prime Ministers Blair and Cameron in their exercise of patronage. Mr Blair recommended 374 Peers and Mr Cameron 245—a total of 619, which puts the reasons for our present membership in the right perspective. We read that more are on the way. If that is true this debate should not ignore that grim reality. I remember my struggle in primary school to calculate the end result of filling a tank with water while emptying it at the same time.

The report acknowledges that its success depends on undertakings by Prime Ministers, whoever they might be—even future ones, I suppose—agreeing to appoint no more new Members than there are vacancies. As no legislation is proposed this undertaking would be no more, at its very best, than some sort of emerging convention. But a convention is hallowed only by many years of acceptance. In the most unlikely event that I might be asked, as a law officer, to advise an incoming Labour Prime Minister I would advise him that this commitment is not worth the candle. His aim, in a House dominated by non-Labour Members, would be to get his legislation through and ease the task of his Chief Whip. While the House does not oppose legislation on manifesto commitments at Second Reading,

I remind your Lordships that the implementation of devolution was delayed for 20 years through the passing of mere amendments in both the Commons and the Lords.

The basic difficulty for the committee was that there was neither the will nor the time to introduce legislation at present, hence the existence of hereditary Peers would be untouched. I hope I will be forgiven for saying that there is no place for hereditary membership in today's legislative process. Paragraph 21 of the report concedes that,

“the hereditary peers will make up a larger proportion of a smaller House”.

We would be going backwards. I note that there are 81 hereditary Conservative and Cross-Bench Peers, but only four Labour ones. The report also concedes that in its proposals only the party share of new appointments will vary. The reduction proposals are expected to result in Labour losing 38 Peers by 2022; the Liberal Democrats will lose only 18. That is the proposed immediate future of this House, following Mr Cameron's appointment of 51 Liberal Democrat Peers under the coalition agreement to reflect,

“the share of the vote ... in the last general election”.

Surely, in 2017, that is crying out to be revisited for our present membership.

As only new Members would be affected by the proposals, it cannot be said that the proposals will, “affect all parties and Members equally”,

for the present. The reports avers that the only way to reduce our membership is on an equal contribution basis. The guiding principles are treating Members fairly and no compulsory retirement of existing Members. I expect that the House would welcome this. How this will be done is not spelled out in the main proposals; the only guidance is the rejection of some of the ideas of the past—based on age, tenure or attendance—as they have the disadvantage of changing the balance of parties arbitrarily. It is helpful to know how the reduction will not be achieved, but it would be even more helpful to affirm proposals on how it will. Although reducing the size of this House is absolutely necessary, I regret that I cannot support the proposals, for all these reasons. They need further and long consideration by this House.

12.42 pm

**Lord Kakkar (CB):** My Lords, I join noble Lords in thanking the noble Lord, Lord Burns, for the thoughtful way in which he introduced his important report. In doing so, I declare my interests as chairman of the House of Lords Appointments Commission and of the Judicial Appointments Commission.

The task taken on by the noble Lord, Lord Burns, and his colleagues—looking at the size of this House—was inevitably going to be a very difficult, complicated and fraught matter. Yet it was vital for them to come to a practical solution that would deliver what was required: achieving a size for your Lordships' House that would meet the important challenge of public perception—an issue touched on by many of those who have already contributed. Having initiated this process in a debate last year and having supported the establishment of the Lord Speaker's committee to look at these matters,

the reality is that there would be tremendous harm to the standing of your Lordships' House if your Lordships were not able to reach a conclusion in supporting an essentially irrefutable argument: this House is too large and does not enjoy the respect of the public more generally. Whether or not that is fair, it is the held perception.

I will deal with issues in the report that touch on the work of the House of Lords Appointments Commission. I remind noble Lords that the commission was established in 2000 as an advisory body to the Prime Minister. As a non-departmental advisory body, it has continued its work since then with two principal remits: to make nominations to your Lordships' House for independent Cross-Bench Peers—undertaking both an assessment of candidates' suitability for service in your Lordships' House and vetting checks—and to undertake vetting responsibility for all other nominations. In that regard, some 10% of party-political nominations made to the commission since 2015 failed to meet the vetting test and have not proceeded.

The Burns report suggests that we enhance the responsibilities of the House of Lords Appointments Commission in a number of respects. The first is that, beyond continuing our current nomination function for independent Cross-Bench Peers, the commission should facilitate the extended leave of absence that will be available to Peers nominated under the new scheme. The second is that it should, for want of a better description, keep the spreadsheet generated after every election, looking at the size of the House of Commons and the proportion of votes, and therefore the size of the political Benches for the forthcoming Parliament.

The third, as we have heard, is to provide a clear understanding for all those nominated to serve in the House of Lords of the commitment that would be required and the obligations that attend membership of your Lordships' House. This is something that the commission pays special attention to with regard to Cross-Bench nominations. An analysis undertaken between October 2016 and January 2017 identified that of the 67 nominations by HOLAC since 2000, 90% participated in some way in that period, either through voting, contributions in the Chamber or work in committees.

Clearly, the commission would be happy to assist as requested in providing the narrative of the expectation of contribution and service once appointed to the House of Lords, but it would be vital that the political parties heard the response of each candidate to that description because, ultimately, so as not to fetter the Prime Minister or party-political leaders' opportunity to make political nominations, they would have to be clear that the response received was suitable to those political parties.

Ultimately, under the scheme, beyond hereditary elections, there will be three routes to the Cross Benches: the independent nomination route through the House Of Lords Appointments Commission, the appointment of Prime Minister's exceptions—10 in any given five-year period—and a new judicial appointments route for Supreme Court justices on appointment to the Supreme Court. It would be essential to understand how the balance between those three routes will be achieved over any given Parliament.

[LORD KAKKAR]

One of the important duties of the House of Lords Appointments Commission has been to try to achieve greater diversity in this House. Of the 67 nominations made since 2000, 37% have been of female candidates and 19% of members of ethnic minorities. It is essential that that ability to look more broadly at the membership of the House is not lost as we look at the different routes to contribute to Cross-Bench membership in future.

12.48 pm

**Lord Selkirk of Douglas (Con):** My Lords, I warmly welcome the acumen of the Lord Speaker, who has focused on the vexed question of reducing the size of the membership of the Chamber and set the wheels in motion to create the all-party committee whose most relevant report we are considering today. The Lord Speaker is surely right when he says that the proposals put forward by the noble Lord, Lord Burns, and his colleagues give this House an important opportunity for reform. With a membership of more than 800, compared to the 650 MPs in the other place, we are perceived to be far too large and unwieldy. It cannot sit altogether comfortably that when legislatures around the world are listed by size, we come second only to the National People's Congress of China.

Achieving the proposed reduction to 600 and keeping the total capped at that level will take time, but to reach these goals, I support the idea of limiting new Peers to a total of 15 years in the House and the adoption of an accelerated "two out, one in" programme.

It is also correct to propose that appointments should be shared between the different parties on the basis of the results of the most recent general election. With attempts at wider reform not currently on the political agenda, these are sensible suggestions and crucially can be undertaken by ourselves, without the need for legislation. However, the public might like to see the extent of the participation of each Member having a direct effect on their continuing membership of this House.

I should at this stage mention a former interest when I was an MP. I had been warned that I was in line to inherit a hereditary peerage if I outlived my uncle, the Earl of Selkirk. When he died, I was told that I was now barred from the House of Commons Chamber. I went to see the clerks in both Houses. Their advice was totally different. The clerk in the Commons said that if there was any possibility of me being a hereditary Peer, I could disclaim straightaway in order to vote on the looming Motion of no confidence in the then Prime Minister. But the clerk in the House of Lords, quite differently, said, "I have only one question to ask. Is this something you really want to do?" It was, and I remained an Earl for merely four days.

It was an honour and a great surprise of course to be asked to return as a life Peer in 1997. I recall that I was introduced by Lord Renton, the former MP for Huntingdonshire, who at that point was nearly 90. A few years later, when I became a Member of the Scottish Parliament, I asked a senior parliamentarian from this Chamber how my friend Lord Renton was getting on, as by this time he was heading for a

century. The senior Member was full of compliments about Lord Renton and added what was clearly meant as a final accolade. He said, "Old age is just beginning to creep up on him". The report before us does not advocate a compulsory retirement age. Happily, however, many noble Lords appear to be living very much longer, so if we do contemplate such an ageist move, we could possibly settle for a cut-off date of 100. However, having listened to the debate, I believe that the proposals put forward by the noble Lord, Lord Wakeham, capture a great deal more merit and would be much easier to implement.

This Chamber is a great national asset whose Members have a fund of expertise and acquired wisdom. That should not be lost or even squandered. However, we cannot be complacent. To borrow a quote from Benjamin Disraeli:

"I am a conservative to preserve all that is good in our constitution, a Radical to remove all that is bad".

I sincerely hope that this report will receive the backing of the Prime Minister and the party leaders. As the Lord Speaker said so appropriately, these proposals not only present us with a challenge but with an opportunity. While there is yet time, let us take that opportunity.

12.53 pm

**Lord Foulkes of Cumnock (Lab):** My Lords, the more astute among you will recognise that I am not the noble Lord, Lord Brooke of Alverthorpe. With the agreement of the Clerk and the Whips, he and I have swapped places. I hope that not too many noble Lords will be disappointed. However, it allows me to follow my very old friend the noble Lord, Lord Selkirk—I must get his recently updated title right—and his witty and erudite speech.

I am afraid that I do not agree with the noble Lord in his wholehearted support for this report. That is in no way a criticism of the noble Lord, Lord Burns, and his committee. They were asked to ask the wrong question. Like my noble and learned friend, Lord Morris, the right question is, what is the function and purpose of this Chamber? In a bicameral legislature, the second Chamber has a particular role—to scrutinise legislation, challenge the House of Commons from time to time, to debate issues and question and challenge the Executive.

My ideal second Chamber—unlike the noble Lord, Lord Newby, of the Liberal Democrats' ideal of a directly elected House, which I think would challenge the primacy of the House of Commons and create tremendous problems—is a senate of the nations and regions, an indirectly elected Chamber that represents all parts of the United Kingdom properly in this House. We will not get that until we have a Labour Government—and that may be sooner rather than later—but until then we have to carry out our function as best we can.

I do not think we can do that with such an imbalance in representation from the parts of the United Kingdom—as has already been mentioned by the noble and learned Lord, Lord Hope, and the noble Lord, Lord Empey. Scotland and Northern Ireland are not too badly represented but the regions of England

are grossly underrepresented in this Chamber. I do not think that we are a properly representative Chamber, part of a legislature, when we have such poor representation from so many parts of the United Kingdom.

Of course, we have had a few recent appointments to this Chamber. That has made it worse because they have all been from London or the south-east of England, which already has well over half the representation. The problem is that many people do not consider a peerage as an appointment to the legislature but as an honour, as one up from a knighthood in the whole pecking order of honours. A lot of people are keen to get a peerage because it is an honour or a passport to some other appointments, not because they want to work as part of a legislature. The solution is to split it up and have two types of peerages—one that you might call an honorary peerage and the other a legislative peerage, with honours for those who want the title and deserve the title and the legislative peerage for those who want to work and carry out a legislative function. A very helpful Library briefing says that this can be done. It states that,

“the Monarch is empowered to appoint life Peers outside of the Life Peerages Act 1958, and that Peers appointed in this way would not be entitled to a seat in the House of Lords. Accordingly, the committee encouraged the Government to pursue this option in tandem with their main proposals”.

I do not see why it cannot be the main proposal because it seems to me to be right. The problem is that some people consider the peerage an honour rather than an appointment.

Sadly, I think the report does not measure up to what I would like to see it do, which is to produce a representative—not just a smaller—Chamber that can carry out the appropriate function of the second Chamber of a legislature. I hope that when the Lord Speaker, the Government and others consider the outcome of this debate they will look at this as an alternative to the proposals put forward by the noble Lord, Lord Burns, and his committee.

12.58 pm

**Baroness D'Souza (CB):** My Lords, most of us here are delighted that so far there is significant consensus on the Burns report. It clearly has not been an easy task and I add my congratulations to the noble Lord, Lord Burns, and the committee for their elegant compromise.

Reform of the House of Lords has been an ongoing process for the last 800 years or more. Restricting our view to the last 100 years or so, the Parliament Act 1911 was a significant milestone, as was the creation of life peerages in 1958. More recently, there was the House of Lords Act 1999, followed by the Royal Commission on the Reform of the House of Lords, chaired by the noble Lord, Lord Wakeham. Nor should we dismiss the many other changes since, notably the House of Lords Reform Act 2014 that enabled retirement and, under certain conditions, expulsion. As we know, that was preceded by a succession of Private Member's Bills, including those from the noble Lord, Lord Steel, and my noble friend Lady Hayman. We have learnt that incremental change is more likely to succeed than attempts to introduce change by means of primary

legislation. The coalition's 2012 Bill for a largely elected House fell due to technicalities, but had there been the political will in the other place, those could surely have been overcome.

How does such consensus come about? Reviewing the last 10 years, and more, there has been a slow but inexorable build-up towards a critical mass of opinion. Of course, some of that has been driven by critical media, but efforts in this House—especially by the Campaign for an Effective Second Chamber and the many public statements, articles and views expressed by Members—have all contributed greatly to the majority consensus expressed in the debate almost exactly a year ago.

There is still some way to go. We trust that the scheme proposed by the committee will be agreed—and indeed maintained—by the current Government and future ones. By accepting the Burns report's recommendations, it is hoped to establish a new convention that will become as embedded and respected as the other conventions that guide this House. Perhaps the widespread consensus will encourage some of us to do the decent thing and step down with dignity, after cumulative long years of public service. That may speed up the rate at which we reach the magic number of 600. As we all acknowledge, the House needs refreshing from time to time; an intake of Peers with differing sets of experience and expertise is always welcome. However, unless some of us are prepared to stand down as we approach our 80s, I fear that we will remain an oversubscribed House for some time to come.

Reform is by no means complete. As the House becomes more manageable and professional, it is to be hoped that other reforms—on the hereditary principle, the retirement age and limiting the appointment of new Peers to those who fulfil a clear gap in relevant expertise—will come about. That is what makes this House so valuable.

1.01 pm

**Lord Steel of Aikwood (LD):** My Lords, the Leader of the House was commendably frank in her speech in saying that the Government have no stomach for fundamental reform of this place. That is a pity. Like the noble Lord, Lord Foulkes, I hope that one day we will have a Government who will grapple with the need to cement our devolution settlements in this country and create a new upper Chamber, which could be a federal Chamber for the devolved Administrations. Bearing in mind the commission report of Mr Asquith's Government and the committee report of Mr Attlee's Government, the House of Commons does not wish to see another directly elected Chamber in the land. Nevertheless, a Chamber that is indirectly elected by the House of Commons and the other devolved institutions is surely long overdue. I would welcome that.

In the meantime, I warmly welcome the report of the noble Lord, Lord Burns. It is of course predicated entirely on the 2014 Act, whose provisions I introduced three times in this House over three Sessions on behalf of the Cormack-Norton committee, as noble Lords will remember. Thanks to Dan Byles MP in the House

[LORD STEEL OF AIKWOOD]  
of Commons, that Act eventually became law and enabled Peers to leave this House, either voluntarily or through the House removing them. The minute the law was changed, I took the view that changes could be made thereafter by resolution of the House, which is why I welcome the general thrust of the Burns report. I congratulate the noble Lord and his committee on its excellence.

I hope that my noble friend Lord Newby is wrong when he postulates the possibility of the Prime Minister introducing a swathe of new Members in the new year; if that happened, I am afraid that it would drive a coach and horses through the committee's recommendations. I very much hope that it will not happen. I have only one criticism to make of the report, which is that it will take too long to get the numbers down to 600. Need it take 11 years? I do not believe so. I echo what was said by the noble Lord, Lord Wakeham, about older Members retiring. I see no reason why we could not have an automatic clear-out of Members aged over 80 at the end of every Parliament. I see no difficulty in that. The House of Commons has a clear-out at a general election—why should this House not do the same? The age of 80 seems reasonable to me.

There are two objections to that proposal. One is that it is ageist. Is it ageist? In other public services, people retire at 60 or 70; the oldest age I could find was 75 for lord-lieutenants and deputy lord-lieutenants. An age of 80 and above, which is what my proposal suggests, seems generous and reasonable. The other objection to what I propose is the ad hominem objection. There is nothing to stop retired Members from going on the airwaves, giving lectures or writing to the newspapers. All they would do is stop being legislators, which seems utterly reasonable. The argument might be, "Oh, you can't do that because you would lose Nigel Lawson", to which I say, "Well, so what?". You would also, as of next time round, lose David Steel—and that might be a very good thing.

1.05 pm

**Lord Patel (CB):** My Lords, it is a pleasure to follow the noble Lord, Lord Steel of Aikwood. The first sentence of the summary of the report lays out the challenge that the noble Lord, Lord Burns, and his committee faced:

"exploring methods for reducing the size of the House".

I do not know who the genius on the committee was who came up with the proposal, but he must have been creative with the use of figures, because the document is quite clear about how it can be done. The proposals themselves are clear, incremental and achievable. This further movement does without the need for legislation and, importantly, without any perceived threat to existing Members—although that might change when it comes to implementation. In so far as the proposals will reduce the size of the House, they will work; but how they may affect the functionality of the House will depend on the working practices of the new Peers.

I found the back-testing of the Burns proposals in a bar-chart construct most interesting. Going back to 1959 and working forward to 2017, it shows what the

party composition would look like reflecting public opinion at general elections and that the proposal would work in a fair way, as stated in the report. The challenge of the report is mainly at the point of implementation, as many noble Lords have mentioned, but it is doable and a House of 600 can be achieved.

I turn to say a few words about the Cross-Bench component. The report says that the new Cross-Bench Members would number 134. This is not 20% of 600, which would be 120, but 23.3%, as it is now. Who are the Cross-Benchers? They may be appointed by the House of Lords Appointments Commission or from the judiciary; there are also 30 hereditaries. They may also be appointed by the Prime Minister at various times. But not insignificant are the numbers of those who leave their political party for whatever reasons—mostly because they do not agree with its principles—and join the Cross Benches. Initially, they sit on the Cross Benches; subsequently, they become Cross-Benchers. As this number is not insignificant, particularly in the recent past, whose numbers would they be counted among? If it is to be the number allocated to the Cross Benches, the Appointments Commission will have that many fewer to appoint. If they are to be non-affiliates, then the problem of how to deal with non-affiliates and those who move from their political party needs to be addressed. In my view, if you leave your political party and were appointed by that party then you must leave the House. That would be the obvious solution but it may hold problems.

I support the solution proposed and the House's membership becoming 600. I note that by 2022 the Cross Benches will have to lose about 35 Peers, either through retirement or death. Looking at the past figure, that number is achievable and I shall do my bit to contribute.

**Baroness O'Cathain (Con):** A doctor speaks.

**Lord Patel:** My Lords, I was not referring to death but more to longevity and retiring. I support the proposals.

1.09 pm

**Lord Forsyth of Drumlean (Con):** My Lords, in thinking about our future, it might be wise to remind ourselves of the words of another Burns:

"O wad some Power the giftie gie us  
To see oursels as ithers see us!  
It wad frae mony a blunder free us,  
An' foolish notion"

I have said many times before that I love this place. I find that if you are not sure what you think about something, listening to a debate in this place will straighten you out. The debate the other day in the name of the noble Baroness, Lady Hollis, on universal credit was extremely moving as well as being informative, as was the debate moved by the most reverend Primate the Archbishop of Canterbury on education. What do they have in common? They were almost entirely ignored by people outside this House, which is portrayed as a load of people in pyjamas or strange outfits every time we appear in the newspapers. If we are to change the perception—because perception is everything in politics—we have to change ourselves. Along with

everyone else, I pay tribute to the fantastic work that the noble Lord, Lord Burns, and his committee have done.

As some noble Lords may recall, in her latter years, Baroness Thatcher used to come to this House. Because she was a little frail, she needed someone to look after her. Her office would ring me up and she would say, "I am coming to the House this afternoon, would you like to look after me?" And I would drop everything and come. One day I said to her, "Margaret, you've done your bit for the country. People love to see you, but you don't need to come here so often". Whereupon she prodded me in the chest and said, "Michael, when we accepted appointment to this place it became our duty to attend. Now how often are you here when I am not here?". I have never forgotten that. The size of the House is a problem, but so, also, are people who accept appointment to this place and do not take it seriously. To take it seriously, I am afraid that you have to come quite a lot. It is quite a complicated place to understand, which is why, down at the other end of the corridor, they have not a clue what we are about.

On the Burns report itself, I thought that it was almost impossible for that committee to produce a report that would carry support throughout the Benches, and I pay tribute to the noble Lord, Lord Newby, and to the Liberal Party—this may be a first. I thought that his speech was statesmanlike and the behaviour of his party entirely constructive, even though it is not to its advantage, and we should take a lead from that. By the way, if noble Lords ever want to solve a polynomial simultaneous equation, the noble Lord, Lord Burns, is clearly the man. He can take a whole load of complex variables and put them together in what is a brilliant report. Believe me, this is as good as it gets. As my noble friend Lord Cormack indicated, it is probably our last and only chance to reform ourselves.

Of course, as many noble Lords have already said, none of this will fly unless the Prime Minister actually gives an undertaking. Some have said that we cannot rely on convention, but this whole place has existed on that for 500 years—even where we sit is determined by convention. We are not a rules-based House. Yes, we can depend on convention, but it does require the Prime Minister to give a clear undertaking.

I notice that the Leader of the House spoke at the beginning of this debate and is not speaking at the end, and the Leader of the Opposition is speaking at the end of the debate and will no doubt respond to it. I say to my noble friend the Leader of the House, if I may borrow a phrase from a former Prime Minister, that the hand of history is upon her shoulder. She spoke at the beginning of this debate for the Government. I hope at the end of this debate, she will speak in her role as Leader of the House for the whole House and go to the Prime Minister and explain to her how important it is that she embraces the clear consensus that we are seeing across every corner of the House. Her moment has come, just as happened with a previous Leader, now the Marquess of Salisbury, then Lord Cranborne. The leader of our party in opposition wanted to have an elected House. He informed all of us of this notion by writing an article in the *Daily Telegraph*. Lord Cranborne, as he then was, defied him and ensured that we ended up with a compromise

of the 92 hereditary Peers and the reform that was brought in by a Labour Government. So there is a precedent for leaders—even in opposition—of this House.

I look forward to the speech by my noble friend Lord Strathclyde, who, I understand, made it a condition of his continuing in succession to Lord Cranbourne, who was sacked for his pains—in earlier times his head would have been cut off—that those proposals were taken forward. That is why we are sitting here today with the opportunity to produce a reformed House that will be respected and held in high regard by the public who have sent us here.

1.15 pm

**Baroness Whitaker (Lab):** My Lords, the noble Lord, Lord Forsyth, is always a hard act to follow. I come to this debate somewhat from the outside but I have had a little to do—to a greater or lesser extent—with the structure of bodies in the public sector. I have set some up and dismantled some. Your Lordships' House has always seemed to be effective, very often in spite of, rather than because of, its structure.

In contemplating an ideal second Chamber I would rather not have started from here, but we are not in the realms of Utopia and are strictly confined by the art of the possible. Within the art of the possible it is so desirable to limit our numbers that a very pragmatic solution must be worked out. We have agreed this. Even the reform of numbers is not at all an easy task and I congratulate the noble Lord, Lord Burns, on his elegant proposals. Not only do they fit the bill, they achieve the objective without transgressing other boundaries by leaving much to the discretion of party and other groups.

As we are in the realm of the practical, reasonable and feasible, on all these tests it seems to me that the noble Lord's proposals pass muster. They are practical: they inexorably reduce numbers over time and maintain that reduction. They are reasonable: they leave to the parties who must go, but also reflect electoral decisions without destroying balance. This is particularly ingenious. They are feasible: all we need do is agree; no legislation is needed. They would serve our country better for the time being, which is what we must do. We have the privilege, among other privileges, of serving the public. It is to serve our country better that matters. I commend the proposals.

1.17 pm

**Lord Brown of Eaton-under-Heywood (CB):** My Lords, this report has my wholehearted support. It is a most thoughtful and imaginative piece of work. I am not one of those who appear able to contemplate with equanimity the ever-growing expansion of this House. Doubtless many of us would have preferred, to a greater or lesser degree, some difference in one or other of the several particular measures that together go to make the intricate overall solution proposed. Some might have preferred to end up with a House smaller than 600, some to have achieved a cap in a shorter time, some to have provided for longer than 15-year fixed-term appointments and so on.

I will make two comments on this. First, any such detailed considerations are surely for a future debate. Today is for determining the House's support for or

[LORD BROWN OF EATON-UNDER-HEYWOOD] rejection of the report in principle. In any event, we need to bear in mind that any change to the proposed scheme has knock-on effects and that this has been unanimously hammered out by a most expert and experienced group—I have the highest regard for each one of them—after months of hard work. The plain fact is that unless a very substantial consensus in favour of this scheme is arrived at today by the House as a whole, none of this will happen and we will instead continue—probably indeed worsen—our present unsustainable position.

A substantial consensus is required, but, above all, this proposal will then require the support of 10 Downing Street. If we can get that now, it will not be easy for any of the Prime Minister's successors to collapse the scheme later—certainly everybody would then know where the blame lay. To my mind, this is the best possible scheme for winning the Prime Minister's support. It provides for much the same number, rate and nature of future appointments as in years past—certainly, if one puts aside the perhaps over-fecund years of Mr Blair and Mr Cameron. It allows both for refreshment of the House, including new Front-Bench appointments, and for its rebalancing by reference to the latest general election results. If there are to be significant changes to any of the pieces which go to make up this intricate jigsaw solution, I respectfully suggest that they be only changes suggested by No. 10 itself. If that is the price for winning the necessary consent to the constraints on the Prime Minister's future prerogative powers of appointment that we now propose, so be it.

I know that one or two Members of your Lordships' House are concerned at the 15-year fixed-term proposal on the basis that it may discourage youthful appointments of people who would then be left high and dry in their 50s or 60s. This is an overstated objection. Essentially, this is a House of elders, of people whose real value is their acquired expertise and lifetime experience. Generally, they should only rarely be appointed before they are around 50 or so. In that case, given that the scheme expressly provides for them to take a five-year sabbatical during their fixed term without it counting towards the 15 years, they would be upwards of 70 when their term ended. Surely if what they seek is essentially a political career, it is election to the Commons that they should be after and not appointment here.

Really, this is a once-in-a-generation opportunity to reduce and cap the size of this House. I respectfully urge your Lordships to seize it.

1.22 pm

**Lord Strathclyde (Con):** My Lords, I played a small part when we last reduced the size of this House, then far more ambitiously than is proposed in this report and with surgical precision. As with all attempts to do anything surgically, it was pretty painful, but we got there in the end and remarkably quickly. I am sorry that the report has not taken up that precedent and suggested that all groups reduce their number by 20%. We could probably do it by the Summer Recess and then continue on our own way.

I have three reasons why I am concerned that the report will trigger a series of unintended consequences. The first is on the 15 years; the second is on the cap on

the numbers; and the third is on the reduction of prime ministerial patronage. However, I want first to join all those who have congratulated the noble Lord, Lord Burns, and his team on creating a short and very readable report that genuinely tries to be imaginative.

I disagree that the problem is overcrowding in this House. At some key moments, particularly at Question Time, it feels overcrowded, but that has been true for most of the past 40 years. Our daily attendance is about 480. There have been only three Divisions in the entire history of the Lords where more than 600 Members have voted. The average vote is less than 400, all within this new limit of 600. If noble Lords cannot find a seat at Question Time, why not change it to 5.30 pm? That might reduce attendance. So, I do not believe that the case for overcrowding has been made.

Having been Conservative Chief Whip and Leader of the House, or the Opposition, for a total of 19 years, I know that many former Members of another place came here as Peers. I encourage them not to believe that the Lords is just like the House of Commons, only 20 years older. It is a very different House; it operates very differently and, apart from anything else, we are here for life. Yet the proposal for 15-year terms runs the danger of us becoming exactly that—an older version of the House of Commons. It will discourage Members aged under 50, perhaps even under 60, thus making us even older. Why would someone in their 40s join the House, only to leave 15 years later? Fewer Members would volunteer to join the Front Bench; both the Leader of the House and the Leader of the Opposition are considerably younger than the modal age of 75. Would they have joined if they could be here for only 15 years? If by chance a younger Member joined your Lordships' House, might they then not use this House as a stepping stone to election to the House of Commons? We have always set our face against that in the past.

Take a Labour Peer, appointed in 1985, slogging away on the Opposition Front Bench. Just as the new dawn arose in 1997, they would start to pack their bags to leave two and a half years later. The 15-year terms of both my noble and learned friend Lord Mackay of Clashfern and the noble and learned Lord, Lord Irvine of Lairg, would have run out while they were Lord Chancellor. Although the noble Lord, Lord Burns, says that this can be extended, it would have meant that my noble and learned friend Lord Mackay of Clashfern would have gone in 1997. Just think of the wisdom and good sense that we would have missed.

On the cap and the limiting of prime ministerial patronage, this report is not just a simple method of reduction; it strikes at the very heart of constitutional powers. It may happen only rarely, but to remove the ability of the Prime Minister to threaten to increase the number of Peers could lead to an even more assertive House than we have today. We sit in a large and inexpensive House. A new, time-limited House would demand staff and salaries, and we have already heard that cry starting today. Most people know the Lords as a repository of good sense and wisdom—"elders", the previous speaker called us. With our limited time here, we could concede that reputation to the House of Commons.

Of course, we need restraint and responsibility. Prime Ministers Blair and Cameron showed too little but Prime Ministers Brown and May have, so far, presided over a declining House. In the last year for which figures are available, eight Peers were created and 31 left. If I extrapolate that over five years, we would drop by 115 and get to 650 in seven years. It is that responsibility and restraint that we should encourage, and we should do that starting today.

1.28 pm

*Sitting suspended.*

## Energy: Domestic Tariffs

### *Question*

2.30 pm

*Asked by Lord Naseby*

To ask Her Majesty's Government whether they plan to review their policy on capping domestic energy prices in the light of measures taken by the energy industry to change tariffs to help those most at risk, and to increase competition.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con):** My Lords, it is the Government's intention to legislate, and a draft Bill is currently undergoing pre-legislative scrutiny by the Business, Energy and Industrial Strategy Select Committee. The Government will consider the committee's report before making the final decision on introducing the Bill. The Competition and Markets Authority found a very significant detriment to consumers, and it will take meaningful and long-lasting reform to be assured that there is effective competition across the whole of the market.

**Lord Naseby (Con):** My Lords, I find that a very interesting Answer. When will Her Majesty's Government look at what Ofwat has done for water consumers, to their benefit, and decide that Ofgem can do an equally good job? Surely Her Majesty's Government can see that there may not be perfect competition, but there is certainly a lot of competition, with new entrants coming in all the time, and there is an extensive number of schemes to help the disadvantaged. How can a totally uncoded subsidy help when all it will do is disrupt the market even further, above and beyond what is already happening through the Government's green taxes?

**Lord Henley:** My Lords, Ofgem does a very good job, just as my noble friend has made it clear that Ofwat does a very good job. We agree with Ofgem that the energy market is not working for all consumers, and we are determined to address the detriment suffered by those overpaying for their energy. Because the market is not working, we feel that it is necessary to consider introducing a Bill, which is why we have introduced the draft Bill and sent it to the appropriate Select Committee. When the committee has produced its report, we will consider the appropriate way forward and introduce legislation if necessary. That legislation will be temporary, and we hope that afterwards the market can work slightly better.

**Baroness Featherstone (LD):** My Lords, poor housing standards are the main cause of high energy bills. Could the Minister explain the thinking behind getting rid of the zero carbon homes standard?

**Lord Henley:** My Lords, the noble Baroness is quite right to say that bad insulation is not good for heating bills, so we would like to do better on that front. I would prefer to write to the noble Baroness in greater detail on the point she raised, but we are doing what we can to help all more vulnerable consumers with their heating bills. She will be aware of the warm home discount and the cold weather payments; and there is the winter fuel payment, which quite a number of noble Lords probably benefit from and which is worth up to £300 for a couple and £200 for an individual.

**Lord Hunt of Kings Heath (Lab):** My Lords, the noble Lord says that Ofgem is doing a good job, but over the last few years we have seen evidence that the industry raises prices as quickly as possible and reduces them—when the international market shows a reduction in prices—as slowly as they can. Has Ofgem not used all the powers it has to intervene in the market?

**Lord Henley:** My Lords, what I made clear in response to my noble friend's supplementary was that I believe Ofwat has done a very good job. Ofgem can do a very good job, but we agree with it that the energy market is not working as it should, possibly for the reasons the noble Lord has pointed out. That is why we have brought forward a draft Bill and are looking at what it might do. We will respond after the BEIS Select Committee has produced its report on that Bill.

**The Lord Bishop of Winchester:** My Lords, the Church of England has partnered with several organisations in an initiative called the Big Church Switch, which seeks to provide consumers with better prices from the UK's cleanest energy suppliers, to make switching simpler and to protect the environment. What steps are Her Majesty's Government and Ofgem taking to learn from such initiatives as this to enable consumers to make informed choices, both financially and environmentally?

**Lord Henley:** My Lords, I am grateful to the right reverend Prelate for bringing to the attention of the House the Big Church Switch. Other people offer advice on how to switch, and there is a great deal that individual consumers can do about switching their energy and getting reductions. The simple fact is that most people do not know about this, which is why we are working through the government-funded Big Energy Saving Network to try to get more information across. We are very grateful for the work the Church is doing as well.

**Lord Howell of Guildford (Con):** My Lords, would not one obvious way of achieving cheaper energy prices be to produce in this country rather cheaper electricity and to make less costly the reduction of CO<sub>2</sub> in the atmosphere? Would that not require cheaper nuclear power and cleaner methods of coal-burning, which can be very cheap if it is clean? Is our present energy policy not going in exactly the opposite direction?

**Lord Henley:** My Lords, we are seeing reductions in the price of renewable energy and we are working to bring the price of nuclear energy down. My noble friend is quite right: the crucial issue is the price of energy that consumers have to pay, which is why we are helping them to shop around to get the best deal.

**Lord Foulkes of Cumnock (Lab):** My Lords, is the Minister aware that it is not simple to switch energy suppliers, particularly for older people? In fact, it is easier to switch churches.

**Lord Henley:** My Lords, I know a little about switching energy supplier. I do not know much about switching churches but perhaps the noble Lord can offer some advice to the right reverend Prelates—not that I think they will want to be switching churches at this stage. More seriously, the noble Lord is right to draw attention to the fact that not enough people know how to set about switching energy. Sophisticated people like him know that they can go online and do it, but that is much harder for older people—people even older than the noble Lord himself—who are possibly less technically sophisticated than he is. This is why we are offering help and funding the Big Energy Saving Network, which we hope will provide assistance to vulnerable consumers.

