

Vol. 777
No. 75



Monday
5 December 2016

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Questions	
Mobile Phone Use: Motorists	491
Child Health: Physical Education.....	493
Childcare: Early Years Funding	495
Commonwealth Heads of Government Meeting 2018.....	498
House of Lords: Size	
<i>Motion to Resolve</i>	500
Southern Rail Services	
<i>Statement</i>	521
House of Lords: Size	
<i>Motion to Resolve (Continued)</i>	525

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

*This issue of the Official Report is also available on the Internet at
<https://hansard.parliament.uk/lords/2016-12-05>*

The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

Abbreviation	Party/Group
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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

© Parliamentary Copyright House of Lords 2016,
*this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

House of Lords

Monday 5 December 2016

2.30 pm

Prayers—read by the Lord Bishop of Bristol.

Mobile Phone Use: Motorists Question

2.36 pm

Asked by **Lord Jordan**

To ask Her Majesty's Government what steps they are taking to reduce the incidence of mobile phone use whilst driving.

The Parliamentary Under-Secretary of State, Department for Transport (Lord Ahmad of Wimbledon) (Con): My Lords, the Government are introducing legislation increasing the penalties for using a hand-held mobile phone while driving from three to six penalty points, and from £100 to £200 when a driver is issued with a fixed penalty notice. We will be running a THINK! campaign when these higher penalties are introduced to alert drivers to the changes and raise awareness. Drivers also need to understand that it is unacceptable to put lives in danger.

Lord Jordan (Lab): My Lords, I thank the Minister for his reply and I declare an interest as a vice-president of RoSPA. We all welcome the Prime Minister's commitment to make this dangerous and potentially devastating practice socially unacceptable. The increased penalties and the proposals that drivers who kill while using a mobile phone could face a life sentence should be a real deterrent to this growing and seemingly obsessive addiction. But previous increases in penalties—

Noble Lords: Question.

Lord Jordan: I need to make this point. Previous increases in penalties have not had a lasting impact. What plans do the Government have to ensure adequate enforcement of their new measures?

Lord Ahmad of Wimbledon: The noble Lord makes an important point about enforcement. Laws are only as good as their enforcement. We have seen a rising tide in the use of mobile phones by drivers in vehicles; they have admitted it themselves through various reports. We will be working closely with the police and crime commissioners, as well as the police forces, to ensure much more effective enforcement.

Viscount Hailsham (Con): My Lords, if the maximum sentence is increased to life imprisonment, will my noble friend remind people that it would be discretionary rather than mandatory? Given the fact that the courts presently impose sentences which fall far short of the maximum permitted, reflecting as they do culpability as well as consequences, it is unlikely that the overall sentences would increase to any great extent.

Lord Ahmad of Wimbledon: My noble friend is referring to the consultation launched today in this respect by the Ministry of Justice, which will be open for the next 12 weeks. He also makes the important point that the actual sentencing is determined on a case-by-case basis and by the judge looking at the circumstances prevailing in each case.

Lord Marks of Henley-on-Thames (LD): My Lords, increased sentences will no doubt help but, as the Minister and the noble Lord, Lord Jordan, recognise, a change of culture is really what is required. Has the Minister's department considered introducing, in addition to a penalty for mobile phone offenders, mandatory attendance at mobile phone awareness courses, paid for by the offender, rather than offering such courses as an optional alternative to points and a penalty as at present?

Lord Ahmad of Wimbledon: It has been left to the discretion of the police whether to offer the courses to which the noble Lord refers. However, the Government's view is that this issue needs to be scaled up. We are therefore suggesting that those discretionary courses are not offered and that awareness is raised through campaigns such as THINK! and increased regarding the revised penalties that will be implemented if someone is caught using a mobile phone. Let us be clear: if you use your non-hands-free mobile phone and you are caught, it is a criminal offence.

The Lord Bishop of Bristol: My Lords, your Lordships' House will appreciate that this is quite a difficult subject to regulate. I am grateful to the Minister for outlining the Government's plans. Given that motoring organisations seem to be extremely dubious about the safety of using hands-free equipment in a motor car, do the Government have any plans to regulate car manufacturers' ability to produce this equipment, which is distracting, I believe, and can cause accidents?

Lord Ahmad of Wimbledon: The right reverend Prelate raises an issue about the manufacture of motor cars. The Government are not talking specifically on this issue. Hands-free mobile phone use is very difficult to regulate and enforce, and there are often other distractions in a car, such as loud music. I am the father of three children, and if I have all three of them in the back seat at the same time, that is quite a distraction. On a more serious point, we are looking to ensure that we inform the public, and campaigns such as THINK! will stress the importance of not using handheld mobile phones when driving.

Lord Woolf (CB): I am very pleased to hear the Minister adopting such a carefully reasoned approach in his responses so far. May I suggest to him that the reason that he must do that is that increasing sentences excessively, even though they are discretionary, leads to sentencing inflation? With the situation in our prisons today, we cannot afford to have further sentencing inflation. Additionally, juries will not convict if they think that sentences are inappropriate. As the Minister has already accepted, the real thing is to change the culture, as happened with drink-driving.

Lord Ahmad of Wimbledon: The noble and learned Lord is right to inform your Lordships' House about the importance of our justice system and the pressures on it and the prison system. Returning to an earlier point, we have learned over time—particularly if we look at drink-driving—that informing and educating the public is an important part of ensuring that we eradicate the illegal use of such phones.

Lord Campbell-Savours (Lab): My Lords, have Ministers considered the circumstances in which it might be appropriate to introduce, on a mandatory basis, mobile phone signal jamming equipment? It is currently available on the internet. You can google it. Would it not be wise to consider that kind of product?

Lord Ahmad of Wimbledon: Again, the noble Lord makes an important point, and I am sure he would acknowledge that that is being looked at. We all use flight mode, for example, when we board planes. Others in the car may well be using a mobile phone quite legitimately. Of course, when you are travelling great distances, if the driver is not using a mobile phone but others are, that can be a lifeline if certain issues or challenges arise during a trip.

Child Health: Physical Education Question

2.44 pm

Asked by **Baroness Benjamin**

To ask Her Majesty's Government what is their long-term plan for physical education as part of a holistic strategy for child health and well being.

Baroness Benjamin (LD): My Lords, I beg leave to ask the Question standing in my name on the Order Paper and declare an interest as the co-chair of the All-Party Group on a Fit and Healthy Childhood.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, we want all pupils to be healthy and active and to have the opportunity to engage in sport and physical activity from a young age. That is why PE remains a compulsory subject at all four key stages in the national curriculum. In 2017, we will be doubling the primary PE and sport premium to £320 million a year. A number of initiatives are also under way across government to improve physical activity levels in children.

Baroness Benjamin: My Lords, Britain has some of the most unfit children in the world. The latest report from the All-Party Group on a Fit and Healthy Childhood shows the urgent need to revise the teaching of PE, which has not changed since the 1940s, if PE is to play a part in children's well-being. There is no overall strategy for teachers to deliver PE, a subject often sidelined in the curriculum. Will the Government consider establishing a national PE task force to collate examples of good practice and reset training for PE teachers? Will the Minister agree to meet to discuss the recommendations in this constructive PE report?

Lord Nash: I pay tribute to the noble Baroness for her work in co-chairing the all-party parliamentary group and to the other members of it. We will definitely take what they have to say into account, and I would be delighted to meet with her and them. However, we do not think that a new PE task force is necessary. Officials already work closely with partners such as the Association for Physical Education and the Youth Sport Trust, and my colleague Edward Timpson has, for a number of years, chaired a cross-ministerial board to inform the Government's strategy for PE, working with organisations such as Sport England and county sports partnerships. We have no plans to review the curriculum. It was last reviewed in 2014 and developed with a range of sector experts, and we will be reviewing the activity list again in 2018 following the first exams.

Lord Watts (Lab): My Lords, has not our obsession as a nation with funding excellence in sport led to a dramatic cut in the amount of money available for grass-roots sport? Would it not be better to spend our money there rather than on excellence?

Lord Nash: We have substantially improved the funding for school sport, which has had a dramatic effect on the number of pupils participating in primary schools and on the number of qualified specialist PE teachers in primary schools, which has gone up by 50%. We regard this as very important in all aspects.

Baroness Howe of Idlicote (CB): My Lords, yes, of course physical education is hugely important, but should we not also be thinking of parity of esteem for mental health? If that is to be achieved, how do the Government plan to ensure that schools treat mental well-being on an equal footing with physical well-being?

Lord Nash: The noble Baroness raises a very important issue. We know that mental health is an increasing issue in schools. Last year we funded the PSHE Association's guidance on how to teach about mental health across all four key stages. A range of training on specific issues is also available through the MindEd website to all professionals who work with young people. We have been testing in a number of places the concept of a single point of contact in schools and CAMHS to improve collaborative working across schools and mental health services.

Lord Watson of Invergowrie (Lab): My Lords, the Minister said that physical education is compulsory for all children between the ages of four and 16. That is of course correct, but rather at odds with that is the fact that Department for Education guidance merely recommends a minimum of two hours of curricular PE for each pupil each week. I may be anticipating something that the noble Lord, Lord Lexden, is about to say, but independent schools would laugh at the suggestion that there should be only two hours of PE for pupils each week, and the Government should not be prepared to accept anything less in respect of state schools. What proportion of schools meet that DfE recommendation, and what role does the physical education and sport premium for primary schools have in increasing that figure?

Lord Nash: The law specifically prevents the Secretary of State dictating how much time schools should spend on PE or indeed on any other subject; that is entirely a matter for them. I do not believe we have a figure for how many schools are meeting the recommendation, but we anticipate that most of them are. On participation, it is clear that the sport premium has had quite a substantial impact on primary schools. Some 87% are reporting that it has led to a substantial increase in the number of activities engaged in, including extracurricular activities, and there has been a 50% increase in the number of specialist PE teachers teaching in primary schools.

Lord Lexden (Con): In a recent Written Answer I was told that school playing fields are subject to strong statutory protections. However, have not sales of school playing fields been increasing in recent years? Is that compatible with the strategy for child health and well-being for which the Question asked?

Lord Nash: My noble friend makes an extremely good point. I am the Minister who signs off on playing field disposals, and we feel strongly that this should not happen except where absolutely necessary. We have a very rigorous process in place, and most disposals occur where schools have either closed or merged—a lot of them involve very small bits around playing field land. We are very clear that we will not allow playing fields to be disposed of unless it is absolutely necessary.

Baroness Janke (LD): My Lords, given that only 18% of girls and 21% of boys achieve the Government's recommended level of physical activity, and in the light of the cuts to local government in recent years, including shrinking sports programmes, do the Government have any plans to expand the range of opportunities not just in schools but in local communities, so that all children can have several opportunities to participate in physical activity?

Lord Nash: I am sure the noble Baroness will be pleased to hear that we fund Sport England to decide how to invest the National Lottery funding, and as part of its strategy its Inspired Facilities scheme has invested over £100 million to allow clubs to make major improvements in more than 2,000 facilities. As part of its strategy towards an active nation it has set aside a new £40 million investment, which it will use to get more families and children active. It has also set up a dedicated fund of £120 million to tackle inactivity over the next four years.

Childcare: Early Years Funding Question

2.52 pm

Asked by *The Earl of Listowel*

To ask Her Majesty's Government whether they are planning to conduct an annual review of early years childcare funding to ensure sustainability and quality.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, there are no plans to conduct a formal annual review. The Government are committed to providing high-quality early education for all children. We are investing an additional £1 billion a year in the early years free entitlements and last week we published the early years national funding formula, which ensures that this funding is allocated fairly and transparently. We will monitor the implementation of the 30 hours of childcare, and are clear that getting the funding right is critical to its successful delivery.

The Earl of Listowel (CB): I thank the Minister for his reply, for the extension of 30 hours' free childcare to working parents and for the funding thereof. Given the huge benefits to education and cognitive skills that high-quality early years childcare and education bring—they are so important to business and industry, to physical and mental health in adulthood, to remediating poverty and disadvantage for children, including looked-after children, and to productivity—will the Minister listen very carefully to the concerns of the sector that after this year the funding may not be sufficient? His Answer was reassuring to some extent. We should consider that investing in the highest-quality early-years care and education is essential to an infrastructure for successful economic development.

Lord Nash: My Lords, I could not agree more, and that is why we are spending more than £6 billion a year by 2019-20 on early years education and childcare—more than any other Government in this country ever. We know that we need to get the funding right. Our announcement last week of a £4.30 minimum funding rate for local authorities, paid for with additional investment, shows that we are listening to the sector. The cost of childcare review was very thorough—indeed, the National Audit Office said that it was “thorough and wide-ranging”.

Lord Polak (Con): My Lords, I declare a sort of interest as a relatively new grandfather to Sienna—my daughter-in-law has just gone back to work and I know the costs of childcare and how it affects young couples today. Will my noble friend update the House on the progress of our manifesto commitment to 30 hours of childcare for working parents?

Lord Nash: Yes. I am sure my noble friend will be pleased to hear that we are making good progress. Last week, we confirmed our funding, as I said. We have already put in place legislation, through the Childcare Act 2016, with regulations being laid early last month. We have also awarded a new delivery contract worth £3 million to Childcare Works to support local authorities, and our eight early implementers which are implementing a year early have already delivered more than 3,500 new childcare places.

Baroness Lister of Burtersett (Lab): My Lords, following what the noble Earl said, the Family and Childcare Trust argued that the new funding, welcome as it is, does not focus sufficiently on improving

[BARONESS LISTER OF BURTERSETT]

quality of provision in the settings most likely used for disadvantaged children who particularly need quality care. What are the Government doing to improve quality of care in such settings to ensure that disadvantaged children get that quality provision?

Lord Nash: I entirely agree with the noble Baroness about the importance of ensuring high quality. Our entire focus is on that, particularly for children with SEND. An additional needs element is factored into the early years funding formula to better target funding towards local authorities with a higher relative proportion of children with additional needs, and our final funding policy confirmed last week includes a new disability access fund worth £615 per child per year to support disabled three and four year-olds, and a requirement for all local authorities to have inclusion funds to channel additional support to children with SEND.

Baroness Walmsley (LD): My Lords, given that supplying appropriate childcare for children with additional needs is more expensive for the setting itself, and it is also more expensive to train people to be able to recognise children's special needs and deliver appropriate care, what are the Government doing to make sure that sufficient early years practitioners are being trained to work with these particularly needy children whose needs have been ignored from many, many years?

Lord Nash: We are focused on that. As the noble Baroness will know, we have a massive investment in this area, and on improving the quality of people coming into the profession. In terms of specific details on this, I will write to her.

Lord Watson of Invergowrie (Lab): My Lords, it is widely accepted that investment in early years childcare is one of the most effective means of increasing social mobility, which the Government say is one of their aims. In July 2015, the then Childcare Minister Sam Gyimah announced a consultation on Sure Start centres that was to begin that autumn. We are still waiting for that consultation. Indeed, two weeks ago his successor Caroline Dinenage could only say in a waffling Parliamentary Answer that an announcement would be made "in due course". The Minister has been there throughout that period. Is he not embarrassed about having to defend a Government who have been reneging on a commitment that is so important for the future of children's centres?

Lord Nash: I know that the party opposite always raises this point. An independent study made it quite clear that the number of people accessing these centres has remained remarkably consistent over the last few years, even though a number have merged and indeed, a number have closed. The important point is their quality and location. I refer back to the point that no Government in history have ever invested as much in early years and childcare as this one.

Commonwealth Heads of Government Meeting 2018

Question

2.59 pm

Asked by **Baroness Berridge**

To ask Her Majesty's Government what steps they are taking to ensure the involvement of Commonwealth parliamentarians during the Commonwealth Heads of Government Meeting 2018, hosted by the United Kingdom, and whether they will use the opportunity provided by the Commonwealth Parliamentary Association Conference on 11–17 December to consult Commonwealth parliamentarians in advance of the Heads of Government meeting.

Baroness Berridge (Con): My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I draw attention to my Commonwealth-related interests in the register.

The Minister of State, Foreign and Commonwealth Office (Baroness Anelay of St Johns) (Con): My Lords, in planning the Commonwealth Heads of Government Meeting in 2018, the department will engage with a full range of Commonwealth stakeholders. Through our high commissioner network, we have regular discussions with parliamentarians across the Commonwealth. I welcome the CPA conference and its focus on a collaborative Commonwealth. Unfortunately, overseas travel commitments prevent my attendance, but I look forward to meeting CPA UK and the CPA in January as part of my engagement with Commonwealth organisations.

Baroness Berridge: My Lords, I thank my noble friend for her Answer. Many Commonwealth parliamentarians seek to come to the UK specifically to be trained in a key part of their role, which is how to hold their Governments to account. Can my noble friend please outline what mechanism the UK will model to ensure that parliamentarians can do that and address the assembled Foreign Ministers and Heads of Government while in the United Kingdom, building on CPA UK's work?

Baroness Anelay of St Johns: My Lords, I welcome the idea that my noble friend proposes about how the parliamentarians from overseas may use CHOGM itself. It is important that our colleagues around the Commonwealth—the other 51 countries—are exposed to the views of their own parliamentarians and take note of them but are also exposed to the views of civil society. In my negotiations and my contacts with my colleagues around the Commonwealth, as we talk and consult with them about the agenda, I shall certainly take forward my noble friend's idea.

Lord Foulkes of Cumnock (Lab): My Lords, I declare an interest as a member of the CPA UK executive. Since the Commonwealth consists almost entirely of parliamentary democracies, should not there be much more involvement of Parliaments in CHOGM? There is very little at the moment, and there has been very little. Surely, the fact of it meeting in the United Kingdom provides us with the opportunity to set a very good example.

Baroness Anelay of St Johns: My Lords, I hoped that I had just expressed the view that it is important that the parliamentary democracies at CHOGM in the UK in 2018 have a way of communicating with the event. Clearly, as the noble Lord will know from his experience, the agenda itself is agreed by consensus of all members of the Commonwealth. What I have just said is that, after listening to my noble friend and, indeed, to the noble Lord, in discussions with my colleagues around the membership of the Commonwealth about CHOGM, I shall certainly take forward the idea of how best we can ensure that there is parliamentary engagement.

Baroness Northover (LD): A number of developing countries in the Commonwealth are worried that Brexit may damage their ability to trade into the EU, especially with the removal of the United Kingdom and the protective shield that that has given them. Given that, does not this meeting seem an excellent time to assure them that their interests are being addressed?

Baroness Anelay of St Johns: The noble Baroness raises a vital point. Throughout the summer, in my engagement with high commissioners, Prime Ministers and Foreign Ministers from around the Commonwealth, I made it very clear that I am listening to their concerns. Although there is no formal consultation process, it is absolutely crucial that, as one of the members of the Commonwealth, we take their views into account and shall continue to do so.

Lord Howell of Guildford (Con): I declare an interest as president of the Royal Commonwealth Society. My noble friend Lady Berridge is to be congratulated on raising the issue. My noble friend the Minister is Minister for the Commonwealth. Has she read the interesting speech by the Foreign and Commonwealth Secretary last Friday—a strategic speech about Britain being at the centre of global networks? I am sure that she did read it; it was in many ways a good speech. But does not she agree that it is rather a pity that at no point in that speech did the Foreign Secretary mention the Commonwealth? He spoke about many Commonwealth countries, but there was no mention of the Commonwealth itself. When she goes back to the office, could she point out to the Foreign Secretary that unfortunate omission?

Baroness Anelay of St Johns: I find the Foreign Secretary great to work with, a great team leader, prepared to listen and give as good as you get. Ministerial team meetings are highly productive, and I shall certainly reflect on what my noble friend has said. For the sake of accuracy, I point out that I am Minister for the Commonwealth as an institution and for the Commonwealth countries in the Caribbean directly, but of course other of my honourable and right honourable colleagues in the Foreign Office have geographical responsibilities for individual countries. That is why we are able to engage so consistently and completely with all Commonwealth countries.

Lord Collins of Highbury (Lab): In last Friday's debate, the most reverend Primate spoke compellingly about the engagement of civil society in changing attitudes. Will the Minister undertake to repeat a

round-table exercise about LGBT rights, similar to the one at the last CHOGM, particularly as so many countries in the Commonwealth criminalise LGBT people?

Baroness Anelay of St Johns: My Lords, as I mentioned a moment ago, the agenda is agreed by consensus, but the noble Lord has raised a vital point. Having committed ourselves very closely to combating discrimination and violence against LGBT people throughout the Commonwealth, and having used every opportunity at the last CHOGM to highlight our belief that the Commonwealth must stand up for human rights, including LGBT ones, we are working out our plans to ensure that these important messages are delivered when we host CHOGM in 2018.

Lord Rana (CB): My Lords, last year in Malta many Commonwealth heads expressed a desire for CHOGM 2018 to be held in the UK but outside London, as there is a concern that the Commonwealth is becoming a London-centric organisation. In the light of this, and Belfast's expertise in countering violent extremism—the main point on the upcoming agenda—what consideration have the Government given to CHOGM 2018 being held in that city?

Baroness Anelay of St Johns: My Lords, the noble Lord has made a very strong case for the idea that CHOGM should be held outside London on this occasion. I know that strong representations have been made by other parts of the United Kingdom including, for example, Manchester and Birmingham, and Downing Street is considering them all very carefully.

Baroness Benjamin (LD): My Lords, during the discussions, will the Government put on the agenda the issue of frozen overseas pensions which is really affecting Commonwealth countries, especially the poorer ones, and the overseas territories?

Baroness Anelay of St Johns: My Lords, CHOGM has an agreed agenda but I am sure this is something that other members will wish to raise; they have certainly come forward on these issues before. The voices of the overseas territories were heard very strongly at the recent joint ministerial council in November, when I was pleased that a Minister from DWP was present to listen and respond to their views.

House of Lords: Size

Motion to Resolve

3.07 pm

Moved by Lord Cormack

To move to resolve that this House believes that its size should be reduced, and methods should be explored by which this could be achieved.

Lord Cormack (Con): My Lords, in moving the Motion, I first thank the Leader of the House, the Government Chief Whip, and all those who have co-operated in the usual channels to ensure that we

[LORD CORMACK]

have a debate on this important subject today. I am extremely grateful to them, as I am to the 59 colleagues who have put their names down to speak in the debate.

In 1984, when the House was even larger than it is at the moment and had an enormous built-in Conservative majority, I sought to introduce a Bill in the other place that would have reduced the number of hereditary Peers to around 150. I begged Mrs Thatcher to give time for this, saying that if that Government did not take the initiative, the day would come when a Labour Government with an equally large, or larger, majority would do so—and that, of course, is what happened in 1999. A lot of water has flowed under Westminster Bridge since then and I am now moving this Motion on behalf of the Campaign for an Effective Second Chamber. It is a group to which many of your Lordships belong, and of which many noble Lords speaking today are members.

It is, I think, the largest informal group of Members of both Houses dedicated to reform of your Lordships' House. This is not a reactionary group against reform; it is a positive group that wants reform. We have the support of something like 300 Members drawn from both Houses of Parliament. My noble friend Lord Norton of Louth and I established the group about a year after the 1999 Act came into force. We invited to be members some of those who we knew shared our strong belief in a non-elected second Chamber, complementary to but not in competition with the elected House—and one that would therefore never be able to challenge the unambiguous democratic mandate of the other place.

We must remember that at that time all the major parties were signed up to support the replacement of your Lordships' House with a wholly or largely elected one. For those of us who gathered in those days, there was no attraction or appeal in either a wholly elected House or in a hybrid House. Among the most enthusiastic trailblazers in that group were the late Lord Dahrendorf—the Liberal and then Cross-Bench Peer—the late Lord Howe of Aberavon, who, until his retirement from this House some 18 months ago, hardly ever missed a meeting, and the first Green to sit in your Lordships' House, the late Lord Beaumont of Whitley. However, there are others, who I am very glad to say are not late but very much living, and two of them who were in on those early days—the noble Lords, Lord Gordon of Strathblane and Lord Steel of Aikwood—will contribute to this debate.

Within a year of founding that group, we had 100 Peers and Members of the House of Commons signed up. We began to meet regularly and frequently, quizzing Ministers, opposition spokesmen and others, including academics. We like to think that we had some deterrent influence on the Labour Government, because they did not produce any more measures to deal with your Lordships' House during their remaining period in office.