### Smoking: Vaping Question

2.38 pm

*Asked by Viscount Ridley*

To ask Her Majesty's Government whether, in the light of Public Health England's decision to include vaping within its stop smoking campaign for 2017, they will review vaping regulations in line with the commitment in the Tobacco Control Plan for England; and if so, when.

**The Parliamentary Under-Secretary of State, Department of Health (Lord O'Shaughnessy) (Con):** My Lords, the Government are committed to a review of the Tobacco and Related Products Regulations 2016 by May 2021. There is limited scope for amending the regulations in advance of the UK exiting the EU, so the Government envisage a review taking place after 29 March 2019. Protecting the public's health will be the priority in any review.

**Viscount Ridley (Con):** My Lords, I thank my noble friend for that Answer but I am a little disappointed. Given the strong evidence that vaping is much safer than smoking, that it is very effective at getting people off smoking and that the strength of the vaping industry in this country is one of the main reasons why we are now the second-lowest smoking country in Europe, and given that the Government promised some sensible deregulation in the tobacco control plan, does the Minister share my regret that the EU's tobacco products directive restricts advertising in particular, making it very hard for vaping companies in this country to bring to smokers the news of the health benefits that can come from it? Will he consider a public information campaign to bring the country's attention to what

vaping can do? Will he perhaps also consider giving clear advice to businesses and councils that they should not be treating vapers as smokers?

**Lord O'Shaughnessy:** The noble Viscount is right to highlight the benefits of vaping: it is considerably safer than smoking and is a very effective quitting aid. There is no particular evidence that it encourages people to take up smoking or to transition into smoking. Government policy has, obviously, been made under the EU regulatory framework—and we think that it is pragmatic and evidence based. Direct advertising is, as he will know, banned, but the department, Ofcom and the Advertising Standards Authority are looking at the current guidelines in this area. I should point out that Public Health England includes in its public health campaigns positive messages about the relative benefits of vaping, so that message is getting out. In the end we must beware of renormalising the act of smoking, even if with a different device, particularly for children, so there is a balance to be struck.

**Lord Hunt of Kings Heath (Lab):** My Lords, lest Brexiteer noble Lords get too excited, will the Minister confirm that it was the British Government who pressed the EU for draconian regulations, and the EU modified what Britain wanted? We should beware repatriation of those regulations.

**Lord O'Shaughnessy:** I will only talk about what I know, and what I know to be coming up, which is that we want to take a pragmatic and evidence-based approach. Other countries are looking at the balance we strike in this country with allowing smoking and vaping to take place—and indeed, positively encouraging vaping. I think our approach is sensible.

**Lord Palmer (CB):** My Lords, the noble Viscount made a good point, because the same European legislation also brought in a ban on all small tobacco packs, which had a devastating impact, particularly on small local shops. Will the Minister therefore commit to reversing the ban on small packs once we have left the European Union? I declare my interest as set out in the register.

**Lord O'Shaughnessy:** I am afraid I shall have to disappoint the noble Lord there. Our broad approach on restricting the advertising and sale of tobacco has been incredibly successful: we have very low smoking rates in this country, and they are falling all the time. We have ambitious goals to reduce smoking prevalence, including a long-term goal of reducing it to less than 5% of adults, and I am not convinced that what he describes would help.

**Lord Brabazon of Tara (Con):** Can my noble friend explain the advertising point to me, as one who has given up smoking through vaping? I have not had a cigarette for three and a half years. I tried patches, I tried chewing gum, and I even went to a hypnotist. None of those worked. Can my noble friend tell me why those three things are allowed to be advertised, although they do not work, whereas vaping, which does work, is not?

**Lord O'Shaughnessy:** The noble Lord is right; we are looking at the guidelines at the moment, with Ofcom and the Advertising Standards Authority. There are limits on what we can do on vaping under the current regulations, but we will have the opportunity to look again at this issue as we leave the European Union, and reconsider our domestic legislation.

**Lord Rennard (LD):** My Lords, vaping has proved an effective way for many people to give up smoking tobacco—but there are, of course, no inherent health benefits in taking up vaping if one is not already addicted to nicotine. Does the Minister agree that we should seek regulations that allow the promotion of vaping solely as an alternative to smoking tobacco, and not something that people not already addicted to nicotine should be encouraged to take up? Can he tell us when Public Health England will publish its report on e-cigarettes, which was due in 2017?

**Lord O'Shaughnessy:** I think that the noble Lord is making the point that we need a balanced approach. We want to emphasise the relative health benefits, but we must also recognise that harmful effects can come from nicotine in itself. Obviously, we want to get to a position in which people are not smoking and not taking nicotine at all, and the relative benefits of the different ways people can go about that are taken into account. I think that the UK has a sensible approach. I am afraid that I do not have the date when the Public Health England report will be published, but I will write to the noble Lord with that information.

**Earl Cathcart (Con):** My Lords, as my noble friend Lord Ridley said, vaping has been hugely successful in getting 2.8 million Brits—myself included—off smoking tobacco. Snus, however, has been even more successful in reducing tobacco use in Sweden: 5% of Swedes still smoke tobacco, compared with 16% of Britons and 24% across the EU states. Given the success and safety of snus, why can we not use it in this country?

**Lord O'Shaughnessy:** My noble friend is quite right to point out that vaping is a British success story as an anti-smoking aid, and it has made a huge contribution not just to noble Lords but to around 2.5 million e-cigarette users, half of whom used to smoke. There is, of course, as he will no doubt be aware, a court challenge going on at the moment. It is under consideration by the CJEU, and we expect a judgment in the summer of 2018, so I am unfortunately not in a position to comment until we have that judgment.

**Lord Wallace of Saltaire (LD):** Could the Minister possibly encourage his colleagues to consider publishing a list of EU regulations which are there primarily because British lobbies with the support of British Ministers have pushed them on to the EU? I am thinking in particular of animal welfare, as well as a lot of health and smoking regulations. It would help to educate opinion in this country as to what sort of regulations might be likely to diverge after we leave, and which will not.

**Lord O'Shaughnessy:** Anyone who really wants to find out how many regulations there are provided by the EU can find that online, and I am sure that it would be a wonderful way to spend a weekend. I am just going to bother myself with the ones that have been dedicated to the health area. We are, of course, looking at everything within that realm to make sure that, when we leave the European Union, we end up with the best possible health regime.

## Sexual Harassment Question

2.46 pm

Asked by **Baroness Kennedy of The Shaws**

To ask Her Majesty's Government what steps they are taking to support women to use the legal system to challenge sexual harassment in the workplace.

**Baroness Vere of Norbiton (Con):** My Lords, the Government are clear that unwanted conduct of a sexual nature in the workplace that violates a person's dignity or creates a hostile or degrading atmosphere is unlawful. Any employee placed in that situation can seek impartial advice or conciliation from ACAS or contact the Government's Equality Advisory and Support Service or contact a citizens advice bureau before deciding whether to pursue a claim in an employment tribunal.

**Baroness Kennedy of The Shaws (Lab):** I thank the Minister, but I am really concerned. In the campaign that took place after the Harvey Weinstein scandal broke, many women went online under the heading of the “#MeToo” signature to say that they had experienced serious sexual abuse in the workplace. I am concerned about women in low-paid jobs, who do not have human resource departments, who are on the shop floor doing zero-hours contracts, for whom getting work—overtime, for example—depends on the will of or whim of supervisors who make sexual demands on them. Those are women whose lives are made really difficult. Have cuts to legal aid made a huge difference to whether women can have the reality of legal recourse? Does the overworking of the CAB also limit the opportunities of women to find out what their rights really are?

**Baroness Vere of Norbiton:** My Lords, I thank the noble Baroness for her questions. Obviously, I am well aware of the “#MeToo” campaign, which was very effective. The high-profile cases that led to the campaign have resulted in a much greater understanding of the scope and scale of the problem, and we must use all available means to tackle it. If there is one positive thing that came out of that campaign, it is that people are far more aware of sexual harassment, whether it be low-paid workers on the shop floor right up to the Prime Minister. On the issue of legal aid, legal aid subject to the statutory merits test continues to be available for legal advice and representation for cases alleging unlawful discrimination, harassment or victimisation under the Equality Act.

**Lord Carlile of Berriew (Non-Affl):** Does the Minister agree that it is axiomatic that women or men subject to sexual harassment in the workplace should be able to

obtain a proportionate and, if appropriate, serious remedy for what has occurred? Does she agree that it is equally axiomatic that those accused of such conduct should be able to enjoy due process before they are condemned?

**Baroness Vere of Norbiton:** Of course, my Lords, I agree with the noble Lord. The routes to resolution are many, and they do not necessarily have to end up at an employment tribunal. Many of the grievances that victims may bring forward to those accused of this can go through an employer's formal guidance procedure, and there is obviously the early conciliation service from ACAS. There are many different routes, and one hopes that they can be resolved early on and not result in an employment tribunal.

**Baroness Manzoor (Con):** My Lords, sexual harassment is often an abuse of power, an imbalance of power. Can my noble friend say what the Prime Minister is doing? What leadership is she showing to ensure that this issue is tackled, particularly in Parliament? What remedies are available to people who make such complaints?

**Baroness Vere of Norbiton:** My noble friend is quite right that it is often where there is a disproportionality of power that abuse occurs. The Prime Minister took immediate action when these allegations surfaced. She set up a cross-party working group, chaired by the Leader of the House of Commons, which aims to set up, as quickly as possible, an independent complaints and guidance system for everyone working in Parliament. The group is making good progress and will report back to Parliament before the Christmas Recess.

**Baroness Burt of Solihull (LD):** My Lords, sexual harassment in the workplace is covered under the Equality Act, but outside the workplace it is not a criminal offence in its own right. Prosecutors have to use different pieces of legislation, depending on the nature of the offence. Two-thirds of UK women report having been sexually harassed. In light of this, does the Minister think it is time for the Government to look at this and conduct a review of whether sexual harassment should be a specific criminal offence in its own right? Everyone would then be clear on what it is and where the boundaries should be.

**Baroness Vere of Norbiton:** The noble Baroness is quite right that sexual harassment and other more serious sexual offences are addressed in a number of pieces of legislation, for example the Protection from Harassment Act 1997 and the Sexual Offences Act 2003. In these cases, the first port of call for a victim is obviously the police. The police have received a significant increase in training about sexual offences. We are not currently planning to review the legislation, as we feel that it is working.

**Baroness Gale (Lab):** My Lords, does the Minister agree that sexual harassment and sexual violence is a culture not limited to any one industry, workplace or institution? It is an issue rooted in unequal power relationships that treat women in a subordinate manner to men. Is she aware of reports which show that more

than two-thirds of girls reported being sexually harassed at school last year? What are the Government doing to tackle this worrying problem so that girls at school can be as protected as possible?

**Baroness Vere of Norbiton:** I thank the noble Baroness for her question. She is quite right; we must do whatever we can in education to ensure that everyone, young and old, understands that sexual harassment—or, indeed, any harassment—is not acceptable. Schools and parents must take responsibility for educating young people. I am sure the noble Baroness is aware that the Department for Education is currently consulting on the new relationship and sex education curriculum, which will be brought into schools as soon as it is ready.

### Homelessness: Temporary Accommodation Question

2.52 pm

Asked by *The Lord Bishop of St Albans*

To ask Her Majesty's Government what action they plan to take to address increasing homelessness and demand for temporary accommodation.

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, we are embarking on an ambitious programme in relation to homelessness which places prevention right at its heart. We are implementing the most ambitious legislative reform in decades—the Homelessness Reduction Act—and we have allocated over £1 billion to tackle homelessness and rough sleeping, through to 2020. This includes a flexible homelessness support grant, which local authorities can use strategically to tackle homelessness in their areas, including for the provision of temporary accommodation.

**The Lord Bishop of St Albans:** I thank the noble Lord for his Answer. Night shelters and homelessness charities in my diocese are speaking about the huge pressure they are currently under. National Audit Office statistics suggest that the problem has increased nationally from 1,800 rough sleepers in 2010 to 4,000 this year. Given that rise, do Her Majesty's Government consider that local authorities will have sufficient funding to meet their legal obligations under the Homelessness Reduction Act, which the Minister just spoke of, when it comes into force next year?

**Lord Bourne of Aberystwyth:** My Lords, first, I thank the right reverend Prelate for all that he does in his diocese. I know that the St Albans Sleepout on Friday 1 December—which was not actually at the cathedral this year because of building work—does much to publicise and tackle this problem in St Albans. He is absolutely right that this has become a more serious problem. It is now affecting rural as well as urban areas of England. That is why we have put this very much at the centre of the Government's and department's thinking, with the aim of reducing homelessness by 50% by 2022 and eliminating it totally by 2027. We have put resources into this: £50 million was announced very recently.

**Lord Bird (CB):** Can Her Majesty's Government look at the human rights abuse that allows people to sleep on the streets? Maybe we need to revisit the old legislation whereby we do not allow people to sleep on the streets but provide places for them off the streets, rather than putting them in prison as we used to. We have an emergency on our hands; we need to remove people from the streets and put them in a place of safety. That should be at the top of the Minister's list.

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord very much indeed for his contribution in this area—not just in the House but very much outside it. I take his comments seriously. As he rightly says, prevention is at the heart of this complex issue. It is clearly not a simple issue: this country has faced this problem over a period of time. As I say, it is very much at the centre of the Government's thinking and all agencies contribute to it. We have trailblazer areas looking at this, and Crisis and Shelter, for example, are on our advisory committee. Rough sleeping is something that the Government are very much committed to ending.

**Baroness Armstrong of Hill Top (Lab):** My Lords, I am sure the Minister will recognise that some of us are deeply underwhelmed by the ambition to reduce homelessness by only half by 2022. We were able to reduce rough sleeping by two-thirds between 1998 and 2000, and we know what needs to be done. There needs to be proper accommodation for rough sleepers, and he should know every night what is available and how many more rough sleepers there are than beds available. There also needs to be mental health and detox support. This is not unknown territory or a secret. We know how to sort it. Why do the Government not just get on and do it so that people are safer?

**Lord Bourne of Aberystwyth:** My Lords, as the noble Baroness went on, she began to exhibit just how complex an issue this is. It is not simple. It is an issue partly to do with addiction and with mental health, and partly about people coming out of secure environments such as the forces and prisons. We are working with the Ministries of Defence and Justice, which are central to this. It is not a small ambition to halve homelessness by 2022 and eliminate it totally by 2027. I look forward to seeing support and ideas from around the House on how we can tackle a very complex issue.

**Baroness Greener (LD):** My Lords, does the Minister agree with the UK Statistics Authority that a complete picture on homelessness must include prevention and relief in addition to statutory homelessness? Will he commit to include in any future change in data people who are in work but sleeping rough or in temporary accommodation—as astonishing as those the figures are, as shown on Channel 4 last night?

**Lord Bourne of Aberystwyth:** My Lords, I very much regret that I did not have the privilege of seeing that programme last night but I will try to catch up on it. It is a complex issue, as the noble Baroness rightly says. It is not just about looking at the statistics, as she will know, but at what is happening in communities up and down the country. Last Friday, I was in Chesterfield

seeing what is happening there, a town that is not a metropolitan area, and finding that agencies are engaged in tackling it, as is the faith community. Interestingly, the noble Lord, Lord Foulkes, will be pleased to know that the vicar of Chesterfield was formerly a Catholic and has become a Protestant. The noble Lord might like to engage with him to find out some of what he has been doing. It is important to engage all the institutions. I will certainly go back and have a look at the point that the noble Baroness made about the statistics.

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I refer the House to my relevant local government interests in the register. On entering this Palace from Westminster tube station, you will see homeless people. When walking from Victoria and Waterloo stations, you will see homeless people sitting in doorways. Every evening, opposite Charing Cross station, you will see hundreds of homeless people being fed soup and bread. Homelessness has risen by 50% in the last two years. Does the noble Lord not accept some responsibility for this tragedy which is occurring in one of the richest countries in the world? It rests with this Government and the policies they have pursued.

**Lord Bourne of Aberystwyth:** My Lords, first, the noble Lord is absolutely right: this has been a problem in the centre of the capital for some time, as he will appreciate. I am not minimising that but it is not new; what is new is the spread of this problem throughout the country, as I have indicated. It now affects many rural communities and smaller towns up and down the country. I certainly acknowledge that this problem needs to be tackled, as I have indicated. It needs to be tackled at local authority and governmental level and demands all of our attention, including the noble Lord's. Certainly I take my share of the blame but I think this is something to which we can all contribute. Faith communities and the voluntary sector are helping, the Government have a role, and so do local authorities. It is something with which we all need to engage rather than finger-point.

### **Laser Misuse (Vehicles) Bill [HL]**

*First Reading*

3 pm

*A Bill to make provision creating a new offence of shining or directing a laser beam towards a vehicle.*

*The Bill was introduced by Baroness Sugg, read a first time and ordered to be printed.*

### **Secure Tenancies (Victims of Domestic Abuse) Bill [HL]**

*First Reading*

3 pm

*A Bill to make provision about the granting of old style secure tenancies in cases of domestic abuse.*

*The Bill was introduced by Lord Bourne of Aberystwyth, read a first time and ordered to be printed.*

## Arrangement of Business

### Announcement

3 pm

**Lord Taylor of Holbeach (Con):** My Lords, before we resume our debate, I thank all noble Lords who spoke before lunch for showing how well self-regulation works. If, from now on, we show similar restraint in sticking to the advisory time of five minutes, we will finish today's business by 10 o'clock. I remind noble Lords that when the indicator shows five—it is not showing anything at the moment—their time is up.

## House of Lords: Lord Speaker's Committee Report

### Motion to Take Note (Continued)

3.01 pm

Moved by **Lord Burns**

That this House takes note of the Report of the Lord Speaker's committee on the size of the House.

**Baroness Browning (Con):** My Lords, it was a great privilege and pleasure to serve on the Burns committee. Like others, I pay tribute not just to my fellow committee members but particularly to our chair, the noble Lord, Lord Burns, who must take a lot of credit for the report before your Lordships today.

I was asked to comment on our report in *Red Benches*, but my comments suffered a little from editorial adjustment so I take this opportunity to say what I actually wrote. I think that would be the honest thing to do. Obviously, reducing the size of the House was never going to be easy, and was always going to be contingent on a formula to maintain the numbers rather than a quick fix. That formula, to which many speakers have paid tribute during the course of today's debate, must fall to the noble Lord, Lord Burns. Not only did he put in the time and expertise to make sure that even in the annexes people could understand exactly what the committee's intentions were on a very complex issue, taking into account such issues as the size of the House, the refreshment of the House and the way in which the individual parties and the Prime Minister would play a role, but it was very clear that he seemed to enjoy this exercise. We sat in admiration of the work that he did; it was a very important part of the committee's report.

I said in *Red Benches*:

"As a self-regulating House"—

that has been mentioned many times today—"it seems right" and proper,

"that the House should take this initiative".

This is where the editing came in because I said, "rather than be subject to the slings and arrows of outrageous fortune whenever a Government chooses to turn its attention to the Upper House". However, the words, "the slings and arrows of outrageous" were taken out. I am not quite sure why. However, I think many noble Lords will understand as so often one hears, "The Government are too busy with Brexit or

something else; nobody's going to get round to doing it. They talk about it so often but nobody does anything". Actually, I do not agree with that. There are times when quite a momentum for change in the upper House builds up at the other end of this building. Who are we to try to second-guess what the motivation of that momentum—I do not mean anything at all by that word, or perhaps I do—is? Who can second-guess when that would happen? Almost certainly, the general public have a perception—rightly or wrongly—not just about the numbers, but about the work that we do. That work is undervalued, not just by the public but often by the other end of this building. It was this House, of course, that got off the starting block very quickly on Brexit, with some very sensible and well-researched studies and papers, so we have a big contribution to make, not just in this Chamber.

I want to pick up on something mentioned by my noble friend Lady Stowell in her contribution this morning. That is, what are we actually about in this House? What are we here for? We all know why we are here, but there needs to be some consolidation if we are to reduce the numbers to 600. What exactly will the work be? This is not a paid job. It does not carry a pension or any of the usual restraints of paid employment. It is public service. While there are some concerns about the age of people coming in—whether they are younger or older—people understand that, in accepting appointment to this House, they are not being offered a paid job in the normal sense of the word. They are being offered a privilege and an opportunity to carry out public service. Therefore, the decision of individuals as to whether the 15-year period recommended in the report is not long enough for them will be considered in the same way as any other option that one takes in life. One looks at one's own circumstances and decides whether one has the time or ability to give that amount of time and dedication to public service. If this House is about anything, it is about public service.

3.06 pm

**Lord Blunkett (Lab):** My Lords, I wholeheartedly support the report of the noble Lord, Lord Burns, and commend both the committee and those who have campaigned for a more effective second Chamber for many years. The irony of some of us who have been in this House for only a relatively short time—I am thinking this morning of my noble friend Lord Hain and the noble Lord, Lord Beith, as well as myself—advocating that the House should be reduced now that we are in here will not have passed notice. My defence is that the noble Lord, Lord Burns, is making a positive contribution to what is, after all, built into the DNA of this House: gradualism. Even the most tentative step forward in the right direction has to be applauded.

My other defence is that, back in 2014 in the other place, I was the only Labour Back-Bencher who bothered to turn up on a Friday morning for the Bill that achieved what has been paraded this morning as 78 fewer Members: those who have taken the dignified route—not the Dignitas route—of standing down from this House. Those who pressed that case and did the work on it did everyone great credit, because we would be debating this in a much less favourable atmosphere if we had not had that facility available.

I want to pick up two or three points from this morning's debate. My noble and learned friend Lord Morris seemed to be advocating a kind of Lloyd George view of the world: that incoming Prime Ministers will want to cram this House and we should not get in the way. David Cameron had a go at that, and look where it got him: nowhere at all. Cramming this House, by any Prime Minister, will not work and we all know it.

I ought to be gentle about the contribution of the noble Lord, Lord Strathclyde, because I have been in the position where I had to try and carry through Parliament something that I was only just persuaded of. As Leader of this House, he had the daunting task of trying to carry the Clegg proposals through, which included a 15-year time-bound period for a senator, non-renewable and non-accountable. It is just worth reflecting that, if that is the main argument—15 years is too short because there would be some excellent people who would have to leave before they had fulfilled their full potential—then we have to apply it to those who want an elected second Chamber. I do not; I would like it to be reformed still further and to be less London-centric. However, if you are faced with the tortoise and the hare and you know that someone in the undergrowth is going to shoot the hare, you are best off backing the tortoise. In any case, tortoises have a shell, which we all build up over many years in politics. This time, we might just achieve that modest change.

I hope that this prolonged debate—I am finishing now because other noble Lords have already been patient today—is a chance, to demonstrate not to ourselves or even to our colleagues down the Corridor, but to demonstrate to the public that we mean business, we understand how people see politics and politicians, and we will do something about it.

3.10 pm

**Baroness Hayman (CB):** My Lords, it is an enormous pleasure to follow the noble Lord, Lord Blunkett, and to agree with absolutely everything he said.

The British constitution has a genius for taking things in bite-sized chunks and making them come together to an extraordinary extent to change things over a period of time. When I was a schoolgirl taking my 11-plus in Wolverhampton, there was not a single female Member of your Lordships' House. Over time, what was seen as a small reform—the Life Peerages Act—has absolutely transformed this House. With each small measure we can make progress.

I will not use my time today to echo what so many others have said about the ingenuity and the elegance of the solution that the committee of the noble Lord, Lord Burns, has found. We all owe him and his fellow committee members a debt of gratitude. Now the responsibility lies with us in not trying to gild the lily or to change any detail of what has been said but to put our wholehearted support behind those proposals. I was encouraged by the words of the noble Lord, Lord Newby, and I hope that the other party leaders will do exactly the same.

There is an extraordinarily heavy burden on the shoulders of the Leader of the House in this respect, because, as we all know, the Prime Minister needs to

be persuaded and needs to take action. I, like others, believe that that is possible and that we could create a convention that was powerful in this respect and which achieved what we wanted to achieve. However, it will be difficult; it will need us to back her and her to speak on our behalf. I hope that she will take note of paragraph 25 of the report, which deals with the issue of creating a non-parliamentary peerage. Again, this is an elegant solution to some of the patronage issues that a Prime Minister is faced with.

I will not go on talking about things with which I agree but will try to deal with one or two of the criticisms we have heard this morning. Some of them were marginally unfair in that they criticised the committee for not finding solutions to a question that was not posed to it—that is, what should be the long-term and radical change to the form and purpose of this House. However, it is a great shame that the noble Lord, Lord Strathclyde, is not in his place at the moment. Like the noble Lord, Lord Blunkett, I was expecting a reprise of that speech we all loved so much, which argued passionately for an elected House, regardless of the stony faces on the Benches behind him, during all those hours of debate on the coalition Government's proposals in the Clegg Bill for an elected House. Sadly, however, he was not able to give us that performance again today.

What the noble Lord did do was give a skilful elision on the issue of the size of the House to the fact that it was only that everyone was complaining about overcrowding, which was not an issue. In fact, I could not find any mention of overcrowding in the report—nor have I heard it mentioned by those who advocate reducing the size of the House. Overcrowding is not the issue—although I would not advocate a public body supporting and paying for more personnel than are necessary for carrying out the tasks with which it is charged.

Putting that to one side, the issue of size is one of reputation. For five years, I had the responsibility and honour of acting as an advocate and ambassador for this House. Through speaking in many public fora during those five years, I became absolutely convinced that there was a barrier to explaining and advocating the virtues and quality of the work done in this House because of the criticism that rightly came over its ever-expanding size.

We live in very difficult parliamentary times. Representative democracy is challenged in a way that it has not been before by our foray into plebiscitary democracy. Parliament's reputation is important and there will be difficult times ahead. We need to do something to improve our trustworthiness with the public—and this is one of the things we can do.

3.16 pm

**Lord Lang of Monkton (Con):** My Lords, it is a great pleasure to follow the former Lord Speaker, the noble Baroness, Lady Hayman, whose contributions to our debates always command attention. It is also a pleasure to congratulate the present Lord Speaker on initiating the inquiry into the size of our House. The noble Lord, Lord Burns, and his committee also deserve great praise for bringing forward such a carefully considered and well-thought-through report.

[LORD LANG OF MONKTON]

It is surely right to consider our numbers in isolation, because the solution can be achieved without legislation and because it does not compromise any wider reform proposals that may one day emerge.

I will address, first, the question of numbers. This is a problem created by successive Governments—or Prime Ministers—for which we in this House receive the blame. We have a right to expect their co-operation now as it is in their interests, as well as ours, that it should be solved. I believe that a reduction to 600 is sensible and realistic. It should meet the criticism we have received while, at the same time, still enabling us to fulfil all our varied obligations as the second pillar of our parliamentary democracy, continuing to complement and assist the work of the other place.

A cap of fewer than 600—at any rate initially—might reduce our capacity to fulfil all our responsibilities. We should also bear in mind that the fewer the Members of this House, the greater, proportionately, would become the government payroll. I feel sure that the House would not wish to see our capacity to hold the Government to account undermined.

I particularly welcome the evolutionary process and its sustainability, embraced by the committee, to carry us from our ever-expanding present state to one of gradual reduction while avoiding the painful issues of specific terms or age limits for present Members of the House. Getting the reduction pattern right is as much an art as a science. Just as 600 Members seems right as a target cap—at any rate at this stage—so too does the two-out, one-in formula have a rigorous fairness about it, spreading the pain, if such it be, across each of the major groupings.

A 15-year implementation cycle is probably the maximum time that the urgency of this matter would allow. It could also be the minimum length of time needed to achieve the gradualism that constitutional change should always seek and to sustain an important sense of continuity. Similarly, the 15-year term proposed for new Peers, referred to by my noble friend Lady Browning and the noble Lord, Lord Blunkett, feels right. It affords fairness and balance both to the operation of the business of the House and to the new Peers. As my noble friend said, it offers career fulfilment in public service to them and the benefits of a regular injection of new talent to the House.

Since the last reduction in our numbers 20 years ago, the average daily attendance rate of Members has risen by 50%, and it is possible that a further rise could result in due course from the changes now proposed. If so, the cap of 600 Peers might eventually be further reduced.

One matter that concerned me before I had had a chance to read the report was the mention in early media coverage that the changes proposed would reflect the post-election political balance in the other place. However, having now read the way in which this would happen, and to what extent, I am reassured—indeed, supportive. The strength of this House lies in its differences from the other place. We should never be an echo Chamber. Clearly, from what is proposed, that will not happen. From a starting-point of the political diversity of the present House, the averaging effect of the 15-year term on the five-year electoral

cycle should keep any threat of dominance under manageable control, and the important principle of no party having an overall majority will be preserved.

This report seems to avoid the pitfalls that have beset other proposals in recent times for the reform of your Lordships' House. It seems to me to provide a long-term, sustainable way forward, while protecting our continuing ability to fulfil all our duties and functions and play a full role within our parliamentary democracy. I hope that it will be widely welcomed by all who have a part to play and that it will be implemented rapidly, while it can still be done.

3.20 pm

**Lord Butler of Brockwell (CB):** My Lords, my noble friend Lord Luce wanted to speak in this debate but has been prevented from doing so by a family commitment. However, he asked me to associate him with my remarks, so your Lordships are getting two expressions of support for the Burns proposals for the price of one.

In her speech in the debate initiated by the noble Lord, Lord Cormack, a year ago, the Leader of the House reminded us of the Government's position that, while comprehensive reform is not a priority for this Parliament—it was the last Parliament then—the size of the House is an issue to be addressed. Indeed, the Conservative Party manifesto for the 2017 election repeated that position. It said:

"We ... will continue to ensure the ... House of Lords remains relevant and effective by addressing issues such as its size".

Despite the notorious ambiguity of election manifestos, I do not think that the Government intended to increase the effectiveness of the House by increasing its size.

The committee chaired by my noble friend Lord Burns, containing very senior members of the main parties in this House, has agreed on a way of addressing the size of the House. Indeed, if legislation is not available—today the Leader confirmed that that is the case for the duration of this Parliament—it is, in my view, the only practicable way forward, and it is now for the Government to fulfil the words in their policy and manifesto.

As has been pointed out, that requires restraint on the part of the Prime Minister in making appointments. It is blindingly obvious that, in the absence of legislation to reduce large swathes of the present House, restraint in appointments is necessary if the size of the House is not to grow inexorably.

We are told that a further list of appointments is about to be published but I do not share the apocalyptic view expressed earlier by the noble Lord, Lord Steel. I believe that this can be regarded as a legacy issue arising from the May general election that does not inhibit the adoption of the approach in the Burns report.

In the debate a year ago, the Leader of the House and the Leader of the Opposition agreed that, for any proposals for reform to have a chance of success, they will have to command a broad consensus around the House. I believe that, had there been a vote today, there would have been overwhelming support for the Burns proposals.

It is the Government's policy to address the size of the House, and the Burns report gives them a practical means of doing so with the ardent support of a majority of this House. As the noble Baroness the Leader of the House and the noble Lord, Lord Strathclyde, very fairly said, the Prime Minister has shown restraint in exercising patronage since she took up office. So there are grounds for optimism. Let us hope that we are pushing at an open door. It would be a relief if the Government were to say so.

3.25 pm

**Baroness O'Cathain (Con):** My Lords, following the most informative, positive and engaging course of the debate so far, I start with two simple questions. First, is there a problem? Secondly, if there is, does the report of the Lord Speaker's committee provide a solution to that problem? My answer to both is yes.

There is clearly a problem with the size of the House. The number of Members is such that it creates a problem of resources, both in terms of space and cost. We have problems fitting everybody in, not just physically in the Chamber but it is also difficult when there are too many who wish to speak. It is difficult to have a debate if speakers are confined to two or three minutes each. There is no real engagement between those taking part and no opportunity to develop a sustained line of argument.

Today's special debate has been a joy to follow and I thank the Lord Speaker for making all this possible. However, there is an ever-bigger problem: public perception. Those who argue that there is not a problem ignore the fact that size is not an abstract concern but something that will be used by critics whenever they take issue with what we have done. We will always be open to attack by those who wish to get rid of the existing House, but also when we take controversial decisions. It will not just be a case of saying, "The Lords got it wrong on the merits", but rather, "Look at that bloated House—a drain on public resources". If we are to be criticised, let us at least be criticised for what we do rather than for matters unrelated to the quality of debate and decisions. As long as there is a perception that we are too big, and as long as it appears that we are unalert to the issue and not doing something about it, we will be criticised by the media and others.

It is true that the size of the House is not something that keeps most citizens awake at night—we should remember that—but to say that is to miss the point about our vulnerability to media criticism. We remain vulnerable so long as we are so big and, equally important, as long as we are seen not to be tackling the issue. We have to address it. Tackling size is necessary, but it is not sufficient to address how we are seen. We need to do other things, not least on standards. However, doing something about size is a good and necessary start.

Does the report of the Lord Speaker's committee provide a solution? Yes. It may not be the ideal, but I doubt if we will achieve that. As has been said already, it is important that the best is not the enemy of the good. The report before us provides a sensible and ingenious way forward. The noble Lord, Lord Burns,

and his colleagues are to be truly congratulated on devising a scheme that is within our gift. It is not dependent on legislation and therefore not dependent on Government support and time, or indeed the support of the other place. We can make progress; we should make progress; and it is important that we are seen to make progress.

I appreciate that it will take time to reach the goal set in the report, but it is important to begin the steps necessary to get there. If we say no, there is nothing realistic to be achieved. In this Parliament, it is this report or it is nothing. I remind your Lordships that in the Parliament of 2010-15, the Government came up with a major scheme of reform. It never made it out of the other place. More incremental reform was pushed by Members of this House, especially the Campaign for an Effective Second Chamber—I pay tribute to my noble friend Lord Cormack and, in his absence, my noble friend Lord Norton of Louth. This was achieved in the form of the House of Lords Reform Act 2014 and the House of Lords (Expulsion and Suspension) Act 2015. We cannot expect to get legislation during this Parliament to tackle the size of the House, but we can again achieve incremental reform, this time by our own efforts. We should grasp the opportunity; we must grasp the opportunity. We cannot wait for another Parliament or the one after that.

3.29 pm

**Lord Dubs (Lab):** My Lords, I congratulate the noble Lord, Lord Burns, and his committee on producing an excellent report which I welcome with great enthusiasm. When I was a teenager, a long time ago, I used to think that all the problems of the world could be dealt with at one fell swoop—the big bang theory, let us just get on with it. I have learned wisdom since then and I much prefer a piecemeal approach. This report is a good reflection of what I think is a piecemeal approach. Many of us, in the fullness of time, would like reforms to go further, but for the moment it is as good as we can get: for heaven's sake, let us get on with it. If I give voice to one or two reservations, it is only to say that I have those reservations but I am prepared to drop them in the interests of getting this report accepted. For example, we might, one day, think that 600 is too large and 450 might be a more effective number, but getting there would be too difficult and I think the committee was right to say 600.

I appreciate that an elected Chamber, which is what I believe in although I think I am in a minority, was not in the committee's terms of reference. I simply mention it in passing so that those outside groups that are lobbying hard will not think I have sold the pass, except for many years. There are, of course, other ways of getting the numbers down which have not, perhaps, been fully mentioned. I was not here for all of the debate this morning but when we eventually get on with making the decision of what to do about this building and we move out, maybe that will be a good excuse, or pretext; a lot of people, I believe, will want to retire then. In a way, some of the work of this committee will be done for it if we can only get on and make a decision about the future of this building. I have talked to lots of colleagues from all parties and

[LORD DUBS]

they all say, “Yes, when our day comes we will probably want to retire from the House”. It will happen that way.

In 1999, when we reduced the number of hereditaries, I was in Northern Ireland for much of that time so I did not follow it all, but I think the decision was for the hereditaries in each party group to vote for the retention of some of their members. That is how we got it done and I suppose one way of naming that would be “a circular firing squad”, which has its merits—it is rather quick, but it can also be rather painful, so I am glad that the noble Lord, Lord Burns, did not suggest that.

I think my noble friend Lord Foulkes said this morning that there was a confusion between the titles we get as working Peers and the titles that are given as honours. The report actually takes note of that and suggests a way forward. I have found it very difficult, over the years I have been here, to explain to people that I did not get an honour to be here, I am simply a Labour Party hack who became a working Peer. People say, “Oh, it must be an honour”. I say, “No, it is not”. It is a silly argument to have but it is a confusion we ought to get rid of and I think we can do it without detracting from support. At one point I made a suggestion that colleagues thought was a joke, but I made it quite seriously. At that time, in one of the many debates we had on the subject, I suggested that if people wished to retain their title they should leave the House, and if they wanted to stay in the House they should drop their titles. I think it would work. I am not suggesting we weaken the report by going down that path; I just threw it in because we want a debate about all these issues.

I have just one or two quick comments. I notice that the report, very sensibly, says that Cross-Benchers will retain a certain, fixed percentage of the total membership of what will then be a smaller House. I was told this morning by the right reverend Prelate that the Bishops are here under obligation because of statute. I wonder, however, whether they would not be able to voluntarily reduce their numbers in the same way that the Cross-Benchers do. I seek in support of that Appendix 5, which talks about “Unusual circumstances”:

“Second, parties may for whatever reason refuse to take up their allocation of appointments”.

I am not saying the Bishops' Bench is a party, but maybe it could do it voluntarily to keep in line with what is happening.

Finally, as regards the remaining hereditaries, we have a wonderful Bill put forward by my noble friend Lord Grocott. We should accept that Bill—it would not detract from this report. There are lots of things that we can do ever so quickly—please let us get on with it.

3.34 pm

**The Duke of Somerset (CB):** My Lords, I will not rise to the point of the noble Lord, Lord Dubs, on the hereditary Peers, but like so many others here this afternoon, I would like to welcome this debate on the report that the excellent committee of the noble Lord, Lord Burns, has produced. I congratulate it on finding a way around many of the apparent problems.

In our debate just over a year ago, there was much agreement that the size of the House should be reduced. This was accompanied by many suggestions, some good and some less helpful, as to the means. Anyway, now the noble Lord, Lord Burns, has told us how. One of the main clever aspects of his work is that no primary legislation is needed to effect meaningful change. No one here today will lose the rights to attend, participate or vote.

The other great beauty, as I see it, is that under these proposals the reduction in numbers will be kept at a target of, say, 600 Members and not allowed to regrow. Other speakers have and will, I am sure, go into the details of the report's proposals and comment on some aspects. I do not wish to dwell on these today. Surely our main aim now is to show our agreement to the thrust of the plan and to welcome it.

We who work here know what our role is and we know what this Chamber does. So it is important that this is kept firmly in mind as any changes evolve as a result of this report. Equally to my mind, the general public must appreciate and acknowledge, through media commentators and observation, the work that we do—the scrutinising, the revising and the reports that we make to government. To achieve this positive shift in attitude, we must demonstrate our willingness to change, even if change brings small, less welcome individual disbenefits. That we are willing to suggest positive change of our own volition surely demonstrates this ethos: an outlook of spirit which we can be proud to broadcast outside this Palace.

I expect some may criticise the timeframe envisaged—some have already—but to achieve a lasting result, this is surely of little importance, even in the fast-moving world we live in. The demonstrable resulting size will be a practical solution to our current embarrassment.

Many speakers have gone out of their way to recognise the supremacy of the other place. It is vital to state this, and not to challenge that by having an elected second Chamber which is bound to flex its democratic muscles. So, along with others, I do hope the Government's willingness to enter into the spirit of this report will not be tested by any short-term difficulties that may arise with imminent controversial Bills, nor indeed that the Prime Minister will be tempted to pre-empt the position by a new list of Peers. Indeed, I look forward to further exploration of a Prime Minister's power to appoint non-working Peers to lifetime titles that do not involve a seat in this Chamber. This was a point that was touched on only briefly in the report.

In my short time here I have often noticed the splendid co-operation between the usual channels, the parties, and the groups. It is this spirit that will be needed to drive this on, together with government thinking in the long term, not just party advantage.

I think it was the noble Lord, Lord Forsyth, who remarked that there is no Minister to wind up. I am uncertain as to how the Government's opinion will be demonstrated. But I hope that we will learn this quickly to enable a swift adoption of these proposals. This is an unusual chance to make important and worthwhile changes to an ancient system, and I hope the Government and the House will grasp the opportunity.

3.39 pm

**Baroness Bloomfield of Hinton Waldrist (Con):** My Lords, it was very tempting, as one of the newest Members of your Lordships' House, to let those more experienced in the ways of this place get on with it. However, the pace of change suggested in the report is so seductively slow that there will not be many of us left to bear witness to the effect of those changes.

Many believe both that the House has become too large and that it does not reflect the voting preferences of the electorate over the past decade or two. In the debate last December, the overwhelming majority of your Lordships agreed that something needed to be done—but what? I agree entirely with the noble Lord, Lord Dubs, that ditching the title and the building would reduce the numbers substantially and quickly. However, I acknowledge the hard work and the depth of thought that the noble Lord, Lord Burns, and his committee have given to the production of the report, and I pay tribute to the Lord Speaker for initiating their work.

I admit I find it hard to accept the suggestion of a 15-year tenure as appropriate, when in that time many of us will not have reached even the average age of the committee. I observe that with the exception of the noble Lord, Lord Burns, and one MEP, all the members of the committee have come here from the other place and may therefore be looking at this issue from a particular perspective. The average age of our Lords Ministers is now 58; five are under 50. Some may go on to commercial life and then return, bringing back valuable expertise—as, indeed, may others. We should not be prepared to cast aside the knowledge acquired from whatever field—public service, academia, commerce or defence—so lightly.

I agree that we need to achieve a steady state, reducing the rise in numbers while allowing the membership to be refreshed, but why not introduce a notional upper age limit of, say, 80, beyond which you could be voted back on to your relevant party's Bench in five-year terms, should you and your Bench wish to retain your contribution? Can we also not agree to adjust the proportional representation of each party in line with, say, the averages of the last four general elections, again keeping the Cross-Benchers and Bishops but simultaneously reducing the numbers on the other Benches within a much shorter timeframe? Your Lordships found a *modus operandi* that worked, although not without considerable pain, in 1999. Can we not employ a similar method now? Unless we do something soon, the reputation of the House as one of the finest second Chambers in the world in terms of its membership, output, committees and ability to persuade Governments to think again will be overshadowed by the truly false impression of a bloated and self-interested inflexibility.

3.42 pm

**Lord Radice (Lab):** My Lords, I start with a confession: I was not altogether enthusiastic about coming to this House. I had much enjoyed my time in the House of Commons and I thought the Lords might be a bit of a comedown. I know that is a terrible thing to say to a number of Peers here but that was what I thought. My wife, like many spouses of Members of Parliament,

had borne much of the strain of her husband's career and thought that enough was really enough. It was only the persuasive powers of the then Prime Minister, who said that there ought to be more pro-Europeans in the upper House, which convinced me that I ought to accept a peerage.

However, 16 years in this House have made me understand the importance of the House of Lords in the parliamentary system—above all, its role as a revising Chamber. There are often extremely good debates in this House. Of course, we are having one today. The Select Committees, as I know from experience, do excellent work. But it is the contribution that the Lords makes to the legislative process which is of most value to our parliamentary democracy. All too often Bills come to the Lords in a very rough and ready state and our efforts ensure that they go back to the Commons usually much improved.

As the elected Chamber, the Commons has the last word—I agree with the previous speaker—but it always needs the revising eye of the Lords, and long may that exist. However, going from that to arguing that for the Lords to carry out its job it also needs nearly 800 Members is clearly absurd. As noble Lords have pointed out, it exposes us to constant ridicule, so much so that when people talk about the House of Lords they immediately show a picture of a meeting of the Chinese Communist Party, and I think I have had enough of that.

The question, which I think we have answered today, is about how we reduce the Lords to a more sensible size. I share the view of most noble Lords who have spoken that the Burns committee—I congratulate the chairman, the noble Lord, Lord Burns, and his committee—has come up with an ingenious and elegant set of interlocking proposals which give us a real chance of effective reform. Of course, there are formidable hurdles in the way and we should not underestimate them. They include the prime ministerial power of patronage, and Prime Ministers do not like giving up that sort of thing, the temptation to pursue party advantage when speaking as a member of a party, and I know that that will continue to exist, and the self-interest of individual Peers. All these are factors that will come into play. However, I agree with the conclusion of the report. The Burns proposals have the great merit of reducing the size of the Lords while maintaining a cap of 600 Members in future and providing a sufficient turnover of Members to refresh the House and rebalance it in line with general elections. They will also guarantee a fixed proportion of independent Cross-Bench Peers. These proposals should have our support. They will certainly make the Lords more effective and considerably enhance our reputation. The House should now unite behind the principles contained in the Burns report.

3.47 pm

**Lord Turnbull (CB):** My Lords, in the absence of a vote on a Motion, speaking in a debate is the only way we can express a view, even though it makes for a degree of repetition. Nevertheless, I register my strong support for all three main propositions in this report: a reduction in the size of House to around 600 Members by two out, one in; once that is reached, terms limited to 15 years; and allocation of places to fill vacancies to reflect the general election results.

[LORD TURNBULL]

The beauty of this approach is that it is consistent with a House that complements the Commons rather than duplicates it and scrutinises legislation while accepting the primacy of the Commons. For this role, I believe an appointed House is more appropriate than an elected one, better still if, as this scheme proposes, a mechanism is built in to incorporate over time the changing balance of power at the ballot box. However, for those who still hanker after an elected House, no options are closed off, so that argument for delay fails.

There are several loose ends, particularly around those groups whose numbers are set by legislation. First there are the Lords Spiritual. In the new arrangement, they would become even more overrepresented, but they bring one vital element: they have the best geographical coverage, in England at least—a domain in which this House is weak. Eventually, as they recognise, a permanent solution is needed which reduces the number of Bishops while providing for other faiths. In the meantime a solution which retains their ability to speak for their region and to operate their duty rota would be an understanding that they would exercise restraint in voting in their full numbers.

Next, there is the position of the hereditary Peers, which will become even more anomalous. Some may argue that we should not do anything until we can legislate for this. I take the opposite view. We should make progress where we can. In the meantime the position of the hereditaries will become so indefensible that the wise among them—and there are many—will come to accept legislation to end by-elections. Some may argue that this would violate the 1999 agreement, but that agreement was recognised as an interim agreement pending major reform. This is major reform and 20 years is a decent time for an interim solution to run.

Next, there is a loophole. Someone who has been urged to retire by their party group should not be allowed to dodge the bullet by becoming non-affiliated or, worse, eating into the Cross-Bench quota.

Like the noble Lord, Lord Foulkes, I believe we also need to make a much clearer distinction between the honours system, which recognises people's past service, and membership of the Lords, which should be a commitment to future service. Former Ministers and MPs bring vital experience to this House, but long-serving MPs should not be rewarded with an honour unless they commit to serving in this House in the same way as other people. In my view, the suggestion of honorary peerages perpetuates the confusion. What is the logic, in the 21st century, of giving someone a life title in return for a fixed-term appointment? I personally look forward to a world in which honours and offices are recognised only by letters after one's name rather than by name changes.

Finally, we need to recognise that just as we would be acting voluntarily, so too would the Prime Minister. Some may advise her not to surrender any degree of patronage, on the grounds that she might need it if the Government were having difficulties securing their business. However, although swamping the House is never going to solve that problem, it would do damage to the reputation of the House. There will be a great

deal of detail to sort out, but I believe this debate has demonstrated a clear message to the Government and a clear mandate to take things forward.

3.51 pm

**Lord Mancroft (Con):** My Lords, I am delighted to join many noble Lords in congratulating the noble Lord, Lord Burns, and his committee on their report. It is very difficult to disagree with any of the facts in the noble Lord's report, and the conclusions would appear to anybody to be both reasonable and balanced—which is an unusual thing in a modern parliamentary report. It is in fact an extremely clever answer to the question posed by the Lord Speaker following your Lordships' debate last year. I take on board the comments of the noble Lord, Lord Radice, about the ridiculous comparison between your Lordships' House and the second Chamber in China, but I remain to be convinced that the size of this House is the key question we need to be addressing.

I made my maiden speech in your Lordships' House—entirely coincidentally, standing almost in the same spot I am standing in today—about 30 years ago on the Second Reading of the poll tax Bill. As your Lordships can imagine, the House was quite full on that day. In fact, looking around it this evening—it was probably about the same time of day—I think that the House on that occasion was rather fuller. The speakers list, however, was not quite so long. The issue was, in case your Lordships have forgotten, slightly controversial at the time—but, extraordinarily, nobody speaking in that debate or commenting afterwards mentioned anything about the House being too big. I ask myself: too big for what? Too big for its vital role as a revising Chamber, perhaps?

In the last two or three debates that your Lordships have had on reform, which your Lordships enjoy debating from time to time, I have not heard one speaker say anything except what a good job this House does in revising. My noble friend Lady O'Cathain referred only a few moments ago to the high quality of the debates. So if the debates are good, we revise very well and our Select Committees are so respected, presumably we are not too big for the job we are doing. Or is it perhaps that we are too big for the convenience of Members?

My noble friend Lord Forsyth said that perception is important—and he is right, it is important. So maybe it is the perception rather than the reality. The perception undoubtedly is that from time to time we are too full. Occasionally when you come into your Lordships' House at Question Time, it does seem to resemble rather more closely a bar-room brawl than a serious debating Chamber. That, I suspect, has less to do with the quantity of Members and more to do with the quality of conduct. This problem could easily be solved if new Members coming down the Corridor did not bring the more excitable excesses of that House with them—amusing though they may be—but rather chose to leave them behind. That is, after all, what most people dislike most about politics and what causes the reputation of the other place to fall—which, therefore, obviously affects the reputation of this House.

To my way of thinking—your Lordships will correct me if I am wrong—in the frequent debates that we have on Lords reform there is only one area of consensus: only one thing on which everyone agrees. It is that it would be ridiculous to have a second Chamber that emulated the first. It would be absurd to repeat in one Chamber the others. However, that is not my primary concern. My primary concern is that, over time, with 15-year terms, this House would slowly turn into a House that crept closer in its manner and its composition to the other place—which, I believe, and I think the House will agree, would be pointless and universally opposed.

I share the view of my noble friend Lord Strathclyde that a 15-year term would be extremely unattractive to those who are early or in the middle of successful and varied careers. Rather, it would be attractive to those in the autumn of their careers looking for something to do in the last 15 years of their working life. If we were to go down that route, we would be in danger of turning into reality what this House has frequently been accused of being: a retirement home—and in this case a retirement home mainly for Members of another place.

I do not expect that everybody will agree with my views. In fact, I have no doubt that most people will disagree with them, and that they are out of step with the views of many in this House. However, it is my understanding that my role in this House is not to say what is easy or comfortable, and that this House's role is not to be easy and comfortable with itself. What we are here to do is to face the difficult choice of saying the things that we believe ought to be said, even if we believe them to be unpopular.

3.56 pm

**Lord Stirrup (CB):** My Lords, as other noble Lords have rightly done, I congratulate the noble Lord, Lord Burns, and the members of his committee on the imaginative and thoughtful way in which they undertook their sensitive task. Their report proposes an evolutionary development of your Lordships' House that addresses some key concerns, and in my view it does so in a way that strikes a good balance between a number of conflicting tensions. It will not satisfy everyone, but no proposal ever could. It clearly leaves some people feeling dissatisfied on certain points, but that is the nature of a successful compromise—and I suspect that a compromise is what most people seek.

However, we should start by reminding ourselves that we are addressing changes to an institution that by and large has worked very well over the past few years. The most important measure of success in an organisation is to be found not in its internal structure and processes but in its output, and the output of your Lordships' House—most obviously its scrutiny of draft legislation and the detailed investigations of its committees—has been workmanlike and valuable. Some would argue for a second Chamber with other tasks and wider powers, some for a more biddable House, but these are deeper constitutional issues than we are meant to consider today. Within its present remit, your Lordships' House has, I believe, performed its tasks well. Some might ask why, if it works so well, we should seek to change things. The question, and it is a

very important question, is whether the House could continue to be successful under arrangements that were more efficient and more acceptable to the citizens whom it serves and who, rightly, sit in judgment on it.

When one examines any successful constitutional arrangement, one can never be quite sure why it works. It is an accumulation of intellectual theory, historical accident, social development and, above all, a nation's sense of itself—of its internal mythology, if you will. That is why experiments that have sought to transplant the precise constitutional system of one nation to another have so seldom been successful. Uprooted from the soil in which it has grown, any given system seldom flourishes elsewhere. We should therefore be cautious in changing our own arrangements, odd though they might seem to an outsider. Our constitutional system has grown and evolved in our national soil, and evolution is not about what is best but about what works.

However, evolution, while gradual, is also a continual process. Just as with organisms, organisations that do not adapt and evolve usually die out. I believe that what is proposed in the report before us today is a sensible evolutionary step. In my view, the key problem that it addresses is not the present size of the House as such. Under the committee's proposals, the numbers active in this place at any one time may even become greater than they are now. The problem is, rather, the potential of an unbounded system eventually to reach proportions that are deemed absurd by anybody's measure. The report therefore introduces boundaries, and sets out ways in which these could be achieved and maintained.

In doing so, the report draws a number of lines—for example, the idea of a 15-year term. Whenever lines are drawn, one can always find unfortunate cases that fall just the wrong side of the line. Moving the line does not alter this; it simply changes the identity of the unfortunate cases. If we are to move to a bounded system—and I believe that we should—we will introduce some consequences that are unwelcome. This is inevitable.

I believe that the report before us strikes a sensible balance in this regard. Of course one could argue with the quanta that it sets—but similar arguments would be made even if a different set of numbers were chosen. It is not comprehensive, and it leaves unanswered several difficult questions, many of which have been touched on today. We shall need to return to these in time. But as the noble Lord, Lord Dubs, learned at an early age, if we seek to solve all problems at once, we end by solving none. We should remember that evolution is a continuing process, not an end state in itself. The proposals in the report represent in their own right a significant step forward, and I support them.

4.01 pm

**Lord Leigh of Hurley (Con):** My Lords, I recognise the pressure, passion and intent of the report, but I am afraid that I must start from a different premise from most. I do not agree that there is much logic—I emphasise that word—in seeking to reduce the size of your Lordships' House. I would rather have seen time and effort spent explaining, as the noble Baroness, Lady Hayman, has said she does, to the public and the

[LORD LEIGH OF HURLEY]

relatively small number of people interested in this issue, that there are huge distinctions between this House and the House of Commons—and, indeed, every other legislative chamber around the world.

Members of the House of Commons are paid to represent their constituents, some to undertake ministerial business, but all to focus their efforts on their primary role in life, which is in their respective Chamber. Unlike what happens anywhere else in the world, your Lordships' Chamber comprises individuals many, if not most, of whom are active in other areas of life. They bring to this House extraordinary levels of expertise and knowledge, which can only be current if the custom is maintained whereby they are not expected to be full-time here but are allowed to fulfil their other responsibilities.

According to a recent YouGov poll, people are “overwhelmingly against” MPs having second jobs. Only 26% suggested that they should have second jobs, and in February Labour tabled a motion banning second jobs in the Commons, but not in your Lordships' House—with good reason. I for one would not like to see an upper House full of professional parliamentarians, and to achieve that objective we need a large pool of talent, from which we can draw, of people with current awareness of many issues. Our attendance rates will therefore always be lower than the Commons, as we carry out our other roles, so we should be much more positive and persuasive about why there is every logical justification for having a sufficient number. I do not know whether that would be 650. I would be interested to know what would happen if, as I suspect will happen, the Commons vote for their numbers to stay at 650.

I am also uncomfortable with the slightly “I'm all right, Jack” approach of this report for incumbents, and I believe it is up to us to create a system whereby those in your Lordships' House who do not attend sufficiently, do not participate sufficiently in this Chamber, or abuse their position in any way, are no longer offered this privilege of public service. As the noble Baroness, Lady Stowell, hinted, HOLAC might be expanded, or a new commission created, to review this much more carefully. It has to be clear to the public that this is not a sinecure for those who have left active work or service. For those who say that a larger House is too expensive, the answer is not difficult. We have an arbitrary fixed sum of £300 per day, plus out-of-town expenses. Let us consider reviewing this, possibly imaginatively, for those beyond working age.

Finally the report does not address the mix in this House, other than the political mix.

**Lord Cormack (Con):** May I say that it is not plus out-of-town expenses?

**Lord Leigh of Hurley:** I stand corrected, if that is the case.

It would be good if an analysis of this House's composition—ex-MPs, ex-civil servants, lawyers, academics and, in particular, business and union executives—were used for the selection of future Peers to gauge its real representative make-up, so that we can do our main work of improving legislation, holding government to account and debating important issues.

4.05 pm

**Lord Hunt of Chesterton (Lab):** My Lords, I am proud to be a Member of the House of Lords, but we needed this important debate about the House and the UK system of government, following the excellent report from the committee chaired by the noble Lord, Lord Burns. It was interesting that the committee had outside experts, including my colleague Professor Meg Russell of University College. I hope that the debates about this report will be widely publicised and may well even affect intelligently the views of the public about the House of Lords.

The report does not include any surveys of the views of the public and outside bodies that have considered the future of the House of Lords. I am sure that other noble Lords have had critical views expressed to them, as I often have, about how Members of the Lords have been selected, and other critical remarks. Surveys in fact show that a majority of people think that the UK's second Chamber should be elected in one way or another so as to reflect the views of the whole British electorate. But even if Members of the Chamber continue to be appointed, as in the new scheme proposed in the Burns report, there are still significant criticisms that the public want to make.

First, I do not think that the continuation of hereditary Peers has popular support; nor is there much support for how Members are selected. The report suggests, in a very reasonable way, how to reduce the numbers, but we cannot exclude the possibility that a single party might dominate the Commons and the Lords. As others have said, too many Members in this Chamber will continue to come from the south-east of the UK. Dare I say it, following the previous speaker—there may be too many financiers, especially when the Conservatives dominate? There are too few women and too few on the political Benches with important specialised knowledge and experience. The Cross Benches are full of experienced and knowledgeable people; we need more of the same on the political Benches. For example, scientists are well represented on the Cross Benches, but less than a handful of scientists and medical doctors have been appointed to the political Benches since I came here in 2000. Isaac Newton and Lord Kelvin were great scientists but they were also in Parliament and members of a political party. They showed that scientists can be all three at the same time—this is regarded generally by the public as an extraordinary idea—as is quite common among political and scientific people who are councillors in local government. The point has also been made about the shortage of appointments of engineers, industrial managers, practical entrepreneurs and others. I look forward, when I resign, to my position being taken up by a Labour scientist and engineer.

4.08 pm

**Lord Horam (Con):** My Lords, it is my habit when looking at questions of this kind to look across what is done in other countries. I am afraid that in this particular case it was rather chastening. In Italy, for example, the second Chamber numbers 325 members, while in France it is 321 and in Germany it is 69. In Canada, the second Chamber numbers 104; in the USA it is, of

course, 100—and in Australia, rather a large country, it is 76. Admittedly, some of those people are elected under their systems, but some are also appointed and have the same kind of arrangements for remuneration that we do. Even worse, we are of course larger than the primary Chamber. We are one of only three countries in the world where the second Chamber is larger than the primary Chamber, the other two being Kazakhstan and Burkina Faso—not countries that we should be comfortable to be compared with.

As the Leader of the House pointed out, the question of size does affect our reputation. It is damaging and will continue to be so. The noble Lord, Lord Radice, summed it up rather well when he said that he was fed up with the picture of the Chinese Communist Party at play—or at work—which we see every time. I am afraid that that is there and will continue while we are at our present size and nothing is done about it. That is the outstanding issue. All the other points that have been made are secondary to this major one, which we have to address.

It is important that we are seen to address it ourselves, and this is the right report to do that. As has been said, it has the magic touch of the noble Lord, Lord Burns. I was beginning to think he should take charge of our European Union trade negotiations after he completed his stint on this. I am not sure he would welcome that, but his ability to get a consensus in an agreeable and skilful way is widely admired. We would certainly get a better tone than Mr Barnier has injected.

This is a serious, balanced and practical report. The Prime Minister is a serious, balanced and practical woman, and I hope she will respond positively.

4.11 pm

**The Earl of Sandwich (CB):** My Lords, in general I lend my full support to the Burns report, having been a member of the Norton group since its inception. However, it is not going so far as some of us would like, through primary legislation. Many noble Lords signed up to the Bill introduced by the noble Lord, Lord Steel, which, in its original form, wanted to make the IAC statutory. This report is a not-too-subtle reminder of the excessive power of patronage in this House and presents a straight challenge to Downing Street not to appoint too many more Peers in the new year, just as we are contemplating genuine reform. Burns presents a firm step forward, and I am sure we can find ways of taking that step quickly.

But it is hardly a revolutionary report: we are only going back, at 600, to the number that we were at before. It is an irony that so many of us should have to attend today, when we could be discussing homelessness at Christmas, or Cyril Ramaphosa's future, or anything else. Why can we not all sign a letter and just proceed with it? We had the debate a year ago.

My main concern about this report is that it may strengthen the case for more regular attendance. As a Cross-Bencher this worries me, because we do not want to lose able people of considerable experience simply by requiring them to attend regularly. My noble and learned friend Lord Hope made this point more fluently. The report admits it, but somewhat reluctantly. It needs to be repeated that the strength of

this House, and its distinction from another place, is rooted in the expertise and special knowledge of many Members who only attend when they have to. I refer predominantly, but of course not exclusively, to non-political Members.

By the way, I warm to the suggestion made by the noble Lord, Lord Foulkes, about the regions, but I know this cannot be done except through an elected House. His point about splitting the peerage has been made before, many times, but it does not lose its validity for all that.

Beyond this, I would like to see more attention paid to the age of retirement. Here I share doubts about the 15 years: I cannot see that we should go in the opposite direction to existing legislation. I cannot see a two-tier House being acceptable or workable. I would not recommend a fixed age, but agree with the broad principle of retiring, say, after 80. I would be the last to ask any elderly, articulate Peer to step down—the magical names Avebury and Walton come to mind—but those of us now passing their mid-70s should be aware that most of us do not perform as well at 80 as at 70. Here I find myself only a little more radical than the noble Lord, Lord Wakeham, but not half as revolutionary as the noble Lord, Lord Steel, who calls for a clear-out at 80.

**Lord Steel of Aikwood (LD):** My Lords, the House of Lords Library assured me that if we did that next time, 204 would be able to leave at a stroke.

**The Earl of Sandwich:** That would be a splendid result. Peers in that age group should at least be talking to someone in the House—possibly a human resource desk or, better still, someone in every group and party who will already have that expertise. The Whips will of course have ulterior motives for removing some of their more independent colleagues, so it would be better to choose someone else, respected and preferably in the same generation—with, one hopes, the support of their party leader.

As a further incentive, I should like to revive discussion of the paper written by the former Clerk of the Parliaments, which shows that the House could afford, say, an average year's expenses to tide over Members who are genuinely in difficulty—those without pensions or other resources. This would be a net saving.

On hereditary Peers, I will say only, along with most of the Norton group, that the time may be approaching when we review by-elections, but this report is not a platform for that conversation.

Finally, I am genuinely sorry to hear that the Bishops are seriously contemplating a cut in their own numbers. They rarely appear in large numbers and, in that sense, they are well balanced by those of other faiths whom we warmly welcome. I hope that the Bishops will reconsider their position.

4.16 pm

**Lord Howard of Rising (Con):** My Lords, this proposal is based on the assumption that the number of Peers in this House should be reduced to 600. The report comments that, "there is widespread agreement on the urgency of addressing its size".

[LORD HOWARD OF RISING]

If the word “widespread” refers to a narrow Westminster village, it is correct. But outside of that tiny constituency, and possibly one or two academics, there is zero interest in the country in the size of this House. People are not that interested in us. With the greatest respect, there is no general desire or need to reduce the number of Peers.

If I did not know better, I would think that the proposal was made by Peers who so rarely go into the Chamber that they have not seen that for more than 90% of the time, the Chamber is 90% empty. The noble Lord, Lord Cormack, whose original suggestion it was, should certainly know that, given that there are many occasions on which he has given his views on a wide variety of subjects to the great benefit of what is so often a virtually empty House.

The report centres strongly on the number of Peers, but minimal attention is given to the work that Peers carry out, which is surely an essential ingredient when reviewing the size of the House. As the report recognises, Bills in the other place are time limited in Committee, which makes the House of Lords' role as a revising Chamber of huge importance. That requires a decent-sized pool of Peers in order to have a sufficient number with knowledge of the subject matter of the Bill who are prepared to spend the time in Committee going through the legislation. As your Lordships know, more often than not, this requires spending six or seven hours a day for a number of days, and not always with the respite of a dinner hour.

In practice, this House already operates with 600 Peers rather than the total of 800-plus. This makes a reduction to 600 either pointless or possibly an impediment to the future working of the House. There have been, as my noble friend Lord Strathclyde pointed out, only three Divisions in the history of the House in which more than 600 Members have voted. The average daily attendance last Session was 484. The average vote in Divisions is 396.

In terms of costs, 98 Peers—12% of the House—do not claim any allowance at all, and in all, 20% of your Lordships claim less than £5,000 per annum. Reducing the number of Peers is unlikely to have any impact on the cost.

Comments have been made that there is insufficient room in the House for the present number of Peers, but I would remind your Lordships that there are 650 Members of the other place, and the generally accepted maximum number of MPs who can sit in that Chamber at any one time is 427.

Your Lordships should carefully consider whether, under the proposal, there is a risk, albeit in the future, that those putting in the time and effort are the ones pushed out after 15 years, leaving only those Peers who do not frequently attend the House to carry on the valuable work. This House works well as it is and any reduction might prejudice this with no discernible benefit.

4.20 pm

**Lord Phillips of Worth Matravers (CB):** My Lords, I put down my name to speak in this debate for one

reason only: to put on record my enthusiastic support for this report. It is, if I may say so, a masterpiece of skill, wisdom and tact.

The desirability of a reduction in our numbers is, I would suggest, obvious; indeed, it is more than desirable—it is imperative if this is to be a sensible institution. I hope that the response of the vast majority of those taking part in this debate will carry the weight that it deserves with the Prime Minister.

I would like to add one footnote. I believe that those who were involved in the discussions that led to the Constitutional Reform Act shared what lawyers describe as a legitimate expectation. This was that, on retirement, any member of the Supreme Court who so wished would be made a Member of this House. That legitimate expectation has not been met. It is in these circumstances that I am prepared to support, despite some reservations, the proposal made in paragraph 77 of the report, that members of the Supreme Court should receive life peerages on appointment.

4.22 pm

**Lord Grade of Yarmouth (Con):** My Lords, Giuseppe Tomasi di Lampedusa's great novel, *Il Gattopardo*—the leopard—was published posthumously in 1958. It became the biggest seller in the history of Italian publishing. Visconti even made a film of the novel. It is a chronicle of an aristocratic prince in Sicily at a time of civil war and revolution. There is one line in the novel which to this day captures the imagination of scholars, academics, students, writers and readers alike. They struggle with one sentence in the book, a sentence which I believe has some relevance for your Lordships' debate today. Tancredi, a young nobleman, remarks to his uncle, the prince:

“If we want things to stay as they are, things will have to change”.

This central contradiction continues to baffle the literati, but clearly they have not had the benefit of the noble Lord, Lord Burns, and his committee, who seem to me in their report to achieve a perfect resolution of the Tancredi contradiction. The Burns report recommendations undoubtedly ensure continuity for this House's assets and values and its subservient role in our democratic governance, while introducing some practical and much needed, and much talked about, reforms.

Those gripped by the Netflix series “The Crown” can see how carefully the monarchy has adapted and changed in order to preserve its essential value to the UK. Even the BBC, for goodness' sake, has adapted and changed without losing sight of its mission and importance. It is time that your Lordships' House evolved. The Burns report offers the best chance for it to reform itself. We should embrace it because we may not get another chance for years to come.

I have one small criticism, of course—being from the media, I have to find some criticism. While I am in total support of the Burns recommendations, I have only one small regret. The noble Lord might have taken the opportunity to propose the introduction of Radio 4's “Just a Minute” rules into the Chamber, as suggested by my noble friend Lord Leigh. You get gonged out for hesitation, deviation or repetition.

4.25 pm

**Baroness Young of Old Scone (Lab):** My Lords, that is a daunting finale to follow, but I am delighted to follow the noble Lord. This morning when I left my Select Committee meeting to come to the Chamber, the special adviser said, “Are you off, then, to save the House of Lords?”. To be honest, I had not thought about it in that way, but that might actually be where we are.

In the public's eye, as far as the House of Lords goes, size matters. There is clear evidence both from polling and from the media that when Prime Ministers of the past—I shall not name any names—stuffed the House with Members and it grew, public confidence in the House immediately dropped markedly. Today we have a real chance to do something productive to help ensure that that vital public support for the House continues. As the noble Lord, Lord Grade, said, it might be one of our last chances. Not only do I wholly support the excellent and cunning report of the noble Lord, Lord Burns—he is, and has been for many years, very cunning—but I believe that failing to implement it would be a further nail in our reputational coffin.