Then, in 2010, the threat to our existence became more real than apparent. Together with a sizeable group of colleagues from the other place, we helped to frustrate Mr Clegg's designs. I shall always be very glad that we succeeded in that, and pay great tribute to those in the other place who ensured that that Bill

never came before your Lordships' House. I am very proud to be wearing the tie that they designed to commemorate their endeavours.

We had already had the Steel Bill—I emphasise that we are not opposed to reform—which had sought in a very comprehensive manner to deal with a whole range of matters such as a statutory Appointments Commission, retirement and suspension. This was pre-Clegg. Then, post-Clegg, the noble Lord, Lord Steel of Aikwood, with the assistance of Mr Dan Byles, then Member of Parliament for North Warwickshire in the other place, managed to get the truncated Steel Bill through, which brought in the retirement scheme.

A year later, the noble Baroness, Lady Hayman, our former Lord Speaker, picked up another portion of the original Steel Bill and brought in the Bill that allows us to expel—a power that I hope we will never have to use. I say in parentheses that the noble Baroness, Lady Hayman, is particularly sorry not to be with us today as she is performing extremely valuable relief work in Nepal. We wish her a safe return.

In consequence of the introduction of the retirement scheme, a number of colleagues have taken their leave, and many of them are much missed. But, although the scheme is effectively in operation, we have had far more arrivals than departures over the last few years. In 1999, the size of your Lordships' House was some 680; today, as we all know, it is over 800. In consequence of this, almost every time your Lordships' House is commented on in the public press and in the media, two remarks are made again and again: that this is the largest second Chamber in the world, and that it is the largest legislative Chamber of any sort in the world after the People's Republic of China.

The constant reiteration of those facts—unfortunately, they are facts—cumulatively drowns out the recognition of the exact scrutiny we apply to Bills and the quality of our debates. All of us will remember the first debate on the Assisted Dying Bill of the noble and learned Lord, Lord Falconer. Whatever line one took on that Bill, one had to be proud to be a Member of this House. The very next day, all the papers had leaders and long reports of the debate which said that this was Parliament at its best. That is the image we wish to present—not that of a bloated House with too many Members in it.

Last autumn, the Campaign for an Effective Second Chamber produced a discussion paper that was widely and favourably commented on in the press. We had all signed up to a number of principles. First and foremost was the supremacy of the elected House. Secondly, your Lordships' House should not be bigger in numbers than the House of Commons. Thirdly, there should always be a minimum of 20% of Cross-Benchers; and, fourthly, no political party should ever be in a position to achieve domination. We are all united on those points.

We went on in the paper to explore some of the means by which your Lordships' House could be reduced. We also looked at some of the difficulties of those means. For instance, imposing an arbitrary retirement age would bear disproportionately upon the parties. It would affect the two major parties and the

Cross Benches significantly but the Liberal Democrats not very much at all. So all these things need to be looked at very carefully.

I hope that today we will not become too preoccupied with how to reduce our numbers but will concentrate on the fact that we must. The question of how is dealt with in the second part of the Motion: “methods should be explored”. Our group would—I think unanimously—favour the establishment of a Select Committee. But, whatever is done, it is essential that all solutions, both in our paper and from colleagues in all parts of the House, are properly examined and assessed before recommendations are made. The time for reform has come, and it is for us to take the initiative and work with government, not for us to wait for government to decide and then to impose. In the last two weeks the Public Administration and Constitutional Affairs Committee in the other place has decided to conduct an inquiry into the size and composition of your Lordships’ House. Now it is for us to state unequivocally that we believe that our numbers should be reduced, and today we have that opportunity.

This House has a combination of experience and expertise unrivalled by any other Chamber in the world. It adds value to, and does not detract from, our democracy. All of us in this House have the same rights, responsibilities and duties to scrutinise and improve legislation and to comment on the great issues of the day. We are constrained only by the restrictions of the Parliament Act and by the conventions and practices of a responsible, self-regulating House. Many of them are based on the far-sighted Salisbury/Addison agreement, drawn up in the 1945 Parliament when the overwhelming number of Conservatives could so easily have sought to frustrate the designs of the Labour Government, who had an overwhelming mandate from the people.

We must always remember that there is no point or purpose in a second Chamber that gives smooth, unimpeded passage to government proposals no matter how ill prepared they may be. There should be no future for a second Chamber that never seeks to amend, never urges caution or never insists on further consideration, or which flinches from defeating the Government of the day. That is something that we must all bear very much in mind. Tomorrow your Lordships’ House will examine the Higher Education and Research Bill, which desperately needs the expertise and experience that can be brought to bear on it.

Prime Ministers have often regarded us with impatience as an irritant in the body politic. Perhaps they should remember that, without grit in the oyster, no pearl is ever produced. The nation deserves good government and wise counsel. We are in a position to contribute to that—but only if we set our own House in order. This is the moment and the opportunity to begin that process. I beg to move.

3.21 pm

Lord Hope of Craighead (CB): My Lords, it is a very real privilege for me to follow the noble Lord, Lord Cormack, and to be the first to congratulate him on the way he has opened this debate. I am tempted, after listening to his compelling and comprehensive

speech, to follow the advice that the noble Lord, Lord Forsyth, gave me last Thursday. “Just say you agree”, he said, “and then sit down”. But, of course, it is not quite as easy as that, as I am not sure that I agree with everything that the noble Lord has said, although I was at a disadvantage by not being part of his group. There is no time to go into that now, but I should like to endorse what I take to be the two main messages of his speech, with which I most certainly do agree.

The first is the message that this House believes that its size should be reduced. What a significant step forward it would be—if we are unanimous on the point about which there is so much disquiet among us—for the House itself to make that very public declaration. The second is the message which is perhaps even more important than the first—that methods should be explored by us to reduce its size. That is more important because it is a statement that we are taking the matter into our own hands as far as it is possible for us to do so. We would be saying that it was not for others to tell us what to do—this is our House, we know best what makes it work and we are best placed to sort the problem out. Of course, we may need some assistance, as not everything that affects the issues which the noble Lord has addressed is within our control, but this is our initiative, and I hope that we can make a declaration that we intend, in seeking a consensus, to get on with it.

I shall not attempt to offer any solutions at this stage—this is not the moment to do that—but I should like to identify what I see as six assumptions that I suggest might guide us on our way. The first is that there will be no change in the role of the House as an advising and revising Chamber. It is on that assumption that any calculations as to what its size should be based, when we compare our numbers with those of the other place.

The second is that we will continue to be unsalaried for what we do. That is quite important because, where there is a salary, there is an obligation to turn up and to do what one is paid for. In our case, we benefit greatly from the freedom that many of us enjoy to keep ourselves informed by maintaining outside interests and commitments. This means that at least some of those who make some of the contributions that we value most are not here all, or even most of, the time. That is a factor to be borne in mind.

The third assumption is that we will continue, at least for the foreseeable future, to be an appointed, not an elected, House. The fourth, which goes with it, is that for this reason our going out cannot be considered without considering our coming in. That really is where the nub of the problem lies. An elected House has two characteristics that we do not have: its numbers are fixed and any vacancies are filled by the election process. In our case, as I think the noble Lord hinted at in the beginning of his address, the going out used to be in the hands of the Almighty and the coming in in the hands of the Prime Minister. Now, we can choose our own time for going out, but the system for coming in has not changed. It is to the question of how that system can best work for a smaller House that we will have to direct our attention, as well as to how our present numbers can be reduced.

[LORD HOPE OF CRAIGHEAD]

The fifth and sixth assumptions are that the Cross-Benchers should continue, as at present, to be about 20% of our membership, and I am grateful for what the noble Lord said about that. Also, the way on to the Cross Benches from outside the House should continue to be as at present. It is worth repeating that there are only two ways in, and they are very tightly controlled. The first is the Prime Minister's list, limited to 10 for the lifetime of each Parliament, for very senior members of the Civil Service, the Armed Forces and so on. The second is by way of the independent Appointments Commission, limited by the last Prime Minister to only two per year. For obvious reasons, we do not receive any appointments by way of the political list.

Speaking as I am, from and not for these Benches, it seems to me that, with us, the potential for an imbalance between those coming in and those going out does not present as much of a problem as it does for the other groups. There is one other characteristic of our Benches to which I would draw attention also: in comparison with the other groups, a larger proportion of our number arrive here at or about, or even after, the time of retirement. Our age and length of service profile, and our attendance profile, differ in some ways from the other groups. I am speaking only for myself, but these two characteristics suggest to me that, as our coming in is so tightly controlled, there may be something to be said for leaving it to the Cross-Benchers to work out for themselves, if given a target at which to aim, how to arrange the going out for our group. But that detail is for another day, and I am happy to support the Motion.

3.27 pm

Lord Wakeham (Con): My Lords, I feel greatly honoured to follow the noble and learned Lord, Lord Hope, in his speech. I think it is the nearest I will ever get to addressing the Supreme Court. First, I congratulate my noble friend Lord Cormack on securing this important debate, and on all the work that he and others have done to bring to our attention the very important matter of the future of the House of Lords. It is an important debate, and my noble friend is absolutely right: the House of Lords is too big. It is of course much smaller than it used to be not so many years ago, but nevertheless, it is still too big. I am not of the view that it should be reduced to any size in relation to the House of Commons. This House is a part-time House, and long may it continue to be. Therefore, the total numbers are not necessarily quite so critical.

Having expressed my support to my noble friend, I just wonder whether the Government are likely to agree to any changes if those changes require a government Bill. We need to be realistic. In my mind, there are three reasons why this may not happen very soon, and each one of them is likely to be sufficient to delay matters.

First, there is a clue in the lessons from the royal commission report that I chaired some years ago. The House of Lords was not then, and is not now, in a mood to accept a compromise—some Members are, but not enough. Our report, which is now history, was an attempt at a compromise. Many said how good it

was but, in the end, not many would have supported it in the Lobbies if it had been brought before the House in the form of a Bill. They were not prepared for that compromise.

The Liberal Democrats want an elected House. Many on this side of the House would like an appointed House. I do not think that has changed very much. Many members of the Labour Party will say that the first thing that has got to happen is that the Prime Minister has to give up his right of patronage. I doubt very much whether a Labour Government would give up the right of patronage as things are at the moment because that is the one ultimate strength an elected Government in the House of Commons has got if the House of Lords is being extremely difficult. Of course it would be possible to change the system but, at the moment, that is not very likely.

The second reason why there will not be any change is, of course, Brexit. Whether any Government would bring in any legislation until the legislation relating to the European questions is dealt with we have no idea. There would certainly be switches across parties if there is legislation. The business managers would be horrified if it was announced that we were going to find a non-voluntary way for people to leave and we had legislation of that sort.

The third difficulty is a little more subtle. I do not know whether the Government realise that the present situation suits them quite well. Bills come from the Commons, are thoroughly debated in the House of Lords—in very good debates, which are still of the high standards they always used to be—and a number of amendments are passed. The Bills go back to the Commons, which deals with them, and the issue then becomes not the substance of the amendments but the elected House against the non-elected House. They go back a couple of times and then this House decides the elected House has to have sway and the thing ends. That is not the way it used to be done. However, it is the way it is done now. It is not very good but I do not think the Government find it necessarily all that difficult.

I therefore thoroughly support my noble friend's Motion. The House is too big. We ought to find a way of reducing it but a lot more work needs to be done now. We have to find consensus; we have to get Brexit out of the way; and we have to realise that the Government, at the present time, do not find the existing arrangements too arduous.

3.32 pm

Baroness Taylor of Bolton (Lab): My Lords, I also welcome the debate. I congratulate the noble Lord, Lord Cormack, and agree with much of what he has said.

There is general agreement—and has been for some time—that this House is too large and increasing frustration on the part of many Members that nothing has been done before now to address the problem. We need now to think about how we deal with the problem rather than arguing whether or not it is one.

A basic fact that I would put in people's minds is that, according to the Library, 845 people are entitled to sit in this Chamber. The average attendance in

2015-16 was 497. It is not always the same people, of course, but that gives you some idea that we have people who can contribute regularly and people who cannot.

We can criticise how we got here. We know that there was a surge in the influx of Liberal Peers, and that the former Prime Minister pushed every boundary in terms of appointments. I do not want to go into that—tempting though it is—but a couple points have to be made clear. If we are to take steps to reduce the size of this House, we cannot have a Prime Minister of any Government using that as an excuse for stuffing it with more of their appointments. Secondly, we must maintain the principle that no Government have a right to a majority in this House. That would undermine its purpose.

In June 2014 I had the privilege of introducing a debate on the role of this House. The debate arose out of a report written by a working party of Labour Peers. That debate showed that there was widespread support for taking some action on these problems. I remind the House of the basic concept we put forward in that report: there should be a distinction between working Peers—not full-time, of course, but those who regularly take part in the proceedings of the House, speaking, debating, serving on committees, asking Questions—and those who for whatever reason cannot contribute regularly. No one would suggest that those Peers who do not or only rarely contribute should lose their titles. Indeed, there is a possibility of a formal distinction. Maybe we could use a title such as “Peer emeritus”, but certainly a distinction should be made. The essence of the problem is that we have a lot of people who are appointed as Peers but do not see it as their responsibility to be active Members of this House.

Mention has been made of the appropriate numbers. We have to have sufficient Peers to fulfil all the roles suggested and outlined by the noble Lord, Lord Cormack. The doomed Clegg Bill suggested 300, but that was generally thought to be too few. We in our working party suggested that 450 might be sufficient to make sure committees could function properly, but certainly, whatever the figure—there is scope for discussion—this place should not be larger than the House of Commons.

There are other ways of looking at this issue that have not been mentioned. An obvious point would be to support the Bill proposed by my noble friend Lord Grocott and end by-elections for hereditary Peers. Some of us would go further and end hereditary peerages altogether and the Bishops’ Benches, but that would require legislation and is just a personal view.

We could and should look at retirement age. Our working party suggested that we should retire at the general election after we reach the age of 80. There was a suggestion of limits on the length of time we spend in this House—maybe 15 years. It has a disadvantage: it might deter younger people. We thought about whether there should be an attendance requirement. This is not a full-time job, but it may not be unreasonable to suggest that we should attend and contribute 60% of the time the House is sitting.

None of those suggestions deals directly with the problems of ensuring proper political or regional balance, or balance of gender or ethnicity, but none of those problems is insurmountable. There can be solutions if there is a will and determination.

I hope this debate is not simply one to allow Members to let off steam. Unless this House can take steps itself to deal with its own problems, we may face more difficulties in future. It is a critical time in politics. As the noble Lord, Lord Cormack, said, this House has a significant contribution to make, but people will look at what we are doing only if we put our own House in order as well.

3.38 pm

Lord Tyler (LD): My Lords, the position of my party is very straightforward and consistent. This is the one respect in which we agree with the noble Lord, Lord Cormack. We endorse the primacy of the House of Commons.

It is therefore important to remind your Lordships that on 10 July 2012, a clear majority of Conservative MPs—193 to 89—voted for the Second Reading of the coalition Government’s House of Lords Reform Bill, including David Cameron and Theresa May. Great credit is due to the then Sir George Young, now the noble Lord, Lord Young, who led them into the Lobby. An even bigger majority of Labour MPs did so too: 202 to 26, including their then leader and the present one. All the Liberal Democrat MPs supported the Bill, as did a number of minor parties. The result was an overwhelming majority in the other House of 338. As we have been reminded, the other House is supreme.

That was scarcely surprising. The Bill was the product of years of cross-party preparation and careful compromise, building on the Labour Government’s 2008 White Paper and many months of pre-legislative scrutiny by a high-powered Joint Committee.

In the current era of threatened post-truth politics, it is important to remind your Lordships’ House that that Bill was not defeated; instead, it was the victim of a squalid party game played by some Tory Back-Benchers colluding with the then Labour Front Bench to deny the coalition Government an agreement such that time could be allocated to the Bill’s scrutiny in a business-like way. Indeed, the Labour Front Bench would not even suggest a preferred time for its consideration. Had that Bill not been derailed by tribal tactics, we would now be well on the way to dealing with the problems identified in this debate, with an end total membership of 450—here again, I agree with the noble Baroness, Lady Taylor.

Political appointments would have ceased in 2015 and instead we would have had the first tranche of elected Peers—or perhaps they would have been senators—including, no doubt, several excellent new recruits, among them those who all around the House now come to us in a different capacity. The essential difference would have been that they would have come with democratic legitimacy. For us, the 2012 Bill is still the starting point for a full, comprehensive and democratic response to the frequently reiterated public demand for reform of the composition of your Lordships’ House.

[LORD TYLER]

There have been many variations of musical chairs suggested by those who want to tinker with the problem. What they have in common is a denial of surely the first principle of parliamentary democracy: for legislators to be at least predominantly elected. In our view, the suggestion of an upper, or indeed lower, age limit is unacceptably ageist. If the electorate wish to be represented by a 75 year-old or a 25 year-old, that should be up to them. If on the other hand there is the incestuous suggestion that group or party colleagues should select who goes and who stays, that would simply reinforce the public impression that we are a self-serving elite. Any artificial quota on speeches, Questions or days of attendance would be open to blatant mismanagement. If the electorate wished to retain the services of a representative whose busy life outside Parliament gave him or her extra dispassionate, well-informed judgment, it should be entirely up to them and not to the whims of party Whips or group leaders.

Every single one of those devious schemes has major disadvantages. Significantly, when the public are asked to express a preference, there is a much bigger group now demanding total abolition than supporting the present, very unsatisfactory appointments system or any other proposed modifications of it. Those in this House who continue to obstruct real democratic reform risk an increasing public demand for a unicameral Parliament, which my colleagues and I certainly do not support.

In short, the only acceptable method for reducing the size of a House of Parliament in a parliamentary democracy is democracy.

3.43 pm

The Lord Bishop of Birmingham: My Lords, I am pleased to be able to contribute to this important debate and am grateful to the Campaign for an Effective Second Chamber, in which we are allowed to participate from time to time, for bringing it to us today. I am also grateful for the remarks of the noble Lords and noble Baronesses who have already spoken. I have written down that I share their widely shared view that the House is too large, and I shall start on that point.

We have realised in recent debates, particularly those led in the past couple of months by the noble Lords, Lord Grocott and Lord Elton, that arriving at a satisfactory mechanism for achieving the best number for and the highest quality of the second Chamber is no easy task. We can and should, as we are doing today, grasp the opportunity to take responsibility ourselves for reducing the size of the House as best we can. We have already heard several suggestions for the best number: the same size as the other place—about 600; the number of 450 proposed by the Labour Party; or even a smaller number. We already have voluntary retirement, but in any new arrangements the reduction of overall numbers by compulsory retirement will also be ineffective unless there is restraint on appointments. This point was already made in some detail.

I am sure that more will be said today about who should make up the composition of your Lordships' House, in what proportions and how they should be selected and appointed. My main point today is to remind us that the Lords spiritual have been capped

by statute since the middle of the 19th century to the number of 26. Also, there is automatic retirement at the moment that a Bishop leaves their see or at the age of 70. Following the excellent reminder from the noble and learned Lord, Lord Hope, the Convenor of the Cross Benches, we are unusual in that we are appointed by the Almighty and dismissed by the Almighty but with time for amendment of life before we have to face the Almighty. Clearly, while we remain in the House we do so with enthusiasm, participating on the basis of our full-time jobs in the regions. In the context of this debate, we fully participate in a sense of proportionality, in that the size of this Bench should be in proportion to the size of your Lordships' House in future.

Of course, the number is not the only issue. This is particularly important when we remind ourselves, as we have already, that the work of the House is about revising, scrutiny and, sometimes, challenging. To achieve that, it is desirable to have the widest and most skilful and knowledgeable expertise available from all regions of the country participating in support of the democratic process of this legislature. In this, there is a vital contribution from the Cross-Benchers and independent Peers. As has already been pointed out, much of this has been rehearsed as far back as the White Paper of 2001, in the efforts of the noble Lord, Lord Steel, and the noble Baroness, Lady Hayman, and—as just mentioned now—the Bill of 2012. A welcome new critique was offered by the noble Baroness, Lady D'Souza—I look forward to hearing her remarks later in this debate—on not only the effectiveness of some of our arrangements but also the strain on services and administration under the current size of the House.

It is clear that there is no pain-free option, and there is a need for all sides to give a little in order for the upper House to function better. There is in some of the proposals an opportunity for a working group or, as has been mentioned, a Select Committee of all parties to agree a mechanism. The Lords spiritual on this Bench are more than willing to participate in achieving a fully working reform of this House.

3.47 pm

Baroness Stowell of Beeston (Con): My Lords, I start by congratulating my noble friends who lead the Campaign for an Effective Second Chamber. That group's discussions and the debate we are having today show that there is a consensus that we must make some changes to the House of Lords so that our important work remains relevant to the modern world. In doing so, we should have an eye to the message of change that many voters rightly associate with the Brexit result.

My message is that we—your Lordships—have all the power we need to make positive change happen. In this debate, the premise is that the size of the House is the problem that needs addressing and that we should explore options to reduce it. But we need to be careful about addressing symptoms before tackling the cause of this perceived problem. We cannot escape the fact that there are 400 fewer of us than there used to be overall, yet more of us attend more frequently. So, before taking steps to reduce the size of the House, we

need to consider some basic questions. First, why are more of us attending more often? Secondly, why do we hear disproportionately more often from the same colleagues? Thirdly, how can we ensure that more of our colleagues with current and fresh professional expertise contribute to our work so that we do the best possible job of revising and improving the legislation before us?

This House is at its best when it is not overtly party political and when it works together to find solutions in the public interest. I would like to believe that all of us agree that we owe it to the people we serve to come up with some honest, non-partisan answers to those questions. I think the source of those answers lies in us reaching a consensus and clarity over this House's purpose. I believe that our purpose is to complement the House of Commons and give people confidence in the laws that Parliament makes. That is why we are doing all this revising and scrutinising. But the fact that I cannot articulate that purpose, or any other, and know for sure that all Members of this House endorse it and are genuinely signed up to it is what will put our future at risk.

It is not by chance that the media now routinely ask how a piece of legislation will fare in this House. I am not seeking to lay blame on any side of the political divide for that—I am not. We all—and I include the Cross-Benchers and the bishops—have to accept some responsibility for the inescapable reality that for the past 15 years or so this House has become more political in its behaviour. Too often one side of the House is frustrating the will of the elected Government because it can; while the Government are so focused on getting their legislative programme through at all costs that they struggle to discern when to stop and listen.

I fear that if we start down a path of change towards a goal marked simply, “smaller House of Lords”, we could compound that problem yet further. Fewer of us attending more frequently would diminish our range of expertise, and using election results to determine the numbers in this House would encourage us to be even more political—with the result that it would be hard to tell us apart from the House of Commons. We would have all the vices without the virtues.

However, if we could reach consensus on what the House of Lords exists for and unite in promoting that purpose, I truly believe that we would become more effective. That is because it would become clear to everyone that the motive of this House collectively, wherever any Peer sits in this Chamber, is to improve—not block or hijack—legislation for the benefit of the people of this country; in other words, it would be clear that all noble Lords believe that the value of this House lies in its important constitutional role, which is different from that of the more political House of Commons. The other place should be more political because only it has the authority that comes from democratic legitimacy.

My noble friend Lord Cormack has expressed the urgency of us taking action. The action I urge is for all noble Lords to encourage my noble friend and distinguished successor the Leader of the House, the Lord Speaker, the other party leaders and the Convenor

to seek consensus and clarity over this House's purpose. That is what we need to be a more effective second Chamber. We hold all the power we need to make change happen. We just need to agree what this House is for and be united in working towards that common public purpose.

3.53 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, realistically there is to my mind only one answer to the central question raised by today's Motion: yes. Swollen as this House now is, not least through a whole host of new appointments by Mr Cameron over recent years, we are plainly too large and we are widely mocked on that account.

There may be those who say—the noble Baroness our erstwhile Leader, whom it is a great privilege to follow, may be among them—that this is not a real problem; rather, it is a problem only of perception. They say, “Make clear what we do: our valuable work in scrutinising and revising legislation. Indeed, what an advantage it is to have a number of Members who seldom appear, rarely therefore claim allowances or clutter up our facilities, but who contribute usefully on those occasions when their particular expertise is required”, and the problem disappears. If only that were so; I fear that that is cloud-cuckoo-land. Unless we reduce in size, certainly to a number no larger than the Commons, we will continue to be regarded and portrayed as absurdly overweight and our reputation will thereby suffer. We must therefore now explore the methods by which we can achieve such a reduction. Plainly, this is not the debate and today is not the day that we should be committing ourselves to precisely how this can be done and which of us should be culled.