I confess that I would have liked the target size of the House to be smaller: 400 seems to me to be plenty, especially if all Peers are involved, committed and here. I would like to see the end of the charade that is the hereditary Peers' elections, so I will put forward a proposition. I know that it is enshrined in legislation, but if we are in the spirit of committing to voluntary reduction and change, why cannot the hereditary Peers—or the wider electorate, if that is the case—simply take the law into their own hands? If the electorate for the hereditary Peers' elections simply refused to vote, we could get a system of two out before one in very rapidly in that field as well.

In common with many Members of the House, I believe that we have to get started. The Burns report is an excellent start, and we should simply get on with it. Much depends on the honour of the Prime Minister and successive Prime Ministers, which is a rather uncertain ask. We need to have some sort of orchestrated precision system, a bit like—for noble Lords who have seen it—the system for exchanging spies in the movie “*Bridge of Spies*”. We will march out our outgoing Peers only when we see that the Government, and other parties, are marching out theirs and that the PM is not flooding the House with new appointments. I can see Westminster Bridge as the site for re-enacting that process. Noble Lords who have not seen this movie really ought to; it is an extremely good one, almost as good as the movie of Giuseppe di Lampedusa's *The Leopard*, which is one of my favourite movies of all time. Let us get on with this: there is no time to lose.

Before I finish, I will talk about age. I am really old: I am 69. A woman should never lie about her age and that is the real one. That is the average age of noble Lords. The biggest age band in this House is 71 to 80 year-olds; 108 of us are over 80 and only four are under 40. There are 39 between 41 and 50. The average age of leaving is 83. When I first came to this House, I used to think that the bishops looked a bit old—but now, with their admirable retirement age of 70, the bishops are the youngest group in this House. More than

half of this House is over 70, so I am now going to fall into the trap that I fell into in the first year when I came here. My noble friend Lady Jay, were she here, would remember that at that stage she was Leader of the House. We had a small soiree in her apartments here, and I raised the question of whether we should have a retirement age of 70.

It has taken me 16 years to get over that. Again, when the hustings were afoot before we elected the last Lord Speaker, I tentatively expressed the view that it was a shame that all three candidates were over 70 and that two of them, although wise and noble, were considerably over 70. So I know that I will not win many friends by what I say, but if we are risking the reputation of the House by being “large and bloated”, we can also be represented as being “very old”.

I know about wisdom. We all hugely value—and I feel privileged to be in the presence of—the wisdom that is demonstrated by many of the older Members of our House. But wisdom and age do not universally go hand in hand. We need to be able to reflect and understand the needs of the population right across the age groups and not be out of touch—so we need more younger Members. To say that younger Members will not have the requisite experience, gravity and understanding is belied by the current Leader of the House, who was a mere babe in arms when she arrived. Indeed, she still is, but none of us would not recognise the wisdom and the contribution that she makes to the House.

So I hope that those who will finagle the retirements in this House will make sure that we start to address this issue of age, and I hope also that those who finagle the appointment of new Members to the House will bear in mind that we need younger Members.

4.31 pm

**Lord Armstrong of Ilminster (CB):** My Lords, it is a truth universally acknowledged that there are too many of us. It is good that your Lordships should be, and should be seen to be, addressing this problem for yourselves, without waiting for a Government to introduce legislation. Given the pressures on the legislative programme, that might be a very long wait.

The Lord Speaker's committee, under the chairmanship of my noble friend Lord Burns, has produced an admirable set of proposals for a system that will over time, and without legislation, reduce the size of the House from over 800 to a steady state of 600 Members. The proposals are skilfully designed, well balanced and well articulated. The debate today shows that they have the positive and, as nearly as possible, unanimous support of the House. My noble friend Lord Burns deserves signal recognition for his services—not punishment, such as being in charge of the EU negotiations, but some real honour, like a portrait in the dining room or perhaps the renaming of a Committee Room.

This House is rather like a water tank. If you want to control the level of water in the tank, you have to balance the inflow and the outflow. The Lord Speaker's committee makes proposals which would enable the House to control the outflow, but the inflow is altogether outside our control. It is entirely dependent upon the

[LORD ARMSTRONG OF ILMINSTER]

exercise of the Prime Minister's prerogative to recommend the creation of peerages. Not all Prime Ministers, especially one or two recent Prime Ministers, have had sufficient regard to the effects of their recommendations upon the size of the House. The efficacy of the committee's recommendations will depend on the willingness of the Prime Minister and her eventual successors to comply with the committee's suggestions for limiting the numbers of new peerages created. I dare say that in this regard the present Prime Minister will be readier to set an example to her successors than to try to create a binding precedent. But I have no doubt that her response will depend at least partly on the strength of your Lordships' commitment, as demonstrated in this debate and in the subsequent passage of changes to standing orders and other changes which will be required to put them into effect.

In this connection, I have one small suggestion to offer. As the committee recognises, one of the purposes for which the Prime Minister may need or wish to create peerages is to ensure that the Government have representatives on the Front Bench in this House in sufficient quantity and, if I may respectfully say so, of sufficient quality to speak effectively for the Government over the whole range of government business. This is of importance and value not only to the Government but also to the proper discharge of the House's responsibilities for the scrutiny of legislation.

It might help the Prime Minister to accept the proposed limits on the numbers of new peerages she is able to recommend if she were free to appoint new Peers outside these limits when they were needed to serve as Ministers or Front-Bench spokesmen. This would be on the understanding that, when they came to stand down as Ministers or Front-Bench spokesmen, they would be required to take voluntary retirement from membership of the House—while retaining their titles—unless the Prime Minister confirmed their continuing membership within the limits of the numbers of new peerages to be recommended.

I hope that by this debate, your Lordships are demonstrating your strong support for the Burns committee's proposals. For my part, when the time comes, this turkey will vote for Christmas, if with a twinge of regret. None the less, it will be *senza rancor*—without rancour—and with gratitude for having been given the opportunity of enjoying the privileges of membership and sharing the pleasures of sodality in your Lordships' House.

4.36 pm

**The Earl of Caithness (Con):** My Lords, the interest in your Lordships' House in this debate and in this subject is enormous—we have a list of 95 speakers. The interest outside is zero. When the noble Lord, Lord Burns, got up to introduce his committee's report, there were two members of the public in the Press Gallery and none in the Public Gallery. It swelled to 13 by the time he had finished, but we are now down to three in the Public Gallery.

Size is not the only problem facing this House at the moment and, to my mind, it is by no means the most important. It has been said many times—and there are plenty of examples—that the House of Commons has

no idea about, and very little interest in, how this House works. This was confirmed by the noble Lord, Lord Radice, a moment or two ago. He admitted that he had had no idea how this House worked but, now that he is here, he sees the benefits of it.

The Burns report recommends a membership of 600. I am firmly in the Boothroyd camp and have been saying consistently for many years that this number is far too big. There is no justification for 600. In 2014, the Labour Peers' Working Group produced a report recommending 450. I wonder why so many Labour Peers are now happy to increase that by 33% to 600. We need to consider what the right number should be.

The Labour Party report of 2014 based its figure of 450 on the concept of a working Peer. This is exactly what the noble Lord, Lord Burns, does and says in his report. If we are going to base our figures on working Peers, the nature and character of this House has to change. The noble and gallant Lord, Lord Stirrup, said that the 600 figure would possibly increase the average attendance. I totally agree; I think it would increase. The average attendance at the moment is 484. If the Prime Minister accepts the proposal and ups her allocation to 600, this House will have an average daily attendance of well over 500. Members will be here for a 15-year term; they will be encouraged to come and there will be many more Peers in the Chamber on a more regular basis, taking part more often.

The report also highlights a problem identified by the noble and learned Lord, Lord Hope of Craighead, that those who are further away would be penalised. However, the current system penalises those who are further away. When I lived in Caithness, I had a major difficulty in getting down here. If the Chief Whip wanted me to be here on a Monday afternoon, I had to leave home on the Sunday night to guarantee being here in time for the vote. That problem will be exacerbated in the future.

Rightly, there has been mention of the credibility and expertise of this House. The noble Lord, Lord Hunt of Chesterton, was the first to mention scientists, but there will be fewer and fewer spaces for such people coming from outside Parliament. It is worth noting that, much as I like some of the former MPs, there are far too many here. Since the 2015 election, 35% of appointments to this House have been of former MPs. That means that we will not have the scientists and professional people who should be here to broaden the base. This House depends on a broad base and the terms of the report will limit that.

I very much welcome what the noble Lord, Lord Burns, and his committee said in the report about receiving a peerage but not having the right to sit in the House of Lords. I mentioned that in the debate on the report of the Labour Peers' Working Group in 2014 and I thoroughly endorse it.

I shall move on quickly to the timetable. Eleven years is far too long. In 1999, most of the hereditary Peers were removed at a stroke. It was painful but it worked. In effect, it removed 90 working hereditary Peers, leaving 90 working hereditary Peers behind. I believe that if the House wants to limit the number to 600, we should do it straightaway. It is the best way to tie in the Prime Minister. We could do it virtually

before we return on 8 January next year. I end with a quotation. The noble Baroness, Lady McIntosh of Hudnall, quoted “Othello”; perhaps I may quote “Macbeth”:

“If it were done when ‘tis done, then ‘twere well  
It were done quickly”.

4.41 pm

**Lord Davies of Stamford (Lab):** My Lords, I thoroughly agree with and welcome this report. It is an excellent piece of work. It has been called “ingenious” in this House and it thoroughly deserves that term. However, I have two reservations or concerns about it which I want to mention to your Lordships—and, as I always try to do on such occasions, I will try to suggest some possible remedies if the House were to agree that they were potential problems.

The first relates to the election of hereditary Peers. The report is uncharacteristically abdicatory when it comes to that subject. It mentions that, as a result of its proposed model, the one group of Peers that will increase in size in this House is the hereditary Peers. I think that that would be seen by the outside world as absurd, ridiculous and crazy. It would be a gift to anybody who wanted to rubbish either the reform of this House or the existence of the House at all—so I do not think that we can leave that aside.

It is much easier to deal with the problem of the potential election of people who have not yet been selected or identified and the problem of too many people sitting in this House at any one time. It ought to be possible for us to take action on the election of hereditary Peers without causing any distress or sense of injustice to any individual. So I hope that we can be very robust. Personally, I think it should be possible for us simply to refuse to introduce any more hereditary Peers who are elected in that fashion, and certainly to deny them allowances or offices if it comes to that. However, the most effective way would be simply to say, “I’m afraid we’re not prepared to arrange any introduction ceremony”. Surely that is within our scope and does not require legislation. Of course, on this and every other matter, it would be far better if we could have legislation; I am just assuming, as the report does, that we will not have legislation.

The second problem that I foresee is the manner of selection of those who in the future will be asked or encouraged to leave the House. The suggestion in the report is that it is a matter for the convenor of the individual parties, or at least for the parties themselves. Two possible ways of doing this have been mooted. One is that the Chief Whip in each party draws up a list of his own Members and speaks to the ones whom he wants to get rid of, using some kind of moral pressure to get them to resign. This is not a criticism of any Whip, because inevitably all Whips have behaved like this since the beginning of time. The agenda of any Whip would be to try to get rid of people who are more difficult and unpredictable—I may possibly be speaking in my own interests here—and to keep people who are malleable, amenable and do what is asked of them without creating too many problems. I do not think it is right to try to make the character of the House evolve in that way.

The alternative proposal is that there should be elections in each party group, in which we would all decide ourselves who to throw out of the balloon. That might also have some very damaging unintended consequences. It would change the spirit of the House. For months on end there would be a sense of everybody fighting an election for survival. An awful lot of conversations—

**Lord Elton (Con):** I merely wish to say that we hereditaries have been through that and it was not like that at all.

**Lord Davies of Stamford:** Well, when one is looking at a new model or proposal, inevitably some of the dangers that one envisages are theoretical—one does not know whether they would eventuate or not—but I want to share with the House my concern on that. As somebody was saying, there are too many MPs here, and certainly anybody from a political background knows immediately how people respond when there is some suggestion of an election. So I think it is asking too much to expect Members of the House not to be concerned with their own survival and not to allow that to influence conversations with colleagues, or even their political and public acts, comments and so forth. It would be extremely undesirable, so that is not the right way forward.

I said that I would try to make a suggestion as to how that might be dealt with. It would be much better if we adopted more objective criteria. There is one easy trick: in recent times there have been quite a lot of people who have not appeared in the House for at least half the number of days on which the House was sitting. I have the figures from the Library. In 2015, 391 Peers participated or came to the House for less than half the time when the House was sitting. In 2016, it was 356. People who do not come to the House on even half the days on which it sits are not displaying the commitment that it is reasonable to expect of anybody who is a member of a legislature anywhere in the world. He or she would not be up to speed with what is going on and what people are thinking in the House.

There would be much merit in adopting a rule in future—we cannot do it retrospectively—that people who do not appear on at least half the occasions when the House is sitting should be asked to resign. People will say that that may have a disproportionate effect on one political group or another, but the report suggests a way of coping with that problem: the number of new Peers allocated could be modulated so as to restore any imbalance that had occurred following the application of the rule.

4.48 pm

**Lord Mawson (CB):** My Lords, I am happy to support the report of the Lord Speaker’s committee on the size of this House because it is a practical way of making progress on the numbers in your Lordships’ House. It is not perfect and does have some holes, but it is a pragmatic response to a problem that I hope can be solved.

I came into this Chamber for the first time 10 years ago this year. On being invited in, I was unsure what I was getting myself into. Was the House of Lords now

[LORD MAWSON]

out of date, an anachronism no longer suited to serving the modern world? Did those arguing for a representative Chamber have a point? Ten years on, while the House is not perfect—nothing is—I am now more sure than ever that this appointed House has an important contribution still to make in a haphazard world that is in danger of losing its roots. Of course, I am now no longer of independent mind, as a member of the club. But it is my view, based on observation and practice, that this is a pearl of great price worth protecting.

It is a privilege sometimes to sit here and listen to impressive speeches of experienced and wise people. Where else in our society would you be able to listen to the amazing speech of the noble Lord, Lord Sacks, as we did recently during the most reverend Primate the Archbishop's debate on education? Where else would you hear, in the same debate, the contribution of a former Bishop of London,

"the noble, reincarnated and right reverend Lord, Lord Chartres",—  
[*Official Report*, 8/12/17; col. 1284.]

as the Archbishop referred to him, now on the Cross Benches, worrying away about a society in danger, in this technological age, of losing its moral compass and shared narrative—about the real danger, as technology invades our lives, of society becoming a crowd of atomised individuals?

These two speeches did not happen by chance; they reach back into several thousand years of human history and experience. Where else would you hear, in the same debate, the sense of urgency of the noble Lord, Lord Adonis, chastising us all and himself about our lack of focus on schools in the north of England? I am working with schools in the north of England at the moment, and the noble Lord is right to worry away and disturb us all with his questions. Where else would you hear the emotional debate last Wednesday, on day 2 of Report on the Data Protection Bill, between those arguing for the freedom of the press, post Leveson, and those worrying about how little has actually changed since that inquiry, and the effects still of the behaviour of some of the press on the lives of ordinary people who are not in positions of power and who sometimes have to live with a made-up story about their lives broadcast across our national media for the rest of their life, when of course the press and lawyers have moved inexorably on to the next story and the next case? On the amendment I listened to, it came down to an excellent and emotional debate about one word: "necessary".

The report before us today seeks a practical way to protect this Chamber and our important work from ridicule and misunderstanding. It is right to do so. Size does matter, but size and structure are one thing; what we must all focus on and protect is the calibre and experience of those people who are called to sit in this Chamber going forward. Six hundred is a sensible number, but at the end of the day your Lordships' House is not centrally about numbers but about people. The modern world is all about people and relationships: this Chamber is all about ensuring that the right people with great practical experience and wisdom can contribute to our detailed debates and this country's democratic process. How do we ensure that our systems and processes—and, indeed, Prime Ministers—understand

and respect the functions of this House, and ensure that only the best and most experienced in their particular field sit here? I would have liked to have seen more in this report about the people question, because it is this question, I suggest, that will both define our future and our relevance going forward. It is all about people, and the future of this House is all about ensuring that we have the right people with the right balance of wisdom and practical experience over time.

I turn to a couple of practical matters. I am not sure how this report will help protect the independence and numbers on the Cross Benches, when party political Peers seem to be joining our Benches in increasing numbers. Possibly the noble Lord, Lord Burns, has an answer. If this is a trend, how does it impact on our numbers? Those of us who are genuine independents cherish the clarity of our position and our appointments process. Our independence really matters. How will this work in practice and be perceived on television by the outside world? Have I missed something? Quite possibly.

Secondly, post Brexit this country will have to stand on its own feet and make its way in the world. This is a time when we will need to embrace those of an entrepreneurial spirit, with sound business acumen. I sometimes worry, if I am honest, that the Cross Benches at present have a large contingent of excellent people whose experience has been in the public and charitable sectors rather than the business and entrepreneurial world. Business experience and practice will now become crucial as our country moves forward. I may be wrong, but this should be tested. The Victorians understood the significance of these entrepreneurial people and their place in the institutions of this country. A younger generation understands it, too.

It seems that we are going to give the Prime Minister an opportunity this afternoon; the future of this House and of our constitution will then sit with her. I wish her well as she deliberates and I hope that she takes it: it may never come again.

4.54 pm

**Lord Robathan (Con):** My Lords, it is gratifying to see how many Members of the House of Lords are participating in this debate—approximately one in eight, I suggest. I suspect that it is not just because of the important nature of the debate, but possibly because some of us feel an element of self-interest. Perhaps I should confess to that. The noble Lord, Lord Davies, referred to survival.

I would broadly welcome the report of the noble Lord, Lord Burns, and his committee. He has done very well. I congratulate him and his committee. I have two small caveats. First, 15 is an unfortunate number, because one wants to get away from a multiple of five, given the Fixed-term Parliament Act. It is a small matter—noble Lords may think it is one of perception—but I think it is of concern. Secondly, 600 is still pretty large. I would be aiming lower, for a target of 400 or 450.

While I welcome this report, it begs a very important question. If most people believe that there should be a time-limited term for future Peers, what about current Peers? What about all of us? It sounds a bit like the drawbridge being pulled up behind. The debate last

September was about reducing the size of the House, and most people agreed that it was far too big. I expected to hear all those speeches ending in, "And therefore I volunteer to be the first to leave". I was disappointed.

I would draw attention to the so-called Nolan principles of public life. Many Members here will remember when they were drawn up some 20 years ago. The first is selflessness. The last is leadership. Should we not all be prepared to show both on this issue and lead the way selflessly, if of course we accept the principle of a time limit?

My own view is that a time limit is probably right. I will indeed volunteer if everybody else does to leave, just for the benefit of doubt. I would put a time limit of say 13, 17, even 22 years, if it engendered more support. But it should be retrospective on us all, not just people in future. There could be a totally independent mechanism for those that are concerned. An arm's-length committee that is not political might allow an extension, of five or perhaps 10 years, for people who really add value to this place—not necessarily superannuated MPs like myself and one or two others sitting around here, but people who have exceptional value in their contributions to this place.

To build on the report, I would say that we should also be looking at a self-denying ordinance amongst hereditaries and among the Bishops to reduce their numbers as well, perhaps to 14 Bishops and perhaps to 50 hereditaries. I am sure that this is possible. It is not beyond the wit of man for everyone to sit down without legislation and reduce these numbers.

I return to my main point. If we accept the logic and the principle of a time limit, it should surely apply to us all. I was very struck by the argument of my noble friend Lord Strathclyde, who speaks with great experience and knowledge. His call for prime ministerial restraint is very sensible. Nevertheless, I still cling to the idea that we should have a time limit. I shall tell you for why. Of course, we are all exceptional here. That is why we are here, is it not? We are outstanding public servants; we have great experience; and we make magnificent contributions to public debate et cetera. But perhaps there are others who are just as capable. Perhaps if we went, other capable people could contribute just as well. We should give them a chance.

I have little expectation of overwhelming support for retrospection for those of us sitting here—I know, by the way, how to make friends in this place by suggesting it—but it is the logical and principled way forward in which we would show both leadership and selflessness.

4.58 pm

**Lord Aberdare (CB):** My Lords, I too congratulate my noble friend Lord Burns and his colleagues wholeheartedly on their report. They have shown consummate skill in navigating the perilous course between the fatal Scylla of proposals which would require legislation and the equally disastrous Charybdis of an approach which could not command support in the House itself. Indeed, the noble Lord, Lord Burns, has outdone even Odysseus in achieving this feat without losing a single member of his crew.

I also pay tribute to the Lord Speaker for initiating the work of the committee and to the noble Lords, Lord Cormack and Lord Norton, for the work of their campaign, of which I am delighted to be a member. In my view, the report is as balanced, reasonable and fair as it would be possible to expect. Other adjectives we have heard today, all of which I agree with, include "wise", "ingenious", "elegant", "imaginative", "pragmatic" and "cunning".

I strongly believe in establishing a fixed term for membership of this House. I myself have no intention to stay for more than 15 years, and look forward to being followed to the exit by the noble Lord, Lord Robathan. I do not propose to address other specifics of the report. Any quibbles I may have about details—and they are very few—are outweighed by my belief that the package as a whole represents the most practical approach to tackling our excessive numbers and by my hope that it will lead to action. As the noble Lord, Lord Beith, said, this is the only show in town and we should sign up for it.

There seem to be two critical challenges in implementing the report. The first is persuading the Prime Minister to give the required undertaking to appoint no more new Members than there are vacancies under the proposed two-out, one-in system. I recognise that this calls for a laudable and brave self-denying ordinance on her part. If that commitment is made, I for one would be more than content to see an end to hereditary elections as a subsequent step. I am encouraged by the relatively few new peerages created since Mrs May took office but somewhat concerned by reports that more are planned in the near future.

The second challenge is whether enough of us in this House are prepared to back the report's proposals, despite any qualms we may have, and whether the parties and other groups can deliver on the need to reduce their numbers in line with the proposed targets. I hope this debate will demonstrate a willingness on our part to accept the challenge and will create the impetus and momentum to drive the process forward at some speed.

One thing I would urge is that the implementation process should be supported by a strong communications plan designed to ensure that Peers, MPs, civil society, the press and the public understand our determination to tackle the issue, how we are seeking to do so, and the constraints within which we are working. We need to make it quite clear that we recognise the problem and are doing all that is in our power to fix it. Those of us, like me, who believe in the constitutional importance and value of the role performed by this House must surely be concerned that its effectiveness is undermined in the eyes of the public by some of its features, one of which is its sheer size.

Unlike others, this is one issue which we ourselves can do something about, and the committee of the noble Lord, Lord Burns, has shown us clearly how. If we fail to grasp this opportunity now, I fear that we may eventually find a solution imposed upon us that could be much less satisfactory, less balanced, less reasonable and less fair than the approach of the Burns report, and one that could leave this House

[LORD ABERDARE]

much less effective in providing scrutiny, advice and insight to government and a valuable service to the nation.

5.02 pm

**Lord Goodlad (Con):** My Lords, I, too, congratulate the noble Lord, Lord Burns, and the members of the Lord Speaker's committee on the report, and support its recommendations. In the absence of a written constitution, this House and the other place are reliant for our effectiveness on broadly shared values, trust and conventions. Hitherto, this reliance has nearly always served us well and, for the proposals in this excellent report to be effectual, respect for convention in the future will be essential. I have every hope and confidence that that respect will be forthcoming.

I have no quibble over points of detail in the report. I think 600 is an appropriate number of Peers for us to discharge our duties. The formula for reflecting the political views of the country over a period of time is by far the best suggested hitherto, based as it is on the work of my noble friend Lord Jopling, who is in his place. A fixed term of 15 years for new Peers is about right; it may be a little short. The proposals for the Cross Benches and retired Supreme Court justices are, in my view, unimpeachable. Consideration of the composition and statutory basis or otherwise of the House of Lords Appointments Commission is important but is a matter for another day because unreviewable discretion is an extremely controversial subject.

This House discharges its functions, I think by universal acknowledgement, effectively. The committee's proposals, if implemented, will maintain that effectiveness and perhaps enhance what I have noted from a number of perspectives over several decades to be broad public support for our constitutional role, despite the occasional passing cloud in opinion polls. The objective of this debate is to establish whether there is widespread support for the committee's proposals. I wish the noble Lord, Lord Burns, and the committee well in the forthcoming process of reaching agreement on the way forward with the main parties and others involved, and I look forward to our implementing the proposals which emanate from that process.

5.05 pm

**Lord Faulkner of Worcester (Lab):** My Lords, I have known the noble Lord, Lord Burns, for some 30 years as a friend and I have always admired his ability to win people over by the power of persuasion. That quality he and his fellow committee members have shown in abundance with this brilliant report, and I, like other speakers in this debate, congratulate them.

My most earnest hope is that this report will not go the same way as an earlier Burns report on another British institution, which in that case was oversized, outdated, unrepresentative and predominantly white, male and middle-class. I am referring, of course, to the English Football Association. Despite early indications in 2006 that the recommendations of the noble Lord, Lord Burns, were to be accepted in full, so little progress was made that the noble Lord appeared in

front of the Culture, Media and Sport Select Committee five years on, and the report in the *Guardian* of that session carried the headline:

"Lord Burns accuses FA of losing plot over regulation."

As numerous speakers in this debate have already said, this may be the last opportunity we have to address the challenges facing this place, and I urge us not to lose the plot.

We have to work hard to win appreciation outside this place of the value of what we do and of our ability to hold the Government to account and to give the elected House the opportunity to think again on aspects of legislation that it may not have had the time to consider in depth by drawing on the expertise of individuals with a lifetime's knowledge and achievement in examining complex subjects and policy areas. These are the attributes of this place which give the House legitimacy. I frequently make the point, particularly when I am talking to school groups in the outreach programme, that while democratic elections are one means of conferring legitimacy on an assembly, they are not the only one.

However, as the Burns report and today's debate demonstrate, there is one aspect of our existence which has to change. There are simply too many of us. With almost 100 speakers in today's debate, there are inevitably many points of view, but very little disagreement on that essential principle. In view of that, I was depressed to read in Friday's *Times*, and to see repeated in the *Daily Express* yesterday, a story with the headline, "New peers to be appointed 'in weeks'", which the noble Lord, Lord Newby, referred to this morning. The report said:

"Theresa May is expected to appoint new peers 'within weeks' as she seeks to shore up support in a House of Lords emboldened by her Brexit defeat".

There followed a list of former MPs who retired or lost their seats at the election, and the comment:

"The move will improve Mrs May's position in the Lords before the EU withdrawal bill moves across".

It is hard to think of anything that would do more to undermine the credibility of the report by the noble Lord, Lord Burns, than such a move on the Government's part. I hope that in due course we will get a categorical denial from the noble Baroness the Leader of the House that anything of the sort is being planned. She and particularly her Chief Whip know that in a balanced House, as we are, with no party majority, you do not win votes by packing in more of your own Members, but by making a real effort to win the argument. I am sure she appreciates, as everyone else here does, that if we are to reduce the size of this House, the party leaders have to exercise self-restraint in the appointment of new Peers. Otherwise, not only would we never get near a total membership of 600, we could see our numbers ballooning northwards beyond 1,000, as the Lord Speaker has wisely reminded us.

Like many noble Lords, I have my own ideas for reducing the size of this House. I will not delay the House by talking about them now, but I am particularly attracted by the idea of ministerial Peers: colleagues who come in to do a ministerial job, but then disappear when they cease to have that job. This point was made very forcefully by the noble Lord, Lord Armstrong

of Ilminster. If some of these Ministers decide they want little to do with this place after they leave office, they should be encouraged to resign at the same time as they step down as Ministers.

What is abundantly clear is that there is overwhelming support for reducing the size of this House and that the very best of the many solutions put forward to how to achieve that are in the Burns report. I support it unreservedly.

5.10 pm

**Lord Cromwell (CB):** My Lords, when I saw so many noble Lords had put their names down to speak in this debate—almost an embarrassingly large number—I wondered whether I should add mine. Having listened to the noble Baroness, Lady Young of Scone, give the statistics on the age of the House, I learned that I am also a giddy youth in this place, which was described as a gathering of elders by the noble and learned Lord, Lord Brown, earlier in the debate.

I thought I would speak because last time we debated this issue, I expressed the view that the number of Peers was a distraction from the real issue, which is that very few people outside this House know what we do, how we do it or why we do it—a point the noble Lord, Lord Leigh, made quite powerfully earlier, as did other noble Lords. At that time, I sought out the loudest advocates of reducing our number and asked them for the practical or principled reasons why it should be reduced, but even they told me that the problem was essentially cosmetic. But that was before we had this excellent report. I have now studied, considered and discussed it at length with fellow Members of this House, and my view is that we should wholeheartedly support it. Discussions across the House, and with very few exceptions the speeches in this debate today, make it evident that many others also support that point of view. I will just make three points in the time available to me.

The first in a way harks back to my earlier position. The noble Baroness, Lady Crawley, wants us to be loved; the noble Baroness, Lady McIntosh, seeks to protect our reputation, as did a number of other speakers, including the noble Baroness, Lady Hayman. I very much doubt that culling 200 Members from this place will make us loved, nor do I think it would probably cool the blood lust of those who would go far further than that. I use the next phrase metaphorically, with no reference to the right reverend Prelates, but throwing a bunch of Christians to the lions did not typically, in the Romans' experience, cause the crowd to call for less of the same. My real point there is the lack of understanding, and whether we are 200, 600, 400 or 800 makes very little difference. It is simply that nobody knows, and fewer care, what we do. That is something we should be addressing.

My second point is something that many have already spoken about. The wide support for this report among pretty much everyone I have spoken to and among most who have spoken today is predicated on what happens at the other end. The noble Lord, Lord Newby, made this point, and many others echoed it. I think his phrase was that we need a "cast-iron" guarantee that the Prime Minister will resist the temptation, as

we pull the plug at this end and 200 of our Members are flushed away, to simply turn on the taps at the other end. I sincerely hope this is something the Leader will take back to the Prime Minister as a very firm message from this House. I believe that without that message being taken back, the support in this House would be a good deal more muted than it has been today.

I have been tempted into dangerous waters here: I want to say a word on the hereditaries, being one myself and a beneficiary of the hereditary by-elections. Yes, the hereditaries took a huge cull in the past and no other group has had to do that, but I think it would be wrong for the hereditaries and the bishops to stand aside at this time and not bring our experience more into line with what other groups in this House are experiencing. Whether that is to do with the by-elections or a more general haircut and the continuation of the elections is not for today, but it would not be right for the hereditaries or the bishops to just stand aside because we are, if you like, protected by the need for legislative change.

I agree with those who have said that having a top honour that is not a public service job—which being in this Chamber is—is a good idea. I would only appeal for us not to call it a peerage. That would lead to confusion or even abuse. Let us have a top honour—a reward—and public service in this House, but let us not give them the same name. The point may seem petty, but I fear that it would be very open to abuse.

5.15 pm

**Lord Hayward (Con):** My Lords, it is difficult when you rise at this stage in the debate to know how to cover things that are new, and I do not want to repeat many of the comments that have been made by many other people in the Chamber today during the debate. I would merely say at this stage that I agree very much with what has just been said by the noble Lords, Lord Cromwell and Lord Mawson.

I look back 34 years ago plus one month when, as a new Member of Parliament for Bristol, I stood up at Business Questions for the first time in the other Chamber and asked if we could have a debate on reducing the number of Members in the House of Commons. Thirty-four years on, there has been no reduction. As I say, I was MP for Bristol. Rather than going back a mere 50 years to Visconti, as my noble friend Lord Grade referred to earlier, if one goes back 230 years there was another much greater MP for Bristol, one Edmund Burke, who advocated that in terms of the British constitution we should adapt to change while affirming traditional values. That is what I think the report of the noble Lord, Lord Burns, achieves so admirably. I could therefore describe the report as positively Burkean.

The only comment that I want to make goes back to what I said just now about the number of MPs. By any measure—the noble Lord, Lord Horam, referred to this in part earlier—this country is overgoverned. We have too many Members of this and the other House, and too many Ministers. I hope that by the rapid implementation of the Burns report this House can lead the way.

5.17 pm

**Lord Elder (Lab):** My Lords, I am conscious that we are far into this debate. I intend to try to make two brief preliminary points and one more substantive point. The preliminary points arise from things that have already been said. The first is about the idea of a 15-year membership. One of the consequences of that is that effectively people are not going to come in until they are pretty well retired and have reached the point where they have sufficient pension put away to look after themselves, so I think that would inevitably make it an older grouping; indeed, that fits in well with some of the things that have been said about retired MPs. The second preliminary point is about the London allowance. We are going to get a system whereby people are really going to have to have retired and are going to have to stay in London. Whatever else is said about the composition of the Lords, that does not seem to make for a satisfactory House covering the whole country.

My more substantive point arises from the submission that the noble Lord, Lord Williams of Elvel, and I put in. We said that, "to change the composition of the House more in line with the elected House would, after all, give the House a degree of electoral authority, albeit indirectly, and would perhaps increase the willingness of the second Chamber to challenge the first. That would be a fundamental constitutional change and hardly something that should be done by a change in Standing Orders of the upper House". When you look at the electoral arithmetic of past elections—I am grateful for Appendix 3 of the report, on historical modelling, because it produces some very revealing insights—it turns out that on historic modelling the highest number of seats that Labour would ever have had in this House would have been after the electoral triumph of October 1959. The second highest would be after another electoral triumph—May 2010. When Labour actually won, in May 1997, we would have been more than 150 seats behind the combined total of the Conservatives and Liberals.

My contention is that if we are to be able to describe what happens as giving a degree of elective authority to the House, albeit over three elections, this House will be representative in a countercyclical way. On a number of occasions there will be a big majority for the people who have just lost the election. I do not see how we can safely do that and stick to the current constitutional understanding that this House does not directly challenge the directly elected House—so my nervousness about this is very considerable. It is compounded by the fact that—*mea culpa*—our submission said that we should do that by changing the Standing Orders of this House. But if we are to change the effective balance between this Chamber and the other place, I do not believe we should be entitled to do that by changing our own Standing Orders. I think it has to be done with the agreement of the other place. I have changed my view on that—but our proposal was not such a fundamental change. If we are going to change the balance of power between this House and the other place, as I believe these proposals would, that is a matter for both Houses to consider.

5.21 pm

**Lord Judge (CB):** My Lords, I support the Burns report. With respect to those who take a different view, the case for reducing the size of the House of Lords is overwhelming and unanswerable. Many different reasons have been advanced this morning and this afternoon, and I share them—but there is this to be added. We are virtually facing a constitutional absurdity. This House has its responsibilities—its constitutional responsibilities—but the other place has the ultimate power. The House with no ultimate power—this one—has significantly more Members than the House down there, with powers, has.

You can argue as long as you like about all the justification for that situation, but in the end, I respectfully regret, you cannot avoid concluding: how can this be? What kind of situation has allowed this to develop? It does not matter how it has developed—I shall come to that in a moment—but we have to do something about it, or to put it the other way, something has to be done, to address what I would say is very close to an absurd constitutional situation.

How has that come about? My favourite quotation has been pinched by the noble Lord, Lord Grade, and my second favourite has been pinched by—forgive me, I cannot remember which Conservative Peer quoted it, but it comes from Macbeth. Now I have dredged up another one. John Dunning, in 1780—a bit of history lightens the mood, does it not?—when we were making a complete Horlicks of the American war of independence, led a resolution in the House of Commons, to the effect that,

"the influence of the Crown has increased, is increasing, and ought to be diminished".

That is precisely why I support the proposal of the noble Lord, Lord Burns.

The influence of the Crown has increased in so many ways relating to our constitution as a whole. If I had time I would set off for a long journey, but I do not. Let me relate it to this issue. Mr Blair and Mr Cameron as Prime Ministers exercised the royal prerogative. I respectfully suggest that their exercise of it was so wide, so deep and so numerous as to come very close to an abuse of our constitution. If the monarch had exercised her prerogative—in medieval times it would have been his prerogative—in that way, he would have suffered the fate of Edward II or Richard II. They did not do with it. We now face a situation in which we have come close to a constitutional absurdity, and there is no measure except prime ministerial self-denial that can interfere with this exercise—an abusive exercise, in two cases—of prime ministerial power. We do not have the power; the Commons could, on an Act of Parliament—but who is going to introduce that? So we have to persuade, encourage, cajole and ask the Prime Minister to address this constitutional absurdity.

In 1719, a proposal was put forward from this House by the Duke of Somerset that there should be a cap on the number of Members of the House of Lords. The suggestion was 235; in those days, there were 345 constituencies in England, Wales and Scotland. Everybody agreed except the Commons. Here we are again, 300 years on; in our ancient constitution, 300 years

is but the blink of an eye. And what we are really proposing—or what the noble Lord, Lord Burns, is proposing—is that there should be a cap on the number of Members of the House of Lords. There are 54 weeks to 2019. Why do not we celebrate the 300th anniversary of the issue first being proposed by implementing it?

5.26 pm

**Lord Blencathra (Con):** My Lords, I cheer the wise words of the noble and learned Lord, Lord Judge, that we are close to a constitutional absurdity. I am also fairly certain that I sent the longest submission to the noble Lord, Lord Burns, and his committee. It was 30 pages long and more than 11,000 words. It had dozens of detailed Excel spreadsheets attached and took me many weeks—indeed, months—to write. I produced what I thought were impeccable arguments for a retirement age of 80 and removal of Peers who had failed to attend fewer of 20% of the sittings of the last Parliament. That would have removed 220 Peers at a stroke. I considered the 15-year term option and creating Peers based on a combination of MPs' seats won and share of the vote, and I rejected it. I was rather pleased with my magnum opus.

Now we are faced with the committee's report, and I have no hesitation in saying that I completely endorse it—it is a masterful piece of work. The report highlights the biggest flaws in my fixed retirement age recommendation, namely that political parties would send us younger people, under 50, so they would serve at least 30 years. I have to admit that after 15 years the expertise that we formerly had begins to get a bit rusty, so that term limit may be about right. I also completely endorse the committee's views on hereditary and new Minister Peers. I think that it cleverly takes the issue out of the question. If a political party replaces an hereditary, it simply comes out of the overall quota, and there is one less life peerage available. In my opinion, the system of electing replacement hereditaries in this House has given us some of the most hardworking and able Peers in this House, on all sides. I would also say that the hereditary problem is one for the Conservative Party to address internally, and come up with possible solutions.

I turn to a part of the report that I consider very important, and the key to ensuring that numbers do not inexorably rise once again. In my submission, I made a very strong point about creating what I called non-legislative Peers. I said:

“We should accept that Prime Ministers need to grant peerages not just because they want bodies in the Lords but because they need to reward achievement in the same way as others receive other honours. Being granted the title ‘Lord’ or ‘Baroness’ is a great reward in itself and I can see merit in Prime Ministers being able to grant a peerage and the title Lord or Baroness to some who would not be entitled to sit in the Lords.

I cannot define a category of these people but it may be those in business, or retired from the civil service or over a certain age who deserve the glory of the title but do not want to participate for 70% of more of Lords' sittings. I believe we can all look round this House and see colleagues on all sides who have wanted the great honour of being a Peer of The Realm but do not want to participate much or at all in the legislative process. I am certain that this suggestion would give Prime Ministers the flexibility they need to create peerages without flooding the House of Lords with new peers”

That is what I said in my submission, and I am therefore delighted to see that the committee endorses that point and states in paragraphs 24 and 25 that the Life Peerages Act can already permit it. That is excellent news, but it has not received nearly enough attention in the debate so far, nor enough prominence in the report. I urge the Lord Speaker, the political parties, and the leaders of all groups to really make sure that Prime Ministers understand this point. They can dish out the gongs in future but they do not have to flood this House.

I am glad that there is no greatly increased role for the House of Lords Appointments Commission, except doing the statistical calculations after an election, assisted, I assume, by our excellent clerks. The report suggests a sensible timetable to bring about change but we need the flexibility to move more quickly if circumstances permit. I have in mind the possibility of decanting out of Parliament to the QEII in 2023 or 2024. As one or two other noble Lords have mentioned, I suspect that there may be a big rush of Peers wishing to retire then. HOLAC therefore needs the flexibility to adjust the process to reduce numbers to 550 or even 500 if there is a rush of Peers retiring under any circumstances.

Finally, this report is not what I argued for but it is better than the case I put up. I am willing to give the committee's solution a go since I cannot see any better one on the horizon, now or in the future, although at one point I thought my noble friend Lord Robathan was going to argue for some celebrity TV show—“I'm a Peer, Get Me Out of Here!”. I congratulate the noble Lord, Lord Burns, and his colleagues on the committee. This is the blueprint for a far better Chamber, which will earn respect from most sensible critics, and I commend it to the House.

5.31 pm

**Baroness Howe of Idlicote (CB):** My Lords, like every noble Lord who has spoken, I too warmly congratulate the Lord Speaker's committee on its report. Under the excellent chairmanship of the noble Lord, Lord Burns, this committee has at last produced a practical way for your Lordships' House to begin the process of reducing its numbers to the suggested target of 600, and above all, so long as this is fully backed by this House and ultimately by Parliament itself, without the need for any form of legislation. Given the sanity of the proposals, and the fact that most of those who have already spoken are supportive, I would be very surprised indeed if the Government are not already onside, meaning that your Lordships could indeed begin their short Christmas Recess in cheerful spirits, knowing that those entering via the Burns method will have already agreed to serve no more than 15 years before retiring from your Lordship's House.

As others have suggested, with that example, it will be open to all noble Lords, right across the House, who have already reached that 15-year milestone to look for a moment, which is convenient both for themselves and for the group to which they belong, to retire and in so doing contribute actively to the House achieving its 600 refreshment target at the earliest possible moment.

[BARONESS HOWE OF IDLICOTE]

Finally I again congratulate the Lord Speaker's committee, and especially its chairman, the noble Lord, Lord Burns, for its invaluable report, which so admirably points your Lordships' House in a sane and sensible direction for self-reform. The Lord Speaker is on the Woolsack: with him in that role we will not in future be in a position where the rest of the world has no idea what goes on in this House. We could not have a better advocate than him.

5.33 pm

**Lord Higgins (Con):** My Lords, almost exactly a year ago, your Lordships expressed the very clear view that the House of Lords was too big and ought to be reduced in size. At that point, there was clearly a danger of the whole thing being kicked into the long grass. We are therefore deeply grateful to the Lord Speaker for having taken the initiative and set up the Burns committee. Its report has almost universally been said to be extremely fine.

The report builds on the basic idea of a 15-year term, which had not been enormously advocated previously. It is very positive, although almost all the bases it is founded on are negative. There is to be no government majority, no length-of-service limits, no compulsory retirement and so on. There has been very wide support in the House this afternoon. We will need to check *Hansard* to see exactly how wide, but my impression is that support is at a level to which the Government should pay due attention in deciding where we should go next. I very much hope we can make rapid progress on implementing the report.

I was worried that there might be some opposition to the report from those who are still much preoccupied with having a wholly elected House. I was therefore heartened by the speech from the noble Lord, Lord Newby, who expressed a clear view that that should not take precedence over what is obviously a very important reform. The fact that it will make your Lordships more acceptable to the wider community does not mean that one cannot go ahead with the reforms simply because one would rather have a more radical reform. I am glad that that is so.

The Lords is concerned at its size. We need to ask why it should be cut. There are arguments about resources; the difficulty of getting in at Question Time; the fact that a larger House means stricter time limits on speeches; and so on. The Whips are able to cope with those problems but, at the same time, we need to recognise that the Lords can make progress only if it has the co-operation of the Government. It emerges clearly from the Burns report that there has to be a balance between the number of people who volunteer to retire, on the one hand, and the creation of Peers by the Prime Minister, on the other. It is important to stress that, if one is fit and still able to take part in your Lordships' proceedings, making the decision to retire is very difficult. You seek to make a marginal reduction in the number of Peers by retiring, but even on the basis of two-out, one-in it is not a very significant change. It is difficult to give up the great privileges that one has as a Member of your Lordships' House if one's action is not effective because it is countervailed by action taken by the Prime Minister.

It is therefore very important indeed that we should have, without too much delay, a clear statement by the Prime Minister—it is, in a sense, her area of responsibility primarily—and the Government that they will clearly curtail new appointments, and impose a cap of the kind proposed by the noble Lord, Lord Burns. I hope the Government can make progress on that without too much delay.

The timescale envisaged by the report is that we will get some way to a steady state within 11 years. I think that is a reasonable objective and shows that we are determined to have a more effective chamber, as the Campaign for an Effective Second Chamber has consistently said, and that we can bring about a reform which will establish this House on a far firmer basis than it has at present.

5.39 pm

**Lord Judd (Lab):** My Lords, I join the many people who have placed on record their appreciation to the noble Lord, Lord Burns, and his fellow committee members—and indeed to our Lord Speaker for his initiative. The result is practical and sensible in the predicament in which we find ourselves.

However, I must confess that there are parts of me that are very traditional, and I look back to earlier stages in my political life when I had the highest regard for the concept of royal commissions. I am quite concerned that this is another pragmatic, specific change to our constitutional way of operating, but we have no road map. We have no overview of where we are going with our constitution, what its challenges are and how far as a whole it meets the challenges of the 21st century. That is quite a serious issue.

I have believed for much of my life that structures are inanimate. In some archaic structures, excellent things happen because first-rate people operate within them. In other perfected structures, nothing much of significance happens because there is an absence of values, drive and imagination on the part of the people within those structures. We should not believe that we will find a solution on the future role of the Lords simply in the structural dimension. It is by our commitment, vision, drive and indeed challenge to the other place and society as a whole that we bring our contribution to the future. It is by that I am convinced that we will be judged—not just by how we tidy up the way in which we operate.

Four specific points arise from the debate to which I want to refer. I am a committed and active member of the Church of England, but I do not see how in 21st century Britain one can have one denomination of one faith represented by right in this Chamber, whereas others are not. Indeed, what about the humanists, the non-believers who are an increasingly significant part of our society? If we are talking about our credibility and acceptance in society, this matter cannot be dodged. We have to face up to the issues.

The second point is on the hereditary principle. I have the highest regard for some of the hereditaries. They do a first-class job in this place, but there is no way in the 21st century we can go on saying that people are here by hereditary right. That does not wash or help our credibility at all.

Then there is the point about how representative we are of society as a whole in the United Kingdom. We are south and south-east dominated in this Chamber. I am glad that my wife and I decided, for all sorts of reasons, to move from the south to the extreme north-west for this last chapter of our lives. I am seeing this increasingly powerfully. This place does not represent or carry weight with much of society away from the sophisticated south-east. If we are to talk about that and then talk about age credibility in this place, we must look at our terms of service. There is a question over how any able, committed person from whatever part of society can come here. We talk about expertise and experience but let us remember the expertise that lies in our trade union movement and working-class sections of our community. That is expertise and has tremendous validity for this place. How will we be able to make that change here in the House of Lords or change our terms of reference?

Lastly, I stress the point that my noble friend Lord Faulkner strongly made. Ringing around in the back of my mind are the words, “turkeys” and “Christmas”. We have been a bit loose in our language about the guarantees that will be required from the Government to make this proposed arrangement work. If they do not play their part, we will have damaged ourselves badly and shot ourselves in the foot. Therefore, we cannot concentrate enough on the specific questions: have we got guarantees or have we not? What do those guarantees really amount to?

5.45 pm

**Lord Thomas of Cwmgiedd (CB):** I join those who have spoken in expressing my personal gratitude for the outstanding report of the noble Lord, Lord Burns, and his committee, and for the initiative and farsightedness of the Lord Speaker in establishing it. I wholeheartedly—indeed, to use my noble friend Lord Butler’s expression, ardently—support it. I felt that that was all I should say but, having been brought up to give reasons for a view, perhaps I may, even at this late stage in the debate, give three.

First, this House cannot any longer afford to lay itself open to criticism because of its size. The British constitution needs this House, and its power and effectiveness should not be open to question. It is needed to revise legislation, as I have often found. In particular, the House is needed as a protector of the constitution and of the other weaker branches of the state, including the judiciary, when needed.

Secondly, it would be desirable to consider more far-reaching reform, but that requires legislation. It is unfortunate that for one reason or another, whether it be lack of time or of priority, legislation is not, on occasions, an option. Therefore, one has to cast around for an ingenious way in which to reform without legislation. In my experience, that has not impeded reform but furthered it, because it has shown the willingness of those concerned to adopt reform

My third reason is the ingenuity of the idea of a 15-year term. Modern careers are based not on a lifelong devotion to a particular subject but a much more varied career, often with a fixed term. The ingenuity

of the report is its adoption of that aspect of modernity. I very much hope that this report can be taken forward as soon as possible.

5.48 pm

**Lord Geddes (Con):** My Lords, like all who have spoken, I warmly congratulate and thank the Lord Speaker for taking the initiative, and the noble Lord, Lord Burns, and his committee for taking that initiative forward. I agree with virtually everything that the committee has come up with, not least on the size at 600; the two out, one-in principle; the 15-year term for new but not existing Members; and the Cross-Benchers staying at the same percentage as at present in the House. I also agree that there should be no age limit. Here I cross swords with the noble Baroness, Lady Young of Old Scone. As I said in the debate at this time last year, it would be a tragedy to throw brains and experience out with the bathwater.

I have two proposals for future consideration regarding the hereditaries and the Bishops. If the House were to get down to 600, that would mean the hereditaries going effectively from 90 to 80, and the Bishops from 26 to 23. Just how that is done—because it will require primary legislation—I know not; it is beyond my pay grade, but I have a feeling that it could be done.

The third proposal, where I warmly endorse what my noble friend Lord Forsyth and, I think, the noble Lord, Lord Davies of Stamford, said, concerns non-attendance. I cannot see the justification for noble Lords who are presently in the House remaining in it if they cannot be bothered to turn up. The problems are obviously the primary legislation, to which I have already spoken, but also the Prime Minister’s consent. Many noble Lords have spoken about this. My feeling is that the present Prime Minister might well go along with it, but how could she ever bind her successors? That concerns me. I just do not see how any Prime Minister can bind their successor to something that is not in statute.

I finish as I did a year ago. One of the joys of this House is being able to agree wholeheartedly with noble Lords opposite—in this context, I look at the noble Lord, Lord Dubs, and my noble friend Lord Blencathra. All the soundings that I have taken, of which there have been many, convince me that when the time comes for our exodus from this building for the R&R—it may be in five years’ time; none of us knows exactly when—there will be a very significant exodus. It will be the tipping point. I can say now that I believe it will be my tipping point. It is not that I do not want to move to the Queen Elizabeth II Centre; it is just that it will be time to go. Those looking at this problem overall might care to conduct a non-binding survey of all Members of the House—could one have such a thing? I know not—just to see how many Peers think that they might leave when we move in, let us say, five years’ time.

5.51 pm

**The Earl of Glasgow (LD):** My Lords, I think that most of us are embarrassed and often inconvenienced by the absurd size of our House, and so the Burns report is to be greatly welcomed. In nearly all respects

[THE EARL OF GLASGOW]

it proposes a sensible, fair and practical way of reducing our numbers without having to resort to primary legislation. It recommends a cap of no more than 600 Peers and a method for how this could be achieved.

I have only one serious objection to this otherwise admirable report: it wishes to link the basis on which a number of new Members are appointed to the results of the previous election. It is not because I am a Liberal Democrat that I object to this in principle. I do not believe that the House of Lords should shadow the party politics of the Commons. In fact, I believe that the House of Lords is at its strongest and most influential when it seems to be at least one remove from party politics. Party politics, with their committed manifestos and bullying Whips, should remain the sole preserve of the Commons, remembering, of course, that, quite rightly, the Commons must continue to have precedence over the Lords.

The strength of our Chamber should reside in its make-up of wise men and women who collectively have knowledge and experience in all walks of life, and, between them, represent all parts of Britain, all sexes—there are more than two nowadays, noble Lords may have noticed—all races, all religions and most specialist interests in a place where party politics should be only incidental. Of course, party politics must be a consideration when attempting to balance the House, but should remain of secondary importance compared with the value and worth of the individual Members. That is why I am so against the insistence that new Members should be balanced in line with election results. Only a minority of us should be chosen for our political allegiance or our loyalty to a past Government.

At present, approximately 80% of all Peers are appointed by the Prime Minister, or with his or her approval, and only 20% by other means. I would like to see these percentages reversed. In fact, I would be happy to see over 50% of us sit as Cross-Benchers. The ability to appoint 20% of new Peers would still give the Prime Minister considerable influence over the Lords. I propose that, some time in the future, the majority of new Peers should be appointed by an independent Lords appointment committee—one that is much more powerful than the present one, whose only major role is to recommend a small number of Cross-Benchers. The new one would be responsible not only for vetting and appointing new Peers but at the same time would monitor the balance of the House. By “balance” in this case, I mean the different parts of Britain and the widest possible variety of skills and interests, with party allegiance being of secondary consideration. In time, it would build a body of distinguished people who would represent a real cross-section of British society. Maybe it could also have the power to regulate the behaviour of those few individuals who bring our House into disrepute. Clearly, it would be in a position to control the size of the House, ensuring that it kept below the presently recommended cap of 600.

However, I appreciate that nothing like this could be achieved without primary legislation and approval of the Government of the day. The report of the noble Lord, Lord Burns, does not yet have the remit even to recommend future reforms of the Lords. Within its

limitations, though, and in spite of my personal reservations, this report is a greatly needed step in the right direction and I hope very much that the House will support it.

5.56 pm

**Baroness Brown of Cambridge (CB):** My Lords, I too congratulate my noble friend Lord Burns and his committee on their excellent report on the size of the House. Before I go further, I should say that I fully support the clear, pragmatic and sensible recommendations they have delivered to the House.

Since it is nearly Christmas, I would also like to thank our excellent Library staff for their background notes in support of this issue, which have been interesting and helpful. I had not realised that the House is, at the moment, only back to roughly the size it was a very long time ago—that is, when I was born in the mid-1950s. I had assumed that the controversy over the perceived ballooning size of the House was a recent issue. I found this recent historical context particularly helpful in reassuring me that it was justified to support this comparatively gentle pace of reduction to 600 over a period of 11 years. If I may tease the Library staff, I speak as a member of a group I feel they have neglected in their analysis. I have read long, and hugely impressive, lists of the oldest and youngest Members of your Lordships' House, and even more impressive lists of the longest serving Members, but why was there no symmetry here? Where was the list of my group and that of the noble Baroness, Lady Bloomfield—the shortest serving Members? As someone who was introduced almost exactly two years ago—actually, on 17 December two years ago—I agree that a period of appointment of 15 years seems sensible, and, indeed, would be happy it if applied to me as well. It is time to learn all those rules you do not find out about until you break them, time to develop competence, and time also to make a difference.

Therefore, there is just one further point that I would like to make. In doing so, I apologise to my noble friend Lord Burns and his committee, because, in a debate with 96 speakers, they are having to listen to the 96 things that they should have included in their excellent report. This must be a frustrating experience. I note that my noble friend Lord Burns pointed out at the beginning of this debate that diversity was not within the remit of his committee. However, my point is about the diversity of the House. I suspect the approach the report recommends will, at least initially, improve the diversity of the House. I have looked only at gender: but, for example, among Peers with the longest service—over 33 years—nine out of 50 are women—18%—compared with some 26% of women Peers today. However, I suggest that the parties appointing life Peers in the future should be asked to commit to diversity targets much broader than gender, in the way that my noble friend Lord Kakkar has told us that his House of Lords Appointments Commission does, to ensure that this House develops over time to look more like the country that we serve.

I repeat my strong support for the recommendations of this report and urge the House and, in particular, the Leader, not just to “take note” but to move rapidly to agree the next stage of “take action”.

5.59 pm

**Lord MacGregor of Pulham Market (Con):** My Lords, I am most grateful to the noble Lord, Lord Burns, and his committee for so expertly producing this analysis and for giving us the options for the road ahead and the basis for the decisions that I hope we will take. I am also grateful to the Lord Speaker for his initiative in setting up the committee.

As I go around the country and talk to people about the House of Lords, I increasingly find that they raise the question of the size of the Lords, partly due to media coverage. The public have cottoned on to the size question and are consoled when they raise it by my assuring them that we are tackling it. It is clear that we intend to do so by this very strong report and the very strong support that it is getting in the House. Moreover, many raised the point that they have been compelled to retire at a certain age—often imposed by their profession or company, or by Parliament itself—so why not us? Therefore, I thoroughly support all of the warm endorsements today of the committee's work and most of the recommendations. There is clearly a strong consensus of support for the report in the House, a feeling that it provides an excellent basis for tackling the issue. I particularly agree on the importance of the point that Prime Ministers should not, in the future, undermine the whole system by appointing rafts of new Members, pushing the numbers back up again. It would be invidious and counterproductive if future Prime Ministers were to undermine the whole process by appointing more new Members than there were vacancies.

Having been wholly supportive so far, I have one reservation. There is, and increasingly will be, public concern that we are moving too slowly. As I understand it, the House, under these proposals, would only reach its target size of 600 in about 11 years. Only by 2042 would all serving Peers be on a 15-year fixed term. For many people outside the House, this would seem like a lifetime. It looks like, "Lord, make us virtuous, but not yet". How can we speed it up? The problem here is that the committee imposed a condition of not seeking primary legislation to assist. I am not quite sure why, so perhaps the noble Lord, Lord Burns, will explain this further when he winds up.

There are two recommendations in particular that would shorten the timescale, but they would require legislation. That is controversial for some, but they certainly would quicken the pace to reduce the number to 600. First, about two years ago, the executive committee of the Association of Conservative Peers—I was chairman then—recommended that Members should compulsorily retire at the end of the Parliament in which they had reached the age of 80. That is entirely reasonable: retirement is in practice required earlier than that for most people in employment in the United Kingdom. It was generally supported by most ACP members who considered it and has also been proposed by the equivalent Labour Party committee. Of course, it was objected to by drawing attention to the valuable contributions made by some over-80s. I will very soon be in that category: not the valuable contribution makers, but the over-80s. I do not think that that is a major obstacle; the proposal is entirely reasonable.

It requires legislation, but I think it would be accepted by most in the House. I certainly intend to abide by it voluntarily, which means that I will leave the House at the next election. To make it effective, however, legislation is required.

Secondly, the time has come—this is a personal view, and distinctly not an ACP recommendation—to tackle the question of hereditary Peers. It needs to be addressed. If the by-election system for hereditary Peers continues unamended, in a smaller House of 600, the number of hereditary Peers would make up a larger proportion of the membership than it does now. It cannot be justified in this day and age to give an especially favourable position to hereditary Peers. Of course I acknowledge that many hereditary Peers make an excellent contribution, but with a smaller House, the time has come for our by-election system to cease. That, together with the proposal for compulsory retirement at 80, will make it possible to have a smaller House more quickly. I hope that these points can be considered in addition to the proposals in the report, and I warmly recommend the report itself.

## **Local Government Finance Settlement** *Statement*

6.04 pm

**The Parliamentary Under-Secretary of State, Department for Communities and Local Government and Wales Office (Lord Bourne of Aberystwyth) (Con):** My Lords, with the permission of the House, I would like to repeat a Statement made by the Secretary of State in the other place earlier today. The Statement is as follows:

"With permission, Mr Speaker, I would like to make a Statement on funding for local authorities in England next year. From 2015 to 2020, councils in England have access to over £200 billion to deliver the high-quality services their local communities need. They deserve no less. Local government is the front line of this country's democracy, with councillors and officers working at the heart of the communities they serve. But to make the most of that local knowledge, councils need greater control of the money they raise, they need greater freedom to tackle challenges in their areas, and they need the certainty and stability that will allow them to plan ahead. This Government are committed to delivering that, and today I am publishing a draft local government finance settlement that marks an important milestone in the journey to doing so. It comes in the third year of a four-year deal that was accepted by 97% of councils in return for publishing efficiency plans. We will continue to work with the sector to help it increase transparency and share best practice, supporting greater progress in delivering increased efficiency over the coming year. I expect this to have a tangible impact on the steps councils take to promote efficiency from 2019-20.

Local government operates in a society that is constantly changing and the system of financing local government needs to reflect that. The current formula of budget allocations has served councils and communities well over the years, but to meet the challenges of the

[LORD BOURNE OF ABERYSTWYTH]

future, we need an updated and more responsive distribution methodology—one that gives councils the confidence to face the challenges and opportunities of the future. So I am today publishing a formal consultation on a review of relative needs and resources. I aim to implement a new system based on its findings in 2020-21.

Alongside the new methodology, in 2020-21 we will also be implementing the latest phase of our business rates retention programme, a scheme that gives local councils the levers and incentives they need to grow their local economies. The aim is for local authorities to retain 75% of business rates from 2020-21. This will be through incorporating existing grants into business rate retention, including revenue support grant and the public health grant. Local authorities will be able to keep that same share of growth on their baseline levels from 2020-21, when the system is reset. From 2020-21 business rates will be redistributed according to the outcome of the new needs assessment, subject to suitable transitional measures.

A number of 100% retention pilots have already been announced, and these will continue. A further pilot will begin in London in 2018-19 and we had intended that a further five pilots would begin that same year. However, interest in the scheme was such that we will now be taking forward twice as many as planned. I am pleased to announce today that the new pilots will take place in Berkshire, Derbyshire, Devon, Gloucestershire, Kent and Medway, Leeds, Lincolnshire, Solent, Suffolk and Surrey. The first batch of pilots are taking place largely in urban authorities; the second wave will mainly cover counties. This ensures that councils right across the country will benefit, that the scheme can be tested in a wide range of environments, and that the benefits of growth are broadly comparable between London, existing pilots and new pilots. We received so many applications to take part that we will continue to pilot business rate retention in 2019-20. Full details will be published in due course.

Over the past year my Ministers and officials have been listening to councils of all shapes and sizes, understanding their concerns and working together to develop ways of tackling them. The result of those conversations is reflected in this draft settlement. For example, rural councils have expressed concern about the fairness of the current system, with the rural services delivery grant due to be reduced next year. So today I can confirm that I will increase the rural services delivery grant by £15 million in 2018-19, meaning that the total figure will remain at £65 million for the remainder of the current four-year settlement.

We have also heard concerns about proposed changes to the new homes bonus. To date we have made almost £7 billion in NHB payments to reward the building of 1.4 million homes. Over £946 million in new homes bonus payments will be allocated in 2018-19, rewarding local authorities for their work in fixing our broken housing market. I consulted on proposals to link new homes bonus payments to the number of successful planning appeals and considered raising the new homes bonus payment baseline. Following conversations with the sectors, I have been persuaded of the importance of continuity and certainty in this area. So today I can

confirm that in the year ahead no changes will be made to the way new homes bonus payments work and that the new homes bonus payment baseline will be maintained at 0.4%.

As I set out in the housing White Paper, local authorities will be able to increase planning fees by 20% where they commit to investing the additional income in their planning services. This is a significant step towards addressing the widespread concerns of underresourced local planning authorities. Following discussions with the sector I am also announcing a continuation of capital receipts flexibility for a further three years. This scheme gives local authorities the continued freedom to use capital receipts from the sale of their own assets. This will help fund the costs of transformation and release savings.

One particular issue causing concern for some councils is so-called negative RSG. This is where changes in revenue support grant have led to a downward adjustment of some local authorities' business rates top-up or tariff for 2019-20. I recognise the strength of feeling in local government around this issue, so I can confirm that my department will be looking at fair and affordable options for dealing with negative RSG and will formally consult on proposals in the spring, so that the findings are in ahead of next year's settlement.

Of course, anyone who has spoken to anyone in local government will be aware of concerns about funding for adult and children's social care. That is why, over the past 12 months, we have put billions of pounds of extra funding into the sector, and why the Department for Education is spending more than £200 million on innovation and improvement in children's social care. At spring Budget, an additional £2 billion was announced for adult social care over the next three years. With the freedom to raise more money more quickly through the use of the social care precept that I announced this time last year, we have given councils access to £9.25 billion more dedicated funding for adult social care over three years. But we also need to find a long-term solution to challenges that are not going to go away. That is why we have already announced that a Green Paper on future challenges within adult social care will be published in the summer of 2018.

Finally, I am conscious of calls for further flexibility in the setting of council tax. While we all want to ease growing pressure on local government services, I am sure that none of us wants to see hard-working taxpayers saddled with ever-higher bills. This settlement strikes a balance between those two aims, giving councils the ability to increase their core council tax requirement by an additional 1% without a local referendum, bringing the core principle in line with inflation. We have abolished Whitehall capping. Under the Localism Act, local government can increase council tax as it wishes, but excessive rises need to be approved by local residents in a referendum. This provides an important check and balance against the excessive increases seen under the last Labour Government, when council tax bills doubled.

This change, combined with the additional flexibility on the adult social care precept that I confirmed last year, gives local authorities the independence they need to help relieve pressure on local services such as adults' and children's services, while also recognising

that many households face their own pressures. In addition, directly elected mayors will decide the required level of precept by agreement with their combined authorities. I am sure that voters will be watching closely to ensure that this freedom is not abused—as will I.

I can also confirm that the Government intend to defer the setting of referendum principles for town and parish councils for three years. This is subject to the sector taking all available steps to mitigate the need for council tax increases and the Government seeing clear evidence of restraint in the increases set by the sector as a whole. I have also agreed measures with the Home Secretary to make it easier for police and crime commissioners to meet local demand pressures by allowing a £12 council tax flexibility for police services, raising an additional £139 million to support our police.

This settlement recognises the need to keep spending under control while also tackling many of the issues that have been raised by local government over the past year. With two years of real-terms increases in resources available to local government, it will give local authorities the funding and freedom they need to make decisions in the best interests of the communities they serve. It is a settlement that offers councils the resources they need, the stability they have requested and the fairness they deserve, and I commend it to the House”.

My Lords, that concludes the Statement.

6.15 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I first draw the attention of the House to my interests as a councillor in the London Borough of Lewisham and as a vice-president of the Local Government Association. Secondly, I thank the noble Lord, Lord Bourne of Aberystwyth, for repeating the Statement made by his right honourable friend the Secretary of State for Communities and Local Government in the other place earlier today.

On reading the Statement or listening to the noble Lord delivering it, you could be forgiven for thinking there was not a problem, but of course, the opposite is true: the Institute for Fiscal Studies estimates that between 2010 and 2020 local authorities will have had their direct funding cut by 79%. Anyone involved in local government will be fully aware of the serious pressure on budgets, resources, staff morale and the communities local authorities seek to serve. While local government will welcome some of the piecemeal measures being offered here, what has been announced today is not enough and is extremely disappointing. Missing also is any evidence of a coherent plan, and the lack of vision is troubling. Announcing a few million pounds here and there for specific initiatives while overall depleting local government funds is a recipe for disaster.

Local government delivers a vast range of the core services that people rely on day in, day out, and the Government need a new approach. I pay tribute to the staff employed by local authorities up and down the country for the job they do in difficult circumstances. They deserve a decent pay rise; perhaps the noble Lord can refer to that when he responds.

The noble Lord said that the Government are publishing a formal consultation on a review of relative needs and resources. Can he explain what he means by relative needs, and what is the direction of travel he is embarking upon? I disagree with him that the budget allocations have served councils and communities well in recent years.

The Government have announced that they are moving ahead with another phase of their business rates retention programme. Can the noble Lord tell the House where they are with the fair funding review and whether that is in effect being incorporated into the consultation he referred to in his Statement? I see that there are to be five new business rate retention pilots, and it was no surprise to see that Surrey made it on to the list. I am sure that Councillor Hodge and his colleagues on Surrey County Council will be pleased.

Rural areas have specific problems, so it is pleasing that the rural areas delivery grant will not be reduced next year. I am also pleased that none of the changes that were rumoured to be happening to the new homes bonus have come about; that will be a relief to many.

The noble Lord referred to the 20% increase in planning fees. Certainly, everything helps, but it is disappointing that the department to date has not allowed even one council to trial full cost recovery of planning fees. I do not see the objection to having one council trial this. The fact that council tax payers are subsidising the planning process is a matter of regret; we should seek to eliminate that unfairness and thereby release funds to be spent on local priorities.

One of the most serious issues facing local government is the crisis in adult social care, and the measures in the Statement make no progress towards finding the solution to the problem of providing quality care services for our ageing population. This will be a disappointment to local authorities, as will the failure to deal with the crisis in children’s services: we have seen a reduction in early years interventions and a record number of 72,000 children taken into care. Last year 170,000 children were subject to child protection plans, which is double the number seven years ago. Reductions in the amount of money available for important early years intervention just leads to unbearable pressure and risk, which is both shocking and completely avoidable.

Analysis by the Local Government Association revealed that in 2015-16, 75% of councils exceeded their children’s social care budgets by, in total, £605 million. Can the noble Lord tell the House how he justifies measures which further expand the crises in children’s services and adult social care and do not give local government the stability it needs? Why does he think it acceptable to place a further burden on council tax payers in the next financial year, instead of providing the additional funds that would equate to the rise that can be applied to the council tax for adult social care without having to hold a local referendum?

As Christmas approaches, the homelessness situation is shocking. The Government are not providing the necessary funds to help local authorities deal with it. Imposing legislative requirements without adequate funding will not address the problem. The Government

[LORD KENNEDY OF SOUTHWARK]  
will not face up to the crisis, and the measures here provide little comfort to those in desperate need and those who seek to provide these valuable services.