I certainly agree with the views expressed by a number of those in the group of the noble Lord, Lord Cormack, who wrote a letter published in the *Times* on Saturday. They said that the Commons must remain supreme as it alone has the democratic mandate; that no single party should command an overall majority in the House; that party strength should “broadly reflect” electoral results—failures as well as successes; and that at least 20% of our membership should be Cross-Benchers and thus independent of any party affiliation. That much seems to me reasonably clear. But how precisely within those basic parameters we should reduce our numbers—with perhaps some transitional arrangements—must be for a smaller body within the House to explore. Given that the recommendations of such a body will need to be as authoritative as possible, surely the best body would be a Select Committee, as already suggested. Indeed, I would go further and say—although he may not forgive my doing so—that it should be a Select Committee chaired by the noble Lord, Lord Burns, who made such a conspicuous success of his committee's consideration of the tricky questions that arose under the Trade Union Bill.

I add only this. It seems clear that we shall not achieve our ultimate aim of reducing in size unless and until two basic conditions are satisfied. First, the Government will not assist us in our proposed reform unless we ourselves reach a substantial consensus as to how to achieve it—as I say, I hope that will be by a

[LORD BROWN OF EATON-UNDER-HEYWOOD] Select Committee. Secondly, there never will be such a consensus unless and until the Prime Minister's prerogative and powers of patronage to continue flooding us with new appointments is abridged, curtailed or attenuated, call it what you will. That would probably be best achieved by legislating for a cap on our number, perhaps one flexible enough to cater for a limited number of fresh appointments to meet any immediate ministerial requirements.

For now, however, I hope that your Lordships will pass the present Motion with acclaim. The public should know that it is not our fault that the House is so overlarge and that we ourselves wish it were not so. I hope, too, that the House authorities will immediately then appoint a Select Committee to report speedily upon how best to achieve the slimmed-down House that most of us desire.

3.58 pm

Lord Hunt of Wirral (Con): My Lords, I was very proud to be elected earlier this year as chairman of the Association of Conservative Peers. I was then immediately able to endorse and promulgate a discussion paper recently produced by the executive committee of the association, and I congratulate my predecessor and noble friend Lord MacGregor of Pulham Market, who deserves much credit for this sensible, pragmatic and, most important of all, highly practicable piece of work to which he will speak later in the debate.

I hope that colleagues on all sides will recognise that the paper was drafted not from a partisan point of view but because we all want this House to be genuinely effective. In order to meet any useful conclusions at all, it was necessary to begin our work having made five assumptions, which bear repetition. First, this House is presently too large; secondly, the House of Lords should have as an objective a membership no larger than that of the other place; thirdly, the Government of the day should not enjoy an absolute majority; fourthly, Cross-Benchers should comprise at least 20% of the House; and, fifthly and finally, the composition of the House should be responsive to any major changes in support for political parties in general elections.

The very fact that those assumptions could safely be made without any significant demur from any side shows how far we have come in the almost 17 years since the report of the royal commission to which my noble friend Lord Wakeham referred earlier. The ACP paper also draws fully on the very helpful options paper prepared for the subgroup on the size of the House by the Campaign for an Effective Second Chamber. The paper acknowledges first and foremost that there is no ideal solution. Instead, it seeks—and I believe succeeds in finding—a judicious balance, a synthesis even, between the various options that have previously been regarded as mutually incompatible. The broad approach recommended is a combination of a retirement age and allocating seats based on party strength in a general election, with both to take effect from the start of the next Parliament. I firmly believe that a cross-party consensus is now a genuine possibility, and I warmly commend the ACP report as a possible basis for such a consensus.

I want to remind the House that six years ago I served as chairman of the Leader's Group on Members leaving the House. It is perhaps a sombre thought, but Members leaving the House must inevitably be the key to any meaningful reform. Our report was published on 13 January 2011. Much of its spirit was captured in the reforms instituted by the noble Lord, Lord Steel of Aikwood. One or two other suggestions in that report are worth revisiting. In particular, I draw the attention of the House to paragraph 63, where we recommended that,

“in future the honour of a life peerage should not automatically entail appointment to membership of the House, which should be reserved to those who are willing to make a significant commitment to public service in Parliament”.

A precedent of sorts has already been set for hereditary Peers who have left the House or who have inherited titles since the reforms of the late 1990s and for those who have taken retirement, and I understand that 52 of our noble colleagues have done so. It seems to me increasingly anachronistic that we have, outside this Chamber with no right to speak or vote here, hundreds of people with inherited titles and a growing number of retired colleagues with life peerages, yet every new peerage necessarily confers on the recipient a parliamentary role. I believe it may now be time to extend that principle of separation to include the creation of new life Peers who have no intention of becoming active parliamentarians. Of course, that echoes much of what has already been recommended.

Rightly, we respect our inheritance, but we have to be sensitive to the changing demands and expectations of modern society. I believe we have within our grasp the possibility of creating a modern, credible, bicameral legislature, well respected by the people, well suited to its real and present role and well equipped to face the considerable challenges of the future.

4.04 pm

Lord Cunningham of Felling (Lab): My Lords, first, I congratulate the noble Baroness the Leader of the House and the Government Chief Whip for providing this debate in government time, which is a big step forward compared with the recent past, and secondly, I strongly support and endorse the Motion moved so ably by the noble Lord, Lord Cormack. The reality is that it is a fairly simple Motion on the Order Paper today—one might almost say bland. Since most people recognise that the size of your Lordships' House is our biggest problem and our greatest vulnerability, it is surprising to hear speeches which suggest that there is nothing for us to be concerned about. I find that quite astonishing. I also found it astonishing to hear people say there is no need for us to take this step. I do not think that view is widely held outside your Lordships' House.

Of course reducing the numbers in this House will be very difficult and complicated, but we are not here to discuss the details of that today; we are here to decide whether we support this Motion or not and whether we should begin to look at the problem. As I was always told when I was a small boy, the best way to tackle a problem is to begin, and that is what we are being asked to do today. The details of the proposals will best be decided by a Select Committee of this

House, which can thoroughly study all the issues, take evidence, listen to witnesses and come to a series of consensual conclusions—I believe this is possible—which protect party and Cross-Bench balance and, I might say, the Lord Bishops too. That is what our aim should be, and it is in the interests of all of us—Parliament and government—that the unnecessarily large number of Peers is reduced.

What we should be doing in this debate today is sending a clear message to the Government and to the people outside that we want to take on this challenge. After all, the people of this country will ask how, if we cannot deal with our own problems, we can expect them to have confidence in us to deal with the manifest problems they face every day of their lives. As I said earlier, the time for us to begin to address this problem is now.

4.07 pm

Baroness Boothroyd (CB): My Lords, I begin by stating the obvious: this is a very complicated and deep-rooted issue. We cannot of course determine it this afternoon, or at any other time in a debate such as we are having today, but I certainly support the call for a Select Committee that was enunciated by the noble Lord, Lord Cunningham, to explore all these great matters and to report back to us.

However, I caution your Lordships that the reforms we need will not be easily won and that much will depend on the willingness of party leaders in this House to work together. The parallel inquiry in the House of Commons that has been mentioned is already under way, and I hope that both Houses will exert their joint influence when the two inquiries—ours and theirs, as I hope we will have an inquiry—report.

The last Conservative manifesto commended us for addressing the size of the second Chamber and the retirement of Peers. Sadly, Governments tend to have short memories. David Cameron ignored his manifesto's reference to our bulging size within three months. He inflated the size of this Chamber and—I believe—tarnished our reputation. In his Dissolution Honours List, 45 new Peers were introduced. The figures are there for all to see. Without the intervention of the Appointments Commission, the damage might have been even worse.

That is one of the reasons why we need an Appointments Commission on a statutory basis with the powers to curb the unrestricted use of patronage that Prime Ministers currently enjoy. We cannot be easily abolished, as Prime Minister Cameron and his deputy, Nick Clegg, found—but Downing Street can swamp us, and it has done so already.

We are in a new era, with a good deal of legislation to face over the coming years. We must be alert, probing and assertive. As has already been said many times, we respect the primacy of the Commons. But that respect must be mutual, and a smaller number of Members would ensure that. The Commons will have 600 MPs after the next election and I believe that our Chamber should match that, with around 400 working Peers. There seems to be a good deal of agreement on the numbers game.

I pay tribute to the work of the Appointments Commission and the thoroughness with which it interviews non-party nominees. But, for the life of me, I cannot comprehend why, when it is interviewing political nominees, it is not allowed to carry out the same rigorous interviews to ensure probity, experience, suitability and devotion to public service. To me, it is an affront when a Peer says that he thought his peerage was a reward for his success as a composer and he did not expect to attend debates and vote on policy issues. Likewise, No. 10 advisers sent here as lobby fodder who cannot speak do us a disservice. The mother of Parliaments is not mute.

Yesterday the noble Baroness, Lady D'Souza, called for incremental reform. She said in an email circulated by the Constitution Unit that,

“one cannot escape the conclusion that appointments too often reflect Prime Ministers' personal preferences, which in turn are offered as rewards for support of a financial or non-financial kind”.

I respect her courteous restraint, but I speak as I find. The repeated abuse of Prime Ministers' powers of privilege is as plain as a pikestaff. To my mind, it betrays arrogance, reeks of hypocrisy and has no place in a parliamentary system. The abolition of their untrammelled power is long overdue. Begone, I say—and I hope Theresa May takes note.

The Earl of Sandwich (CB): I am sure she will.

4.12 pm

Lord Tebbit (Con): My Lords, the need to reform the way in which this House is composed and reduce its size is common ground. There has been a growing problem for some years over the size of the House. That was seen very clearly by Mr Cameron when he was Prime Minister; he sensibly declared that there were too many of us and that our membership should broadly reflect the votes cast at the immediately preceding general election. Unhappily, he ignored his own advice. Indeed, in his six years in office he created 245 new Members, a sharp contrast to Baroness Thatcher's 201 in 11 years. Not only that: he made no UKIP Peers, but made a large number of others with very little electoral support.

We must do better than that. We have a great opportunity, since the Prime Minister at the moment has more than enough urgent matters on her plate and might well welcome a consensus reached here. Of course, if the House was stupid enough to attempt to frustrate the will of the people expressed in the referendum then that would force her to act, so I hope there are not too many kamikaze Peers in this House.

I hope I will be forgiven if I try to say a lot about a complex matter in a very short time. My proposals for reform of the House are based on these considerations. First, it should not be directly elected by the country at large. Secondly, it should be reduced in size to about 600 to 650 Members. Thirdly, the power of the patronage of the Prime Minister should be reduced. Fourthly, the composition of the House should be decided afresh, immediately after the forthcoming general election, and it should reflect the outcome of that election. Fifthly, there should be provision for the Bishops and the Cross-Benchers. Sixthly, the governing party should

[LORD TEBBIT]

have about 260 Peers, of whom 20 would be nominated by the Prime Minister, the remainder elected by and from among the Peers of that party or parties. Seventhly, the Opposition should have 240 Peers, 20 nominated by the Leader of the Opposition and the others chosen by election among the sitting Peers of that party or its allies.

The time to institute this change should be immediately after the next election. Those Peers elected would be described as sitting Peers, all others as reserve Peers, who would have no rights except to stand in by-elections and stand and vote in the subsequent election. After the subsequent general election, all Peers—both sitting and reserve—would be able to stand and vote in their respective parties' elections. There should be provision for the Prime Minister to create up to five Peers a year for the government Front Bench, and others in the Dissolution Honours List, the latter category having the right to stand for election to the post-election House. There should be a similar provision for the Leader of the Opposition.

I am sorry to spill such a bib full of complex proposals in a very short time. Hopefully, when colleagues read the *Hansard* report of our debate, they will make sense. It is important that we have a concept of how the process could be done, and I am sure that we would be right to take our cue from the way in which the hereditary Peers elect from their own kind to replace Members as they fall by the wayside. I do not think it is that difficult. It can be done, and the sooner we get about doing it, the better.

4.16 pm

Lord Dubs (Lab): My Lords, I am delighted to have a chance to take part in this debate, and I am grateful to the noble Lord, Lord Cormack, for having initiated it. I am also grateful to the noble Lord, Lord Tebbit, who may be disconcerted to find that I have a large measure of agreement with what he said—unusually.

Of course we are too large, of course our functions must influence the size that we end up with, and of course the primacy of the Commons has to be maintained. I had the privilege of serving on the committee led by my noble friend Lady Taylor, and we came up with about 450 Members as the right size, with a number of other suggestions, most of which my noble friend has already iterated. Of course, we also need a bicameral system. I know in the past people have said that the easiest option is just to abolish this House and not replace it. I reject that entirely. I value this House and I feel very privileged to have been Member for some years—some would say for too long.

How do we move forward? I have one suggestion, which is meant seriously although it will be assumed I am not serious. Why do we not establish a position whereby those Members of this House who wish to stay as Members relinquish their titles, but if they leave the House they can retain their titles? I say that in all seriousness because I think it might work. The last time I raised it, people laughed at me, but we will see. I reject the idea that there is a case for appointing Peers for a fixed term of, say, 10 years. That, as my noble friend Lady Taylor said, simply means only

older people would do it. The younger ones would not because they would have a career left that they could not easily take up.

I think there are three options. First, we could have an elected House, or at least a 90% elected House. It is still the option I favour, although I agree it is not very popular here. Secondly, as my noble friend's committee suggested, we should reduce the House according to low levels of participation and high levels of years. That would enable us to get the House to be made smaller, although it would be contentious as to how it could be brought about. We need a constitutional commission to deal with this. A Select Committee has been suggested. Maybe that would work, but a constitutional commission might be better than a Select Committee because we would not be looking after our own.

Of course we must maintain a political balance, so that no one party dominates. At my age, I would be happy to fall on my sword provided that others also did so, or provided we had a clear-out of those who did not conform to the idea that they should be achieving a certain level of participation. On that basis, I would happily go, but others would have to join me as well. The Labour Party in this House is probably older than the other parties, so if we had a percentage reduction, that would hit the Labour Party much harder than other parties, so we have to be aware lest that might happen.

The question is whether the baseline for any change should be the percentage of existing Members here or bear some relationship to the strength in the Commons. I know that the Lib Dems would not be very keen on that, but would it not have some sort of logic? What I do not like—although it has not been suggested specifically—is what I call the Billy Bragg idea. He said that the House should be re-established not just after every election but that we should start again with zero membership and the political parties could appoint their Members. That would be a recipe for a sycophantic House, which is the last thing that we would want. Where would our level of independence go?

However, if we did it as the noble Lord, Lord Tebbit, suggested, and simply vote in each party group and on the Cross Benches for who should remain, based on a baseline percentage, I think that would work pretty well. I know that it has been called a circular firing squad, but I think it would not be a bad idea. After all, the hereditary Peers did that, way back in 1999, and it seemed to work quite well. That would be a quick and easy way—it would not deal with the sophistication of my noble friend's report, but it would be a quick and effective way in which to reduce the size of the House.

4.20 pm

Lord Jay of Ewelme (CB): My Lords, it is a pleasure to follow the noble Lord, Lord Dubs. I hope that he will not go just yet, because we would lose a huge amount in this House if he did. I am glad to take part briefly in this debate. I congratulate the noble Lord, Lord Cormack, on initiating the debate but also on the work of his group on the Campaign for an Effective Second Chamber. The title says it all: our constitution

needs a Second Chamber, not to challenge the primacy of the Commons but to revise and improve legislation and hold the Government to account through debates and committees.

As with all organisations, the House's ability to carry out its task effectively depends in good part on its reputation, and its reputation depends in good part on its size—and not just its size but on the rather haphazard and, to almost everyone outside the House, pretty incomprehensible way in which appointments and retirements are carried out. I agree with those who have said that the House is too large and should be reduced. I agree very much with the noble Baroness, Lady Taylor, that 450 is a good size. I shall not pursue that argument further now, although I am attracted by the arguments of the noble Lords, Lord Tebbit and Lord Dubs, on how we might bring that about.

The right way in which to address an issue as important to our constitution as the size of the House is through a properly constituted Select Committee of this House. I do not think that Leader's groups or other less formal groups would reflect the importance of the task to the House itself or to the constitution of this country. I am reinforced in that view by my five years as chairman of the House of Lords Appointments Commission. Those five years were a huge pleasure and, even more than that, an enormous privilege. But throughout those years, I felt uneasy that a task as important as nominating Cross-Benchers of this House and vetting political appointments for propriety should be carried out by a body that was accountable to the Prime Minister of the day and not accountable to your Lordships' House. I persuaded the Leader of the House of the day, the noble Baroness, Lady Royall, that I should be accountable on behalf of the commission to the Constitution Committee of this House once a year. That was not a natural thing for a former public servant to do, but it was important to do it.

It has been argued that any future appointments commission should be charged, in addition to its present functions, with selecting members of political parties on grounds of suitability, not just propriety. My noble friend Lady Boothroyd spoke very eloquently on that subject. Not only that, but it has sometimes been proposed that a new appointments commission should also decide which Members of the House should be obliged to retire and which might be allowed to stay. It goes without saying that such a commission, which would be not only an appointments commission but, I fear, a disappointments commission, would have to be on a statutory basis. I support those who argue that an effective second Chamber, which is a key element in our constitution, needs to be significantly smaller than today and that the right way to address these complex issues and get to that goal should be through a Select Committee of your Lordships' House.

4.25 pm

Lord Forsyth of Drumlean (Con): My Lords, it is a pleasure to follow the noble Lord, Lord Jay, with all his experience. I agree with every word he said. I also echo the thanks that have been expressed to the Leader of the House for making this debate possible. In the debate so far there already seems to be a degree of consensus which many people said did not exist.

The summer before last, I went to a wedding. I did not know many people there and I found myself on a round table for 12. Someone at the far side of the table leaned across and said: "Michael, are you still involved in front-line politics"? I said: "No, not at all, but I do try and do my bit in the House of Lords". To this, he said: "Oh, I expect you are like all the others: you turn up for five minutes and claim your £300". I shall not tell you what I responded, but I regret that this is a view which is widely held, not just about me but about every single person in this Chamber. Among the many important things said by the noble Lord, Lord Jay, the most important was that the effectiveness of this House depends upon our reputation: our reputation is at an all-time low. I know that Parliament goes through bad periods. When the other place caught fire, people were in the streets cheering the fact. There is nothing new in Parliament being unpopular, but as my noble friend Lady Stowell said, when she mentioned the impact of Brexit, this should, if nothing else, alert us to the dangers of ignoring the views of people and living in a bubble where you can pretend that things are different from what they are or that they are as you would like them to be.

The noble Lord, Lord Tyler, suggested that some people are so angry that they are in favour of abolition. When there are nine MPs in the other place at the end of the building and 104 Peers sitting on these Benches, I can see why they might be inclined towards abolition. We know that the work done in this place is immensely effective, not just in the Chamber but by the Select Committees. The Economic Affairs Select Committee—I declare an interest because I am on it—produced a brilliant report on the housing problem. I was even persuaded to go along with the fact that we needed to build more council houses. It was based on evidence and consensus. As my noble friend Lord Young said in the debate the other day, many of the ideas will be included in the Government's forthcoming White Paper. Did it get any publicity? A smidgen. Did anyone take any notice? Hardly any. Notwithstanding the excellent work done by the Information Committee and the officials who work to promote the House, this House really needs to do something about improving our PR and ability to communicate the work which we do here.

Some people say, and I agree, that the House is too large. However, there is absolutely no point in reducing its size if we do not put a limit on it. There is no point in having a limit if we do not do something about appointments. The noble Lord, Lord Jay, is much more tactful than I am. He said that he enjoyed being chairman of the Appointments Commission for five years. I would have found it an absolute nightmare, because that commission is used to justify appointments to this House. The public think that because they have been to the commission, all political appointments have been interviewed. They think they have actually been asked: have you got the time to do the job, are you prepared to make the commitment, what experience have you got? The Government tell people like me, who are appointing people to boards in financial services, that we must look at balance and experience; we must have a proper interview process and avoid any sense of patronage being used. Yet when it comes to

[LORD FORSYTH OF DRUMLEAN]

the most important body in the land, which is responsible for revising legislation, there is no interview process. I asked a question the other day and my noble friend—I know she did not have a choice—answered that the Government felt it was up to the political parties to be accountable for the appointments that they make. Where is the accountability for some of the appointments that have been made in the past? I believe that the Appointments Commission, like every other organisation, should be able to interview people before they are appointed to this place to see whether they have the necessary qualities.

My noble friend Lady Stowell talked about the importance of the House's role in revising legislation and helping the Government to achieve the best legislation. However, we are not the Executive's little helpers; we are here to make sure that they are held to account. I regret to say that I loyally voted with the Government on the tax credits measure. However, when we voted down the secondary legislation on tax credits, we did the Government an enormous favour and saved millions of people in our country from a huge loss of benefits. When the measure went to the other end of the building, what happened? They all woke up to the measure's consequences, and the Chancellor dropped the proposal entirely because he could not get it through the House of Commons, not because he could not get it through the House of Lords. Therefore, I believe that this House does an excellent job. It needs to be reduced in size. I agree with many of the ideas put forward by my noble friend Lord Tebbit and by my noble friend Lord Cormack in his excellent address. This is not the occasion to work out how we do that but we need to do it now. The Motion does not say how it should be done. There should be a Select Committee to bring forward recommendations so that we are in a position to go into another Parliament with a House that commands the respect that this place deserves for the excellent work which it does.

Noble Lords: Hear, hear!

Southern Rail Services

Statement

4.31 pm

The Parliamentary Under-Secretary of State, Department for Transport (Lord Ahmad of Wimbledon) (Con): My Lords, with the leave of the House, I shall now repeat in the form of a Statement the Answer given earlier today by my honourable friend the Parliamentary Under-Secretary of State for Transport to an Urgent Question on Southern Rail services. The Statement is as follows.

“Performance on the Southern network has been affected by a combination of factors over the previous months. These have included trade union action, infrastructure reliability and operator issues. The unions have stepped up their industrial action in the run-up to Christmas, additionally co-ordinating it with action on the Underground network. Let me be clear: this strike action is politically motivated and has affected passengers for far too long. Union leaders have even

described the action as ‘carrying on Fidel’s work’. This will be of no comfort to passengers who just want to get to work.

I have a letter here to the Member for Bexhill and Battle from the Director of Railway Safety at the Office of Rail and Road. Responding to the safety concern from the unions, Ian Prosser says, ‘DOO is safe’. So the RMT and ASLEF should not be misleading the public about their dispute with GTR. Once again I can assure the hard-working staff on the GTR franchise. No train staff are losing pay and no one is losing their job.

Passengers want and deserve improvements which is why, in September, the Secretary of State appointed Chris Gibb, a leading railways professional, to work with the operator and Network Rail to identify areas where performance on the network can be improved quickly. Some of these £20 million of interventions are already under way and will be making a significant difference now. However, owing to continued industrial action by RMT, and now the planned action by ASLEF, Southern Rail services are to be subject to delays and alterations now and over the coming weeks.

In recognition of the disruption to services this year, the Secretary of State announced on 2 December a refund package that will compensate season ticket holders with a package equivalent to one free month in acknowledgement of the exceptional issues experienced this year. He also announced that GTR will be the first franchise to introduce Delay Repay 15, starting on 11 December. But compensation is not enough—we have to restore timely, predictable and punctual rail services. That is why the work of Mr Gibb is focusing on reducing the Network Rail faults. It is why we have new safe DOO trains that can cope with the volume of people wanting to use them. It is why I will continue to ensure that the management of the train operating company is doing everything in its power to run improved services. But we also need the union leaders to stop their needless, unreliable and disproportionate politically motivated strike”.

My Lords, that concludes the Statement.

4.34 pm

Lord Rosser (Lab): I thank the Minister for repeating the Answer to the Urgent Question that was asked earlier today in the other place. Southern’s poor service record stretches back to mid-2015, so it is not simply related to any current dispute with its staff. Yet passengers face government-sanctioned above-inflation fare increases in just a few weeks.