**Lord Shipley (LD):** My Lords, I remind the House that I am a vice-president of the Local Government Association.

The key test of this Statement is whether the provisional finance settlement will alleviate the general funding pressures facing local councils. I think that the answer to that question is: hardly at all. As the letter from the Communities Secretary accompanying the Statement explains, the resources available for local government will rise from £44.3 billion in the current year, 2017-18, to £45.6 billion in two years' time, 2019-20. This represents an increase well under the current rate of inflation and does not reflect rising demand to the extent that it should. In recent years, pressures have grown significantly because of year-on-year underfunding. In the end, the question is how much is local government actually receiving to spend overall, and not simply how much is it going to have over the next two years? Nevertheless, I welcome the extra support allocated for rural services and the thinking on the new homes bonus and negative RSG. However, I hope the Minister will be able to say a further word about government thinking on business rates and what their ultimate objective is.

As I understand the Statement, there is to be an extension to the number of 100% business rate retention pilots. At the same time, all local authorities will be able to keep more of their business rate income, equivalent to 75% overall in 2019-20. Alongside this, there will be a new system of fair funding—or at least I assume that that is the objective. That will be introduced from 2020-21. For the new system to succeed it will require redistribution to reflect needs and resources. Will the Minister say a further word about what the Government are trying to do? Are they trying adequately to reflect needs and resources, or are they aiming at 100% business rate retention? If the latter, where will the support needed for poorer authorities come from?

We have heard about the pressures on children's and adult social care. There is an issue of principle here. This time last year, I said that council tax should not be used to make up deficits in resourcing, particularly as demand rises in children's services and adult social care. I do not understand why it should take 15 months from the announcement in March this year of some extra central funding for adult social care to the production of a Green Paper in the summer of next year to discuss the problems of adequate funding for adult social care. I think that the problem is much more urgent than that.

To take another example of things happening too slowly, the 20% increase which is to be permitted for planning fees was debated in your Lordships' House many months ago. There is a demand now for additional planning expenditure, so I wish government could work a bit more quickly in dealing with some of the real problems on the ground.

There is a question about council tax referendum principles and the right of councils to increase council tax by the rate of inflation without a referendum.

I would prefer that there were no referendum system at all and that local authorities were freed up to make the decisions they think are right in their area. In the end, they will face the verdict of voters through the ballot box. What is happening is that the Government are increasing council tax further. As I understand it, an extra 1% is to be permitted without a referendum so that, in practice, the rate of inflation is met at least in the next year. This is putting the cost of supporting national services on to the council tax payer. I am not convinced—and I said the same thing last year—that this is the right way to go. Poorer authorities, in particular, have a lower council tax base, so if the aim is to redistribute, simply charging extra through council tax to pay for services in the more deprived authorities seems not to be the right way to go.

Finally, can the Minister confirm that the Government intend to produce a model which is fair? The words "fair funding" were used a great deal this time last year. I very much hope that those words will continue to be used. For funding to be fair, council tax payers must also have fair demands on their wallets. Will the Minister bear that in mind? I hope that, for the rest of this Parliament, the Government will not simply load council tax so that local government receives more complaints because their council has been underfunded by central government for a considerable time.

**Lord Bourne of Aberystwyth:** My Lords—

**Lord Beecham (Lab):** My Lords—

**Noble Lords:** Order!

**Lord Bourne of Aberystwyth:** The noble Lord, Lord Beecham, is always straining at the leash. I look forward to his contribution later.

I thank the noble Lords, Lord Kennedy and Lord Shipley, for their contributions and send all our best wishes to the noble Baroness, Lady Pinnock, who is unwell. We wish her a speedy recovery.

First, I turn to the points made by the noble Lord, Lord Kennedy. I join him in thanking local government officials who work incredibly hard on behalf of their local councils and, indeed, of us all. I will try to clear up a point he made initially about consultation. The consultation on this local government settlement is open until 16 January. The consultation on the fair funding review is open until 12 March at 11.45 am for some reason. I do not know why it is 11.45 am—but just before noon. It will be looking at relative needs, issues such as deprivation and so on. I can confirm that the intention is to ensure—as I suppose the name suggests—that we have a system that is fair across the board and one that achieves some balance.

I appreciate that they do not totally coincide, but council tax payers often also pay income and other forms of tax, so it is a mistake to see the two as totally separate classes of people—council tax payers on the one hand and those who make contributions to central taxation on the other. They are often the same people and we have to appreciate that these services cost all of us money. This is not to say that there are not important issues to be dealt with and a balance to be struck.

The noble Lord, Lord Kennedy, referred to five new business rate retention pilots. It is actually 10.

Through him, I thank Lewisham for being part of this. Indeed, all London boroughs are contributing. We had an incredible response although not, I regret, from Newcastle or any authorities in that area, but we had 240 local authorities wishing to be taken into consideration. The 10 pilots will include local authorities from the relevant areas; in all, I think that 89 local authorities are participating in these pilots. So obviously we will see how those pilots proceed and will hope to gain something from them. Both noble Lords asked about the ability to carry the pilots forward. The intention is to look at the issue in the round.

There was a question about adult social care. The review will report no later than the summer of 2018. I appreciate, and sometimes share, the anxiety to move more quickly than we do, but it is important to get these things right rather than to go quickly. I remind noble Lords—although I am sure they do not need reminding—that this year we have had a general election. That has taken some time out of the process for understandable reasons, as I am sure noble Lords will agree.

The noble Lord, Lord Kennedy, referred to a trial of full cost recovery of planning fees. He has previously raised that issue, and I undertook to have a look at what I thought was an interesting and valuable idea. I assure him that we are looking at that possibility.

In the meantime, we have put an extra £2 billion into adult social care and £200 million into children's social care, and the Department for Education is looking at that. As I said, the review is due to report by the summer of 2018.

I should repeat—I believe I am repeating it, unless I missed a paragraph in the Statement—that the referendum limit is now going up to just under 3%, so an increase of just under 3% is possible without a referendum. I remind noble Lords that a referendum on this has been held on only one occasion—I think I am right in saying that; I will write if I am wrong—and that was unsuccessful. That perhaps indicates that there is not such an appetite out there as is supposed for council tax increases.

Both noble Lords referred to some of the issues that they welcome. The noble Lord, Lord Shipley, certainly referred to the rural services grant, the new homes bonus, the negative RSG and the pilots, and I very much welcome that. I confirm that we wish the model to be fair. I think that the noble Lord referred to the new burden being placed on local authorities in relation to homelessness, which he said we are not funding. In fact, we are funding it under the Homelessness Reduction Act 2017. That legislation had a broad welcome in this House and was steered through this House by the noble Lord, Lord Best, with government support. We are committed to £71.2 million to help fund the new burden.

If I have not covered all the points raised by the noble Lords, I hope that they will be content if I pick up anything that I have missed in writing.

6.32 pm

**Lord Porter of Spalding (Con):** My Lords, first, I remind noble Lords of my interests listed in the register—

namely, that I am the chairman of the Local Government Association. I am also the leader of South Holland District Council, which is in Lincolnshire, so I thank the Government very much for letting us be one of the pilots. We much appreciate that.

As my noble friend might expect, I need to be critical of the fact that again adult social care was not mentioned. I cannot see the new funding in a positive light, as the £2 billion will not actually be £2 billion; it will be about £900 million this year, which will be insufficient to deal with the pressures. However, I have every faith that my noble friend and the Secretary of State will be able to persuade the Treasury that it will be in this Treasury's best interests to find additional money. We all know that the people most affected by adult social care crises are those who vote. Also, as has been said, there has been a massive rise in the number of looked-after children. That will need to be reflected in direct funding to local councils, which will have to pick up that burden. However, I am confident that there is still time for my noble friend and the rest of the DCLG team to persuade the Treasury that that needs to be met.

I do not want to carry on being critical, so I will make some really happy noises. The fact that the changes to the new homes bonus flagged in the last few months will not be implemented will be well received by local government. Clearly, that would have been a counterproductive move and we are pleased that it is not happening. On a South Holland-specific basis, if the Government are looking for somewhere safe to trial the setting of planning fees, somebody whom I know will probably be writing a letter in support of that and offering their council as a pilot. They would not use it to stop development, which, I know, is one of the risks that the Government are concerned about. They are worried that some people might use it as a way of stopping planning permissions being granted in the first place by pushing up the fees to a prohibitive level.

All in all, I think that the Statement was a game of two halves. There was quite a lot to be glad about. The 1% council tax increase was a massive move forward—by 50%—although it is still not massive in terms of cash. In the case of South Holland, I think that it will increase my council tax by about 15p a year over and above what was already in the budget, so it will not make a fantastic difference. Given that 50% of my council tax goes to a drainage board and not to direct services offered by the council, a bit more flexibility around that would be appreciated. However, from the sector's point of view, it is a welcome move. A move to relinquish the Treasury's control of what we can charge locally is much appreciated but it would be a much better idea to remove the Treasury from the equation altogether. It is a local tax taken from local people for local services, and that should not require HMT to go anywhere near it.

**Lord Beecham:** My Lords—

**Lord Bourne of Aberystwyth:** I am still looking forward to hearing from the noble Lord, Lord Beecham. I am sure there will be time.

[LORD BOURNE OF ABERYSTWYTH]

I thank my noble friend very much for the welcome he has given to the pilot in Lincolnshire, and we certainly look forward to seeing how that pans out. I also thank him for the qualified welcome for the local government settlement from the Local Government Association. I have read its response and it welcomes some of what it is in the settlement. I can well understand its position. It would be most extraordinary if in any year the Local Government Association said, “That’s everything we want”, and my noble friend did not disappoint on that front.

I thank him for the welcome that he gave regarding the new homes bonus. I agree that there is a challenge in relation to adult social care—as I said, we have the summer review coming up—and I also agree that there is a challenge in relation to children’s social care. We have recognised that with additional funding but I note what he says.

I also note what he says in relation to South Holland in general, although perhaps not his request to trial full cost recovery of planning fees. We have not yet agreed to that. It is something that we are looking at, and obviously we would make sure that it went through a proper process if we did agree to it. However, I thank my noble friend for his response.

**Lord Beecham:** My Lords, first, I refer to my interests as a Newcastle city councillor, in which capacity this is the 51st local government settlement that I have had to engage with.

I notice that the Statement bears the heading “Check Against Delivery”. I assure the noble Lord that local government will certainly check against the delivery of the Government’s intentions as expressed in the Statement, and it will certainly hold the Government to account for the consequences of this settlement.

Perhaps I may refer in the first instance to the question of business rates. The Statement says:

“The aim is for local authorities to retain 75% of business rates from 2020-21 ... From 2020-21 business rates will be redistributed according to the outcome of the new needs assessment”.

I have two questions about that. First, how far have the Government got in developing a system for equalising—or, at any rate, balancing—the distribution of business rates? Secondly, are they now looking at the position of firms such as Amazon with large out-of-town premises, paying next to nothing in business rates and, for that matter, probably diminishing the return of business rates in local authorities with this new economy that is forming? Will the Government look at the implications of that for financing local government, as well as perhaps in other respects?

There is also a distinct question about the funding of children’s social care, which is said to amount to some,

“£200 million on innovation and improvement in children’s social care”.

The present situation is that the funding is £600 million short of what is required to support the existing services. Even if this £200 million were devoted to closing part of that gap, it would still leave those services substantially underfunded. It seems to me that the Government have not taken the right step in

adequately funding what is a crucial service and one which, as my noble friend pointed out, is growing and will be an ever-greater call on local government finances.

I also have a question about the slightly odd wording, if I might put it that way, on page 6 of the Statement, in which the Government announce their intention to give,

“local authorities the continued freedom to use capital receipts from the sale of their own assets. This will help fund the costs of transformation and release savings”.

But if these are capital receipts, they cannot be used for revenue purposes—can they?—which the Statement appears to imply. They can be used for capital purposes which might have marginal impact on the revenue side, but they cannot be used to contribute significantly to the revenue situation.

My noble friend referred to the shortfall in education expenditure, but there is clearly also a significant shortfall in social care, to which the Statement made no reference at all, as he pointed out. That is a serious burden on local authorities. Ultimately, and this is the other side of the problem, that will probably increase the costs for the National Health Service. If local government cannot provide social care, the call on the health service, and in particular hospitals, will grow disproportionately. The Statement makes no effort to deal with that situation.

So far, the check against delivery is not encouraging, but it remains to be seen whether, over time, the Government can improve on what has been a pretty downbeat result for local authorities and, more importantly, their citizens.

**Lord Bourne of Aberystwyth:** My Lords, the noble Lord referred to his 51 years in local government. We know from his contribution today that he has not lost any of his enthusiasm—like a young colt, he was anxious to intervene and make his point, and I congratulate him on that. However, it was the usual dismal litany of matters that he set out, and unlike his noble friend on the Labour side, he did not welcome some of the points in the Statement. Let me try to deal with some of the perfectly fair points that he made, some of which I will respond to, if I may, subsequent to the Statement.

On how far the fair funding review has gone, as I indicated we are opening the consultation today for response by 12 March, with the intention of bringing it in in 2021. Obviously, there is thinking on the broad general principle, but we want to see how we look at issues of deprivation and provide a fair funding formula.

The noble Lord referred to the broader question, which has been raised before, perfectly validly, of online shopping and the fact that there are some very large players such as, but not limited to, Amazon. He suggested that it is perhaps a question of rebalancing some of the ways that we raise money. I will cover that in a letter, if I may, but from memory I think that there is an international aspect to this issue that kicks in in the spring—there is reference to this issue and we are participating in that. I appreciate that that is a rather woolly reference, but I will clarify it in correspondence.

The noble Lord referred to the significant challenge, which certainly exists, in children’s social care and adult social care. We have provided already a precept

of 3% from the last Statement a year ago, and we have increased flexibility this year in relation to the referendum, which helps. However, I accept that there is a significant challenge. I accept also that the noble Lord is right to say that we will be checked against delivery.

The noble Lord made a point about capital purposes, and we are both mere lawyers in this regard. However, I think that there is probably some accounting process whereby transformational investment from capital funding, which would help with the revenue side of things, is classified as capital. I suspect that that is the case, but again I will take up that somewhat technical point in correspondence.

The noble Lord is right to refer to a broader consideration of the complex—or perhaps not so complex—interrelationship between the health service and social care and the need to get that right. This has challenged Governments of all colours in the past, but I accept that there is a broader question that we need to look at.

The noble Lord will be pleased to know that, in relation to Newcastle, there is a £2.3 million increase in funding from this settlement, quite apart from the referendum uplift, and a maximum additional funding of £6 million as a result of the council tax flexibility previously announced. I am sure that that is of some comfort.

**Lord Marlesford (Con):** My Lords, the Statement mentions parish councils,

“taking all available steps to mitigate the need for council tax increases”.

It would help if the Government tried not to impose new costs unnecessarily on parish councils. I refer particularly to the proposal that every parish council, however small, should have to appoint a data protection officer, who apparently cannot be the parish clerk. I declare my interest, having the honour of chairing the Marlesford parish council. We have only seven councillors for 230 people, and our precept is only £2,000 a year. We worked out that if we were to have a data protection officer—who has to be a “qualified” professional—that alone could add 10% to our precept. I believe that that is unacceptable, and I hope that the Government will do something about it.

**Lord Bourne of Aberystwyth:** My Lords, first of all, I thank my noble friend for all that he does in relation to parish councils; they are an important part of the patchwork of democratic participation in Britain and are very much valued. If I may, I will take up his point about the data protection officer and come back to him, because I am not sure of the answer. However, I accept that in a small council a cost like that cannot be easily avoided. If there is some way of mitigating it, I will certainly get back to my noble friend with the suggestion.

**Lord Hussain (LD):** My Lords, I listened carefully to the Minister's Statement. Speaking as a former councillor on a local authority for 10 or 11 years, I know that many areas in the country are very deprived. Some of them are not only the most deprived areas in the country, but it is sad to see that in England and Wales we have some of the most deprived areas in

Europe. I did not hear much in the Statement about plans to uplift those areas from the deprivation they have suffered for decades.

**Lord Bourne of Aberystwyth:** My Lords, I thank the noble Lord for the points that he raised. First of all, we are talking here about a settlement only for England—obviously, Wales is dealt with by the National Assembly for Wales. On funding generally for Wales, the noble Lord will be aware of the Barnett formula, which takes account in its own peculiar way of the needs of Wales, Scotland and Northern Ireland. In England, the fair funding formula will seek to address some of the points that the noble Lord quite rightly raises about deprivation. As I indicated in the Statement, it is important that we look at that, and it is now open for consultation until 12 March.

**Lord Howard of Rising (Con):** Following on from what my noble friend Lord Marlesford said, my parish council is not nearly as big as his. Our annual precept is only £500. Will the noble Lord confirm that, if you do not have any electronic equipment, such as computers, you do not have to worry about the Data Protection Act?

**Lord Bourne of Aberystwyth:** My Lords, that does seem like a very reasonable deduction. I will write to my noble friend if I am wrong, but I think that will be the case. Once again, I thank my noble friend for all he does, and indeed noble Lords around the Chamber who have previously been, and in many cases still are, councillors. That service is very important to people in their areas; it tends to be the most trusted level of government and it is an essential part of our national life.

## House of Lords: Lord Speaker's Committee Report

### *Motion to Take Note (Continued)*

6.50 pm

*Moved by Lord Burns*

That this House takes note of the Report of the Lord Speaker's committee on the size of the House.

**Lord Lea of Crondall (Lab):** My Lords, I note that there is no one on the Government Front Bench who is connected with the Burns report. I will reiterate the point that has been made by many noble Lords that there are two main reasons this report is able to command such a consensus—and they have consequences, I think, for the way we go forward from the acceptance of the report and, I hope, the buy-in to the report from the Prime Minister. I think that the secret was, first, the excellence of the report itself. I will name not only the noble Lord, Lord Burns, and his colleagues but the clerk, Tom Wilson, who I am sure played a very active part in making it a readable and very coherent presentation. It is a model of its type. I also join in the thanks to my noble friend Lady Crawley, and the noble Lord, Lord Newby, for their statesmanlike contributions. I hope that that accolade does neither of them any harm.

[LORD LEA OF CRONDALL]

I also thank the noble Lord, Lord Cormack. The secret comes also from the fact that the Cormack group, for quite a long period of time, showed considerable statesmanship in being ready for the moment when the constellation of the stars was such that a request to the Speaker to progress this matter was acted upon. The key in my view, and it comes to the operational side of the implementation of this, is that the leapfrogging between the three parties—the two major parties in particular—was becoming an embarrassment. No one could keep on asserting that somehow the increase in the size of the House had anything to do with the Members. Clearly, that would be a preposterous argument.

As a former TUC employee, I feel I should mention that the phrase “package deal” is something that people take to mean that you have to say yes or no to the totality of what you are presented with and take a view on it. On that basis, I have no doubt that this package will command overwhelming support. To use a popular phrase in the current debate about Europe, it cannot be cherry picked; it is a bit like the European internal market—I am the only speaker so far to have got Brexit into my speech.

It is very bold in some ways. I will ask the following question to anybody in the House who is competent to respond to it. In some ways, this report signals the end of the dissolution honours. Unless the numbers stack up at the time, there will be severe limitation on the prime ministerial prerogative, not just as a principle but in practice. I stress that because I think that it would be impertinent, almost, of the House to say that we want to see the end of the dissolution honours. However, as I understand it—perhaps someone could comment on whether I have understood the implementation arithmetic—there cannot be a dissolution honours in the traditional sense if the numbers do not make provision for that. It is against that background, but only against that background, that I have a limited degree of sympathy for the noble Lord, Lord Turnbull, who made the comment that he thinks that any new year list for 2018, in a couple of weeks' time, could be seen as a legacy issue. That is not to move the goalposts, but the Labour/Conservative gap in the House is 50—250 versus 200—which is 25% if you do the arithmetic that way round, or 20% the other way around, and it is obviously bigger than the gap at the last general election. I just make that point.

I will make one more point about how, in the implementation period—a point touched upon by one or two other speakers—it is a coincidence that the reference to 15 years is the period of three Parliaments. It has other connotations, but in this case I think it would be useful for somebody to take on board the fact that there needs to be an implementation group, in some way or other, to see how and when the arithmetic would be done for the changeover of each new Parliament—if Parliaments are, in fact, averaging four years rather than five.

6.58 pm

**Lord Gadhia (Non-Affl):** My Lords, numbers can paint a picture of a thousand words. Of almost 100 noble Lords who are speaking today, the average length of service is 14 years and the average age is 72. The gender

balance, at less than 20%, is below the average of this House, as is the ethnic diversity. Interestingly, almost 40% are former MPs and MEPs. If you add former civil servants and hereditary Peers, the ratio increases to over half of all those wishing to make their voice heard. For the outside world, our deliberations might therefore appear as the establishment debating its own future. So I hope that your Lordships will forgive the temerity of a non-career parliamentarian who has served a mere 15 months in this House and is more than two decades below the average age in sharing some observations.

First, I add my support for the overall thrust of the report. It is in keeping with the great pragmatic British tradition of seeking voluntary change to pre-empt external imposition. I am familiar from my City experience with the takeover code: a voluntary set of rules governing public company mergers and takeovers, viewed by most practitioners as highly effective, where enforcement is by mutual consent among market participants rather than by legislation. Similarly, these reforms are a stake in the ground and, while there may be some imperfections and areas for improvement, we have to start somewhere and get ahead of events before they overtake us.

We should also recognise that these proposals are necessary but not sufficient. I will quote my noble friend the Leader of the House, who said:

“Any reform ... must not be simply about numbers; it must result in this House working better in fulfilling our role effectively”.—*[Official Report, 5/12/16; col. 589.]*

I therefore wish to highlight five brief points that should logically be addressed, either as part of the current proposals or in the next phase of an evolutionary process of professionalising the House.

My first point is about legitimacy. For an appointed Chamber, this must inherently come from achieving a composition that reflects the full diversity of modern Britain. While there might be a natural political incentive to achieve such representation, it deserves a coherent framework. I therefore propose adding a third area of oversight for the House of Lords Appointments Commission beyond the two already identified in paragraphs 81 and 82 of the report. HOLAC should be asked to monitor formally the composition of the House and highlight areas of underrepresentation to the groupings. I believe that this is an extension of the role which it already performs informally.

My second point is about anachronisms. Other noble Lords can speak more knowledgeably about hereditary Peers, but I would make one humble suggestion to Lords spiritual: if they voluntarily reduce their numbers to increase the allocation of Cross Bench Peers, this might help facilitate representation of all major faith communities across Britain, whilst still giving prominence to the Church of England.

My third point is about the thorny issue of implementing voluntary retirements. This may prove to be a Pandora's box, given the behavioural and adverse selection issues of managing people who cannot be formally unseated. It risks creating a new dynamic between Members and their party leadership which, as appendix 1 to the report states,

“might favour party loyalists and assiduous voters at the expense of members more willing to question or challenge their own parties”.

My fourth point is about younger Peers, both existing and prospective. There are currently 34 Peers under the age of 50. While the report articulated the disadvantages of a fixed retirement age, there is a de facto retirement date of 2042 implicit in paragraph 88, which most affects this group. I therefore propose a modification that would instead create a backstop date where any remaining life Peers by 2042 are shifted to a 15-year term, bringing them in line with newly appointed Members.

There is also a more fundamental question about the disincentives and opportunity cost for prospective younger Members to accept appointments to the House, unless they receive proper financial and administrative support. Assuming we proceed to the next phase of implementation, we should include younger Peers and those with substantial careers outside Westminster in drawing up the detailed rules.

This leads to my fifth and final point related to financial issues, where the report is largely silent, other than the veiled threat in paragraph 108 of withdrawing financial support to incentivise retirement. We should recognise, however, that membership of the House is not just a retirement activity for many Peers but a source of income, too. There are incentives and behaviours that flow from this reality. If we were a commercial organisation, financial inducements would be found for early retirement. Unfortunately, this is too toxic to contemplate. Similarly, there is merit in moving away from daily attendance allowances to fixed base fees and supplements for committee work, rather like non-executive directors.

To sum up, in my short time in this House I have come to appreciate its unique strengths as a second Chamber. With so much to offer, it would be a tragedy if we did not get on the front foot and shape our own destiny though sensible and enduring reform—not only of our numbers but, equally importantly, of our effectiveness, functions and financial arrangements.

7.02 pm

**Lord Thurlow (CB):** My Lords, I would like to add my voice to the many expressions of thanks to our Lord Speaker for his early action following elevation to the Woolsack in initiating this committee. I extend those thanks to the noble Lord, Lord Burns, and his fellow committee members. They have had a herculean task. The report's recommendations are original and show an enlightened approach to the very real problem of numbers. But that said, I have to admit, echoing earlier comments, that it is difficult to add original comments when speaking on a single question and numbered 73 on the speakers list.

I have one or two observations: I would like to see greater regional representation in new appointments. Perhaps the Appointments Commission could consider this in some way. Also as set out in my own submission, I supported the suggestion of an age limit. Whether it is 80 years or something different I am not sure—I quite like the sound of 80—but only if there is a positive date attached which allows this House to request a five year extension for individual Members whose presence we would not wish to lose. Going off-piste slightly, I think that the Appointments Commission should be part of this, by being given

more teeth, and perhaps a slightly redefined set of required criteria in assessing candidates or new applications.

Is a figure of 600 too many? The noble Lords, Lord Geddes, Lord Blencathra and others, have mentioned the possible move to the Queen Elizabeth II Conference Centre as part of reconstruction and renewal. I feel quite strongly that that event, if it happens, is extremely likely to create its own cull on our numbers. There will be quite a few who just do not want the change and do not want to move. We should in that event prepare for departures.

I hope the Prime Minister is listening to this debate, so to speak. This is about statesmanship, not party politics. It will require considerable restraint to the powers of patronage, and I add my voice to those who have already asked the Leader of the House to report back in the clearest of terms.

I wholeheartedly support the committee's recommendations. If we do not, we will drift on with bloated numbers—possibly growing numbers. In that case obsolescence and radical change may well occur. Without wishing to be alarmist, we have seen in the recent election the impact, or so we are told in the media, of social media on the Labour Party campaign in the general election. For us, in the event of the possibility of radical change, if orchestrated by malicious media, this could become a firestorm and imperil this Chamber as we know it. I say this simply because it is a subject that comes up in a cyclical fashion in the media, and we have to take control of the change.

I wholeheartedly support the committee's recommendations. These reforms are vital. We must attempt to control the process if we can. I urge us all to initiate them from within.

7.07 pm

**Lord Inglewood (Con):** My Lords, like many others in this debate, I echo general support for the noble Lord, Lord Burns, and his committee's ingenious report. I use the word ingenious in its old-fashioned sense. Since every Member of your Lordships' House is an expert on this topic, it seems to me that consensual agreement must be impossible. Nevertheless, I believe that it is appropriate for the process of which this is part that it should proceed.

Having said that, in going forward to recalibrate the role and character of the second Chamber, I think, like my noble friend Lord Gadhia, that the report is a necessary but not a sufficient step. This is one of the reasons I do not want, at this point, in this debate, to drill down into it. Rather, I would like to go back to some remarks made at the outset by the noble and learned Lord, Lord Hope of Craighead, and the noble Lord, Lord Empey, among others. It seems to me that this Chamber, and Parliament as a whole, in pursuit of family-friendly arrangements fail to recognise that what is friendly for the denizens of Greater London is often the opposite for those who, like me, live at the other end of the country. The House of Lords is not only for those from the south-east. The financial implications for those who may not previously have been in the City and live in Belgravia are quite different from those who have spent a lifetime, for example, as a

[LORD INGLEWOOD]

social worker in Middlesbrough. The House of Lords is not only for those who are rich. Those who have pensions have very different financial circumstances from those who have to work, *inter alia*, to accrue them. The House of Lords is not only for those who do not have to work.

I urge that attention is given to these and similar points as we move towards a different type of House of Lords from the one we have now. We all know that membership of this House is an honour, a privilege and an obligation. But, as they say where I come from, it butters no parsnips, and that should not exclude suitable and qualified Members being able to join it.

7.10 pm

**Baroness Watkins of Tavistock (CB):** My Lords, I am delighted to contribute to the debate on the report of the Lord Speaker's committee on the size of the House, which I believe to be extremely positive in its conclusions and recommendations. I acknowledge the huge amount of work undertaken by the committee under the chairmanship of the noble Lord, Lord Burns. Like many other noble Lords, I am broadly supportive of the recommendations, particularly the reduction to 600 Members and the proposal that that should be capped in future, and that all new Members would normally serve a non-renewable term of 15 years. These are clearly consistent with the aims outlined in the report.

The report indicates that the committee considered the feasibility of recommending a retirement age but declined to do so. Yet as of 11 November our current membership has an average age of 69, with a range of 39 to 98. There are 296 Peers aged between 71 and 80. While I am fully aware that only a small percentage of people of advancing years develop cognitive decline sufficient to warrant difficulty at work, the majority of employers are in a position to recommend an occupational health assessment for workers above a certain age—to protect their employees, as well as those they serve. Judges now have a fixed retirement age and other people making major strategic decisions in a range of organisations and businesses are regularly required to undertake medical assessments to ensure their capability for their role. I wonder whether the committee discussed this, in line with the Nolan principles of public life. If so, perhaps we should seriously consider, in relation to the nature of our work, introducing such assessments, perhaps at 80 years of age. Of course, the vast majority of Peers of this age would meet the requirements, as can be seen by the quality of debates in this House on a daily basis. However, this would also provide public accountability of our collective responsibility as a House to demonstrate our fitness to practise, as other professions are required to do.

I will not talk much longer because other people have said the things that I hoped to say, but I reiterate the situation that my noble friend Lady Brown of Cambridge outlined. We came in at the same time, three days apart, and we both think it would be entirely reasonable to offer to retire at the end of a fixed term; neither of us will be 80 at that point. My reason is that I was appointed through the Appointments

Commission process to help balance the House in terms of representation; in my case, predominantly nursing. By the end of 15 years, I would expect the House to benefit from a new Member with more contemporary knowledge of this field. I do not wish to suggest that I am not ably assisted with superb advice from relevant professional and charitable groups in relation to nursing. However, over time there is no substitute for recent, relevant occupational experience for people appointed in the way that I was. Therefore, I would like the House to consider not only a fixed term of appointment—at the very maximum, of 30 years—for new life Peers but a maximum period for current Peers from an agreed date, possibly 2022. This would still give the flexibility for Peers appointed for life to retire earlier but would also indicate to those who in future may be appointed only for 15 years that we are dealing with the reduction of our current membership in a fair and consistent manner.

I acknowledge the Speaker's commitment to the principles of public life by calling for this review and commend the committee for producing an excellent set of recommendations, which I fully support. I believe that we need to work at a faster pace than the report indicates, in a manner consistent with the Nolan principles of public life I referred to earlier, particularly in relation to selflessness and leadership.

7.14 pm

**Baroness Berridge (Con):** My Lords, I, too, thank the Lord Speaker, the noble Lord, Lord Burns, and his committee for the report, which makes eminently sensible reading. I wholeheartedly support the proposed changes but there are further significant changes that the introduction of this system of 15-year appointments will require. While scrutiny of legislation is a key role of this House, in our unwritten constitution this Chamber is one of the checks and balances on executive power; the others being judicial review, civil society, a free media and, at the moment, a wafer-thin majority in the other place.

Your Lordships' House will continue to be effective or even to exist only if our level of public support and therefore our legitimacy increase. Your Lordships need only to glance over the pond to see how vital the institutions that check executive power are. This reform at this time is crucial, and while this Chamber is rightly known for its wisdom and experience, the tectonic plates of culture and technology are shifting so rapidly that a Chamber that is appointed in this new way will have legitimacy only if it continues to include a range of ages in its membership.

I am pleased that the committee recognises, in paragraph 31, that this system of 15-year appointments provides,

“a disincentive for prospective members to accept appointment to the House at a relatively young age”.

This disincentive is not further explored in the report, nor is it assessed in relation to the expenses system. Quite how a person in their late 30s, as I was, who has a career in the voluntary sector and who lives in the north-east, will be attracted to a 15-year appointment needs careful consideration. If the Lords will be a part-time role, perhaps this will work, but there seems

to be an inconsistency between the briefings outlining that the party groups will consider more carefully whom they select as they will need a ministerial team, with all the time commitments that that entails, and paragraph 14 of the report, which states:

“Continuing to allow members to undertake careers and activities outside politics is necessary if they are to maintain and update their expertise”.

A further committee is needed to consider whether your Lordships' House will be full-time or part-time, whether it will be salaried, whether there will be support staff, and how to ensure that younger Peers can still join.

I look forward to welcoming the new Bishop of London, the Right Reverend Sarah Mullally, and commend the fact that 10% of the Anglican presence in your Lordships' House will soon be female. The right reverend Prelate the Bishop of Birmingham is correct that there is a cap on the Lords spiritual but there are four more on the Cross Bench. Thirty-plus Bishops or former Bishops is too many and arguably squeezes out nonconformist church leadership and the black and minority ethnic church, whose absence from your Lordships' House is an obvious gap, which I hope the commission will see fit to resolve.

This further committee would, I hope, not have to consider the hereditary peerage system as this is Her Majesty's Government's responsibility alone. This House and the other place overwhelmingly want change but the Government, who control the legislative agenda, are stalling. So I trust that my noble friend the Leader of the House, as the only Member of your Lordships' House to be in the Cabinet, will inform her colleagues that the racially and gender-biased selection system for the legislature needs to go. The pool of hereditary candidates is almost exclusively male and all white. I am afraid I disagree with the noble Lord, Lord Burns, that this is not a problem for today, as it should have been a problem of yesterday. Her Majesty's Government's position risks undermining next year's celebrations of a century of women's suffrage, and the admirable leadership of the Prime Minister in tackling racial inequality. It is ironic that today, the Ministry of Justice adopted the recommendation from David Lammy's “explain or change” review concerning racial bias in the justice system, and yet the Government's legislative inertia is endorsing the racially biased hereditary peerage system. I ask my noble friend the Leader of the House to please write to noble Lords to explain or change Her Majesty's Government's position on this.

7.20 pm

**Lord Brooke of Alverthorpe (Lab):** My Lords, I am grateful to my noble friend Lord Foulkes, who is not in his place, for standing in for me this morning as I had another appointment. Like the rest of the House, I am grateful to the noble Lord, Lord Burns, and his committee for the work they have done—although, rather like the noble Lord, Lord MacGregor of Pulham Market, I believe that the pace set out is quite inadequate for the problem that we face. I will come back to that in a moment.

Before the committee was appointed, I wrote to the Lord Speaker saying that I believed we had a real problem over the size of the House. This was two

years ago. I suggested to him that we needed early action and that he should open a public book in which Peers who were prepared to go early, preferably around the age of 80, would put their names and make a public declaration of their intention, in order to get the size of the House down. He wrote back to me and said that it was an interesting idea but we would wait to see what the noble Lord, Lord Burns, came up with.

I put the view to the noble Lord, Lord Burns, and his committee that we need a retirement age. I still believe that we need a retirement age. Without any doubt we have some quite extraordinary people here over the age of 80, but there are quite extraordinary judges, surgeons, teachers, civil servants and heads of the Armed Forces who are all in the public service, as we are in the public service. We set out their terms and conditions, and all of them have retirement policies of one type or another, and we are able change them if we so choose.