I have two questions. First, is it the Government’s view that the actions and decisions of both sides have contributed to the current dispute, or do the Government fully support Southern in everything it has done over the last 18 months on quality of service and industrial relations issues? Secondly, what is the total amount of financial support the Government have so far provided or announced that they will provide, as a consequence of the dispute, to GTR, Southern’s owner, either directly or indirectly? Alternatively, will the owner have to bear the full costs of any loss of its revenue, payment of compensation or penalties for any breaches of contract as a result of the impact of the dispute on the level of

service being provided and the numbers of passengers travelling? I imagine that the House will take a dim view if the Minister prays in aid commercial confidentiality for not responding to my question about the extent or otherwise of financial support.

Lord Ahmad of Wimbledon: My Lords, I thank the noble Lord for his questions. He asked whether the Government are supporting one side over the other. The Government support the need to get this service back on track to get it running for the benefit of those long-suffering passengers. Therefore the short answer is that of course actions and improvements are required from both sides on this dispute. The noble Lord also asked about issues relating to the compensation that has been paid. I will write to him with the specific details.

Lord Snape (Lab): My Lords, as, I suspect, the only former railway guard who is a Member of your Lordships' House, I point out that the Government bear some responsibility for this dispute. They insist, to a supposedly privatised railway, that new rolling stock is geared for driver-only operation. They insist, to a supposedly privatised railway, that driver-only operation is perfectly safe. They refuse to listen to ASLEF, the drivers' union, which points out that on a 12-coach commuter train, the driver—who might stop at 50 different stations during the course of an eight-hour shift—has six television screens to look at each time. Understandably, that union feels that the driver's concentration is not what it should be at the end of an eight-hour shift. The Government and the train operating companies refuse to acknowledge the fact that the second person on the train does not just collect tickets and check revenue, which is all the train operating companies care about, but help passengers on and off the train, particularly those with disabilities who cannot get on and off it themselves. Finally, will the Minister finally accept that it ill serves all of us to have to listen to the sort of claptrap about Cuba and Fidel that he has just subjected us to?

Lord Ahmad of Wimbledon: My Lords, I will respond to the substantive questions that the noble Lord—

Lord Snape: The Minister never responds at all.

Lord Ahmad of Wimbledon: I always seek to respond to all. The noble Lord obviously speaks from personal experience of the industry, which is always respected in this House. He raised the issue of the dispute. I remind noble Lords that 230 of the 232 who are concerned or involved with this dispute have already signed new contracts for the DOO system. The noble Lord raises, and is right to raise, important issues of health and safety. I assure him that, as I mentioned in the Statement I repeated, Ian Prosser of the ORR specifically wrote to my honourable friend in the other place, the Member for Bexhill and Battle, having looked at all the issues, including those raised by the noble Lord on health and safety, and after all the checks had been conducted he concluded that this service is safe and continues to be safe. In response to the noble Lord's specific questions, I am happy to share the details of that letter with him. The health and safety

issues that he has rightly raised in this House have been addressed by the Government and we have also had discussions about them with the ORR.

Baroness Randerson (LD): My Lords, it seems that the regular Christmas rail chaos will be even worse on Southern. We have already had more than 18 months of rail chaos, and in many cases passengers in that area have no alternative but to travel on those trains. Some of them have lost their jobs and some have certainly missed vital appointments. There seems to be stalemate in this dispute, with the economy of the south-east being very seriously damaged by it. The Government appear to be determined to beat the union and the union is equally determined to beat the Government. The Secretary of State said that it was his priority when he came into post, and I ask the Minister whether that remains the case. If so, I dread to think what happens to the things further down his list. He seems to have made no progress on this.

Will the Government consider cancelling the fare rise due to come in at the beginning of next year? It seems greatly unfair for passengers on this line to face higher fares for a lower and lower standard of service. Finally, has the Minister made any progress on the issue that I raised with him earlier—that is, accepting claims for compensation via apps?

Lord Ahmad of Wimbledon: The noble Baroness raises some important points. On the fares increase, the Government have recently announced a substantial compensation package, which reflects the priority that the Secretary of State is giving this issue. The compensation will reflect the challenges—the delays and cancellations—that have impacted on the people using the service.

I have taken back to the department the noble Baroness's point about the apps. We are looking at what measures can be put in place to ensure that claims for compensation are dealt with effectively and efficiently.

On the question of prioritising this issue, the Secretary of State and my honourable friend the Rail Minister, whose Statement I have repeated, are both dealing directly with this matter. The noble Baroness will be aware that the Rail Minister meets Network Rail and GTR weekly and that I recently held a briefing session for all Peers on this important issue. During that meeting I gave an assurance that the Rail Minister and I will continue to have formal quarterly updates to ensure that the challenges facing commuters, including Members of your Lordships' House, are prioritised appropriately and that the relevant issues are brought to bear on the railway operator.

Viscount Goschen (Con): My Lords, I declare my interest as someone who has attempted to use this service. I thank my noble friend for arranging that extremely helpful briefing meeting with his colleague, the Rail Minister.

Do my noble friend and the Government have confidence in Southern's ability to deliver an effective rail service? When does he think that this appalling and unacceptable situation, in which a very large area of the country is no longer served by a predictable rail service, will be resolved? Has not the time come for

[VISCOUNT GOSCHEN]

stronger action by the Government? Perhaps my noble friend can also help me and other people who use the railway to understand why the RMT is still on strike when the majority of the conductors have agreed to the new contract.

Lord Ahmad of Wimbledon: I assure my noble friend that the Government are looking for this long-standing dispute to be resolved as quickly as possible and have repeatedly called on all sides to come back to the negotiating table. I acknowledge that there are three elements to this issue, as set out in the Statement. First, there is the industrial action, which needs to be resolved. Secondly, why the strike persists when the substantial majority of those impacted—230 out of 232—have signed new contracts is a question for the unions to answer. The third element in the equation is, of course, the issue with Network Rail, which is responsible for the infrastructure. In that regard, the appointment of Chris Gibb to work specifically with both the franchise operator and Network Rail will ensure that we can identify the issues and, more importantly, address them as quickly and efficiently as possible. His report is due with the Secretary of State at the end of this year.

House of Lords: Size *Motion to Resolve (Continued)*

4.45 pm

Lord Rennard (LD): My Lords, when I was introduced to the House in 1999, there were more than 1,000 Members, and if all the hereditary Peers entitled to claim membership had done so, the size of the House might have been as high as 1,400. There should, therefore, be proper perspective in these debates about the fact that the House now comprises an actual membership of 809, of whom about 500 are active. This figure of active Members is not much higher than the figure of 450 proposed for a reformed House in the 2012 House of Lords Reform Bill. That figure was agreed by a Joint Committee of both Houses as the minimum number in a reformed House that would have enabled the House to function and to provide proper representation of political opinion in the nations and regions of the UK. So how have we got to a point at which the reputation of the House now suffers as its absolute membership has grown from not much more than 600 when most of the hereditary peers departed in 1999 to more than 800 today?

Apart from the obvious failure to achieve fundamental reform of the House, as advocated by my party since the days of Asquith, I would draw attention to two particular issues. The first is the failure to end the process of electing replacement hereditary Peers. I have compared these by-elections before to the fictional by-election called by Edmund Blackadder, in which he was the only elector and his sole vote resulted in the election to Parliament of his servant Baldrick. Ending the embarrassment of these by-elections won the approval of the House of Commons during consideration of the last Labour Government's Constitutional Reform

and Governance Bill. However, this sensible measure did not survive the so-called wash-up when the general election was called in 2010.

Subsequent attempts by my noble friend Lord Steel of Aikwood to end these by-elections were then frustrated by the threat of filibuster. I hope that the noble Lord, Lord Grocott, will have more success with his Bill. The fact is that Tony Blair may have promised a temporary reprieve for some hereditary Peers pending further reform of the House, but no Prime Minister or Parliament can bind their successors. The ending of the by-elections for hereditary Peers is long overdue and must be at least part of the solution to the issue that we are addressing today.

The second and more significant reason why the House has become so large, as so many Peers have said in this debate, is simply that recent Prime Ministers have made so many appointments. David Cameron was responsible for the creation of 261 Peers, at a rate of 43 per year since 2010. This figure has far exceeded the rate of resignations or deaths, so the size of the House has risen by more than 100 in six years. The problem now is that, save for proper public elections, there is no sensible way to reverse that increase by a significant margin and no real reason to do so if the patronage of Prime Ministers and party leaders simply allows many more people to be appointed instead.

Many arguments would be made about age discrimination if an age limit were proposed. That proposal, in my view, is unlikely to succeed in a body where the average age of Members is 69. Nor do I think that there is an easy remedy to be found in the imposition of party quotas involving internal elections to determine who should remain. That would just lead to a tea-room offensive, in which Peers attempt to arrange who would vote for whom. Successful candidates would generally require just the vote of one other Peer in order to succeed—the kind of election of which Blackadder would have approved. So if we are to reduce our size and increase public credibility for the crucial role that we play, the public must have a proper say in the composition of the House.

4.50 pm

Baroness D'Souza (CB): My Lords, a common comment on the deliberations in this House is that, while everything has been said, not everyone has yet said it. This time, almost everyone is going to say it because we want the message to be heard loud and clear, both within and without the Chamber. It is after all worth advertising the fact that there is now a high degree of consensus, if not on fundamental reform at least on transition, which is a rare thing.

I want to underline the four issues we have all talked about: that the Lords should be no more numerous than the House of Commons, which means, in the context of electoral reform, less than 600; that the independent or Cross-Bench Peers should remain at all times at 20% of the total number of Peers; that the political balance in the House should broadly reflect the average number of votes cast in, say, the last three general elections and that no political grouping has an overall political majority; and, finally, that there be a statutory body in due course to vet both the propriety and potential contribution of nominees.

Given that today's debate is not, and cannot be, about mechanisms, we request that a Select Committee be set up within the next couple of months to review mechanisms and put forward realistic recommendations to the Government. We ask also that the resulting recommendations be implemented by the time of the next general election.

History shows that the Lords fares best when small, incremental changes are introduced and allowed time to bed down. We have, for example, introduced voluntary retirement, the possibility of expulsion for serious misbehaviour and a host of other procedural changes in the past few years. The reforms most urgently needed now fall well within the category of moderate adjustments.

Quite simply, the House of Lords is unnecessarily inflated. Much work has been done on what might constitute an appropriate size—for example, the thoughtful report by Labour Peers, which suggested that 450 Members would be adequate to fulfil all the functions of the Lords. Other proposals have put the number as low as 300. In this context, the principle that the Chamber's current size should be reduced by the next general election to no larger than the House of Commons—that is, 600 Peers—is a modest proposal.

It has of course not escaped any of our notice that we are addressing the patronage power of the Prime Minister of the day and also the authority of the royal prerogative. It is the royal prerogative that allows Prime Ministers to appoint Peers. Royal prerogatives may be ancient powers, but that does not mean that they should be treated as sacrosanct. The issue should not be insurmountable. The royal prerogative has, after all, been overridden in the past several times. The constitutional principles that govern our democracy insist that Ministers are constitutionally responsible to Parliament for the discharge of all their functions and the exercise of all their powers. Over time, legislation has limited the extent of the prerogative power, including, in some cases, abolishing it: for example, the Civil Contingencies Act 2004 covers a range of situations where previously the royal prerogative might have been used; there is the Fixed-term Parliaments Act; and, although not codified, the power is now constrained by convention in matters concerning the deployment of the Armed Forces. Hence, should Parliament wish to curtail the Prime Minister of the day in his or her exercise of patronage, it could do so.

This House acting together has considerable influence. In the long history of House of Lords reform, our downfall has been, in large part, the disagreements based on party politics and the ever divisive issue of an elected versus appointed House. This debate is not about that. It is about relatively modest, sensible and consensual change to allow this House to be effective and, with luck, to regain a measure of public respect through choosing to reform itself. Both Peers and the Prime Minister should now make a commitment to preserving the integrity and effectiveness of Parliament as a matter of public interest and public duty.

4.54 pm

Lord Elton (Con): My Lords, there are people who think it is quite unnecessary for us to do anything at the present time—not many of them are in this Chamber.

There are others in this Chamber who do not recognise the urgency of the situation we find ourselves in. I say that not looking inwards at Parliament, or even narrowly through the pearlised bubble of Westminster at our own electorate, but at the electorates of the western world, who increasingly are changing the question they are asking. In the past it has been, "Is this lot more likely to do me good, or is that lot?". Now it is already changed into, "Well, none of those is much good, so we must look at people with more extreme views". It worries me deeply how the centre is weakening in Europe and the extent to which both ends of the political spectrum are getting stronger. Being a little older than some, but not many, in this House, I remember the overtones of the Spanish Civil War. We are going on a dangerous course, and we are in a way affected by it. We realised that with the Brexit vote and the electorate discovering that the parliamentarians did not know what they, the electorate, were thinking.

In those circumstances, we need to analyse a little more what is going on. In this country, the new question that I believe is about to be asked—it is being asked in some places and anticipated on both wings of the political spectrum—is not, "Is democracy working for me?", but, "Can democracy ever work for me?". That is fertile ground for extremists, it is fertile ground for intellectuals and it is fertile ground for irresponsible politicians. It puts before the organised ones what they would call a great opportunity to recruit and establish in the public mind a doubt as to the efficacy of democracy and of Parliament, and indeed, where possible, to infiltrate Parliament. Where there is a constituency of a political colour not so bright but of the same of their own, and where there is a weak Executive, the opportunity is plainly there and desirable to them to deselect and get their own man in.

This is not over the horizon yet, but in dangerous times it is as well to be pessimistic so that one is prepared for the worst. I see very dangerous times ahead. I agree with the noble Lord, Lord Jay of Ewelme, and my noble friend Lord Forsyth, who echoed his view, that the effectiveness of Parliament—he said of this House—depends on its reputation. Where there is a disaffected majority in the political spectrum of the electorate, it is open to extremists to start teaching it that Parliament is not their refuge but a laughable obstruction on the road to their betterment. Those operators do not believe in democracy at all, but in power on the streets and violence to implement their views.

I know I sound rather extreme in my views, but I have read history and seen what has happened before, and how apparently stable democracies can be rocked to their foundations and even toppled by the most unexpected upsurge of anti-democratic discontent. We do not now have the same population as we had in my youth. We are not so stable in our views; we are not so united as a nation. We have therefore to take great care over where we go next.

The first thing we have to do is to restore the reputation of Parliament. We who are here can restore the reputation only of this House of Parliament and undertake only the simplest step, because of the difficulty of legislation at such a pressured time. We must not absorb too much legislative time, so we need to agree

[LORD ELTON]

in advance what the legislation shall be. I have tried exactly that on a micro scale as an amateur with a Private Member's Bill. It is laughable that the first, simplest and most obviously necessary step in reform should be urged by an antediluvian, hereditary Peer washed up on the Back Benches in 1999; it needs to be undertaken with the strength and majesty of the whole House and entrusted to a Select Committee, which should have the remit certainly to deal with size but I hope with more. Size will not be enough; we have to return to being the arbiters of the voice of the nation, the protectors of democracy in this country, and not merely the laughable obstruction which the opposition outside Parliament would like us to be.

5.01 pm

Baroness McIntosh of Hudnall (Lab): My Lords, a great deal of what needs to be said has already been said, and repetition is inevitable. It is also quite daunting to come on to the stage after so many star actors have already done their turn, but I shall press on. I do so speaking as a member of the Campaign for an Effective Second Chamber, so ably and consistently led by the noble Lords, Lord Cormack and Lord Norton, without whose tireless advocacy I think it is fair to say this debate would not be taking place. We have much to be grateful to them for.

I speak also with experience of membership of the Labour Peers' Working Group, to which my noble friends Lady Taylor and Lord Dubs referred and whose 2014 report has already been mentioned. I have also been a member of several other informal groups during what is now getting around to being nearly a decade. Over all that time and with all that talking, thinking and writing, the emphases of conclusions may have been different from time to time, but the issue of numbers has been increasingly prominent, especially since 2010.

As has already been said cogently, most recently by the noble Lord, Lord Elton, but also by others who preceded him, we live in dangerous political times, both here and elsewhere. There are huge challenges ahead. It is vital that our institutions are able to meet those challenges robustly. They must be trusted. At the moment, the House of Lords is particularly vulnerable. It is true that the issue of numbers is partly a practical matter, but it is so only partly—although the growing cost of the House is not insignificant. We in the House know what the realities are: probably that no more than 500 of us are regularly active. But the continuing ability of hostile commentators to portray us as bloated, self-serving and unrepresentative—all adjectives which we have already heard today—severely undermines that precious thing, our reputation, and allows the vital scrutiny, committee and other work that we do to be either overlooked or wilfully misrepresented, which happens a great deal.

The Government have made it clear that they have no intention of embarking on parliamentary reform on any scale any time soon—which is no surprise given everything else they have in front of them. However, we should not let this Parliament go by without doing what we can to address the concerns raised here today and elsewhere. I support the aim of

this Motion and ask the Leader of the House, when she comes to reply, to support the establishment of a Select Committee as soon as possible to investigate how numbers can be reduced and then capped at a manageable level, taking as a framework the key criteria of the noble Lord, Lord Cormack, about—as we have heard many times already—the essential primacy of the Commons, this House not being larger than the Commons, the 20% of Cross-Benchers and no one party having an overall majority.

Much work has already been done, including by the Labour Peers' Working Group and others, that would assist such a Select Committee. It ought not to need to sit for a protracted period. I really hope that by the end of this debate there will be enough support shown—I believe a consensus is building—for it to be obvious to the Leader that she should take that particular project under her wing.

I will say one brief word about a matter that I do not think has yet been raised in this debate, and I do so with a certain amount of trepidation: it is the issue of restoration and renewal. I have been around a few restorations and renewals of iconic buildings, not ever on this scale but some of them with enormous controversy attached. When you undertake a project of that kind, particularly where public money is involved, controversy is almost inevitable. How do you overcome that? You do so by demonstrating through the creation of a better building that you will also create a better institution. Such an opportunity is before us now. I know not everyone agrees with exactly how the restoration and renewal project should be undertaken; indeed, we have not yet had a chance to debate that. However, it is pretty obvious that the building needs it—so does the institution. Let us take this opportunity to get ahead on the institution so that it is in good shape before the building catches up.

5.06 pm

Lord Kerr of Kinlochard (CB): My Lords, I thank the noble Lord, Lord Cormack, for securing this debate and for the indefatigable work of his group, along with the noble Lord, Lord Norton. I add a word of thanks to the Leader for permitting this debate. Her presence here is a very good omen.

Shortly after the last election, David Cameron kindly came to speak to a meeting of Cross-Benchers and I asked him what he thought was the optimal size of the House of Lords. He laughed and said, "A lot smaller than it now is; it is up to you to fix it". Some of us then pointed out that a bath may still overflow even when the plug is removed if both taps are turned full on. He laughed again—and of course had the last laugh in his Dissolution Honours List, about which my noble friend Lady Boothroyd said all that we need say today.

Mr Cameron was half right: we can fix it. We do not need legislation. It would be good, once we have reform, to have legislation to underpin and consolidate that reform but we can do it ourselves. We can amend our Standing Orders; we can do it by resolution of this House. That is what we must do. I agree with all four principles put forward by the noble Lord, Lord Cormack, and repeated by my noble friend Lady D'Souza and others. It is clear that we are too big, that we must go

on recognising the primacy of the Commons, and that, as a revising Chamber, we need an independent element. It is probably right that we should be no larger than the House of Commons. That is enough as a framework for reform.

I do not think we should attempt today to put forward our own formula or systems for bringing about that change. We need to call for a Select Committee—as others did—and then tell it to get a move on. If I have a quarrel with the Motion, it is that it merely says that “methods should be explored” by which our size should be reduced. We want not just exploration but a recommendation to come forward from the Select Committee—a single recommendation and the one most likely to command consensus in this House.

I strongly support the Motion but would merely add one personal point of my own. We must take care, as we shrink, to leave room for those underrepresented or not represented here. It is not right that UKIP, with all those votes at the last election, should be represented by only three Members in this House. Of course, it is a pity that none of them is taking part in this debate. One would hope that UKIP Members of the House of Lords would not emulate their friends in Brussels and miss most debates and Divisions, as they do in the European Parliament. But it is democratically wrong that there are so few of them here. It is also unfair that we ask so much of the single representative of the Welsh nationalist party—superman though he is, he could do with some reinforcement. Most seriously, the Scottish National Party needs to think very hard about whether it is fair to its voters that its voice should not be heard at all in this Chamber. It is a matter of dogma, but dogma that is self-harming needs ditching.

5.10 pm

The Earl of Caithness (Con): My Lords, notwithstanding the Elton and Grocott Bills that are before us, we have our annual debate on the size of the House. The previous one was in September last year. It seems to be our annual navel-gazing. I was deeply saddened by the way in which my noble friend Lord Cormack introduced the debate because he said that he was speaking on behalf of his campaign group. I hope that none of us here speaks on behalf of a group. We speak for ourselves. The group might agree with us but if we start speaking on behalf of groups we will fundamentally change the reason for us being here.

We are talking again about the size of the House. In overall numbers, which is one way of measuring it, we are down to 64% of the size the House was at its height, some 19 years ago. In actual attendance numbers, we are up about 10% since 1999 but that still makes us about 20% smaller than the House of Commons. Limiting the size of the House will have a detrimental effect on the number of Peers who can come here on a part-time basis. In saying that, I look at history. Your Lordships have only to study what happened to the Scottish Peers after the Acts of Union 1707, when the number of Scottish Peers was reduced to 16. The influence that the Whips and the Governments had immediately after that on the selection process is a lesson that we should take note of. It will be equally relevant to this House. Indeed, the elections in 1999

following the dismissal of most of the hereditary Peers showed that those who were elected were not the part-time ones but the ones who attended on a regular basis. If we believe that working part time is a function of this House, limiting the size is not the way to do it.

If we are going to limit size, we must also limit the power of patronage of the Prime Minister, as the noble Baroness, Lady Boothroyd, and my noble friend Lord Tebbit said. That cannot be allowed to continue unabated. But size is just one of the problems of this House and if we focus on size alone, we will be doing ourselves a disservice. We need to look at the function of the House. We have been told that we need to have a bicameral system in the United Kingdom. That is only partly true. We do not have a bicameral system in the whole United Kingdom. Look at Scotland and Wales: a lot of their legislation is not considered by a bicameral parliament and we do not have a say in it here. The British constitution has adopted a bicameral system but we need to look also at how we function and, indeed, how the House of Commons functions.

We ought to remain a revising Chamber. If we look at what has happened with the Policing and Crime Bill, in the House of Commons there were 112 clauses and 12 schedules; there were amendments to only 25 clauses and five schedules—a quarter of the clauses and fewer than half the schedules. We have important work to do and in order to do that work we need the right composition. My noble friend Lord Elton said how important it was that the reputation of the House was upheld. I believe that a key part of our reputation is our composition.

Is our age structure right? Is it right that the average age in the House is 69, in an unelected Chamber, or that only 26% of the House are women? These are areas of criticism. Is it right that a quarter of those Peers appointed to Parliament since 1999 have been former politicians and that a further 7% have been linked to a party either in senior positions or as working for it? When Members of Parliament are held in such low esteem, perhaps we ought to look at that as well.

On a regional basis, the present House is tilted entirely towards the south-east—here I know that I will get support from the noble Lord, Lord Foulkes. It is extremely difficult to operate effectively in this House if you live in a remote area of the country. The business of the House and the decisions of the party Whips make it virtually impossible. I repeat that when I lived in the north of Scotland, in order to guarantee being here for a Monday afternoon I had to leave on Sunday evening. That is not an effective system; it is open to abuse and criticism. Let us not believe that solving the size problem is going to solve our reputation. It is not.

5.16 pm

Lord Rooker (Lab): My Lords, I too thank the Leader of the House and the Chief Whip for allowing this debate in government prime time, and the noble Lord, Lord Cormack, for kicking it off. I have heard all the speeches and the one I really want to applaud is that of the noble Lord, Lord Forsyth of Drumlean—if only because he touched on a theme which I want to

[LORD ROOKER]

mention, which has so far not been used to much effect. I accept that the Lords is far too big; so, I have to say, is the Commons, notwithstanding the fact that its membership is to be reduced. However, we need to be clear on our functions and powers.

I always start the Peers in Schools sessions, as I will on Friday in south Bromsgrove, by saying that the Lords is in effect a very large sub-committee of the Commons. We are not equal Houses of Parliament because the Commons can force legislation upon the Lords, but the Lords cannot force legislation upon the Commons. We are the thinking Chamber that thinks for itself and, from time to time, we request the Commons to think again on some issues. The Government's defeats here are only a request to the Commons to think again. They have the final say; we simply ask them to have another look. We of course need to check on the material sent to us from the Commons because they do not check much of it themselves. I agree that the Lords should be about two-thirds the size of the Commons. This should not be rigid but it should be less than the Commons. By the way, I would not start legislation in the Lords and that way, all Bills would be subject to the Parliament Acts.

I come to what the noble Lord, Lord Forsyth, said and I will make a couple of small points. The Peers in Schools programme needs extending to peers in Whitehall and peers in the Commons. We need to confront the ignorance about our function and powers. From my experience in Whitehall—two departments while in the Commons and four in your Lordships' House—civil servants are fearful of the Lords. They do not understand the Lords because they are ignorant about it, which causes problems within the departments. Not enough civil servants, even the senior ones, have worked in Lords Ministers' private offices. There is massive ignorance in those departments about the Lords so they become fearful of us, which need not be the case.

I fully accept that I was ignorant before about this place. When I was in the other place as a Minister, I paid not the slightest attention to my noble friends Lord Donoughue and Lady Hollis when they said at departmental meetings. "I've got a Starred Question" or "I have to stay all night". I never paid any attention to what they said but I soon found out when I came here what they were on about. However, I will never forget the day when I, as a humble Minister of State, went with my noble friend Lord Grocott, who was the government Chief Whip, to attend the senior Cabinet committee in charge of legislation. We were merely explaining the rules and processes here in the Lords but the chair wagged their finger at us and said that we had gone native, based purely on ignorance about what we were trying to explain. So far, that person has not arrived in your Lordships' House.

Ministers also need the odd information session. This is especially the case—I say this of one in retrospect and the other with experience—for senior Ministers who have never operated at junior level. That was the case in 1997, when I did not pick it up, but in 2010 I certainly did. We are not a threat, but there was something missing in the corporate memory of those

Ministers and those teams at that point in time when they had never operated in respect of the Lords. We are here to help.

We are also here to stop an Executive takeover of Parliament—not enough is made of that. I can tell you this: every move that is made across the road is bit by bit seeking to get Executive control of Parliament, and we should stop that. We should insist on the rule of parliamentary law. Sometimes we have to stiffen the backbone of MPs. The example that the noble Lord, Lord Forsyth, gave was about tax credits. That was a classic example. It should have been a Bill. We all know that if it had been a Bill the Commons and the Government could have had their way because they get the last word, and they were getting around the parliamentary rules. We can carry out our function and exercise our powers a lot better with fewer Peers, and we should get on with it.

5.21 pm

Lord Low of Dalston (CB): My Lords, it is always a pleasure to follow the noble Lord, Lord Rooker, even if it means that my own humble efforts are likely to be put in the shade. I begin by declaring my interests as a member of the House of Lords Appointments Commission, but I make it clear that anything I say today is said in a purely personal capacity.

The size of the House should certainly be reduced. There are three reasons for this. The first has to do with the character of its membership and its relationship to the House of Commons. Its membership is open-ended, uncontrolled and spiralling out of control. From 666 Members in 1999, membership rose by about 50 in the 11 years to 2010. Since then, it has grown by approximately 150 more to more than 800. It is one-third bigger than the Commons and will be more than that when the number in the Commons is reduced to 600. The UK is the only country in the world with a bicameral system where the second Chamber is larger than the first.

Secondly, the rapid rise in numbers has made the House dysfunctional. Has any noble Lord tried getting on the internet lately? The noble Baroness, Lady D'Souza, spoke of overcrowding, inefficiency and the enormous burden on both the administration and the taxpayer. In the past five years, the average daily attendance has risen from 388 to 483, an increase of 95. That is up to £28,500 a day more in allowances—which, if the House sat for only 100 days a year, would come to nearly £3 million annually.

The third reason concerns the reputation of the House. Newspaper editorials used, on balance, to be positive about the Lords, but they have become increasingly negative of late. During the 2010 to 2015 Parliament, negative editorials outnumbered positive ones by three to one. I think the House of Lords is often respected by the general public as the conscience of the nation for the way it holds the Government to account and mitigates the worst features of legislation. But this good work is increasingly being obscured by stories about excessive appointments, anachronism, cronyism and sleaze. On account of all the good work the House does, I have heard people say that such unfavourable comment is just perception inflamed by our detractors which bears no relation to reality and that we do not need to worry too much about it. But

such perceptions from influential quarters, especially if they come to predominate, can easily influence wider perceptions of reality, and the growing size of the House can come to pose a serious threat to its reputation and hence to its effectiveness, as the noble Lord, Lord Jay, has said.

I am therefore certainly in favour of the first part of the Motion, that the size of the House should be reduced—I would think by about 250 to something like 550 or 600, so that it is no larger than the House of Commons, even if that body's numbers are reduced to 600 with the boundary changes. I do not think that this debate can get to the bottom of the question of how, precisely, that is to be achieved. For that, I think we need the Select Committee that so many noble Lords have spoken in favour of—a Select Committee that can go in detail into all the pros and cons of the various methods that have been suggested, such as fixed terms, a retirement age, a minimum attendance requirement, elections in groups, and so on.

The much-respected authority on the House of Lords, Professor Meg Russell of the Constitution Unit at University College London, in a recent blog post, has outlined four key elements which need to be part of any package of measures if it is to succeed. The first is an initial cull to effect the required reduction, using age limits, attendance requirements or elections as deemed appropriate. The second is a cap on the size of the House at somewhere round about the number reached as a result of the cull. That is essential if the initial cull is not to unravel as a result of the Prime Minister's use of their unfettered power to make new appointments. As Professor Russell wrote in an earlier blog covering her 2015 report, *Enough is Enough*:

“Because each Prime Minister appoints more of their own, each change in government results in tit-for-tat action by the new Prime Minister to catch up. This has a continuous upward ratchet effect on the size of the chamber”.

Thirdly, and following directly from that, there needs to be a restriction on the number of new appointments that can be made. The Prime Minister would only be able to appoint to fill vacancies. This is the system that prevails in relation to the Canadian Senate. Finally, it will be necessary to have some fair principles covering the sharing out of new appointments between the groups.

We have no time to lose. I said over a year ago that publicity hostile to the Lords had reached a tipping point. It is important that we are seen to be proactive in addressing this question of numbers. We need the Select Committee and we need it soon, with a specified date by which to report.

5.27 pm

Lord Goodlad (Con): My Lords, it is a great privilege to follow the wise remarks of the noble Lord, Lord Low of Dalston. I join other noble Lords in congratulating the Government on making time for this debate today and my noble friend Lord Cormack on securing it and on the content of his remarks, which, as usual, I find myself in substantial agreement with. I salute, too, the work of the Campaign for an Effective Second Chamber, which he and my noble friend Lord Norton of Louth, together with others from all sides of both Houses,

have worked hard in for a number of years. They have done extremely valuable work, which we are beholden to build on.

The Leader's Group, chaired by my noble friend Lord Hunt of Wirral, set out the various options for reducing the size of the House of Lords. Most noble Lords have their own views on their preferred choice for how that should be achieved, as does almost everybody in the country. They are not of one mind—“quot homines, tot sententiae”. The Second Reading debate on the Bill introduced by my noble friend Lord Elton—a Bill which he imaginatively and wisely designed, after very wide consultation, to be uncontentious, proved beyond peradventure that there is at present no consensus in this House, far less unanimity, on the best way forward. If proof were needed, the remarks of my noble friend and chieftain Lord Caithness would underline that.

As the old saying goes: when in doubt, set up another committee. I do not think that on this occasion there should be a collective sigh of resignation. Select Committees in this House have a record of coming up with recommendations and, as others have said, I hope there will be recommendations that lead to practical outcomes. The basis for such recommendations is already there: a House no more numerous than the other place; no party or grouping to have an overall majority; a substantial proportion of the seats to be Cross-Benchers; and the primacy of the other place to be preserved.

The very welcome decision by the Public Administration and Constitutional Affairs Committee of the other place to take evidence and produce a report on this subject suggests that it might be timely to consider setting up not only a Select Committee of this House but a Joint Committee of both Houses to make recommendations about the best way forward, because we have to take the other House with us and it might save time in the end. Still, that is perhaps for another day; I would not expect my noble friend the Leader of the House to respond to that. Either way, a decision to establish a Select Committee of this House or indeed a Joint Committee would have my wholehearted support.

5.31 pm

Baroness Howe of Idlicote (CB): My Lords, as a member of his committee, I thank the noble Lord, Lord Cormack, for his excellent speech and for his kind words about Geoffrey, who I am quite certain is listening intently to all that is said today.

Change is, of course, inevitable in a parliamentary democracy. From what we have all heard so far, we are all clearly of the view that the time for change to downsize the numbers in your Lordships' House can no longer be ignored. I arrived in 2001 via a new system for selecting Cross-Bench Members, and we brought with us a slightly extended role for Cross-Benchers. At that time there was ample seating for everyone. Today, though, the relentless—I would even say cynical—increase in your Lordships' numbers by successive Governments to over 800 has become intolerable. Indeed, if you want to be seated in the Chamber for the start of Questions, you must be there for Prayers by 2.15; no doubt this is good recruitment for the Church.

[BARONESS HOWE OF IDLICOTE]

How best can we achieve this universally desired objective, particularly, as stressed by Meg Russell's analysis, a total membership of your Lordships' House no bigger than that of the other place? I suspect we all have our own views of the preferred route to achieve this objective but surely that suggested by the noble Lord, Lord Cormack—to appoint a Select Committee for this purpose—is the right one, and I fully support it.

I end with an additional suggestion that the Select Committee might consider alongside other proposals. Today, as your Lordships will have noticed, working patterns have changed considerably. In the past, people often worked for just one employer during their working lives and then retired with their well-earned gold watch, but they seldom do this now. Today during their working lives they often work for a range of different employers. I suggest that, for some of them, one of their occupations could be as a Member of your Lordships' House.

When everyone has spoken tonight, I hope everyone will support the establishment of a Select Committee—as soon as possible, as the noble Baroness, Lady McIntosh, has said.

5.35 pm

Viscount Hailsham (Con): My Lords, I shall begin with three preliminary remarks. First, I have been debating House of Lords reform in Parliament since 1979. As a consequence, both my expectations and my aspirations have become fairly modest.

Secondly, and differently, I have the minority view here: I believe that the authority of the second Chamber should be commensurate with that of the House of Commons, with powers equal to it. I know full well that that would mean a wholly or largely elected Chamber. That is my belief. I equally know it is not going to happen, at least not in the near future, although it may happen as we move away from a unitary state.

My third point echoes what the noble Earl, Lord Caithness, said: I agree fundamentally about the importance of the bicameral system, for all the reasons that the noble Earl outlined. We do our job very well.

I turn to the reasons advanced in support of the Motion. I agree that this House is too large, but I also happen to think that the principal reasons advanced are second-order reasons. Yes, we are laughed at—the risibility factor, as identified by my noble friend Lord Cormack—and that is bad news. The facilities are overstrained, as identified by the noble Baroness, Lady D'Souza, and the noble Lord, Lord Low. They are right about that too, but that is also a second-order issue. Actually there are some advantages of a very large House: you broaden and indeed deepen the pool of noble Lords here. That is an advantage when it comes to debate, in reports and on committees. I agree again with what the noble Earl, Lord Caithness, said about that. I believe, as does my noble friend Lord Forsyth, that we do our job very well. So there are powerful reasons for reducing the size of the House but they are second-order reasons, and that is important when determining the scope and the depth of what we have in mind.

Before I touch on what I think should happen, I shall say what I think should not and what will not happen. First, on what will not happen, I agree with my noble friend Lord Wakeham—no one knows more about the House of Commons than he does—that the idea of a big bang reforming Bill going through the House of Commons is for the birds. It would have to be conducted on the Floor of the House; it would be a Christmas tree on which any Member could hang his or her favourite bauble; and, incidentally, as you came towards a general election Members of the other place would be looking at their post-election prospects and would rather like to sit here. So that is not going to happen.

What I do not want to happen is the electoral college, notwithstanding the advocacy of my noble friend Lord Tebbit. I fear that the parties would get a grip on those elections and we would end up with the clubbable, the companionable and the compliant. I speak on behalf of the awkward squad: this place without my noble friend Lord Forsyth would be impoverished. We need the awkward squad in this place, and electoral colleges do not do anything for that.

So what should we do? I shall make a few brief suggestions. First, I entirely agree with the Select Committee. Secondly, we need to agree progressively to reduce the size of this House, which means self-restraint by the party leaders—maybe one in for two out, something like that. Thirdly, I think it would be useful if life Peers were nominated for fixed terms. Fourthly, although I touch on this with caution, there is a need for a retirement age. I look back on my own family and know that people can stay here too long. I think 80 may well be appropriate.

Then I favour the resignation of non-participating Peers. I recognise, too, that that could be bad news because the non-participating Peer could change his or her habits and participate overmuch. But there is a case for non-participating Peers to stand down. I appreciate the allegations of humbug and sour grapes that are about to be levelled against me, but I am pretty cautious about by-elections for hereditary Peers, as they are very difficult in principle to justify.

There are powerful reasons for reducing the size of the House, but I think, too, that they are second-order reasons. That being so, we should be cautious about going too fast or too dramatically. In any case, it will not happen because there will not be a Bill. Let us focus on gradual and modest changes, focusing on those matters where it is most difficult to defend the status quo. If the public perceive that we are getting a grip on it, much of the criticism based on size will begin to fall away.

5.41 pm

Lord Morris of Aberavon (Lab): My Lords, not for the first time this House is indebted to the noble Lord, Lord Cormack, for his continuing interest in House of Lords reform.

In a country that prides itself on being the standard bearer of democratic institutions, a visitor from Mars would find the size of this House hilarious—not to mention the number of Liberal Democrats, which

bears no relation to the democratic last general election. In concentrating on numbers of this House, I fear that the noble Lord is putting the cart before the horse. It is the functions of this House as a component of Parliament that should be determined first, and it is only secondly that we should move on to numbers. We should decide whether this House should be only a reviewing Chamber, or whether its role should be a wider one than this—a full-blooded legislative Chamber. I doubt it—although that may be a minority view.

Governments in the past had no compunction in clipping the wings of this House—in the Parliament Acts of 1911 and 1949. In the absence of a constitutional convention and a Bill of Rights, I believe that the way forward is a simple amendment to the Parliament Act 1949 to remove altogether the existing, although reduced, power of delaying legislation by this House. If that were done, the only function of this House as regards legislation would be a reviewing one. There would be a time limit for such a review. During that time the House could debate and express its views in the form of amendments. The amended Bill would be returned to the Commons for any second thoughts it might have. If the Commons stood its ground and rejected the Lords amendments, it would be the end of the matter and consideration of legislation here would come to an end. The Commons could send the Bill, unamended, straight to Her Majesty for signature.

This House would have had its opportunity to carry out its reviewing role, which could be important, and it would have offered its views to the Commons for its further consideration—but that would be all. The amendment to the 1949 Parliament Act would be simple, and on the lines that the 1949 Act amended the 1911 Act, but in this case abolishing all powers of delay rather than limiting them. Once our functions had been determined, the question of the number of Peers required would, I believe, be solved more easily. It would be open for discussion how many would be needed in a reviewing-only Chamber—probably in the low or mid-hundreds. I hope they would be appointed for their expertise.

When I was at school, I grappled with the arithmetical problem of working out the time it would take to empty a water tank that was still being filled with water. There is a touch of *Alice in Wonderland* about a debate on exploring methods of reducing the numbers of this House while at the same time Prime Ministers continue to exercise unlimited powers to make more and more recommendations to reward friends and/or help the Whips to get legislation through, by repeatedly refilling the water tank with more Members.

The machinery for appointments goes to the heart of the problem. I would add that if this House became a reviewing-only Chamber, the case for an elected House would be considerably weakened, if not destroyed, and the paramountcy of the Commons would be reaffirmed. I was in Washington at the time of the colossal gridlock between the House of Representatives and the Senate. I have no wish to encourage a scenario of two elected Houses, horns locked with each other.

5.45 pm

Baroness Flather (CB): My Lords, I have been in the House for 26 years. When I arrived here I was the only Asian in your Lordships' House, and I had this idea—quite incorrectly, as I realised afterwards—that Mrs Thatcher put me here because she thought I would be useful and that I might be able to help the Conservative Party to make contacts with the community, and so on, as I was very active in the community at that time. I waited and waited, and when the Conservatives lost the election, I realised that that was it—so I started doing things outside. I am pleased to say that I have done something that not many people have been able to do. I have been a catalyst for a memorial to the Indians, Africans and West Indians who supported Britain in two world wars. In that way, I suppose it was good that nobody gave me any work to do here.

I have been thinking a lot and have been listening very carefully, and I totally agree with one of the things that has been said. The noble Baroness, Lady Boothroyd, referred to the scrutiny of the people who are brought here. When I came here, I was under the impression that even political appointees were put through interviews at least by the Leader of the House, checked out a bit by central office, et cetera—but I do not think that is done any more. If you are a Conservative or a Labour appointee, that is what you are. I could not agree more with the idea that every person who comes to this House should go through scrutiny that is similar to what the Cross-Benchers go through. I totally agree with that and I cannot understand why it is not done.

It has been said again and again that every time we speak to anybody they say, “There’s just too many of you”. We know that, and we are talking about it today. They also say another thing, which people are too polite to say—English people are very polite. They say that people in this House have cheated. They have taken money that they should not have done; they have gone to prison, which is disgraceful. Someone working in any company or organisation would not be kept there if they had gone to prison or if they had cheated—not just gone to prison. So I would add that to the list of things that we need to work on to make sure that anybody who cheats even for a small amount should not stay in this House because that ruins the reputation of all of us, not just that person. It is one of my pet peeves that we allow Peers to come back and be Peers again. It is not acceptable to me.

Another idea, mentioned by the noble Viscount, Lord Hailsham, was a fixed term. The noble Lord, Lord Patel, was talking to me earlier. He said that when somebody is appointed, we should offer them an age limit and/or a fixed term, so they can choose whether they leave after the fixed term or based on the age they have arrived at, perhaps on the basis of whichever is the earlier. We will have to have an age limit—it is not going to work if we do not.

On that issue, we are not very kind to people who have been here for many years—and they keep coming. Do we know why they keep coming? Do they need help? Do they need financial support? Do we ever ask them how they are doing and how they are managing? Why should people who have given 40 years or something

[BARONESS FLATHER]

to the House of Lords have to skimp and scrape and then come in here for £300? It is not right. Some element of help for those Peers who need financial help should be put into the system, because that will help people to leave. They will not want to just keep coming because they need the money—because that is the worst reason to come.

I thought that what the noble Lord, Lord Hunt of Wirral, said about commitment was a very good point. People should be asked right at the beginning, “What is your commitment to the work of the House?”. They will obviously say “Yes” at the time, because they will want to come in.

I see that I am running over time, but I shall just bring in one more point that I heard and liked a lot. I am sorry, I have lost it now. I am not in favour of appointed Members. I am sorry, I seem to have lost my point.

5.51 pm

Lord Crickhowell (Con): My Lords, I want one simple message to go out from the House of Lords today—that it wants to reduce its size so that it is no larger than the House of Commons, and it wants that change to take place no later than the beginning of the next Parliament. The Lords are not the obstacle standing in the way of this essential constitutional reform. That is a message that needs to go to the Public Administration and Constitutional Affairs Committee of the other place as it starts its inquiry into the size and composition of the House of Lords.

The Campaign for an Effective Second Chamber, with its large and broad representation from both Houses, has during the 15 years of its existence effectively acted as a Joint Committee of both Houses, leading to recommendations that could very easily and quickly be used to prepare a draft Bill ready for pre-legislative scrutiny. I personally am firmly of the view that the proposal for a non-elected House with a membership based on a combination of votes cast and seats won in a general election is the best way in which to ensure the widest possible range of expertise in commenting on the great issues of the day, scrutiny and improvement of legislation and preparing Select Committee reports on many important topics, without challenging the unambiguous electoral mandate of the House of Commons. It is also the best way in which to ensure that parties that gain significant support in a general election are not under-represented in this House, while those that lose support are not over-represented.

However, while the campaign group, led so ably by my noble friends Lord Cormack and Lord Norton of Louth, has prepared the ground very thoroughly, we clearly need a more formal mechanism to initiate the next move, and I therefore support the suggestion that we should appoint a Select Committee to consider the options and report by a specified date. The Select Committee should be chosen and put in place before the end of the year with an instruction to report within three or four months. Speed is of the essence, because we will be told that Parliament will be too busy with Brexit to deal with the Lords; but if Brexit is about taking control and restoring democracy, reform

of the Lords should be an essential element. I do not completely agree with my noble friend Lord Wakeham that early reform is impossible. I believe that it should be an essential element of Brexit, preferably by legislation; but if that is impossible, then by change in our statutory rules. We can do that quite effectively and quickly.

Finally, I refer to the crucial point made by the noble and learned Lord, Lord Hope, that we need to resolve the problem of those coming in and coming out. The report produced by the committee so ably led by my noble friends Lord Cormack and Lord Norton of Louth contains an important proposal—that the right to nominate by the Prime Minister and other party leaders should be preserved, but limited to 10% of seats. The report says:

“In the event of any death or retirement during the parliament a one in, one out principle would apply, any new member being nominated by the Prime Minister in consultation with the independent appointments Commission. We would favour that Commission becoming statutory and enjoying the same powers for all new nominations as it currently enjoys for cross bench nominations”.

I warmly support the comments made on that topic by the noble Lord, Lord Jay, with all his experience.

I have one point to make to the noble Lord, Lord Tyler, who suggested that the Clegg Bill was stopped by unscrupulous action by the political parties in another place. It was not stopped by that—it was stopped because a significant number of Members of the House of Commons realised that, if you had another elected Chamber, you would undermine the authority of the House of Commons. That is the reason for the defeat of the Clegg Bill.

5.57 pm

Lord Steel of Aikwood (LD): My Lords, this country is year by year becoming more federal in character, if not in practice. It is right that the committee in the other place that is going to look at more fundamental reform of the House of Lords should dust down the report of the commission that Prime Minister Asquith appointed after the passage of the Parliament Act, which recommended that a new senate could be elected by the House of Commons. Now that we have all those other legislative bodies in the UK, the opportunity for having a new upper Chamber here on the basis of a democratic election but not threatening the House of Commons is one that I would hope the committee would consider. It could include also the right to elect Members who are not involved in political parties, thus retaining in a new Chamber the Cross Benches, which are so valuable, and severely limiting the number of prime ministerial appointments. But that is for the long term and not for the debate today.

The point that I want the Leader of the House to consider is that the appointment of a Select Committee should lead to quick action because we do not actually need more legislation. Now that we have retirement on the statute book, anything more can be done by a resolution of the House. We are a self-governing House, as the noble and learned Lord, Lord Hope, and the noble Lord, Lord Kerr, have already mentioned. We can do it ourselves; it does not need more legislation and does not need to take up parliamentary time. I hope that the Select Committee will consider that carefully.

I hesitate to disagree with my dear friends and colleagues my noble friends Lord Tyler and Lord Rennard, but I do not regard an age cut-off as ageist. When you look at life outside, judges after all have to retire at 70, while the police retire, depending on their rank, at 60 or 65. The oldest age group that I know of for retirement are Lord Lieutenants, who have to retire at 75. Let us say that at the end of every Parliament those Peers who have reached the age of 80 or above, as the noble Baroness, Lady Taylor, said earlier, should leave—80 and above is a very generous cut-off point. It is not ageist at all, in my view.

If that were to happen at the next election, 221 Members of this House would disappear, including me. I am therefore able to say, with some conviction, that this is a good idea. Also, since there is a clear-out at the other end of this building at every election, the end of every Parliament could also be the right time for a clear-out here. If you wanted to add to the 221, you could take into account those who appear very rarely. I am told by the Library that, in the previous Session of Parliament last year, 85 Members attended for less than 10% and 51 for less than 5% of the sittings of the House. There is scope for reducing the numbers by resolution of the House and I hope the Select Committee will take that into account. If there is a Select Committee, I would put forward these ideas in greater detail.