Yet we are different from the rest. The debate today should focus to a degree on this: whether we should continue to be different. Okay, the noble Lord, Lord Burns, would change that in due course—in 11 years' time, when this is finally enacted. It would be virtually 11 years before it finally worked its way through. We could do it overnight in the way that we reformed the Lords in 1999 when the hereditaries went in one fell swoop, with literally hundreds of them going. If we opted for a retirement age of 80, we would have close on 250 people going fairly quickly, and the House would survive.

In turn, we would be in a better negotiating position with the Prime Minister if we had made such a move ourselves on a voluntary and moral basis to influence the course of events and to try to persuade the Prime Minister of the day to draw up a code of practice on how appointments would be made in future to ensure that the House was kept within reasonable limits. I share the committee's view that it should be 600 and all the other recommendations that it made.

I have one question for the noble Lord. When the noble Lord, Lord MacGregor, was speaking, he said that we would require legislation to introduce a retirement policy in the Lords. I believe that he is wrong, but I would be grateful for clarification on that. I believe that we could decide that we wanted to go for a retirement age—whether 75, 80 or even 85. We could take that decision, and if we did that we would not only be doing the right thing but we would be sending the right message about the kind of politics we believe there should be in this country and that where change is needed we will do it ourselves.

7.23 pm

**Lord Birt (CB):** My Lords, this report has all the analytical rigour we have come to expect from the noble Lord, Lord Burns, who has had more praise heaped upon him during the course of the day than most of us could hope for in a lifetime. No doubt his ears are burning.

In paragraph 10 of the report, we find the killer insight: on present trends, the size of this House will eventually exceed 1,000. The case for action is

[LORD BIRT]

overwhelming. I strongly support the approach to reducing the size of the House that the report recommends—but I have three reservations, like some other noble Lords.

My first reservation is over the bishops and the hereditaries. In a diverse House, reflecting the whole nation, I, like the noble Baroness, Lady Berridge, would hope to see archbishops, cardinals, rabbis, imams and representatives of other faiths. Many hereditary Peers justify their presence in this Chamber by the quality of their contributions, not least today, but it is anomalous in the 21st century for Britain to be the only country in the world where parentage is a passport to Parliament—and, alongside Iran, to be one of only two countries in which an established religion has a guaranteed place in the legislature. Comprehensive reform of the House of Lords would address these historic anomalies, but I find the notion that every part of the House should reduce its numbers except the bishops and the hereditaries, and that at the end of this process those groups would end up as a significantly higher percentage of the House than they are now, to be profoundly distasteful—as did the noble Lord, Lord MacGregor.

My second reservation relates to paragraph 15, where the report refers to,

“existing members who may have arranged their affairs on the basis of membership for life”.

The report suggests that such Members should be treated fairly but is silent on how. I do not expect this issue will affect many noble Lords—it certainly does not apply to me—but some Members of this House, as we all know, gave up established careers, perhaps in academia, to make a full and continuing contribution to our affairs, and they calculated when they did so that their attendance allowances would make up for their loss of income and, later in life, for a reduced pension. For a small number of Members, unanticipated change may bring real hardship, and it would be unjust of us not to consider that.

My third and final reservation is that the report helpfully shows what the outcome would have been if the regime proposed had applied from 1959. It shows the hypothetical position at three critical inflection points in our recent political history—1979, 1997 and 2015—when a new party of government, with a radical agenda, held the reins untrammelled. At these three moments, the new governing party would have been the smaller of the two main parties and, on two occasions, far smaller. I am sceptical that, were those circumstances to recur, which they are bound to, and with the voluntary system proposed, an incoming Prime Minister will naturally show restraint. We will all feel mightily foolish if we march out the door, only to see a little later a longer line marching back in the opposite direction. Even if our current Prime Minister agrees this system, she cannot bind her successors, as many speakers have said. I conclude that, difficult though it may be, this eminently sensible scheme will work only if it can be enshrined in legislation. Given the consensus apparent during the course of this long day, I do not understand why that is not possible.

7.27 pm

**Lord Maginnis of Drumglass (Ind UU):** My Lords, like the almost 100 noble Lords who have sought to intervene in this debate, I am grateful to the noble Lord, Lord Burns, for his efforts to apply some degree of logic to the problem of this House being allegedly 35%—some might even say 60%—too large. Be that as it may, my conviction is that there are greater parliamentary problems which, if our little local difficulties are not carefully handled, may escalate beyond what we would seek to achieve.

Having served for almost 35 years in the Commons and this Chamber, it is my experience that the changes we require are not such as can simply be resolved here. By seeking to do so in isolation, we could create a disastrous knock-on consequence. Compared with 1983, when I was first elected, the overall standards across our democratic process are being eroded to a dangerous and damaging degree. We seem to have been conditioned to accept that raw academic ability is the sole arbiter in creating a foundation for success.

I still yearn for that breadth of commitment and experience I found all around me when I first came to Westminster. It combined years of experience among those who came from the shop floor and the mines, from management both of the workforce and of technical and financial resources, from military experience, and from professional know-how. Is that experienced-based criterion a thing that survives only in this Chamber? Could we be in danger of sacrificing that, not least with the 15-year option? I was already in my mid-40s when I arrived here—but, like so many of my colleagues, I had been tried and tested professionally, militarily and in business before I was asked to stand for Parliament. I was not imposed on my constituency by some remote and faceless party structure. Bluntly, I was more than some privileged or glorified “interim bag carrier” with a predestined ambition whose time had arrived.

The noble Lord, Lord Burns, has ably sought to give us guidance—but suffice it to say that leadership, planning and practical politics derive from experience, not from patronage. I want to see my United Kingdom with political acumen and with renewed moral standards, which sadly are being steadily and selfishly eroded. That will not happen by our performing some egocentric little local exercise here in this Chamber, and certainly not by increasing the authority and diktats of the faceless back-room shakers and movers, to the detriment of effective, experienced and principled government here in Westminster. Power must never be surrendered to popularity.

Without wanting to be too controversial, I simply ask noble Lords how long it has been since any UK Government articulated a coherent and strategic foreign policy that they would feel able to explain and justify? The House of Lords must change, but it must not end up neutering itself in the erroneous belief that somehow we alone are, or could be, the sole source of strength amid the United Kingdom’s diminishing national role and responsibility. I therefore conclude by saying that we should not merely identify cosmetic changes in this Chamber, and that it is our clear obligation to properly evaluate all the potential consequences. Let us not throw out the baby with the bath-water.

7.32 pm

**Lord Porter of Spalding (Con):** My Lords, like previous speakers before me, I pay tribute to the noble Lord, Lord Burns, and the committee, before moving straight on to say that I disagree with the recommendations—not all of them, but the principal drive towards reducing the number of Members of this House. It was a question that should not have been set. It is not on the public's lips; it is not in MPs' mailbags. There is no need to reduce the number of Peers in the House. The only time it becomes an issue is when the quality of the behaviour of some of us brings the rest of us into contempt, or if the Government are defeated and then some Members of this House are no longer required.

This is not about the size itself. We already have clear evidence that only 490 on average turn up, so we have 200-plus consultants on tap who cost us no money but who have expertise they can bring into the Chamber. They do not get paid if they are not here. Once you take off those who are not paid and those who do not claim, that leaves roughly half the number who can currently sit in this Chamber on the payroll. If this proposal is seen through, and we artificially reduce the number of Peers to 600, it will end up costing the taxpayer more. If there are 600 full-time working Peers in this building, that would cost about another £6 million. I am not aware of any organisation that seeks to wound itself in terms of its experience and capability and at the same time cost the people it serves more money. That would be very perverse.

It would also drive up the average age of Peers entering this House. I am not sure that anybody aged 40 or 50 would choose to come in—in the middle of a career break—do 15 years and then find out they not only had nowhere else to go but had no pension on top of that, because we are not pensioned here. We also get plenty of complaints that the Chamber is too London-centric, but this would clearly drive up the number of people from London to whom this place becomes attractive, while making it less attractive to those from the shires. It would probably make us more London-centric, more expensive and less experienced.

On that basis, I cannot really see the point in pursuing this much further. In addition, to expect the Prime Minister or any future Prime Minister to fetter their own ability to reward people who have done good things or to create spaces in the other place is a bit naïve. I am not sure many Prime Ministers would agree to do that, and I do not think it is fair to try to pressurise this one into doing it. If Members seriously are concerned about the size of the House, we should move some formal stuff that locks future Prime Ministers into place as well and not just fetter the current one's choice.

Before I sit down, I have a question, but I do not know who to ask and whether I will get an answer. What would happen if the monarch serves a Writ of Summons on somebody and they refuse to come because the Code of Conduct says they cannot?

7.36 pm

**Lord Craig of Radley (CB):** My Lords, I join with other noble Lords in commending the thoughtful efforts of the noble Lord, Lord Burns, and his colleagues and

this report. However, with no disrespect, it is a publisher's glowing dust cover to a hardback book titled *Lords Reform*. Blank pages and chapters in the book need to be written before those who must abide by the consensus being sought can fully judge its worth. Second-order and other key issues must be addressed and fleshed out. The House must tackle these as part of the effort to gain a broad acceptance of this strategy.

A Prime Minister, on taking office and while in it, and on departure from office, and party groups, individually by their then leader and severally, must indicate acceptance. These undertakings need to span the period not just of one Parliament but of successive ones and future holders of their offices too. Should it be a matter for a written undertaking, and perhaps Statements in Parliament? I understand the rubric that one Parliament cannot tie the hands of another; nor, presumably, can party leaders bind their successors. But is this of sufficient importance for all to set this aside in some solemn and binding way, short of statute? How realistic is it to harmonise such a gross mismatch between the horizons of a 15-year or 20-year corpus and the near-term partisan volatility of just a few years or even only months—the political in-office lifespans of Prime Ministers and other party leaders? Is this an Achilles heel? I sincerely hope not.

For the Cross-Bench group, the issue is much clearer so long as the two-out, one-in principle is followed. But the aspirations of those who lobby for an elected second Chamber may be eviscerated for a generation.

However, there is another issue to clarify. Is the 600, when reached—or indeed the numbers annually being aimed at in the process of reducing to 600—to be deemed a “never to be exceeded” total? If not, what flexibility should be considered and should that be part of the undertakings of parties and Prime Ministers? The report suggests new Ministers given peerages need not be counted in the 600 in the year of their elevation. But if some party or group does not take up a yearly allocation, will pressures to use any headroom below 600 prove irresistible? The House might need some of that number to be effective.

During my time as Convenor I had a number of exchanges about Cross-Bench membership with the then Lord Chancellor. He was leading on the first of the several attempts to move on to stage two of House of Lords reform. In general it was about Cross-Bench numbers, but I also raised some examples of appointments who, while worthy of a peerage, were not then on the Prime Minister's list. Some of those have since been added; nor, presumably, will retiring Speakers from the other place be excluded. Traditionally their peerage follows a petition made by the other place.

As the report mentions, the previous Prime Minister further extended his Cross-Bench appointments list to consider a range of non-public service individuals, which looks very much like a return to the status quo ante Mr Blair's original decision to forgo making non-party appointments. Before 1997, new year and birthday honours lists used to have about a couple of peerages each time, normally expected to be for Cross-Benchers. A return to that might not be contentious and set a more measured rate of appointments. The dates on which Justices of the Supreme Court take their seat on retirement will not necessarily fall within

[LORD CRAIG OF RADLEY]

the once-a-year election proposal, and of course if a Parliament were not to run its five-year term, other variations would apply.

My point here is that, aside from the arrangements already proposed, there may be a number of special and earmarked cases that come up and do not lie within the normal party and HOLAC ambit or the timing of once-a-year appointments. Equally, I am sure that those I have mentioned are far from the only special cases that one or more might feel justified in promoting. This brings me back to the question: is there to be a “never exceed” limit on membership? If not, how should any variation be expressed? This question may need some very wise heads to put together a universally acceptable answer. It will be important not to fudge it.

7.41 pm

**Lord Dobbs (Con):** My Lords, it has been said by everyone but not yet by me: I echo the words of gratitude to the noble Lord, Lord Burns, and his committee. The report has the huge benefit of being not only elegantly written but mercifully brief. I hope to match the brevity if not the eloquence.

What more is there to be said? We seem to be creating an impetus, a demand, for change that can probably no longer be stopped. We focus almost obsessively on numbers and cutting our House down to size. I wonder if that might lead in the course of time to more professionalism and politicisation—that is a possibility—and more expense too, as we have just heard most eloquently from my noble friend Lord Porter. That would be an unexpected consequence of reform, but change there will be. The question is whether that change will be achieved voluntarily or imposed upon us. Once you put the ferret down the rabbit hole, you can never be entirely sure of the consequences.

It is not just the reforms that we are discussing today; in connection, there is also renewal and restoration to consider. At some point in the not-too-distant future, it is likely that we will be moved to a different place—well, we move or we burn. I think it was Churchill who said we make our buildings and then our buildings make us. I wonder what the QEII conference centre will make of us. As the noble Lord, Lord Geddes, suggested, that in itself is likely to greatly reduce our numbers. It will also change our practices, how we see ourselves, how others see us, what we do and how we do it. We will not be the same House when and if we return to this place.

There is a still more pressing factor. Next year we will be immersed in the elected Government's main legislative vehicle, Brexit. Some noble Lords have already declared that it is a Bill of betrayal, threatened trench warfare and even compared it to the appeasement of Hitler. That sort of action and that sort of language threaten to undermine everything that the Burns committee has been trying to achieve. If this unelected House decided to engage in open trench warfare, what options would that give any Prime Minister other than to appoint new Peers? This has to be thought through. To use a rather hackneyed phrase, we cannot have our cake and eat it.

Reform, renewal and restoration, Brexit—this could all come together as a perfect storm that might sink this place completely. So it is evolution or revolution. There is no standing still, not any more. The Burns committee stands for evolution, uncertain as that process usually is. That is why I support it, always bearing in mind that it is the other House, the House of Commons, that is in far more need of reform than we are.

7.45 pm

**Lord Murphy of Torfaen (Lab):** My Lords, it is a great pleasure to follow the noble Lord, even if it is as the 82nd speaker in today's rather long but important debate.

In all my years in Parliament, I have never been persuaded of the need for an elected second Chamber. I agree with elections—since 1973 I have fought 11, one every four years—but I do not think an elected Upper House will be anything other than a rival to the House of Commons, particularly if that House were elected on the basis of proportional representation. Having been involved over the last decade in the establishment of parliaments in Northern Ireland and Wales, I think it is inevitable that as a new parliamentary institution is set up it will eventually want more powers as it goes along. In Wales's case, I think that was right, but would that be the case for an elected second Chamber that wanted more and more powers as the years went by?

However, if we do not have an elected Chamber then we have to have an appointed one that is reformed. In the two years that I have been in this place, I have been deeply impressed at the level of debate and expertise. I have been particularly impressed by the level of scrutiny of legislation, which is infinitely better than that in the House of Commons. At the same time, though, we have to look at the issue of size. When I entered Parliament in 1987, the House of Lords had 1,200 Members. In all the years that I was an MP, I never had one single letter or email about the size of the Lords. That is not to say that it is not an issue, because it is. My noble friend Lady McIntosh and others have said that it is a matter of reputation, not only of this House but of the whole of Parliament. Over the last five or six years, for all sorts of reasons, Parliament has not been seen in the best light. Unless we try to ensure that this House is a reasonable size then we are doomed, particularly on the basis that the Government want the membership of the House of Commons actually to go down. You cannot have a reduced House of Commons and an increased House of Lords; that just does not make sense in a modern constitution. I therefore join in the chorus of approval for the noble Lord, Lord Burns, whose committee has done a tremendous job on the report. “Elegant” is certainly the word; it is also practical, important and, most importantly, possible.

There are of course other issues that need to be addressed. I think we should abolish the by-elections for hereditary Peers. However, I believe the Bishops' Bench should remain. I am a Catholic Christian who is quite willing to pass on to the Church of England the issues of Christianity that need to be debated in

this place, and I have never heard any contribution from the Bishops' Bench with which I have disagreed. I think that is important too.

The other issue that is important, certainly for those of us who do not live in or represent London, is the need in a changed political landscape to ensure that this place properly represents the nations and the regions of the UK. We now have devolution of sorts in Northern Ireland—I hope it will come back—and in Scotland and Wales, and there is an increasing move towards devolution in the north of England as well. Like many second Chambers in the world, this one could do a great job of ensuring that the nations and the regions of the UK in the 21st century were properly debated and looked after.

There is a problem with all of this, though, which has been touched on by a number of noble Lords during the course of the debate. If we are to listen to the gossip and rumours that are now prevalent throughout Parliament that the Prime Minister is about to appoint anything between—I have heard—25 to 56 Peers into this place, simply for the reason of passing legislation on Brexit, that would torpedo this report. That would never make sense. We cannot have the House of Lords appearing to be extremely united in wanting the report to be implemented and then, only weeks later, for that to be undermined by the creation of dozens of new Peers by the Prime Minister—who, I admit, has been very moderate on this issue in years past. If there is to be a race between new Peers being appointed by the Prime Minister and the implementation of the report, I am all in favour of the implementation of the report.

7.50 pm

**Baroness Meacher (CB):** My Lords, I express my thanks to the Lord Speaker for initiating this incredibly important piece of work, and of course to the noble Lord, Lord Burns, and his committee for their report. I strongly support their recommendations. Although all of us might want to tweak the odd one here or there, I strongly support the report.

I am sure everyone would be delighted if I just sat down at this point, but I want to focus on just one issue. It seems that the underpinning for all other proposals in the report is provided by the proposed fixed cap on the total number of Peers with the right to sit in the House of Lords. Without that reform, the rest of the proposals will probably fall or achieve very little. Fears have been expressed that the Prime Minister will be reluctant to lose her complete freedom to exercise her powers of patronage. I understand those fears. But if the Prime Minister agrees that this House should better reflect the political balance across the country over time, and that the public would not accept an increase in the size of this House to 1,000 or more Peers, I hope she can be convinced of the need for the reforms presented by the noble Lord, Lord Burns.

The big question is whether Theresa May accepts that it is impractical, self-defeating over time and offensive to the British public for successive Prime Ministers of both political parties to pack the House with their own appointees, to seek to rebalance the numbers of Peers on each side. That is, of course, a zero-sum game.

If we can assume the Prime Minister's support on these issues, an answer to the patronage problem surely lies, as others have said, on page 13 of the report, which makes it clear that,

“the monarch is empowered to appoint life peers other than under the Life Peerages Act 1958”.

This power was confirmed by RP Gadd in *Peerage Law*, published in 1985—albeit that the power has not been used very recently. Importantly, Peers appointed in that way would not be entitled to a seat in this House. The Prime Minister would thus have complete freedom to appoint any number of Peers, if she really wished to, but she would need to decide which of those Peers could best serve your Lordships' House. Others would have the honour of a peerage anyway, and if they were suited to sit in this House they could surely apply to the House of Lords Appointments Commission so that when a place became available they could have a position in this House.

As the noble Lord, Lord Wakeham, said—I find this interesting, as I had not worked it out for myself—the Burns report would, anyway, enable a Prime Minister to create roughly the same number of Peers with a position in this House as have tended to be created, on average, by Prime Ministers over the years. What the Burns report would prevent is the creation of vast numbers of Peers for political purposes—and I very strongly support bringing an end to that type of activity. On this basis, I hope that the Prime Minister and the leaders of the opposition parties can support the report.

7.53 pm

**Lord Jopling (Con):** My Lords, I join virtually everyone who has spoken in congratulating the Lord Speaker, and the committee on its ingenuity in producing the report, which guides us into what I regard as the first step of Lords reform. As many noble Lords will recall, I have been pressing my own plan for the last 12 years—but it would, of course, require primary legislation, so the report, which does not involve primary legislation, obviously represents the way ahead. Some of my own proposals are not a runner in these circumstances, and I am glad that the committee was kind enough to allow me to give evidence before it.

There are many parts of the report with which I strongly agree. Primarily, there is the essential need to reduce numbers; we need to impose a fixed cap of 600 in 11 years. I had suggested 500. I was interested to hear that the noble Baroness, Lady Boothroyd, and my noble friend Lord Caithness both felt that that was reasonable, and I would much prefer a quicker move than one that took 11 years. My own proposals, which, I am afraid, were cancelled out by the need for primary legislation, would have got us there immediately after the next election.

I welcome the fact that no party should have a majority and that the Cross-Bench percentage should remain at around 20%, and I can accept the 15-year term for voluntary retirement, in the interests of making progress. I would have preferred, and have proposed previously, that each party caucus should decide who stays and who goes. The party caucuses know best who contributes and who does not. As I read the report—I would be grateful if the noble Lord, Lord Burns,

[LORD JOPLING]

would comment on this when he sums up—I think it would still be possible within its terms for the party caucuses to do that task.

Finally, I very much welcome what is summarised in Figure 4 on page 21, whereby new party appointments would be based on the average of the percentages of seats won and votes cast at the previous general election. I think I was the first one to propose this, with the help of the Library, in our debate two years ago last September—and I believe it is the best and fairest basis for making the political appointments.

Those are some parts of the report with which I strongly agree, but there is one area that I do not think the committee addressed—perhaps because of the need for legislation. It is the potential problem to which I have tried to draw attention all these years—the fact that the work of this House would come to a standstill if at an election a new party came to power or into a coalition from a small base, or no base. That has happened in recent years in Turkey, in Italy, and more recently in France—and it could happen here, because we all know that politics and politicians are not the flavour of the time. I remember how, in the mid-1980s, the SDP came quite close to being the dominant party in the public opinion polls. A new party in government or in coalition could find itself with few Ministers or Back-Benchers, and only tiny replenishments under the oblique reference in the third paragraph of Appendix 5.

That situation would be one thing that would trigger primary legislation, and I fear that this is one thing I must criticise in the opening speech by the noble Lord, Lord Burns. He said that he thought Appendix 5 would partly deal with that problem—and I stress that it would only do so partially.

My final comment is that I believe we must support the report, and that we must demonstrate tonight that there is a consensus in the House to do so. In order to achieve that consensus, when at the end of the debate the Lord Speaker puts the Question that the report be noted, I challenge all those who do not like it, and who believe that there is no consensus, to cry no at the appropriate moment.

7.59 pm

**Lord Trees (CB):** My Lords, those who were in the Chamber earlier and heard the speech of the noble Lord, Lord Grade, will have heard him jokingly suggest that this Chamber should conduct its business under the rules of the Radio 4 programme “Just a Minute”. I am very glad that we do not do that, because I fear that my own contribution and that of many other noble Lords might be disqualified on the grounds of repetition. But that is a risk of speaking at number 85, I fear.

In my years in this House, I have come to respect and admire the huge amount of work done by noble Lords to improve the legislation that governs our nation. The role of this House is much misunderstood, as a number of noble Lords have said, notably my noble friend Lord Cromwell. A particular misconception is that we make the laws. We do not, really; we do not make any laws with which the Commons does not

agree. Our role is as a scrutinising and revising Chamber that accepts the primacy of the Commons but tries to ensure that legislation is fair and unambiguous, fit for purpose and as free as possible of unintended consequences. We must constantly try to get that message across to the public, who, for understandable reasons, do not recognise our real role.

Other common misconceptions are that we are full of hereditary Peers and resistant to change. Neither, of course, is true, and the debate today is further evidence that this House is self-aware and seeks to remodel itself, while maintaining the fundamental role of a scrutinising legislative Chamber and holding the Government to account.

The Burns report is the latest, and arguably the most fundamental, of a number of incremental evolutionary changes proposed in recent years by this House, as the noble Baroness, Lady Stowell, mentioned. It seeks to address a particular subject of public and media criticism—namely, the large size of the House—which, of course, has been created by the action of others in the other place.

Many noble Lords have spoken to commend the excellence of the report, which I fully endorse. Recognising the reality that legislative time, to say nothing of agreement, is unlikely to be possible in the near future, it makes proposals to reduce the size of the House that are pragmatic and realistic and, with good will, I would argue, achievable. The report is beautifully structured and argued, and eloquently written. In short, it is something that one does not often say about official documents: it is a very good read.

Crucially, the report proposes mechanisms to reduce the numbers and retain a smaller size but, at the same time, to refresh membership, which is important. It suggests means and a timescale that is sensitive to the fact that change in the absence of legislation will have to be voluntary. That will involve some individuals unselfishly agreeing to leave. Most significantly, as many noble Lords have said already, it will depend on the Prime Minister of the day to agree to restraining their level of political patronage—and that is not an easy ask. In restructuring over time the political balance of the House better to reflect that in the country and in the Commons, the report offers some recompense.

In conclusion, there are a number of areas where we need to work hard in this Chamber to improve and inform public perception of this House. But on the issue of its size, which is a major component of our negative public image, this excellent report advocates a means to effect a progressive and positive modernisation. I congratulate the noble Lord, Lord Burns, and his committee on their brilliant report, which I fully support, and look forward to the Government's response to it.

8.04 pm

**Lord Elton (Con):** My Lords, I see this problem possibly from a slightly different perspective from most of your Lordships. It is not just that I am older than most of you, but I have been here longer than most of you and I have heard the hereditary system debated more often than you. I remember back in the 1940s sitting on the steps of the Throne next to Nat Fiennes and hearing his father, Lord Saye and Sele, sitting on that Bench where the noble and learned

Lord, Lord Morris, is now sitting, saying that the hereditary system was not a bad system. It was a bit like roulette—it threw up all sorts. “And occasionally”, he said, pausing and turning to Nat and myself, “it throws up the odd black sheep”. There was a long pause and then he went on with his speech. I mention that merely to show that I am rather embedded in this place but, I dare say to noble Lords’ surprise, I am not embedded in it in its present form.

The next way in which I differ from your Lordships is that I cannot, by retiring or even by dying, reduce the number of Peers sitting in this House; under the present constitution, the gap will be filled by some equally well or better qualified person. But that is under the present circumstances. But if this report is adopted in toto and not weakened, the circumstances will not be the same. I, for one, think that when that is in place, my job is discharged. My job I see as maintaining the effectiveness of this place in the face of government when it becomes irresponsible, as well as revising responsible legislation. That, I think, is achieved by the present proposals, provided that the 15 years is not reduced by one month. That is the absolute minimum tenure required to maintain the individuality of this House aside from the rest of the government, but incorporated in the whole of Parliament.

That brings me to my next difference of perspective. I have been concerned for some years about the way in which this country is moving. One thing that concerned me very much was the extent and degree and commonness of surprise among Members of the other place when their constituents voted, either with or against what they wanted, for Brexit. I heard astonishment expressed by many Members of the other place as well as this place, and they are the people who are meant to be in touch with what the country is thinking. They attribute—and the generality of people attribute—that vote to a genuine national desire to leave Europe and become independent. It has been so interpreted, and that has been accepted. But I see it as largely contributing to that broad slice of British society for whom things have not got easier over the last 15 years; they got a bit more difficult. To quote Shakespeare again, I think that they were saying, “A plague on both your houses—we don’t like you and we don’t like the system”.

At that stage, when you also have a far left movement embedded in the Labour Party in the country, and approved of by the leadership of the Parliamentary Labour Party, you have a very unstable situation. If we are to get out of this intact, we need to have a Parliament respected by the country, and neither House is now respected. My enthusiasm for these proposals is that I believe that it is the beginning of getting respect back from the country and that it will, with luck, jolt Members of the other place into looking into their affairs. It would be indiscreet and inappropriate for me to list the things that they could do, but there are a great many, and a lot of them know what they are.

Therefore, I think that this is a moment of great importance. This debate is more urgent than your Lordships recognise, because the situation is more fragile than you recognise. We are in a boat and we are talking to each other with our backs to the portholes. Outside, the sky is darkening; we need to shorten sail, and we need to do it quickly.

8.09 pm

**Lord Wallace of Tankerness (LD):** My Lords, when I realised that I was speaking 86th in this debate, I was reminded of an apocryphal comment attributed to the seventh husband of Elizabeth Taylor. He knew what to do; the challenge was how to make it interesting. I join every other speaker in congratulating the noble Lord, Lord Burns, and his committee on this report. There was widespread agreement, not least from last year’s debate, on the need for the desired outcome of reducing the size of your Lordships’ House, so to make a recommendation for 600 was probably the easy bit. However, given that there were things that the committee could not do, not least the fact that there was not likely to be any major primary legislation, it is a remarkable achievement to have produced a set of proposals which has commanded such widespread support in your Lordships’ House and, indeed, beyond.

I do not resile from my own personal party position that we would rather see a predominantly elected second Chamber, with proper buttressing of the voices from the regions and nations of the United Kingdom. However, as my noble friend Lord Beith said, where we are is the “best show in town”, and I readily contribute to the consensus on these proposals. They are not perfect, but that is not necessarily a criticism of the committee; it is because of the inability to produce primary legislation.

Numerous Members of your Lordships’ House have picked up on two issues that will need to be addressed: the future role of the Bishops and of the hereditary Peers. Tables 1, 3 and 4 in the report extrapolate the numbers in your Lordships’ House to 2047, when I will be 93 and not here, either through death or retirement. It is worth reflecting, as we consider proposals that will take us almost to the middle of the 21st century, that the outcome would be that Bishops and hereditary Peers have a higher proportion of the membership of your Lordships’ House than they do today. I do not believe that that is fatal to these proposals, but they are loose ends. As anyone knows, if a number of loose ends are picked at the garment can slowly but steadily unravel. It is not impossible to address this: it does not need major legislation to have, for example, what one might call an episcopal haircut. The Lords Spiritual (Women) Act 2015 was introduced in the run-up to a Dissolution of Parliament, when there is always great pressure on the legislative programme. It had its Second Reading in the House of Commons on 19 January 2015, its Third Reading in this House on 12 March 2015 and Royal Assent a fortnight later. When people want it to be done, it can be.

When I tell people about how the House of Lords is constituted, I have to reflect on the fact that at the last hereditary by-election among my own Liberal Democrat colleagues there was an electorate of three and seven candidates. The winner, my noble friend Lord Thurso, achieved a 100% vote on a 100% turnout, which exceeds even North Korean proportions. That situation is not tenable as we go forward. The Bill proposed by the noble Lord, Lord Grocott, has been mentioned. This Session of Parliament goes to May 2019. It must surely be possible to make progress on that legislation, particularly if these proposals have been adopted.

[LORD WALLACE OF TANKERNESS]

The most important point, raised by a number of noble Lords, is that this needs a buy-in, not just from the respective parties and Cross Benches, but also from the Prime Minister. The committee itself, in paragraph 53 of the report, states:

“Maintaining the current mechanism of appointment means that the success of our proposals hinges on Prime Ministers undertaking to appoint no more new members than there are vacancies, and to do so in the party proportions implied by the system proposed”.

That cannot be stressed too much. We are told that a raft of new Peers will be created in the coming weeks and that would change the baseline. Given all the work that has been done and the consensus achieved, that should not be fatal, but it might mean the proposals will be in intensive care. If we do not take this opportunity, it will be missed. It is, therefore, important that the Leader of the House takes back to the Prime Minister and her ministerial colleagues the consensus that there is for these proposals and that we should get on with it.

8.13 pm

**Lord Oxburgh (CB):** My Lords, the day has been long. I have listened as every point that I might have made has been made by others, probably more eloquently. A few other points have been made as well. I shall not try the patience of the House by rehearsing what I might have said. I give my wholehearted support to the conclusions of the noble Lord, Lord Burns, and my thanks to him and his committee.

The authority of this House depends on its wisdom and expertise, so I will say a few words on these. Several speakers have mentioned the possible difficulty of persuading Peers to resign when their time is up or even under other circumstances. It occurred to me that something might be learned from other bodies with similar problems. At least one Cambridge college takes advantage of the wisdom of retired fellows by allowing them to attend and speak at meetings, but not to vote. Should we consider a similar offer to any retiring Peer who is interested? They could take part in the proceedings and allow the House to benefit from their wisdom, but by not voting they would not interfere with the evolving political balance that the report proposes. I do not particularly advocate this course, but it might be something to have in one's back pocket.

Regarding expertise, several noble Lords spoke about an enhanced role for HOLAC. I support this and believe that this topic merits a debate in its own right. It will not be easy but, along with regionality and diversity, the commission should further its efforts to achieve a spread of professional expertise across all parties in the House. The world becomes more technocentric daily. As a non-engineer I can say that we undoubtedly need more Peers who can speak with authority in this area.

Let us move ahead without delay with the steps necessary to implement the report of the noble Lord, Lord Burns. Various speakers have suggested that it might not work for this reason or that. I remind them that the only way in which to ensure that it does not work is not to give it our full support.

8.16 pm

**Lord Sherbourne of Didsbury (Con):** My Lords, I should say at the outset that this report, I am afraid, makes me feel somewhat uneasy. However, I acknowledge that the noble Lord, Lord Burns, and the members of his committee have produced ingenious, persuasive and seductive proposals. They have done exactly what they set out to do and have done it skilfully. They have come forward with a system that reduces the size of this House without the need for legislation. I well understand why the committee wanted a system that did not involve legislation, but that is precisely what causes me unease. Without legislation, the committee is proposing that we in this House, not one of whom has been elected by the general public, should decide for ourselves how many Members we should have. We the unelected will decide that; not the electorate, the elected House of Commons or the elected Government, but ourselves—an unelected elite.

The report goes on to propose a formula for deciding how many Members of this House should be Conservative, Labour, Lib Dem or independent. It may well be sensible but, in deciding that formula, it would be the unelected deciding the party make-up of this House—not the electorate, the House of Commons or the elected Government. This matters because we are a legislature. This House helps to write the law of the land and, despite the Parliament Acts, every year this House writes or rewrites much of the legislation that reaches the statute book. Yet, under these proposals, this House would decide off its own bat its size and party make-up. If this kind of self-appointed oligarchy were being established in a parliament in some far-off banana republic, I bet that there would be howls of outrage from many parts of this House about the affront to democracy.

I understand that the report's objective is to improve the public's perception of the House of Lords, but I have an inkling that the public may not be as easily appeased as we might think.

8.20 pm

**Lord Kerr of Kinlochard (CB):** I have some difficulty with the argument of the noble Lord, Lord Sherbourne. It is not the House of Commons that has decided the size or political composition of this House. The noble Lord is suggesting a remarkable constitutional innovation. This House and its political composition are the size they are for a number of historical reasons. I am very conservative about these things and would not want to follow the revolutionary course he proposed.