It is very rare in this place to be asked to repeat something one has said before, but various Members asked me to retell the story about the difficulty older people have with new technology. I did not make it up, it was actually a letter in the *Oldie* magazine, and this is what it said:

“I haven’t got a computer, but I was told about Facebook and Twitter and I am trying to make friends outside Facebook and Twitter while applying the same principles. Every day I walk down the street and tell passers-by what I have eaten, how I feel, what I have done the night before and what I will do for the rest of the day. I give them pictures of my wife, my daughter, my dog and me gardening and on holiday. I also listen to their conversations, tell them I ‘like’ them and give them my opinion on every subject that interests me ... whether it interests them or not. And it works. I already have four people following me: two police officers, a social worker and a psychiatrist”.

I repeat that only because I believe the time is long overdue when we collectively insert a use-by date on ourselves.

6.02 pm

Baroness Meacher (CB): My Lords, it is a problem to have to follow that superb story. I put on record my strong support for the work of the committee of the noble Lord, Lord Cormack, and for the Motion today to promote reform to achieve a reduction in the size of the House. I will speak very briefly, noble Lords will be glad to know, because everything has been said that needs to be said. The noble Lord, Lord Cormack, himself said that a little bit of repetition might be helpful on this occasion, but I will keep it brief.

In particular, I support the proposal that this House should not be any larger than the House of Commons—that seems common sense. As the noble Lord, Lord Cormack, and other noble Lords have said, the public have become all too aware, through the media’s constant reports, that this is the largest second Chamber in the

world and they do not like it. We have reached the point where it is very difficult to convey to the public the very useful work done by this House because they think we are a laughing stock. They do not take us seriously because of the size of the House and their image of vastly too many of us in red and ermine gowns. We have to try to retrieve public support and the only way we can do it is by getting on and reducing our own size.

We all know that the root of the problem is that successive Prime Ministers repeatedly appoint far too many new Peers to this House. I am worried about the point made by the noble Lord, Lord Steel, that we can do all this ourselves, without legislation. I am not sure that we can cap the Prime Minister’s powers without legislation; in fact I am jolly sure that we cannot. We need the support of the whole House, and for all parties and their leaders to agree in principle that we shall not appoint more Peers than would be allowed to arrive at the size of the House of Commons. This would, of course, require us first to reduce the size of the House well below 600 so that Prime Ministers can then appoint some Peers year by year.

The noble Lord, Lord Tyler, said that there is more support for abolition of this House than there is for any kind of reform. There will continue to be support for abolishing this House until we sort out the size problem. I am not, of course, talking about the need to eliminate Prime Ministers’ patronage. No Head of State has no patronage—they all do—and we would have to respect that, but this needs a cap on it. Otherwise, whatever we do with retirement ages or length of service does not matter: Prime Ministers will simply pile in new Peers and we will have achieved very little. If in this debate we can convey the very strong support of this House for a reduction in the number of Peers entitled to attend it would be an incredibly invaluable message to the public and do a tremendous amount to restore public confidence in this House. However, we have then to follow through on our commitment. I therefore also strongly support the establishment of a Select Committee to consider how best to achieve an appropriate size for your Lordships’ House. I hope that that committee would also address the really tricky issue of Prime Ministers’ patronage and how it could be dealt with so that the rest of the reforms would have meaning.

I also support the three principles which should guide such a committee: that the House should not be any larger than the House of Commons, as I have already said; no one party should have an overall majority; and Cross-Benchers should comprise at least 20% of the membership. There is overwhelming support in this House for the Motion. I hope this will ensure that the committee is set up and progress can be made.

6.06 pm

Lord Skelmersdale (Con): My Lords, this debate has shown that I am not alone among your Lordships in being unable to justify the number of Members of this House. This inability to explain the status quo comes to the fore when speaking publicly, or privately, about our role. However, like the noble Baroness, Lady Taylor of Bolton, I disagree with my noble

[LORD SKELMERSDALE]

friend Lord Cormack when, in a typically forceful speech, he said that he felt that the second half of his Motion was the least important although, like all noble Lords, I agree with his analysis of the first half. As we all know, we have made a few tentative steps to restrict our numbers. The possibility of retirement springs to mind, as does the expulsion of Peers who seriously transgress our rules as set out in Standing Orders. This is good, but it is not enough. The time has surely come to be radical and I would like to see an attack from both ends of the spectrum—the ever increasing appointments and the further reduction of existing members—but still limited.

Patronage is, as we know, very powerful and over the last 20 or so years we have seen a constant and very large increase in our numbers. Successive Prime Ministers and, in one instance, a deputy, have had resignation honours, as well as mid-Parliament lists. This is virtually the only way that a senior honour is available to be bestowed, the other being the Companion of Honour, which could perhaps be used more. But—and it is a very big but—this would inevitably devalue it. Like my noble friend Lord Hunt of Wirral, I would like to see newly appointed life Peers not necessarily having a seat in Parliament. There are many for whom it would be appropriate; others for whom perhaps it would not be. There are down sides to this. First, it would need the Queen's approval; secondly it would need an Act of Parliament which, in this particular case, should only come from the House of Commons. My noble friend, with his customary diplomatic skills, would no doubt be able to square this rather inelegant circle.

It has been suggested to me that a knighthood might suffice, but that would certainly annoy the existing holders. The other day, one of my noble friends said: "What about a baronetcy?". I do not believe that would wash either, given the current attitude to inherited honours. Prime Ministers could, I suppose, have a self-denying ordinance, limiting their appointments to two or three at a time, normally at the beginning of a new Parliament, to go straight on to the Front Bench. But the Government of the day would very naturally be afraid of losing many more Divisions than they currently do, so taking up a lot of very valuable time in another place. Therefore, I do not believe that will wash.

I rather like the Canadian example given by the noble Lord, Lord Low, although "one in, one out" will not solve the problem before us. The suggestion of my noble friend Lord Hailsham of "one in for two out" would certainly help but both suggestions would be pretty well *de minimis* in their effect.

At the other end of the spectrum is the idea perpetrated by my noble friend Lord Cormack and others, and, I suspect, is about to be by my noble friend Lord Norton of Louth, not forgetting the noble Lord, Lord Grocott, whose Bill we will consider in Committee shortly. There is nothing wrong with using primary legislation to reduce our numbers still further. There is, thanks to the party opposite, a precedent for this in the House of Lords Act.

Much to the annoyance of some of my hereditary colleagues, I have come to the conclusion that by-elections to replace hereditary Peers are no longer appropriate,

although when 800-odd were excluded, they obviously were, as some of the good ones were thrown out. The by-elections eased the passage of the House of Lords Act 1999, but they have now become an anomaly—a point which some of my noble friends have been good enough to accept. I am well aware of the deal struck between my noble friend Lord Salisbury—as he is now—and the noble and learned Lord, Lord Irvine of Lairg, that hereditary Peers would remain here in limited numbers until there was a proper reform of the whole system, so pertinent to the thoughts of my noble friend Lord Caithness, although I do not think that he uttered them just now. Indeed, we may soon be voting on the whole matter. Be that as it may, no one has ever explained to my satisfaction what would constitute such a reform—reducing the House to 600 Members overnight perhaps? I hope that we will not see such a sweeping change as we did in 1999 ever again.

Grateful as I both am, and was, to be allowed to retain my seat after 1999, the problem of my, or indeed any of my fellow hereditary Peers' replacement existed then as it does today, since there has never been any certainty about who will take our seats. Certainly, it has become even more uncertain as the electorate and the candidates have become further and further apart. Given the Government's current intention, the only way to solve this knotty problem is to do it ourselves. I therefore agree that a Select Committee would be the best way of doing that. I hope that the committee which chooses which sessional Select Committees are picked for our general discussion will take careful note of that item.

6.12 pm

Lord Foulkes of Cumnock (Lab): My Lords, with no disrespect to the noble Lord, Lord Cormack, who I count as a friend, I fear that this debate is largely a diversion from the real issue of the urgent need for radical reform. I personally favour replacing us with an indirectly elected senate of the nations and regions, which would have the advantage of some democratic legitimacy but without challenging the primacy of the directly elected Chamber. I would like this suggestion to be looked at by a UK constitutional commission. However, realistically, I recognise that that will not happen very soon. Therefore, I accept the need for more immediate reform to modernise the Lords and to make it more acceptable to the public. However, a change in size is only one of the many changes needed. Our archaic procedures need reforming, as does the wearing of robes, to which the noble Baroness, Lady Meacher, alluded, the swearing in procedure and the endless ceremonial. All these things make us look ridiculous and need revising.

The debate about size has concentrated on removing some existing Peers. We must agree that the retirement provision has already sensibly achieved a modest reduction. However, as my noble and learned friend Lord Morris and many others have said, before we go any further we need to stem the tide of new appointments or our efforts will have been in vain. The method of appointment needs radical reform and its procedure ought to have greater transparency. The Prime Minister tells us that we are not allowed to know about the

procedure, as have previous Prime Ministers. As the noble Lord, Lord Forsyth, said, there need to be clear criteria for appointment. I also argue that power should be transferred to a statutory appointments committee. I do not think that anyone has yet had the courage to make my next suggestion—namely, an end to the automatic appointment of heads of the Civil Service, the Armed Forces and other bodies. That point is conveniently overlooked by the establishment but I do not think that such appointments can be justified given what we do.

Once all that is done, current Members might be more sympathetic to, and agree to, a reduction in our number. In fact, we might make it a prerequisite that these changes should be introduced in advance of any recommendations that we make. However, any changes need to be introduced on the basis of logic, not just simple arithmetic. This second Chamber is here for a purpose. We are part of the legislature. We go through every Bill. As others have said, we all know this but people outside do not. We go through Bills line by line, often in more detail than the House of Commons. Therefore, we need working Peers. We need people to do the job in the House and in committees. As I say, we are here for a purpose. We should therefore argue in favour of keeping working Peers, not those who just covet the title or see it merely as a passport to lucrative appointment to outside bodies. That is why I favour as the main method of cutting existing numbers an assessment of past performance, including attendance, voting record, and service on committees. Like others, I support looking at removing the voting rights of those who fail to attend on an agreed percentage of days over, say, the past two or three years. If one looks at the figures, one sees that some Peers attend less than 10% of the time, a lot of whom I could name. In fact, the worst attenders are the Cross-Benchers and the Bishops. They are hardly ever here compared with others.

Noble Lords: Oh!

Lord Foulkes of Cumnock: Noble Lords should look at the statistics and they will find out that is the case. If we had a criterion of 40% attendance over the past couple of years, that would reduce the number substantially. A criterion of 30% attendance would also reduce the number to well below 600 Members. If we structured the criterion carefully on attendance, we could achieve the requisite number.

It has been suggested that each political group, and the Cross-Benchers, should agree to vote to reduce their numbers by an agreed percentage. I hope that is not taken up by any committee that looks at this issue because it would be both unfair and destabilising. It would cause terrific problems within all our political groups and, I suggest, within the Cross-Bench group as well. If there is to be a group reduction, as the noble Earl, Lord Caithness, rightly predicted, it should be done on the basis of reducing the number for London and the south-east region. In a Chamber of the UK legislature, London and the south-east, with 27% of the population, has now more than 45% of the Members of this House, whereas the east Midlands, with 7% of the population, has only just over 2% of Peers, and the West Midlands and the north-west of England are equally underrepresented.

If we cannot achieve a sufficient reduction with these measures, although I think that we could, I would agree that we should look at a retirement age of 80 at the end of the Parliament in which the relevant Peers turn 80, as proposed by the Labour working party of which I was a member. The noble Lord, Lord Steel, agrees with that. However, I do not think we should look at that initially. There are other more sensible ways in which to reduce our number.

I note from the number of people who regularly attend the meetings of the group of the noble Lord, Lord Cormack, that he has very cleverly managed to get a momentum going behind his proposals. I hope that noble Lords will excuse the word “momentum”. Some of my colleagues may not excuse it. I do not agree with all of his proposals, although I agree with some of them. It would be unfortunate if a Select Committee was set up which pursued that momentum and kept it going through to the House. I am therefore a bit worried about a Select Committee of like-minded people. However, if our Chief Whip and the Leader of the Opposition were to twist my arm and say, “We really do need one of the awkward squad on this committee”, I might be persuaded.

6.20 pm

Lord Lisvane (CB): My Lords, it is a pleasure to be able to reassure the noble Lord, Lord Foulkes of Cumnock, that this is not my annual appearance on these Benches. It is also a pleasure to join in the deserved chorus of congratulation to the noble Lords, Lord Cormack and Lord Norton of Louth, for their hard work, persistence and determination in bringing this issue before your Lordships’ House. It has been a pleasure to work with them on the Campaign for an Effective Second Chamber—if the noble Lord, Lord Foulkes, does not regard that as too sinister a remark.

There is a perfectly respectable argument to the effect that reducing the size of the House will be difficult, contentious and may have unforeseen consequences. But we can no longer indulge ourselves in the luxury of that argument, and we cannot ignore the widespread perception that this institution is losing its claim to be an effective part of this sovereign Parliament. That perception is unfair, but powerful. That view is held in the media, it is held by some—possibly too many—Members of the House of Commons, and it is held more widely by many people outside this place who do not know what this House does.

In his book *The English Constitution*, published in 1867, Walter Bagehot said—or rather, he put the words into the mouth of a stooge—that,

“the cure for admiring the House of Lords was to go and look at it”.

Nearly 150 years later, we may reasonably amend that to say that the cure for criticising the House of Lords is to go and look at it: to see exacting scrutiny of legislation, not just of primary legislation but crucially, and uniquely, of the huge body of secondary legislation; exploration of subjects that the House of Commons, for very good reasons, does not have the time to debate—the debate initiated by the most reverend Primate the Archbishop of Canterbury on Friday is an excellent example of that—authoritative examination

[LORD LISVANE]

of policies and issues through an energetic and respected Select Committee system; and the ability to ask the House of Commons to think again without challenging the primacy of that House. However, for so many people outside this Chamber, those roles are seen through the prism of size, and the value of those roles is thus obscured or dismissed. We therefore need to deal with this issue, and we need to be seen to be dealing with it ourselves.

This Chamber is not the place to explore the complexities of competing solutions, although I hope that there would be—there certainly seems to be—widespread agreement on the basic principles that have been enunciated. To examine the detailed issues, taking account of a wide range of views and proposing solutions, is a classic task for a Select Committee. I have a strong preference for a formal Select Committee rather than, for example, an informal Leader's Group. This is not to undervalue the excellent work which Leader's Groups have done on other issues, but in this case only the transparency and authority of a Select Committee inquiry will answer. Moreover, when a Select Committee reports, there is a more formal expectation that this House will take decisions on its recommendations.

Incidentally, with a thought for the typically wise words of the noble Lord, Lord Wakeham, I suspect that quite a lot could be done without legislation, although for some heavy-duty things—perhaps a cap on appointments—legislation would be necessary. But legislation can be quite hazardous, because depending on its scope there might be the possibility of Commons amendments arriving here, which would be to an effect that many of us would find unwelcome.

To deal with the size issue is, as several noble Lords have said, only the first step in making the work of this House better understood and so better valued, but it is a vital preliminary. If we do nothing, we shall still be wringing our hands and saying, "Something must be done" a decade hence. The difference may be that the longer the problem goes unsolved, the greater the temptation for others to force possibly unwelcome solutions upon us.

6.24 pm

Lord Geddes (Con): My Lords, I believe I have a reputation as a realist, and I will try to take such an approach this evening. First, I thank my noble friend Lord Cormack and my noble friend the Leader of the House—most particularly the latter, for giving us the time to debate this extremely important subject.

I have put down my pluses, or the things I am in favour of. I very much support the idea of reducing the size of the House but from experience I caution against going too low, not least because of the duties on the committee work of the House and the officers of the House. If we get too low, the committees would find themselves pushed for numbers. The appointment of a Select Committee is an extraordinarily good idea, which I warmly support, and I support the view, which I think was expressed by the noble and learned Lord, Lord Hope, that the functions of the House should not change.

I will put down one or two markers for the Select Committee. I take the point that this is not the occasion to propose one's views at length, but markers might be helpful. I certainly concur with 20% Cross-Bench representation. Interestingly, of course, that is almost exactly what it is at the moment, so there is no change there. I have to disagree with the noble Lord, Lord Foulkes of Cumnock—I almost called him my noble friend—on the way to achieve the reduction in numbers. Although the experience of 1999 was hurtful to a number of people, it was extremely practical and worked well, and it is probably the prime way to reduce the numbers group by group. Once one has set a number, one can easily have a vote within each group. However, that raises the problem of "others", and, as has been raised, the representation of factions that are not represented at the moment: UKIP; the SNP; the Greens, of which we have only one; and the Welsh national party, of which we have only one. Therefore that is a problem area.

I go along with what was said about the non-attendance criteria. That is an important point: those who do not pull their weight in the House should not stay. On retirement age, I disagree with the proposal of, I think, the noble Lord, Lord Steel, and other noble Lords. I am not in favour of wisdom and experience going out with the bath-water. That point of age would be covered by the elections within each group, and the group would make the decision whether a person was worth keeping on.

The Liberal Democrat overrepresentation has already been mentioned; that is clearly a major problem area. The hereditaries are also a problem area if the agreement made by the noble Marquess, Lord Salisbury, and the noble and learned Lord, Lord Irvine of Lairg, is to be adhered to. The question for the Select Committee is whether this is the final reform of the House of Lords. I suggest that it is not, in which case that undertaking should be adhered to. On reduction, the inevitability of numbers increasing over the length of a Parliament could be dealt with by having further elections at the beginning of the next Parliament to bring the numbers back down again.

On my final point, I thought that the noble Baroness, Lady McIntosh of Hudnall, would steal my thunder. When R&R comes to fruition—I am taking a flyer at 2021—there will be a very large natural attrition of Members of this House. The Select Committee might like to hold on to that.

6.29 pm

Lord Anderson of Swansea (Lab): My Lords, cynicism ill becomes me but I note that the last serious reform of this Chamber was in 1999, and I wonder how many of us seriously expect a similar radical change over the next five or even 10 years.

We regularly debate reform—it has become almost a convention of this House—and size has now become the main focus. But today surely there is something of the air of a university debate on the Motion: "the size of the House of Lords has increased, is increasing and should be reduced". But this is not a university debate; this is about serious politics. The size of the Chamber is becoming increasingly absurd, particularly now that

the House of Commons will shortly be reduced to 600 Members—a point made very well by the Lord Speaker when he began his tenure on 5 September.

Perhaps there is little prospect of serious movement. The Government seem determined to block even the smallest change—even things which are eminently sensible, such as the proposal of my noble friend Lord Grocott to remove the by-election system for hereditary Peers, which is to be debated on Friday. Mr Cameron, of course, massively added to the problem.

There is at least, as shown by this debate, one consensus—the House is too large. But, alas, there the consensus ends. There is no consensus on the ways and means of reducing our number—and herein lies the dilemma. If we are to wait indefinitely, will the status quo continue or will the situation get worse with more appointments? There is no shortage of proposals for reform and throughout this debate noble Lords have set out many of them. Perhaps in addition to the principles put forward by the noble Lords, Lord Cormack, Lord Hunt and Lord Tebbit, I may add the following: any movement must be by small steps towards an agreed goal; there must be a transition period; and the party balance must broadly be maintained. Currently, one problem is that the age profile of Labour Peers is higher than that for the other parties.

Controversially—realistically, we must say this—there must be greater incentives for voluntary retirement. There must be a soft landing for those who choose to retire, including club privileges in the House and—wait for it—pace the *Daily Mail*, cash incentives: a bronze handshake. The Clerk of the Parliaments has demonstrated that such a scheme would pay for itself. Many ingenious schemes have been proposed, including a waiting list, a one out/one in principle, a title as a mark of distinguished public service without carrying the right to sit in your Lordships' House, a retiring age, which modestly I suggest should always be two years higher than the age I have reached, and membership for a limited number of Parliaments after appointment, and so on. But to those and other proposals there is a well-rehearsed argument—there would be a loss of talent, which comes with any change.

In short, our absurd numbers will increase, following the temptation of all Prime Ministers, unless there are curbs and a cap on numbers, and debates such as this one will be repeated regularly. The eventual report of the House of Commons Committee may trigger a more realistic response by the Government. But, as we all look at the Select Committee, I remind your Lordships that in classical Greek tragedy, at the point where an impasse was reached, what was called a “god out of a machine” was brought on to the stage—a *deus ex machina*—to solve the relevant problems. Is it for us now to devise a *deus ex machina*—a Select Committee? Are we confident that any Select Committee will reach a consensus? There could indeed be a minority report. It may be as fanciful a notion as the *deus ex machina* in classical tragedy. So when we all rush to agree that there should be a Select Committee, let us ponder that it may not be the solution and that the problem may continue.

6.34 pm

Lord Cromwell (CB): My Lords, I fear that I may be about to be branded as awkward but an old joke asks, “What do you call 40 lawyers on the bottom of the ocean?”. The answer, of course, is, “A good start”. You can make the same joke with 400 or 4,000 lawyers because the issue is not the number but the public perception of lawyers. Lawyers—we have them here aplenty—say that they are a useful but simply misunderstood part of our society.

Exactly the same applies to us. There is a silly chattering-classes soundbite going around that compares this House to the National People's Congress of China, and I am sad to have heard it repeated by Members of this House. It is an absurd point but the cheap jibe is a symptom of the real underlying problem of poor public understanding of what we do here. It is not that we are many but that we are still perceived, including by Members of the House of Commons, as a fuddy-duddy gentlemen's club for men in ermine drinking port and thwarting democracy. The soundbite about numbers has simply been added to that list.

Organisations that offer expertise, as we do, typically like to boast of the number of people on their books, not get rid of them. Those who know us appreciate that we draw on a great range of people who have successfully dedicated their lives mainly to activities other than winning elections. The public value this depth and breadth in our House.

There is also a suggestion that our numbers should be the same as those in the House of Commons. Why? Where is the logic in that wholly false symmetry? We are different in so many ways and, again, we seem to be concerned with the superficial—the cosmetic. Do we suppose that the public would like us to imitate the Commons? Most people whom I speak to value the very differences between us and the House of Commons.

The thing that I dread most is a gradual remaking of this Chamber into a smaller cadre of semi-professional politicians who can trade soundbites on almost any subject, rather than specialists, a wide group of whom may speak only occasionally but really know their subject. That would be to ape the Commons in a way that would do a disservice to the people and Parliament alike, and it would remove one of the most unique and important contributions of this Chamber.

I have asked proponents of shrinking this House what problems they are seeking to solve and very often I have been surprised by the answers. Rather than office space, cost or crowding—at least, for 30 minutes every day—I have been told that the numbers are indeed a cosmetic issue and that we must cut them as a fear-based PR exercise. Further, I am told that the typical level of participation is around 450—well below the 600 touted as matching the Commons. Most surprising of all is that those apparently targeted for removal are the Peers who seldom turn up—in fact, the very people who make almost no impact on the effective numbers but who in some cases make occasional but very valuable specialist contributions rather than anodyne speeches on almost any issue.

Party balance, reflecting the Commons, has also been raised by a number of speakers today. Are we to have a Peers' hokey-cokey, where Peers go in and out

[LORD CROMWELL]

as elections reconfigure the party balance of the other place? That is just not a workable system—not least determining who goes in and who goes out on each occasion. Symptoms are being muddled with causes. If this House defies rather than advises the other place, which is certainly the greatest bugbear one hears from Members of the Commons, perhaps we need to revisit that—or has the recent announcement put that particular dog back in its basket for now?

Coming back to numbers, I recognise that if ever more Peers are appointed and attend, which not all do, as some have pointed out powerfully tonight, there must be an attendance overload point—not because of silly comparisons with China but for the House to be capable of functioning. I can only echo what others have said about inflow and outflow: if you want to lower the level of your bath-water, there is no point bailing out one end with the taps full on at the other. That is our current situation and a swathe of sackings would achieve only a temporary reduction.

Detailed solutions are for another day, so I am not going to go there. However, to conclude, if only as a dissenting voice in the debate, I believe that we are running scared and addressing the wrong issue. We need to focus on representing ourselves far more effectively, so that both our contribution and our value for money can be properly understood. After all, if people do not understand what we do, how can they possibly know whether we are too many—or, indeed, too few?

6.40 pm

Lord Balfe (Con): My Lords, I begin by echoing the congratulations to my noble friends Lord Cormack and Lord Norton on the huge amount of work they have put into this subject. I hope that a Select Committee will be established, bearing very much in mind the words of the noble Lord, Lord Lisvane, who I thought made a very good argument as to why it should be a Select Committee.