Speaking late in a debate has few advantages but one can pretend that one's own views were the consensus, and I detect a consensus that coincides remarkably with my own view. I detect a consensus that the noble Lord, Lord Burns, and his committee have done an admirable job, agree that their proposals are the only show in town, as the noble Lord, Lord Beith, stated, and agree with the noble Lord, Lord Forsyth, that we should seize this opportunity that may not recur. Like the noble Lords, Lord MacGregor and Lord Jopling, I wish we could reduce our size to 600 a little quicker than 11 years. But actually, we probably will, because

the noble Lord, Lord Geddes, was right to point to the likely exodus when decant, so 11 years may be a pessimistic estimate.

What most, though not all, are saying is that it all depends on the attitude taken by No.10 and the three great parties. That is true. Like the noble Lord, Lord Forsyth, I pay tribute to what the noble Lord, Lord Newby, said about the position of the Lib Dems. We are about to hear from the Leader of the Opposition, whose stamina in sitting through all this is remarkable. I heard the Leader of the House and was mildly encouraged, although what she said was a little gnomic. I hope she will bring home to the Prime Minister the degree of genuine consensus on the Burns proposals that the debate has revealed.

To come here is not a reward but a responsibility. I am not sure that the previous Prime Minister, so lavish with rewards for friends, funders and retainers, always understood that or explained it to those he sent here. Much of that army seems to have melted into the mist. We have not heard from many of them today, with the honourable exception of the noble Lord, Lord Sherbourne, who is a regular attender. Being 800 strong makes us a laughing stock but the real scandal is appointing legislators who are not prepared to legislate. The record so far suggests that the current Prime Minister is more responsible regarding our overall numbers and more demanding of the duties of those she sends here. That strikes me as a good omen for the discussion that the Leader is no doubt about to have with the Prime Minister. I should be content and hope that the Leader will report the constructive suggestion of the noble Lord, Lord Armstrong of Ilminster, because it is important that the Government Front Bench should always be properly womanned, manned, personned.

I would like to add one Scottish point because I am a Scotsman and not many Scottish points have been made today. The debate is, therefore, so far, defective. I will put this right. The Burns plan, as I understand it, entitles the parties—all the parties—to seats in proportion to the votes cast, and seats secured, in the elections to the other place. As I understand it, if a party does not take up its entitlement, the seats in question are not reallocated to other parties but stay vacant, like Sinn Fein's seats in the House of Commons now. I think we can assume that Sinn Fein would not take up its seats in this House, but what about the SNP? I think it would be quite hard for the SNP to explain to the people of Scotland why the largest party in Scotland, though having no Sinn Fein-type doctrinaire objection to sitting in Westminster, as it is well represented in the House of Commons, should not take up Scottish seats here but should leave them empty. Since I believe that our debates here on Scottish issues would greatly benefit from hearing from the governing party in the Parliament in Edinburgh, making the SNP more likely to overcome its reluctance to come here is an additional advantage of the Burns proposals.

8.25 pm

**Baroness Taylor of Bolton (Lab):** My Lords, I start by thanking the Lord Speaker for taking this initiative, following it through and keeping in touch with the

committee so well. It was very interesting to work with the noble Lord, Lord Burns, who made us work very hard to consider every aspect of this issue. I am not telling tales when I say that the only real arguments we had was over whose turn it was to pay for the coffee. Strangely, everybody offered to do so every week, so the members of the committee worked together well.

The Leader of the House started off by saying that she wanted to hear the views of the House and get a proper feeling. I hope that she now understands the strength of feeling on all sides of the House that we need to move on this and make something happen. I noted that a few noble Lords said that there was no real problem, but it was a very few. I think that over 90% of noble Lords who have contributed to this debate are very clear that we need to act, and in the very near future.

Many noble Lords have accepted the general thrust of the report. It is important to realise that it constitutes a direction of travel and a package which we have put together and can be tweaked. Its proposals could be implemented more quickly—I think they may well be—and we considered all the other ideas and thoughts that have been raised in the debate today.

Several noble Lords have mentioned a retirement age of 80. It is true that the Labour Party group that we served on recommended that noble Lords retire at the end of the Parliament in which they reach the age of 80. I am still very sympathetic to that and I think that more noble Lords will consider their future and plan ahead a little more. However, two difficulties need to be addressed that are not resolved by retirement at 80. The first is that it would not affect each party equitably. That is a real difficulty. However, the other real difficulty is that the noble Baroness said that she wanted to encourage a culture of retirement. However, we are not going to get that if noble Lords thinking of retirement think that they are just going to be replaced by more and more people on the Prime Minister's list. That is one of the other difficulties with simply having retirement at 80.

The real key to the process suggested by the Burns committee is that of the steady-state concept—namely, that we will hit a sustainable target which will solve these problems in the longer term. A cap has been talked about. Irrespective of whether the cap is 600 or 450, it is the principle of having a cap, and thereby having a sustainable state, that is key to all this.

I wish to say a few words about the 15-year period because it is difficult to get this right. I know that some noble Lords are concerned about younger Members. Unfortunately, the noble Lord, Lord Strathclyde, is not in his place but the Clegg Bill that he supported suggested a period of 15 years, and only one term of 15 years. The average length of time served in the House of Commons is about 8.7 years at present, and there are plenty of young people willing to risk their careers to go into the Commons. I think that the noble and learned Lord, Lord Brown of Eaton-under-Heywood, dealt with the other aspects of that.

Mention has been made of the hereditaries. I am a strong supporter of the Bill proposed by my noble friend Lord Grocott, who unfortunately cannot be here today. I think that there is increasing support for

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that in this House. This committee, however, was looking at what changes were achievable on a relatively short timescale, and we could not propose legislation that we knew—as the Minister has mentioned again today—would be blocked and would not get through.

I also want to pick up on what has been said about the need for better regional representation, be it a senate of the nations and regions or other types of approach. As a northerner, throughout my political life I have come down to London on a Monday and gone back on a Thursday. I recognise that there is a very serious imbalance, not just in those who are represented here, but in the attitude to those of us who choose to stay and live in the north. I was told on more than one occasion that I would never get on in politics if I did not move to London. That culture is still around, but the committee could not look at the structures and suggest the kind of senate that has been mentioned, because that would have required legislation. The problem there is with our political leaders, because they are the people who have nominated to this House people predominantly from London and the south-east. That is a very big problem that we have to overcome.

Time is against me, but I will just remind the House of what the noble Lord, Lord Wakeham, said earlier. This House and the Members in it often take pride in calling ourselves a self-regulatory House. This is our opportunity, regardless of what was said a few minutes ago. Unless we take action, this issue is going to slip away from us. There is no way, without a cap and without changes of this kind, that we will not see an increasing size of this House. There is no end unless we make some changes. My noble friend said that “the buck stops here”; others have said variations of that. We can make a difference, and the report gives us a very practical way forward that we can tweak as we go along if necessary. It is the first time that we have had a comprehensive solution to this problem, one that I am glad has been so welcome in this House today.

8.32 pm

**Lord Wilson of Tillyorn (CB):** My Lords, we are coming to the end of a long and very interesting debate which—let us hope—is going to turn out to be very productive and significant for the future of your Lordships’ House. As somebody who is interested in China, I have been fascinated by how often that country has cropped up in the debate: it has been repeatedly said that the House of Lords is the second largest parliament in the world, smaller only than the National People’s Congress in China. It is hard to imagine a greater difference between two institutions than that between the National People’s Congress and your Lordships’ House or the other place. In what we do, the way we do it and the way we are selected, we could hardly be more different from the Chinese National People’s Congress. This comparison is often made in jest, but it has become part of the popular mythology, and, frankly, that is pretty galling. It is less frequently pointed out that we are the largest second Chamber in the world, and it is surely time that we tackled this problem of excessive size or it will just get worse.

As I see it, the committee set up by the Lord Speaker and chaired by my noble friend Lord Burns

has done a superb job. The report has rightly been widely praised by those who have already spoken in the debate, and it deals effectively and skilfully with this particular problem of size. Of course, there are points on which some people are going to disagree or have different ideas in respect of numbers or procedures, but what is proposed is a practical way forward. It is a way forward that is in our own hands without the need for legislation. This is surely the time when we should get on with putting it into effect. As the noble Lord, Lord Newby, said at the beginning of our debate to those who might disagree on minor points, this is surely not a time when we should allow the best to be the enemy of the good.

There is, however, one key element which, unfortunately, is not directly within our own control: what my noble friend Lord Armstrong referred to as the amount of water which is poured into the tank—in other words, the power of the Prime Minister to appoint new Peers. It will be essential that the Prime Minister and her successors apply self-restraint in making appointments. It has been said that one cannot expect such a self-denying ordinance to last. It is also said that one cannot instantly create a new convention. But as a country we have always been rather good at creating new traditions. Surely, once this tradition is created it will become difficult—if not absolutely impossible—to break it. I hope that we can get reassurances on this point. It is after all the one loose thread in the proposals which have been put forward. I fully support the proposals put forward in the Burns committee report. I hope that we shall put them into effect—and that we shall do so soon.

8.36 pm

**Lord True (Con):** My Lords, as I am speaking last on this side, and in opposition to the proposals, I am rather reminded of the 1997 general election, when we used to sit in No. 10 watching “Zulu”—the fight against all odds at Rorke’s Drift. It has felt a bit like that today. But I have to speak as I see it. These plans remind me rather of the ancient astronomer Ptolemy’s celestial spheres: masterly ingenuity applied to solve a problem that does not exist. The earth was not the centre of the universe, as Ptolemy thought, and this House is not ineffective because it has many Members. It works as a cheap, part-time, respected House of expertise precisely because it has a large pool to draw on of people who do not come here every day.

I agree with those who said that a 15-year limit would cost this House the wisdom of experience. The public, given the chance, regularly send people of more than 15 years’ experience to their Parliament. Why no longer here? If a 15-year limit was in place, we would have had no Lord Speaker to call for this report and no noble Lord, Lord Burns, to write it—they would both have gone. I agree with my noble friend Lord Robathan that to remove new Members only after 15 years is not sustainable. If this House mistakenly calls for a 15-year limit, how could it reasonably expect a future Government, looking to get their new people in, not to apply that principle to all?

The report leaves it to party groups to decide how those unwilling to go would be persuaded to go. As a bit of a serial dissenter, I am uneasy about that.

What kind of backstairs inducement or pressure would be applied by party Whips to make the unwilling surrender their places? We do not have many governorships left.

Crucially, the report changes the way Parliament is made up. Your Lordships would decide who stays and, to some degree, who comes. I strongly uphold exclusive cognisance of procedure, but not exclusive cognisance of the composition of Parliament. My noble friend is right: the answer to the noble Lord, Lord Kerr, is that this House is made up by statute. People are appointed here under statute, either by a statutory commission or a Prime Minister who is responsible to the elected House. Composition must be a matter for both Houses. If membership is to be capped, it must surely be by primary legislation with the consent of both Chambers, not by a privy oath over there in a closed private club.

From 1770 to 1958, only Salisbury, Lloyd George, Baldwin and Attlee ever recommended over 12 Peers a year across a term of more than a year. Lloyd George rose to 15.7. Twelve new Members a year would cut our numbers by death alone. With retirement, 15 would also do so, with no need for Ptolemy's celestial spheres. Restraint is possible; history proves it.

I rather think we are fighting the last war. The report reacts to massive creations by Tony Blair and David Cameron. There is no reason why theirs should be the future standard. The House declined in size under Gordon Brown. So far it has done so under Mrs May, but she must be able to create some new Peers, whatever the attraction to the Benches opposite of blocking that now.

It may be said that we cannot just rely on ministerial restraint, but that is the basis of the report. Unless all future Prime Ministers, not just my right honourable friend, accept restraint, then the whole report falls, as paragraph 53 declares in bold. If we have restraint, then we do not need the complexities of the report and the inevitable internal strains it will cause. Numbers will fall. If we do not have restraint, then the report is pointless and it will not achieve its purpose.

Before concluding, I must respond to the noble and learned Lord, Lord Judge, who tempted me to 1719. I oppose the principle of a fixed cap on an appointed House. Robert Walpole defeated that Peerage Bill partly by telling MPs that a smaller fixed House would mean fewer peerages for them. I am sure that was the conclusive argument. It was also partly on the basis—true then, and in 1832 and 1911—that a cap would leave the elected House unable to overbear the unelected one swiftly in a constitutional crisis. As Walpole then said,

“in all disputes between lords and commons, when the upper house is immutable, the lower must sooner or later, be obliged to recede”.

The Commons wisely rejected the cap which the Lords then proposed. I agree with the noble and learned Lord, Lord Morris of Aberavon, and others that no wise Prime Minister would give up that latent power with an appointed House.

In conclusion, I congratulate the noble Lord, Lord Burns, on his ingenuity, as others have done, but this House would be a less uneasy, better functioning place

without Peers feeling that they have to come here every day or make unnecessary speeches just to jump through the hoops of the complexities of Ptolemy's spheres.

8.42 pm

**Lord Tyler (LD):** My Lords, I should like to return to one of the points made by the noble Lord, Lord True, later in my speech. In the meantime, I confess that I was filled with amazement and admiration when the noble Lord, Lord Burns, took on this job. He is obviously a glutton for punishment because he has chaired so many difficult groups which have come to some important conclusions. I do not envy him having to respond to 93 contributions during this morning and this afternoon's debate. I am not going to attempt to do so but I want to try to pick out one or two themes that I think deserve a little more emphasis. I will certainly not just reiterate the points I agree with—if I did that, we would be here all night.

Many Members of your Lordships' House have indicated today—and previously—that they are full of admiration for the ingenuity of the proposals put before our House by the noble Lord and his team. This is indeed a cunning plan but, like many other cunning plans, it has some problems. While we on these Benches broadly welcome the proposals, I want to touch on these problems because I want to ensure that the House is in accord in facing up to them.

Understandably, the committee decided to avoid any recommendations that would involve primary legislation. This self-denying constraint, while intensely practical in this particular Session, has two important consequences. First, there is a near-unanimous view in the House that, without a cast-iron guarantee—I think that was the phrase used by my noble friend Lord Newby—that No.10 will accept the full scheme recommended, all the work of his team and our discussions here in this House today and in preparation for this debate, will just have been a waste of time and effort. That, in the words of the noble and learned Lord, Lord Morris, is the grim reality. This has been a consistent and persistent theme of the whole debate throughout the discussions today and, indeed, in the discussions that took place before this debate. I have lost count of the number of contributions today that have made that point—I think that over half the speakers have.

Unless the Prime Minister is willing to abide by this constraint, we might as well give up now, and without a statutory scheme her successors cannot be held to her agreement in law either. We would have to insist that in the event that she or any future Prime Minister broke out of this constraint, the whole scheme would be null and void.

**Lord Butler of Brockwell:** My Lords, I am grateful to the noble Lord. I go along with what he said but I find the phrase “a cast-iron guarantee” unnecessary. Surely all that is necessary is for the Prime Minister to accept this report and to act on it. She can always break out of it, just as any successor can, but if she will act on it, she will set a precedent that is likely to become established and go a long way to solving this problem.

**Lord Tyler:** My Lords, the noble Lord, Lord Butler, speaks with huge authority, of course. I am only trying to point out that the team led by the noble Lord, Lord Burns, in refusing to take the opportunity to put forward any sort of legislative proposal, has made the case that much weaker—not so much with the present Prime Minister but with future Prime Ministers. The noble Lord may not agree with me but, Members of the House having reiterated this point all day, I think that we should take it very seriously.

Secondly, the absence of any legislation prevents the normal constitutional process taking place. This has been referred to by the noble Lord, Lord Burns, himself and by the noble Lord, Lord Elder, the noble and learned Lord, Lord Judge, and the noble Lords, Lord MacGregor, Lord Birt, Lord Jopling and Lord Judd. We were forewarned in the debate last year by the noble Lord, Lord Lisvane—and he should know—that,

“for some heavy duty things—perhaps a cap on appointments—legislation would be necessary”.—[*Official Report*, 5/12/16; col. 549.]

Not only will MPs have no formal say in a major constitutional change but their constituents will have no opportunity to lobby them to express their views. It is extraordinary that in a debate that has lasted for most of the day so few Members have referred to the views of the public. At one point, one noble Lord referred to “the people who send us here”. No people send us here, but the people have a considerable interest in the composition of the legislature. I think that only the noble Lords, Lord Forsyth and Lord Hunt, referred to this as an issue that we should address.

I find it ironic that those who have previously argued so vociferously for the primacy of the Commons should now acquiesce in a scheme which deliberately excludes its Members from any effective say in the composition of this House of Parliament. Here, I am with the noble Lords, Lord Sherbourne and Lord True. It is very interesting that we got to this stage of the debate before this point was raised from the Conservative Back Benches.

This would be an entirely internal—some would say incestuous—process, decided upon by the institution itself and implemented by it without all the usual checks and balances of the United Kingdom’s constitutional conventions. I do not agree with the noble Lord, Lord Kerr. I think that the noble Lords, Lord True and Lord Sherbourne, are right to draw attention to this. To our fellow citizens this will look like—

**Lord Cormack:** The question is: does the noble Lord agree with the noble Lord, Lord Newby?

**Lord Tyler:** Absolutely. He saw my speech when I drafted it and I saw his, and I am in absolute agreement. I will come to the point that I think the noble Lord wishes me to address in a moment.

**Noble Lords:** The Clock is showing six minutes.

**Lord Tyler:** Do Front-Bench speakers have only five minutes? The annunciator said very firmly that Back-Bench contributions are limited to a voluntary five minutes. I propose to deal speedily with the other points.

To our fellow citizens this will look like a process appropriate for the membership of a gentlemen’s club, not for the membership of half of the national legislature. To pursue a school analogy, not content with marking our own homework, we would be thought to have written our own exam paper and decided on our own expulsion system and its victims.

I was struck by the core argument advanced by the noble Lord, Lord Norton of Louth, in last December’s debate, and I very much regret that he is not here today. Addressing the issue of the reputational risks that an excessively large House faces he said:

“Some noble Lords appear to say that this is not too important: it is only perception. We do not exist in a vacuum”.—[*Official Report*, 5/12/16; col. 580.]

The former Lord Speaker, the noble Baroness, Lady Hayman, made a similar point today.

For these two formidable reasons, I believe that this is a temporary expedient. It cannot be permanent. It is important that we make that clear. We can do a very important job with the report of the noble Lord, Lord Burns, and his team. What we cannot do is make it the final outcome of how this House should be composed.

We should remember that the present proposals may be sufficient for a short time, but if we are not very careful, the public will become much more disposed to abolishing the House than to supporting its continued appointed basis. The public will want to know where they have a hand in these proposals. The committee’s recommendations may give us a temporary reprieve. However, for the sake of the reputation of the House they cannot be permanent. This is unfinished business. I conclude as I did in last December’s debate by saying that, eventually,

“the only acceptable method for reducing the size of a House of Parliament in a parliamentary democracy is democracy”.—[*Official Report*, 5/12/16; col. 509.]

8.51 pm

**Baroness Smith of Basildon (Lab):** My Lords, I had expected to be the 95th speaker in tonight’s debate, so I am somewhat delighted that I am in fact only the 94th. I have listened to all the speeches today and they have been to the great credit of this House. Like others, I pay tribute to the Lord Speaker and the noble Lord, Lord Burns, and his committee. The report has been described as a “masterpiece”, “skilful”, “ingenious”, “cunning”, “original”, “enlightened”, “eloquent” and “persuasive”. It is of course all these things and more. But we should acknowledge—and it was a mistake of the noble Lord, Lord Tyler, not to—that the committee had a clear and focused remit. Issues about what was not in the report are not down to the committee. This House had a debate and decided what it wanted the committee to examine: the size of the House. Any errors of omission are not those of the committee. Also, on the issue of primary legislation, the committee sought to look for a way forward when the Government had made it clear that there would be no time for such legislation, so that is not something to lay at the committee’s door.

As the noble Lord, Lord Newby, and others have commented, too often in searching for perfection we reject improvements and progress. This report does not have all the answers to the various issues and

concerns that Members of your Lordships' House and others have about the role and composition of our Second Chamber. It was never able to provide that, and it was never intended that it would.

I agree with the point made by a number of noble Lords that there is not a queue of people outside Parliament demanding changes in the House of Lords. But, if most people are asked to express a view, they often will do so, saying that they want change—although they also readily admit that they do not have a great deal of knowledge about what we do.

It is interesting that in the two countries where the Governments proposed reform of the second chamber, it produced unpredicted results. In Ireland, the referendum to abolish the Senate was lost, and in Italy, the referendum to reduce the power of the second chamber was seen as a government power grab and provoked a constitutional crisis. There is hope for us there. The difference here is that this House has initiated this debate and these proposals. It is this House that is looking at ways to decide whether we can do our job better and have a better reputation. Those are the proposals that we asked the Burns committee to look at.

I welcome the point that was raised first by my noble and learned friend Lord Morris of Aberavon and the noble Lord, Lord Forsyth—that we sometimes look at this issue from the wrong end of the telescope. We sometimes look far more at who should be in the House than at what we do. The focus of the changes and of any reform, the guiding principle, should always be what enables us better to fulfil our responsibilities. The large number of speakers and the quality of the debate today reflects our concerns about our reputation and our ability to fulfil those responsibilities and our constitutional obligations.

Tonight's debate has been more than a broad welcome. With very few exceptions there has been clear support for this report around the House. Some issues of concern have been raised and I will briefly touch on those. One is hereditary peerages. It does seem nonsense, in this day and age, that we still have by-elections with a smaller and smaller electorate. When I last spoke on this I referred to the by-election from "Blackadder" at Dunny-on-the-Wold. Equally, I am reminded of being on a parliamentary visit with the noble Earl, Lord Courtown, and introducing ourselves: "My name is Angela Smith, I am a Member of the House of Lords and I am appointed. This is the Earl of Courtown, he is a hereditary Peer and he is elected". Our colleagues did not really understand what we were on about. I hope that as this progresses, the Bill of the noble Lord, Lord Grocott, will have a fair wind from the Government.

On the issue of the Bishops, I was very interested in the comments of the right reverend Prelate the Bishop of Birmingham, which were very conciliatory. I have to say that I had hoped he would have gone further and recognised that when the other parts of the House reduce in size, the Bishops' Benches would as well. I'm sure that is a discussion the Bishops will be having and will take forward.

The point was raised that we cannot force retirements and reductions from current Peerages, because they were accepted on the current terms of a life Peerage, but a gradual retirement plan is proposed and new

agreements for new Peers to undertake a 15-year term. Having been outed—perhaps over-generously—as one of the younger Members of your Lordships' House, I can say that I have no opposition to this. When I arrived in your Lordships' House there was no opportunity for anybody to retire. Then we moved forward in 2014 and voluntary retirement was allowed. Now we are moving forward to a phased retirement for existing Peers. Given that when I started work my retirement age was 60 and it is now 67, I see no objection to having a phased retirement for all current Peers and a time-limited tenure for new Peers.

I recognise the concern that a time-limited term may be a deterrent for some, because of their careers. In part, that has been addressed by the five-year break that the committee recommended. Noble Lords are right to make the point that the Government should always be able to get their business through. It is also right that the Opposition must fulfil their duty. My noble and learned friend Lord Morris understandably thought that arguments going back to 1945 were unpersuasive, but there are more recent examples. We all accept the convention that an elected Government have the right to implement their election manifesto, but there is a danger that this Government have hyped up the problems they have had with your Lordships' House. I recall that when the Prime Minister called the 2017 election she made reference to the "unelected House of Lords". What had we done that was so terrible? We had passed two amendments to a Bill and, as always, those amendments were then suggested to the House of Commons, which unfortunately rejected them, and this House accepted that. That is the proper and constitutional role of your Lordships' House. We propose amendments to the House of Commons for consideration. Our role is that of revision and scrutiny, and the conventions ensure that we fulfil that obligation. The Canadians call it the chamber of "sober second thought", which I think is a valuable and useful way of putting it.

The value and strength of these proposals is that they do not challenge the established constitutional position of the primacy of the Commons or increase the democratic legitimacy of your Lordships' House. Nothing changes in that regard at all. With appointments reflecting the results of each general election and 15-year terms, there will be a gradual change in the political balance of this House. That is reflected on page 9 of the report:

"Appointments after Labour came to power in 1997 gradually rebalanced the House, but they did not become the largest party until 2006".

That was nine years later. The problem has arisen now because the Conservatives from 2010 to 2014 became the largest party, even though there were two parties in government. When the Liberal Democrats moved from the government side to the opposition side of the House, there were more Conservative appointments to make up for the fact that the Opposition were larger as well. That is partly why we find ourselves in the current position.

The Leader of the House referred to retirement. The point has been made that Members are very reluctant to retire when they believe that all they do is to create a government vacancy. If we look at the

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number of appointments to your Lordships' House since David Cameron became Prime Minister, and those who left the House through retirement or perhaps enforced retirement, the Conservative appointments total 109, and those who left total 63—a net gain of 46. On the Opposition side of the House, there has been a net loss of 17, with a net gain of 24 for the Liberal Democrats. So the current position is not serving your Lordships' House terribly well.

The noble Lord, Lord Foulkes, had very legitimate concerns about the geographical location of where Peers come from. That does not change under this report, but it perhaps offers, as the noble and learned Lord, Lord Hope, indicated, an opportunity to redress that issue.

Other comments were made that this is a part-time House. This is not a part-time House. This is a full-time House, but we do not expect every Member of your Lordships' House to be a full-time Member. Other noble Lords referred to the issue of a working Peer. We value the notion that some of our Members are full-time and here every day, but others bring their expertise with them and contribute to the House. A working Peer is not necessarily somebody who is here all day every day, but someone who plays a full role and contribution in your Lordships' House.

On two further points, the noble Lord, Lord Strathclyde—I always like the new reincarnation of the noble Lord—was the main proponent tonight of the status quo, but he made the case for change in doing so. He opposed the idea of a cap. The issue of why a cap is so important has been dealt with by a number of noble Lords. But he also made the case for Prime Ministerial patronage. Nothing in the Burns report removes Prime Ministerial patronage. In fact, Prime Ministers may have more appointments to make, as there is a turnover of Members leaving the House and new Members coming in. I grabbed the *Hansard* before we came back after the Statement. He said:

“It may happen only rarely, but to remove the ability of the Prime Minister to threaten to increase the number of Peers”.

It really is a disgrace when the Prime Minister thinks she can bully this House into doing her bidding through threatening to increase the number of Peers—

**Lord Strathclyde (Con):** My Lords, this is the lesson of history. This is exactly what happened in 1911. It is that ultimate power of the Prime Minister representing the House of Commons to be able to threaten the House of Lords with an influx of new Peers which encourages us to behave in an entirely constitutional way. Once you have removed that threat, it changes the relationship between the two Houses, and it increases the power of this House, which I do not think was the intention of the noble Lord, Lord Burns.

**Baroness Smith of Basildon:** My Lords, I know it is usual to thank noble Lords for their interventions, but I genuinely do so on this occasion. He has made my case. I have been threatened twice since I have been leader about the introduction of new Peers: once on the tax credits Bill, as the noble Lord will recall, and on Brexit as well. On neither of those occasions has that had any impact whatsoever on my behaviour as leader or on the behaviour of my party. What does

make a difference is that we understand the conventions of this House and we understand the limitations of the role of an unelected Chamber. The noble Lord says, “We have got to have Prime Ministerial patronage so that we can hold a sword of Damocles and threaten the House of Lords”, but this is not the way Prime Ministers should operate. They should operate on persuasion and discussion and the conventions of this House, not on threats. So I thank the noble Lord, but he has just made my case for me and I am grateful to him for doing so.

Just briefly on other concerns that were raised: there were those in favour of a retirement age and those who were against a retirement age. There will be no consensus on that issue. There will be different views. On the age profile of this House, it is worth noting that the three party leaders in your Lordships' House are younger than the three party leaders in the other place.

Some thought the proposed progress was too slow; others thought it was right; others thought it was unnecessary to do anything at all. Tragically, some thought there were too many former MPs in your Lordships' House, and some thought, understandably, that there was an overrepresentation of Liberal Democrats.

Some thought it was wrong for the appointment of new Peers to have any link with general election results. If you make the calculation, appointments are made on five-year cycles so there is not an immediate change in balance but over time there is a rebalancing of the House. That emphasises our differences from, rather than similarities with, the House of Commons.

Finally—I can see the Chief Whip looking at me closely, but I am trying to summarise, in the absence of any other party leaders doing so, some of the 93 wonderful speeches we have had—the question has to be: are any of the objections that have been raised insurmountable? In the words of the noble and learned Lord, Lord Wallace, are any of them fatal to the proposals? I do not consider that they are but there is one insurmountable issue: the role of the Prime Minister and of the Government. This will work only if the Government play their part. It is not about giving up patronage or appointments but about showing some restraint, as it used to be. I really believe that if this Prime Minister made that point, it would be very difficult for future Prime Ministers to renege on that.

I thank the noble Lord, Lord Burns, and the committee for their work. If the House and the Government are to show respect for the work they have done, we will take this forward. I noted that a number of noble Lords quoted from songs and plays. I will quote Elvis Presley, when he sang, “It's now or never”. He added:

“A little less conversation, a little more action, please”.

9.06 pm

**Lord Burns (CB):** My Lords, I am enormously grateful for the very kind words that have been said about the report, and the number of noble Lords who have taken part in the debate. I have watched some of my close friends and people I have worked with in the past, sitting beside me, squirming with irritation at some of the things that have been said about me—I come from a very competitive background.

A lot of good points have been made which would need to be considered in any implementation. We set out a number of these in the report. We could not solve all the problems. We are reasonably confident that they are not severe problems and that they can be coped with, with a certain amount of good will. I am very grateful for the summary that the noble Baroness, Lady Taylor, made of some of the points. The noble Baroness, Lady Smith, covered a number of the issues that I was going to cover.

First, I will make a point about diversity, culture, et cetera. It is perfectly clear that there is more to having a successful second Chamber than the issues covered in our report. There are issues of diversity, about the regions and nations, about the health of people and fitness to practise, but these were not in our remit. They are things which can be conducted in parallel with what we are proposing here. They are not necessary for it. They are good things to have and they could be done in parallel. They are very important. When I said they are not for today, I did not mean that we should put them off for ever. Instead, I sought to say that we should not mix them up with these proposals—the most important thing is to get the kind of structure suggested here in place first, and then it would be possible to deal with many of these issues. I share the views of those who said that under these circumstances we will have to move to being a more professional House, and I am confident that we can move in that direction.

The second issue that came up a lot was size. We were told that we had tried to solve the wrong problem because the issue is not the size of this House. I have repeatedly argued in all the presentations I have made, and it is something that the committee came to agree quite quickly, that size is only one aspect of this. The cap on numbers was by far the most important issue. I think almost everybody who criticised the concentration on the size of the House neglected to address the cap and what happens when the system is unbounded, as was pointed out earlier this afternoon. It is the combination of a lack of a cap on the size of the House and a lifelong ability to sit in this House that has created the enormous difficulty that we have and all the inflationary pressures that come from it. If people are appointed at, say, 55, which is the sort of trend that we are seeing, and live to 85 on average—and that is going up—we have people here for 30 years, so what size of House do we need in order to get a reasonable amount of turnover? What size of House do you need in order to rebalance it after a change of Government? The arithmetic of this is really very difficult. It is not just the size; if you have an unbounded system and the possibility of people being in this House for 30 years on average, you have a set of circumstances which is very difficult to solve without simply seeing the size of the House continue to grow. I regard that as a very dangerous situation.

A number of noble Lords made points about age. Certainly the committee had no problem with the idea of age being a factor in determining who should leave during the transition period, or possibly age combined with time served when we were going through the process of trying to adjust from the present House of 800 plus down to 600, but we have to bear in mind that

under the present arrangements, and we believe that it is very difficult to avoid it, this would have to be a voluntary process. It is not something that can be imposed upon people who came into the House in different circumstances. We have seen no legal evidence as yet that the House has the power to impose a retirement age upon Members. If people can demonstrate that it does have the power, that raises a different set of issues, but we were working on the basis that the House does not have that power.

The real problem is that we cannot use age for the steady-state solution because it does not produce the stream of retirements that is needed in a regular pattern and it certainly does not produce them on an equal basis across all parties to result in what we described as a fair system. The point at which we will die and leave under those circumstances has quite a lot of randomness about it. The beauty of the term system is that it produces a regular flow of opportunities to make new appointments and it can be designed so that it is fair to all parties.

We spent hours on the subject of legislation. We did not simply decide at our first meeting that we had to do this without legislation. We looked at a lot of different options, but we were very conscious of the Government's position on this and of the competing legislation that was likely to be around. Nothing prevents any of the changes that people have suggested with regard to the Bishops, the hereditaries and some of the other aspects if legislation is possible, but there is nothing to stop those things being subject to legislation after this system is in place and we have got agreement about the structure. A number of things could follow. I said this morning that it is possible that it might be sensible to have legislation for some of these things at a subsequent time when everyone was satisfied that the system had bedded down and there was the opportunity for legislation.

The question I asked myself and members of the committee asked themselves was whether we should wait to make any progress on these other issues until we had a slot for legislation, or should try to put together a system that could be worked on on a non-legislative basis, but which legislation could be brought to bear on at a later point. That certainly remains my position, having heard the points that have been made today.

It was pointed out that under our proposals there would be a rather slow adjustment to changes of government, and that under our formula, the Labour Party would have been at its peak in 2009. Well, that is scarcely surprising, as by then it had been in office for 12 years, and of course that was the actual position. We tried to show in the report that the calculations in the model produced results not that different from the actual results. The Labour Party came into office in 1997, but was not the largest party for quite some years after that point.

The noble Lords, Lord Sherbourne and Lord Tyler, made the point that this House would be deciding the formula for party size et cetera, whereas the House of Commons should be doing it. My impression was that the House of Commons has no impact at all on the size or the composition of the House of Lords. That is

[LORD BURNS]

entirely in the hands of a series of Prime Ministers. This is not something that anybody has decided. Indeed, our proposal is that this would be part and parcel of an agreement, so the Prime Minister would still be in the same position, certainly regarding influencing the size, because this agreement, as many noble Lords pointed out, cannot carry on without the agreement of the Government.

My interpretation of today—and I feel very encouraged by it—is that there is a substantial consensus about the need for reform and that there is a lot of support for the proposals. Our rough calculation is that 80% of speakers said that they thought this was a sensible way of moving forward. My hope is that the noble Baroness the Leader of the House can now take a very strong message back to the Prime Minister. Of course, it requires the support of the Prime Minister, which we

have made clear from the beginning. Without that, it really cannot go anywhere. This is in its essence an agreement between the party leaders, and the Prime Minister is in the key position here as the person who will giving up most of the flexibility and has to be able to agree with this.

I hope that our Leader will be able to exercise her powers of persuasion and to explain what has happened in this House today and the amount of support for this, so that we can possibly move forward to a next stage where we look at implementation in a great deal more detail, come together to try to form an agreement between the parties and clear up some of the other issues that have been raised. Meanwhile, I beg to move.

*Motion agreed.*

*House adjourned at 9.18 pm.*