I have a certain amount of sympathy with the previous speaker. If our daily attendance is around 497, we clearly may have a problem with numbers, but the problem is not that we are far ahead of the House of Commons in numbers—quite clearly we are not.

Mention has been made of a relentless and cynical Prime Minister creating far too many Peers, so I suppose I must own up to being one of them. I happen to be a great admirer of the last Prime Minister. I spent five years converting him to the good points about trade unions, and when he asked me to serve in the House of Lords, he asked me two questions. He said, “Will you be a working Peer?”. I said, “What does that mean?”. He said, “You will have to go at least two-thirds of the time—that is what we expect”. I said, “Fine”. Then he said, “Apart from that, I’m fed up with Labour having all the people who talk about trade unions on their Benches. I think it’s about time we had someone on our Benches defending good, honest trade unionists”. So I came here at least with a partial mission.

I can see that we have a problem, and this is why we need a Select Committee. Today, we have 60 of the solutions on offer. There are probably another 437 from

the other Members who regularly attend here. The noble Lord, Lord Foulkes, is not in his seat at the moment, but I have a lot of sympathy with him. There has to be some protection for the awkward squad. There has to be some protection for the small minorities: our one Welsh nat and our one Green Peer and the like. Also, in looking at retirements, I think we have to be very careful. Clearly, there is a need for there to be a reflection of balance between the parties. But we will get nowhere until we first have an agreement from the Prime Minister—indeed, it will have to be an all-party agreement—on creations. People have quite rightly made allusions to bathtubs with the plug out and the taps on. Unless we can have some sort of agreement, we are, frankly, wasting our time. That is my first point.

The second point is that in an age of rising longevity—that is one of my specialities in life—we need to look at time-limited peerages. The good news is that, at the moment, people are living longer and longer; but the bad news is that that means peerages last longer and longer. A limit on serving time, but with a capacity to renew the mandate, would be something that it would be worth the Select Committee looking at. I also take the point that the noble Lord, Lord Anderson, made about a “soft landing”. That is also something that the committee needs to look at.

If you construct—and you certainly can—a mathematical model, you could predict what the size of the House would be if you had a certain number of peerages coming in, and the current membership of the House, with a fairly rigorous retirement schedule based on attendance rather than age. I have a few years yet until I get to 80, but we have abolished age discrimination in society and I do not think that it has a place. But what I do think has a place is a combination of time-limited life peerages and strict attendance at the House, combined with retirement and a soft landing, which could give us a package.

I have to say something nice about the Liberals. Let us remember that they did promise in 1911 that they would come forward with a final reform of the House of Lords. We are probably not going to get a “final” reform—it will carry on evolving. But I believe that we can now evolve ourselves forward and take our time. The noble Lord, Lord Cromwell, talked about not being hounded by the press. If it took us two or three Parliaments to get down to the numbers that are right, that would be far better than reacting to the pressure of the press and running scared. Let us make sure that we get it right, rather than get panicked into a solution and then have to say, “Oh dear, we didn’t get it quite right”.

6.45 pm

Lord Scriven (LD): My Lords, I start by apologising to the noble Lord, Lord Cormack, and the House. I arrived five minutes late, but that did not stop me hearing the eloquent and forceful nature of the noble Lord’s introduction, with which he set the tone for the debate. Like most people, I agree with the supremacy of the House of Commons and, as probably everyone has already said, with a smaller House of Lords—I support the number being around 400 or 450. However,

I also agree with a number of speakers who say that numbers, by themselves, are not going to solve the issues that many noble Lords have raised in the Chamber tonight. We are talking about a symptom and not the cause of the problem. I agree with a lot of what the noble Lord, Lord Foulkes of Cumnock, said, in that we need much more radical solutions to the problems that face this House. The issue is not just reputation, as the noble Lord, Lord Forsyth, said. The issue is also relevance in a modern democracy. Would a reduction in numbers deal with the real issue of how people not only perceive this House but see it as relevant to their everyday lives? I do not believe that it would—it just scratches the surface.

I have been very disappointed that there has been little discussion about the people outside this House. Some noble Lords mentioned them, but there has been very little discussion about our purpose of serving the people outside this House. There has been a lot of navel-gazing about what the systems and structures of the House could be like with reduced numbers. To be clear, I completely disagree with what a number of noble Lords have said—that somehow the public do not understand us and it is their fault that we have a bad reputation. That is condescending and patronising to the people outside this House who do understand. A lot of people see us as distant, irrelevant and a club. To some degree, we play up to that image. So let us not say that it is people outside who somehow do not understand the workings of this House. They feel that it is like a game of Monopoly, and, to some degree, some of today's debate has reinforced that: we will shake the dice to decide our own numbers and rules, as if somehow that will solve the problem. In fact, I have been following the conversation on Twitter, where somebody said that, “The Lords tonight are blowing their own trumpet of pomposity”—that is somebody who understands this House.

Let us think about it. What democratic legitimacy do we have to decide whether this House has a majority of government or not? What legitimacy do we have to decide whether the independents have 20% of the seats in the House? Why are the Bishops given a privileged status in this House, given that we are a multicultural country? As the noble Lord, Lord Foulkes, also said, why is it that former heads of the Civil Service and the military get a place in this House? What relevance does that have in a modern democracy? Many people have spoken about the age issue.

Regardless of what the Select Committee looks at, the democratic deficit is the real issue here. I have been amazed at how many noble Lords talk about this Chamber reflecting the votes at a general election but then would deny the people the vote to decide in reality what the political make-up of this Chamber should be like. We should trust the people to decide whether the House should have 20% of independents or a government majority, rather than some of us deciding in a cosy club what the make-up will be. Those who want to do that will give more power to the political parties. They will decide who sits in here. It will be people who have worked their way up the greasy pole rather than those who have been difficult and have caused ructions within their party.

We can tinker with changing the numbers and of course that would be a first step. However, it would be tinkering. Basically we would be changing the seats on the deck of something that many people do not see as relevant to their everyday lives. We need a thorough root-and-branch change if we are going to be relevant and improve our reputation. That would also mean not only reducing numbers but having elections to this place.

6.51 pm

Lord Judge (CB): My Lords, I have written many notes and listened to 39 speeches. I do not know where to begin but I will begin at the beginning. We are bloated. That is not only a matter of public perception but is a fact. Public perception matters nowadays and you ignore it at your peril.

I suggest it can be seen in this way. What is our responsibility? To scrutinise and advise. What is the responsibility of the House of Commons? To legislate; to produce laws subject to listening to us, if it wishes to, and if it does not wish to, to ignore us. Yet for us to perform our function we have about 200 Members more than it has to perform its functions. There is no sense in it, no logic, and we have to address it both as a matter of perception and as a matter of fact and proper governance. We have to recognise the disproportion between our numbers—vast, huge and bloated—and our powers, which are relatively small.

The result of the perception and the fact is that we are commonly derided for the work that we do and for being what we are. If it was understood fully how attentive we are to the interests of the public when we examine legislation, the criticisms might be more moderate. However, we are derided for what we are—a bloated House.

We need a Select Committee. I agree with about 29 of the speeches which have been made so far. If I listed every noble Lord with whose speech I agreed I would take up all my time, so I shall not. We need a Select Committee to look at this to find the mechanics for dealing with the problem which most of us have identified today. With great respect to the Leader of the House, anything less than a Select Committee may convey the impression that we are taking this matter less seriously than we intend to take it and than the majority of the people who have spoken today wish it to be taken.

Once we have got our numbers down to a sensible, common-sense number, we then have to consider input and the appointments system. The noble Lord, Lord Anderson, referred to how the influence of the Crown has increased, is increasing and ought to be diminished. Substitute for those words spoken in 1780 the words “Prime Minister” and you have identified the problem. The influence of the Prime Minister has increased, is increasing and ought to be diminished.

The noble Lord, Lord Skelmersdale, reminded me that the creation of Peers is unparalleled since the Scottish King James arrived in England in 1603. He created 60 knights within three months. So munificent was he in his creation of knights that one of those he knighted wrote how the office had been prostituted. He did not tell the King that and he did not refuse the

[LORD JUDGE]

knighthood. In 1611, King James created the great new rank of baronet, which was sold. One hundred people paid £1,000—which was big money in those days—to secure the baronetcy and the inheritance of a title for their family.

We have had a vast increase in the number of Peers created. Why can we not face it? Let me remind your Lordships of what happened to the Stuart kings. When they exercised their prerogative, Parliament stepped in. Ultimately, Parliament has to control the unwise use of prerogative powers. We have to persuade both Houses to do it if we have to. Obviously much better would be a convention and understanding and no suggestion of dividing the two Houses. However, that is the ultimate weapon of control of any prerogative power.

6.56 pm

Baroness Hooper (Con): My Lords, in thanking my noble friend Lord Cormack for introducing this debate, I should make it clear at the outset that I do not agree with the premise of his Motion, or with the noble and learned Lord, Lord Judge, who has just spoken. I see the size of the House as a perceived problem and do not therefore agree that we must reduce the numbers.

I am tempted to say, “Hands up anyone who has seen 850 people struggling to sit in this Chamber”—or 750, or 650, or even 550. On an average day, as has been said, we see between 300 and 400 people, and even after much activity in the various Whips’ offices we may see only 500-plus. So in practice we are considerably smaller than the House of Commons. If the overall size were reduced to, say, 300 or 400, would that be in the expectancy of everyone turning up every day or on the expectancy of the experience we have had that only more or less half the numbers turn up on a daily basis? Unless, of course, it is proposed to pay a salary. That may make things different.

I agree with the noble Lord, Lord Rooker, and others who have said that there is much ignorance about how this House works. I agree with my noble friend Lord Wakeham and others who have underlined the fact that this is a part-time House, which is part of its value. These facts have to be made clear to those who may criticise its size because they are looking only at the total numbers and do not realise what happens in practice. I agree with the remarks of the noble Lord, Lord Cromwell, on this. I may add that I do not seem to meet all of those people who criticise the size of the House of Lords and think we are a laughing stock. If I did I would try to correct the false impression which they have obtained—maybe from the media—and I certainly would not agree with it.

The point about the way in which the House of Lords has evolved over hundreds of years—as a hereditary House and a mixed hereditary and appointed House before becoming an almost entirely appointed House—is that Members attend and participate if they have something useful to say, usually in their own area of expertise. Hence the reputation that your Lordships’ House justifiably holds for serious and informed debate and for rigorous scrutiny of legislation. Do we want to change that?

That we are not paid a salary should be made clear. It seems to surprise people when they learn that, if we do not turn up on a sitting day to claim an attendance fee, it does not cost anyone anything. The taxpayers can relax on that score at least.

When I first entered your Lordships’ House in 1985, there were, I think, some 1,400 people entitled to sit, many of whom never came and many of whom came but rarely. The perception of an in-built Conservative majority was also not justified. Even in those days, a Conservative Government were frequently defeated. In fact, the active Members were roughly similar in number to the numbers I referred to earlier and which apply today. Although it certainly did not seem a cumbersome institution, I suggest it operated effectively and efficiently as a pool of talent, with people participating in the main not as generalists but in their areas of expertise.

In those days, the appointment of life Peers was a mere trickle, not the steady stream of newcomers we see today and which has been referred to. So much has already been said that it does not need repeating, but I certainly agree there is a need for a better, more transparent system for the appointment of new life Peers—rather like the immigration issue, in a way.

I therefore suggest to the powers that be that, instead of moaning about the size, they go out and justify it, and educate the media, if need be, and the general public and that, instead of persuading the valuable and experienced veterans of the House to retire early, they should be encouraged to remain. They certainly should not be made to feel surplus to requirements just because they have reached a certain age.

We should rejoice in the fact we have in the House of Lords an historic and traditional institution that does a great job at relatively low cost. It should not be tampered with or changed unless it is clearly a change for the better. I agree that the setting up of yet another committee to look at the future of the House of Lords may be appropriate, but let us look at the function and composition as a whole, not just at a reduction in size.

7.02 pm

Lord Gordon of Strathblane (Lab): My Lords, I add my thanks to the many already expressed to the noble Lord, Lord Cormack, for the Motion he has put before us, and a very sincere thank you to the Government, in particular the Leader of the House and the Government Chief Whip, for granting us the time to debate it. I dislike disagreeing with the noble Baroness, Lady Hooper, but the reality is that we would have a higher reputation if people did not think we had 800 people here on any one day, but thought we had something more appropriate, such as the 550 who actually come. Perception is an important ingredient in modern politics, which, somewhat regrettably, tends to be pretty well instantaneous in its reaction to things.

There is a consensus around this House that we could do with fewer Members. It is not the sole problem we have, nor by any means the biggest, but it is one. I share the analogy used by many other speakers: if I came home one night and found the bath overflowing, the first thing I would make sure is that the taps are turned off. Any settlement we put forward has to be

conditional on agreement from the Prime Minister and likely Prime Ministers of the future that they will moderate their appointments to fit in with the overall cap. That in turn depends on everyone reaching agreement on what a fair allocation of seats would be. The only point of consensus seems to be that everyone, with perhaps one exception, thinks 20% for the Cross Benches is a very good idea. I echo that.

Beyond that, it is easy to see where the problem comes. Successive Prime Ministers have sought to replicate the effects on the House of Commons of MPs leaving by simply increasing the numbers in the House of Lords. That inevitably, mathematically certainly, leads to more and more Peers coming each day because there is not a system for removing them. That is what we want the Select Committee to look at.

What system we go for to bring about the cull that will bring us down to a more reasonable number is very much a matter for the Select Committee. I just urge people to beware of solutions that look to be simple and attractive. A year ago, I freely confess, I endorsed the idea put forward by the Labour group of a retirement age of 80. I then realised it would further increase the disproportionately high representation of the Liberal Democrats, which is one of the problems this House faces. It is an embarrassment to defeat the Government at the moment because it is mathematically too easy. If Labour and the Lib Dems line up, the Government are defeated. It is as simple as that. There is a great sense of achievement in defeating the Government of the day—not just the present one—if you do it with the support of the Cross Benches and feel you have won a moral victory. There is no sense of achievement in defeating it by sheer force of inflated numbers.

We have to find a formula. The noble Lord, Lord Tebbit, put forward one. The noble Baroness, Lady D'Souza, made a sensible suggestion that it should be the average of not just one election, because the electoral pendulum can swing quite violently, particularly at the moment, but maybe the previous three elections. Surely the role of the House of Lords should be to temper and modulate excessive swings of public opinion rather than exaggerate and amplify them. We could go back to what ancient Athens did and do it all by lot. That might give us a result that is not totally unattractive, particularly if you had a manual override where, if somebody clearly had lost out in the raffle, they could be appointed by a committee to ensure that their contribution was not lost.

That would at least stop people electioneering, and that is the great problem about what was referred to as the democratic deficit—there is also the democratic dynamic. That is, if I stand for election, I make promises to people to secure their votes and I will then demand the powers to deliver on those promises. If that conflicts with the House of Commons, so be it. You would end up with gridlock, as you have in quite a lot of other situations.

Above all, the important thing is to leave it to a Select Committee. A Select Committee will command the support of the House, which will be a vital ingredient when we are persuading rather a lot of turkeys to vote for Christmas.

7.06 pm

The Earl of Kinnoull (CB): It is a great pleasure to follow the noble Lord, Lord Gordon, who as ever was brimming with logic and wisdom. I too thank the noble Lords, Lord Cormack and Lord Norton, who have not only used hard work to get the debate going, but been responsible for educating a very large number of Members of the House in many of the issues around this complex and important problem. I also thank the Leader of the House.

I will make three points. The first concerns numerical facts about the net change in our numbers as supplied by our ever precise Library. I am afraid I do not apologise for repetition because, as others have observed, it is important. In the 16 years between 2000 and 2015 inclusive, the net change was plus 196 in our House in the aggregate, or just over 30% of our House. In the six years between 2010 and 2015 the net change was plus 125 in the aggregate. In other words, about two-thirds of the massive increase in the last 16 complete years has been in the last six. Thus, one could well argue that the rate of growth is accelerating. Certainly there is no evidence from the Prime Minister's Office to suggest that this is not the case.

My second point concerns the drivers of that growth. Obviously for the Bishops and hereditaries there is no growth. The Appointments Commission, with its wonderful record of success, is now rationed to just two people a year, which is not enough to keep it going. Sixty-two Members have come through that route; people are not going to live long enough. That is a problem. In other words, the Appointments Commission route is in "shrink mode" in the House—something that patronage of Prime Ministers, as so many have observed, is very far from being in. I agree with everyone else about the negative consequences of this enormous growth. I am not going to go into that, but I would ask the Leader of the House, if she were here, whether she might comment on my analysis of the Appointments Commission being in shrink mode.

My third and final point relates to our committee system and builds on a point made earlier by the noble and learned Lord, Lord Brown of Eaton-Under-Heywood. I had the great benefit of being on the Trade Union Bill committee, so ably chaired by the noble Lord, Lord Burns. At the beginning of what would be a very intense month, we had, as one can imagine, a room full of strident people with very strong views, covering all three parties, with two of us from the Cross Benches. I could not have been alone in thinking that we would have quite a problematic time in reaching consensus. However, the process over the month was extraordinary. We took lots of evidence and spend a lot of time chatting about things, sometimes in little corners and sometimes as a team of 12.

A month later, we produced a unanimous report. Later, we persuaded the House of the wisdom of that report and, later still, the Government. That report is now, effectively, the law of the land. Accordingly, I feel very confident that a Select Committee of this House can tackle this area successfully. I sincerely hope that such a committee will be formed in 2017.

I had intended to end there, but I was reminded earlier on by another speaker of an old business adage: if your business is evolving less rapidly than the

[THE EARL OF KINNOULL]
world outside, then you are a dinosaur and you will be extinct. That is a business adage, but it is something that we might ponder successfully.

7.11 pm

Lord Hayward (Con): I echo comments made on many previous occasions in relation to this debate. I do not intend to duplicate them—at least I hope not to—and shall instead pick on two or three points made during this debate, particularly about the numbers. I ask my noble friend Lady Hooper and others who have made such comments to consider how they would react, from a Tory point of view, if the RMT said, “Oh, we’ve got 800 people, but we actually only need 450”, or the Labour side to consider how they would react if a bunch of bosses said, “Well, we’ve got a board of 800, but we only need 450”. It would be laughed out of court. We have to recognise that we are too big to undertake the role that we do. We are not representative. A lot of change could be undertaken in those fields, but we must, as per the British constitution, do things by stages. If we try to do everything at once, we will achieve absolutely nothing.

I welcome the comments made by the noble Baroness, Lady Boothroyd, the noble Lord, Lord Forsyth and others concerning the Appointments Commission. There is no doubt that there is a need for a change and it has to be made very clear from this House. Associated with that, everybody has talked about taking people out at the top end. The noble Lords, Lord Morris, Lord Whitty, and others are not here today, but they might give consideration to the suggestion of last in, first out. Rather like the noble Lord, Lord Steel, I acknowledge that that affects me—like my noble friend Lord Balfé, I am one of the most recent appointments to the House, but that idea should certainly be given serious consideration. I say that because of one fact in particular: this House serves a great purpose in improving ever worse legislation from the other end by virtue of the expertise that it can offer. If everybody concentrates on taking people out at the top, one loses that expertise from all parts of society.

I welcome the idea of a Select Committee. Like the noble Lord, Lord Steel, I would want it to be time-limited. As the noble Lord, Lord Gordon, said just now, it may not come to agreement. We should give consideration to how one overcomes a lack of agreement on certain elements at the end of a time-limited Select Committee. I proffer—it is merely one idea and I am an inexperienced Member of this House—the suggestion that if the Select Committee fails to come to a conclusion on certain elements, such elements might be put to a group of the leaders of the different groups in this House, chaired by the Speaker, again with a time limit, at which point it would have to respond. The thought of the leaders of each group being locked in a room for four or five days and being obliged to reach a conclusion may not be greeted by them with great pleasure, but it is one solution that I would offer to finding an end to this whole process, because an end to it is absolutely necessary.

I do not believe that an election process is the right route for us to follow. As I said earlier, we are experts in this House in some field or another. We should

recognise that and build on it. I must admit that if the Lib Dems wanted to subject themselves to some form of election, I would welcome the almost Macbethian solution proposed by the noble Lord, Lord Tebbit:

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

That view was echoed by a number of other people. I wonder whether we might in modern parlance go down an “X Factor” route, with the noble Lord, Lord Rennard, competing with the noble Lord, Lord Steel, or others in a vote-off every Saturday night on some channel, but I leave it for them to decide.

We are too big; we have to find a solution. We cannot tackle every constitutional problem all at once, so let us tackle the question of size and send a clear message, very quickly, from this House to the other House, to government, to the leaders of parties and therefore to the public that there is need for change. By doing that, we would no doubt enhance the reputation of this House and of government in general.

7.16 pm

Lord Luce (CB): My Lords, I agree with the noble Lord, Lord Hayward, that we need to reduce the size of this House. The noble Lord, Lord Dubs, who is not here at the moment, had the most interesting proposal of all, which is that those who decide to retire should retain their title and those who stay here should lose it. On the basis of that, we would be a totally empty House.

I can hardly think of a more important time for the Lords to rise to the challenge and to take a lead on the question of size, particularly against a background of a growing mistrust of Governments and of Parliament as a whole. We can also acknowledge that Ministers in this Government have given us encouragement by saying that the Lords is too large but that it must be for the Lords themselves to lead the process of reform, provided that there was a consensus, and that they would be prepared to work with Peers to take reasonable measures which could be implemented in this Parliament.

This is a challenge and an opportunity for the House of Lords. I agree with those such as the noble Lord, Lord Elton, that there is a sense of urgency about this. At the same time, I agree with the noble Baroness, Lady D’Souza, that we are at our best when we are pragmatic and incremental in our approach. There are some who have said that other things should have priority, such as composition of the House—of course, that can be tackled pragmatically as well—but, generally speaking, we have worked on the assumption in this debate that we retain our role in this Chamber, which is to accept the supremacy of the House of Commons and to have a complementary role.

To my mind, the key question is what numbers we need in order to fulfil this role effectively. That needs some coherence. Many say that it is just a problem of perception. I suggest that it is a problem not only of perception but of reality. If we face the fact that this House is steadily getting larger and that, by 2020, on past projections, we would probably reach 1,000 Peers; if we accept the extraordinary imbalances between groups and parties in this House, where UKIP has hardly any representation, the Liberal Democrats are

overrepresented and the SNP, of course by its own choice, is not here at all; if we accept that we are the only country with a bicameral Parliament where the second Chamber is larger than the first, that other second Chambers around the world contain fewer Members—Canada has only 105 and the United States Senate only 100—and that there is a growing disparity in size between the House of Commons and House of Lords, all this points to a serious problem that needs to be faced.

Now, I will not repeat the parameters suggested by the noble Lord, Lord Cormack, and others. They are there and they make absolute sense as the kind of framework to pursue. We clearly need a Select Committee to get into the practicalities and we must accept that whatever idea is pursued as to how to make the reductions—whether retirement at 80, a 15-year term or internal elections, the latter of which I tend to favour on balance—each of those arguments has strengths but also major flaws. This issue requires a will in this Parliament to do something about it, and that in turn requires give and take. If we have that will and the willingness to give and take, a Select Committee can achieve a result which will enable us to say that we have done something to restore public faith in our parliamentary system.

7.20 pm

Lord Naseby (Con): My Lords, it is always a pleasure to follow my friend, the noble Lord, Lord Luce. I place on record my thanks to my noble friends Lord Cormack and Lord Norton, and to the noble Lord, Lord Steel. To that I add my thanks for the work that Professor Russell has done as an academic.

We should not regret the progress made so far—or indeed forget it. Retirement was a major step forward. Making sure that those guilty of wrongdoing could not attend and will not be able to attend in future is progress. Then, of course, we have challenged the number of those who are on leave of absence. So there has been progress and there were wise words from my noble friend Lord Wakeham earlier that we should recognise that this is not something where you set up a Select Committee and as a result the whole thing is answered. It is not done that way; it is incremental.

In terms of numbers, all I am interested in is how many men and women we need to ensure that we improve performance in terms of the legislative demands that are put on an upper House. That is our primary purpose and what we should be looking at. I will make two points in relation to that. First, on the ill-fated tax credit fiasco, my friend the noble Baroness, Lady Boothroyd, is sitting on the Cross Benches. As she will know, when I was Chairman of Ways and Means I used to have meetings with the Leader of the House to look at a Bill and see whether it was a money Bill. If it was and somebody suggested that it should go to the other place, I would talk it through with the Leader of the House and say, “Why on earth is this going to the Lords?”. We came to an agreement that it should not. I can think of a couple of instances on the margin—yet it is on the margin that people must show leadership. That is what it is about, so that whole fiasco should never have come to your Lordships’ House.

Of course, at this time, looking at the other place, every Bill is guillotined—so is it any wonder that we in this House must work more and try to improve pretty rough, shoddy work on many occasions? I am not surprised that the Liberal Democrats move certain amendments at certain times: if we get shoddy work sent up here, then we have a challenge, so part of the answer to this problem lies in another place.

Secondly, I suggest—as certainly my noble friends will recognise that I was bound to—that we might look at what Cromwell did when he abolished the House of Lords in 1649. He then discovered that actually it was a mistake and he needed to think again. He then decided that it needed replacing so, under the terms of the Humble Petition and Advice in 1657, he started the other House. The number there is interesting: only 61. Yet the range of those 61 is also interesting. Every single one of them, then and thereafter, was a life Peer, so long as that particular House existed. He had a range of experiences there: some hereditary Peers, just there for their lives, and 15 out of the 16 privy counsellors. He had ordinary former MPs and, really interestingly, there was a set mix of people from the regions. We need to think about that and the bias we have at the moment towards the southern half of the United Kingdom.

Those points are absolutely crucial, but the one message coming out to me is that Cromwell set up life Peers who had no Writ of Summons. Someone who had done wonderful work somewhere that justified the award of an honour did not automatically have to come to the House of Lords. They were made a Lord but they had no Writ of Summons. I suggest that if the last Prime Minister, who appointed 261 Peers, had either thought about or seriously considered having Lords without a Writ of Summons, many of our problems would not have arisen.

To conclude, there does need to be a Select Committee. I want a House performing in terms of vetting and improving legislation. But there must be some understanding at the other end, in the other place, that it must reform itself a bit, too. Above all, I—of all people—believe that we must maintain the supremacy of the Commons. The people there are elected, unlike those in your Lordships’ House. I do not want to be the Lord for Northamptonshire; I want to keep my seven Members of Parliament. Finally, I repeat my advice for the Prime Minister: Peers without a Writ of Summons should be seriously thought about.

7.26 pm

Lord Howarth of Newport (Lab): My Lords, a second Chamber of more than 800 is grossly excessive and is seen by the public to be so. The House of Lords needs, I would think, around 500 Peers committed to the work of the House if it is to do its job of holding the Government to account, providing close scrutiny of legislation, debating the great issues of the day and examining policy through its array of committees—in all this complementing the different emphasis of the House of Commons.

Aside from the partial removal of the hereditary Peers in 1999, successive Prime Ministers have casually increased the size of the House while failing to think

[LORD HOWARTH OF NEWPORT]

carefully enough about their appointments. No party leader in my recollection has systematically sought to build a coherent and formidable party group with the range of experience and skills appropriate for a Chamber of the legislature. Why is this?

One reason is that neither the Executive nor the House of Commons wants an effective second Chamber. They seem not to understand that the role of the House of Lords as our constitution has evolved is now only advisory. The House of Lords does not make the law. It seeks to improve policy and proposes amendments—but, after offering its advice, sometimes indeed quite insistently, it always defers to the democratic authority of the elected House. Those at the other end have nothing to be frightened of so long as we do not have an elected second Chamber.

Of course, our advice sometimes extends to saving the Government from themselves and giving them time to think again when they set out to do something really misguided, such as bringing in super-casinos or taking away people's tax credits. Naturally, Ministers resent having their poor judgment exposed; they get huffy and sometimes lash out, as with the Strathclyde review.

Another reason is confusion between peerages as honours or rewards and peerages as conferring membership of the legislature. When the public are persuaded by the media that a party leader is dishing out peerages just to cronies, courtiers and fat-cat funders, it intensifies cynicism about politics. People view our bloated House in an even more jaundiced light as a facility for giving political favours. However unfairly where individual appointments are concerned, Mr Cameron's lists might have been designed to bring the House of Lords into terminal derision and disrepute. Some animadversions have also been made on Mr Blair's lists—I was on one of them. Meanwhile, many former MPs, including senior Ministers, might give very valuable service to this House but, through the caprice of patronage, have not been appointed.

A further factor in the disproportionate growth of the House has been the misconception that the Government are entitled to a majority in the House of Lords. That is to misunderstand the nature and value of this House. The practice of packing the House to stack up party numbers not only compromises the ability of the House to perform its advisory role by passing amendments but leaves only meagre room for appointment of the Cross-Benchers, who give special distinction and independence to the House.

The Government, after barking so futilely up the wrong tree in their attempt to create an elected second Chamber, and with Brexit as well as Scottish nationalism on their hands, now have no appetite for Lords reform. They have, however, given us to understand that, in what they perhaps see as the unlikely event of the Lords reaching consensus on desirable reforms, they will consider them. Let us startle them by reaching that consensus.

How are we to do so? The House has gone round and round in circles for years, agreeing on the easy proposition that its size should be reduced, but all over the place when it comes to specific, painful choices.

Should there be a cap on numbers? If so, what should it be? What principles should determine the respective sizes of the parties and other groups within the House? How should departing Peers be identified? Should there be an age limit or a limit on tenure? How do we deal fairly with Peers who joined the House when relatively young, sacrificing another career? Should there be renewable terms? Should we finally end the hereditary principle for membership of the legislature? Over what timescale should the existing membership be reduced? Should new appointments be made in future to two classes of Peers: honorary Peers with the title but not sitting in the House, and legislative or working Peers? Should there be a limitation on prime ministerial patronage? If so, how should it be effected? Should there be a statutory appointments commission? What should be its duties and powers?

We could continue to talk interminably about these and other such difficult questions. In the absence of a government Bill which puts a pistol to our collective head, how can we bring ourselves actually to answer them? I agree that a Select Committee should be set up to examine the issues. This committee should, I suggest, formulate a series of questions about options—precise questions with no wriggle room—to be put to the House. The usual channels should then arrange for debates and votes on all the questions, in government time. In that way, the House could reach its conclusions and could present its consensus—or at least its decisively expressed majority view—to the Government. After that, if the Government do want reform—a big if—and if reform is not seen as threatening by the House of Commons, the Government could introduce legislation. We can do some things ourselves but legislation will be needed—and they could introduce it with a real prospect of carrying it.

7.32 pm

The Duke of Somerset (CB): My Lords, the noble Lord, Lord Cormack, invited me to join his group very soon after my election to these Benches two years ago, and I have become very interested in what I have heard in his meetings, so I am delighted that he has secured this debate for us tonight. Mostly, we seem to concur that this House is far too large in its composition but that the problem lies in how to reduce it. I agree with many that its optimal size should be equal to that of the Commons, or perhaps smaller. I say smaller because, post-Brexit, the need for so many European committees away from the Floor of this House may well vanish, or at least diminish.

What I feel this country really needs of a second Chamber is an efficient mechanism to revise and scrutinise legislation emanating from the other place, while acknowledging its supremacy as the elected Chamber, as so many have said. To my mind, the continuing logic of this, I hope many noble Lords will agree with me, means that we should be thinking in terms of a full-time House that operates along business norms and whose work is carried out by politicians and worldly, experienced men and women appointed to the post. That House should project more strongly the image of what it does—what we do so well at the moment.

Having more than 800 Members is embarrassing but not, I submit, of pressing concern to the people outside, as so many have said. They are more concerned about what we manage to achieve. However, if we were in a position to broadcast a positive story of reform and improvement, I believe that that would be well received. Therefore, I am suggesting that reform could be holistic and all-embracing—the opposite of the gradual and incremental reform put forward by many today, including the Government, I believe. One can think of improvements to many aspects of governance in and beyond this Building—to the Civil Service and to the Privy Council, as well as to the way we conduct our business in this Palace.

The political world is being shaken by seismic shocks, as we well know. We have the ability to head one off by acting soon. We are doing our best, as this debate shows, and we are aware that we need government help. We have heard many solutions offered and perhaps after this debate a consensus will emerge but, for me, not having the experience of a time spent in the other place or from a political party, the obvious difficulty is the patronage of Prime Ministers and their prerogative to appoint any number of Peers for any reason.

To my mind, the noble Lord, Lord Tebbit, pointed to the way forward. While I acknowledge the caveats of the noble Viscount, Lord Hailsham, I am still attracted by the notion of holding party electoral colleges immediately after each election. In this scenario, 600 working Peers would be elected by the parties and Cross Benches in proportion to their results in the recent election. Indeed, I would like to see the 20% reserved to the Cross Benches that so many have mentioned. The rest would still be Peers but would not be eligible to take part in proceedings in this House for that Parliament. A statutory appointments commission would produce new Peers, including suggestions from the Prime Minister, who would join the general pool to stand as candidates in future if they wished to be working Peers. This would overcome the Prime Minister's ability to increase our size but also distinguish the new Peers who had no intention to contribute.

A typical attendance is around 500. However, at normal times the Chamber is populated by many fewer. What are the other 400 doing while they are waiting to vote? They cannot all be researching speeches. Surely this is a waste of the extraordinary talent in our midst. I, for one, feel uncomfortable being here in receipt of an allowance when I am not contributing directly by making a speech—something one cannot do every day. I recognise that my suggestions for a wider reform of governance may be a step too far at this time—as ever. I thoroughly support the Motion and hope it will lead to a Select Committee, not least because so many of today's contributions have induced second thoughts on preconceived ideas, not least my own.

7.38 pm

Lord Higgins (Con): My Lords, I join all those who have paid tribute to my noble friends Lord Cormack and Lord Norton and the work that the Campaign for an Effective Second Chamber has been doing and continues to do. They have set out the parameters within which reform ought to operate; in effect, a

manifesto for further incremental change and reform, which to some extent has already been carried through over a number of years.

There seems general agreement that your Lordships' House is presently too large. This does not result simply in public concern, and to some extent, perhaps, disdain; it has very real problems in terms of costs, the resources available to Members, and so on. One point that has not been made but which is very important is that it also tends to result in a limitation on the length of speeches. The effect of this is that it is virtually impossible to take an intervention. We are not a lecture theatre, we are a debating Chamber and therefore this is a considerable disadvantage.

Lord Foulkes of Cumnock: My Lords, I agree with everything that the noble Lord has just said.

Lord Higgins: I am most grateful. The noble Lord and I are not always in agreement so it is a happy coincidence that it should be so at this moment.

The situation with regard to reducing the size of the House changed quite radically once the law and the set-up were changed so that Members could retire. As has been pointed out, a considerable number have already retired. However, this is a pointless exercise if, the moment there is a reduction, the Prime Minister goes on filling in with new Members. Almost everyone is agreed on that. The royal prerogative has been heavily criticised in this respect. It is interesting to note that it is not only in this Chamber that the royal prerogative has been challenged today; it is being challenged on the other side of Parliament Square as well. Perhaps we ought to look at this really rather fundamental thing.

Part of the problem, as has also been pointed out, is that the creation of a peerage is both an honour—which of course it is—and a job. We need to distinguish between the two. What has emerged rather clearly is that we are short of a different honour. Perhaps it should be rather the same as it is for those who have retired from this House—an honour could be created which gave people that sort of facility within the Palace of Westminster. The confusion of the two roles which we in this House have is certainly very damaging.

I want to refer to something that I think was mentioned only briefly by my noble friend Lord Goodlad. We have a sudden development at the other end of the Building with regard to the House of Lords. I have always rather understood that we at this end do not interfere in their affairs and they do not interfere in ours. Then suddenly the Public Administration and Constitutional Affairs Committee in the other place, chaired by Mr Bernard Jenkin, is apparently looking at the very issue we are debating. I view this with mixed feelings because one could say, "If they're going to do that, we ought to have a committee looking into why the House of Commons introduced programming so that legislation arrives here not properly debated, and why they have abandoned their primary role of legislating". We need to look at this rather carefully but they may come up with some useful ideas. If so, they will certainly have to take lots of evidence.

[LORD HIGGINS]

I am sure that if we carried out a survey of the membership of that committee at the other end, the number who have ever appeared at the Bar of this House during Question Time would be very small, and still fewer would have stood there through a debate to have some idea of what we are doing. I hope that if they carry out this inquiry, they will jolly well come and find out what it is all about. They will be surprised, as indeed the public at large would be, at the valuable work that we in this House do in improving legislation which, if it has been debated at all, has not been scrutinised as it used to be in previous years.

I must conclude. This debate has been extremely useful and we must carry it further. We have not been dealing with any of the detail and perhaps we should have a further debate after Christmas so that we can set out rather more clearly what the Select Committee should look at. That would give it some form of overall guidance as to what would be appropriate. None the less, we are making progress on this and, if we are to do our job properly, it is very important that further progress should be made.

7.44 pm

The Earl of Glasgow (LD): My Lords, unlike the majority of my fellow Liberal Democrats, I have never believed in an elected second Chamber. However such a Chamber might be constituted, it seems self-evident that two elected Chambers in the Palace of Westminster would be asking for trouble—a guaranteed recipe for conflict. People argue that an elected House of Lords could simply continue to perform the same important role as the existing one, which seems like saying that you are going to exchange your dog for a cat, and that the cat is expected to do exactly what the dog did. It is as fatuous as that.

However, we all accept there are many flaws in a totally—or almost totally—appointed Chamber too, and one of them is the subject of this debate. We have built up a membership a third as large again as that of the House of Commons and there seems no way of making substantial reductions without causing much bitterness and feelings of injustice from those who are unwillingly ejected. The problem of this House's excessive size is not the result of being an appointed House as opposed to an elected one; the fault lies, as others have mentioned, with the person or persons responsible for doing the appointing. Apart from the Bishops, hereditary Peers like myself and some of the Cross-Benchers, who are chosen by the Appointments Commission, appointments to this House are nearly all made or approved by the Prime Minister alone. He or she hands out peerages to distinguished friends, powerful political supporters and ex-Ministers whom no one else knows what to do with. To justify this, he or she also offers a number of peerages to leaders of the other parties, to deal out as they think fit. There seems no limit to the number of peerages that can be handed out. In this respect, I am in total agreement with the noble Baroness, Lady Boothroyd.

I propose that a powerful new body should be created, responsible not only for appointing new people to the House of Lords but for managing the House's

affairs and regulating the behaviour of its Members. One of its immediate responsibilities would be to reduce the size of the Chamber to something slightly less than that in the House of Commons, and then to maintain it at that level. By limiting the number of new peerages and, possibly, compelling existing Peers to retire at the end of a Parliament if they are over the age of 80, it should be possible to achieve this objective within the life of two Parliaments. That is surely not too long to wait. This proposed body, which I rather clumsily call the House of Lords appointments and regulatory council, would also have the power in special circumstances to extend the term of individual Peers beyond the age of 80, allowing them to remain for another Parliament or perhaps more.

The Prime Minister, and other outgoing Prime Ministers, could still continue to make a limited number of appointments to the Lords, but the vast majority would no longer be in his or her prerogative. This new body would thus not only be responsible for controlling the size of the House; it would also ensure that its appointments represented the widest spectrum of British interests. The most important function of the House of Lords, as now, would be to review and, where appropriate, improve Bills passing through Parliament and to highlight and debate important issues that are not necessarily part of government policy.

The need to balance the House on party-political lines would be less important than now. Here I agree with the noble Baroness, Lady Stowell: party politics is the job of the Commons. Although party-political balance must be a consideration when making appointments, the need to fill the House with loyal party Members would be much less necessary than it is deemed at present. Any power or influence that the Lords might have should come from the weight and experience of its Members, and the fact that it represents the largest possible number of professions, regions, classes, sexes, ethnic groups, religions and special interests. I am advised that no present or future Prime Minister would ever willingly agree to relinquish their power of appointments to the House of Lords. Maybe not, but now is a good time to try when everything—constitutions as well as many other things—is up in the air.

7.49 pm

The Earl of Sandwich (CB): My Lords, I extend my thanks to the noble Lords, Lord Cormack and Lord Norton, for sustaining the effective second Chamber group, of which I am a keen member. I strongly support the proposals in the title of this debate. Membership of the group also means that I subscribe to all the tenets of the Steel Bill, including making the independent Appointments Commission into a much stronger statutory commission. The noble Lords, Lord Crickhowell, Lord Jay and Lord Forsyth, the noble Baroness, Lady Boothroyd, and many others have emphasised this. The noble Earl, Lord Glasgow, just talked about a similar commission.

I mention this first because the group recognised early on that the Prime Minister's patronage has to be tackled at some stage of reform. I heard the warning given by the noble Lord, Lord Wakeham, about legislation. There has always been resentment of royal patronage,

as the noble and learned Lord, Lord Judge, reminded us, and it is clear that in reducing our numbers to the size of the Commons we will have to have a cap on new appointments.

I am also encouraged by the decision of the Political and Constitutional Reform Committee to continue its previous work on reform and ensure that,

“the House of Lords continues to work well by addressing issues such as the size of the chamber”.

This chimes in very well with us. It intends to identify the “unarguable next steps” for Lords reform. What are they? Having read the call for written evidence, I conclude that the committee will focus a strong light on patronage and methods of appointment, and I welcome that as a measure which will certainly command public support.

My old friend the noble Viscount, Lord Hailsham, used the term “self-restraint”. That might perhaps avoid the need for legislation. The noble Lord, Lord Geddes, made a similar suggestion, and the noble Lord, Lord Gordon, spoke of moderation. Inevitably, the question of honours and rewards should be part of any discussion of future peerages which, in many people’s view, should be firmly separated from appointments to this House. Today’s Peers who have been rewarded may even feel happy to be released from taking part in the legislature when they come in only very occasionally.

I do not support a proportional cull with an election such as happened with Scottish Peers and as I experienced in 1999 with my 89 colleagues. That was all very well with hereditary Peers, most of whom hardly came into the House, but today it would be very divisive and would be influenced, perhaps even monopolised, by Whips and factions.

Naturally, I reassert the requirement for at least 20% of the House to be Cross-Bench Peers. In the past, that figure was 25% or more because of the Law Lords, but it has fallen to 22%. Cross-Bench life Peers are a unique feature in this Parliament. They are highly respected by the public, and I would even say that they are a cornerstone of our current democratic system. I dare to add that it happens that many, if not most, hereditary Peers can also claim similar expertise in various fields.

I have been pondering the special problem of Cross-Bench Peers, which is that they were given different instructions on arrival about attendance. Most independent Peers feel they are obliged to come only for subjects of which they have special knowledge or expertise, while those chosen by the Appointments Commission are required to attend as working Peers.

The noble Baroness, Lady Taylor, the noble Lord, Lord Foulkes, and others spoke about the concept of the working Peer. It may be a good principle, but it has contributed largely to the increase in the visible size of the House. The only reason that attendance has not risen faster—it has actually gone below 500—is that some Peers still do not feel under any obligation to come in regularly and, as experts—the noble Lord, Lord Cromwell, spoke of this—they may well have, and should have other, occupations. May that continue. Those Peers include a smaller number among the political parties and those who feel they received a peerage as a reward and an honour. There is a possibility

that those Peers, both those rewarded and those making an occasional contribution, could be classified differently in future, but that is a subject for another day.

The noble Baroness, Lady Stowell, said in a previous debate,

“we must recognise that the gap between our headline size and our average attendance adds to some of the misunderstandings”.—*[Official Report, 15/9/15; col. 1749.]*

Before that, we must do more about retirement. That will be a little easier for the committee when it is set up. I have long felt that there should not be an age limit, but that Peers approaching 80 should be asked to talk to their Whip or Convenor about their contributions in the future. This might act as a gentle brake and a reminder that Peers cannot go on for ever. Of course, we all know that there are a few exceptions who not only go on for ever but make a real contribution even in their 80s and 90s.

We need to come up to date. It is fairly normal these days for human resources departments to interview and review staff on a regular basis. Most Peers are likely to have some direct experience of that. The noble Baroness, Lady Flather, said there are Peers in need of help and advice. We could appoint a human resources manager to oversee the process while keeping the responsibility within parties and groups. I shall be 74 next birthday. I feel relatively active now, but I am beginning to feel able to forecast my retirement in a few years.

Finally, I repeat that I fully support the principle of a cap on numbers. I strongly recommend that a committee is set up in the new year, not later, under the noble Lord, Lord Burns, I hope, as was mentioned by the noble and learned Lord, Lord Brown, to sort out those solutions that will in the end achieve unanimity.

7.56 pm

Lord MacGregor of Pulham Market (Con): My Lords, it is difficult at this late stage of the debate, when so many have spoken so well and covered the ground so extensively, to say anything new, so I shall make a few comments to add my support to points already made.

First, like others, I pay warm tribute to and thank my noble friend Lord Cormack for the extensive work he has done over the years on this issue and to my noble friend Lord Norton, who has wide academic and forensic experience from which we all have greatly benefited.

Secondly, does it matter that we are so large, larger than the House of Commons, and the largest second Chamber in the world? Some say that it does not because we should take into account the nature of this House and that the daily attendance reflects the fact that many Peers have outside expertise and experience, which is partly why they are appointed and why they come mainly when that knowledge can be put to good use. They say that the daily attendance of just under 500 is the figure to use. My noble friend Lady Hooper mentioned this point. I am afraid I have to say that I disagree with her. I cannot accept that argument. Now that the elected Chamber discussion is not on the agenda, I believe size is a big issue for us. It is easy for the media to attack us and create unfavourable public impressions, which are made even worse when Prime

[LORD MACGREGOR OF PULHAM MARKET]

Ministers appoint even more Peers because the Government have far from a working majority in this place, so this is now our most vulnerable point. Moreover, the last Conservative manifesto committed the Government to tackle the size of our Chamber and the Public Administration and Constitutional Affairs Committee in the House of Commons is about to embark on an inquiry, so size is back on the agenda big time. We must make our views known.

Thirdly, my noble friend Lord Hunt of Wirral referred to the Association of Conservative Peers, of which I was chairman for some years until earlier this year. The executive of the association produced a unanimously agreed paper which was put to the whole ACP at the beginning of this year and certainly seemed to get wide acceptance and support. Some of the main conclusions were that the Lords should have as an objective a membership no larger than the Commons and that the composition of the House should be responsive to any major changes in support for political parties in general elections.

We had two main recommendations: first, we agreed with the proposal of the working group of the Labour group of Peers—the noble Baroness, Lady Taylor, spoke about this earlier in the debate—that there should be compulsory retirement at the end of the Parliament in which a Peer reaches 80. That was agreed by all of us. Like me, many of us will be affected by that in this Parliament, but I still believe that it is right, and I would happily accept it. I have always supported the measure that the noble Lord, Lord Steel, introduced about retirement, but the number of Peers who have taken up voluntary retirement does not match the number of new Peers coming in, so it is not a big contribution to the size question, however necessary and desirable it is. We must move on. We hear this proposal criticised on grounds that so-and-so, in his-or-her 80s, still makes a good contribution. But so what? Nearly every other profession has a retirement age at, or more usually well below, 80. One's experience becomes outdated and mental faculties not always so quick as they used to be. I certainly know that some of my experience of working in industry and other areas, which I gave up three or four years' ago, has become outdated. I do not think this is a very powerful argument, and unless we have this measure, we will reduce the number of new Members with more recent experience and freshness who can come in. Every vibrant organisation needs to have that, and I believe that quite a consensus, in different parties, is now developing for that proposal.

But here is the rub. As the House stands as present, there would be disproportionate effects between the parties from that age proposal. We wanted to avoid that being addressed by the Prime Minister of the day simply approving new Peers, which is the way of dealing with it at the moment, thus adding to the size problem. So we proposed in our paper a system that would keep the size of the House at 600, assuming the number of Lords spiritual stayed the same, allocating a fixed proportion for Cross-Benchers and—this is the key—allocating the remaining 80% to the political parties, with their share of the seats reflecting general election results. This would be achieved, importantly, by internal party elections.

I will just add one other point on the voluntary retirements of Peers at the moment. There is currently a disincentive under this proposal to retiring for many, particularly in the governing party, because another Peer retired is another vote lost and the threat of more Divisions being lost. That is a disadvantage which causes some of us not to undertake that voluntary retirement.

I conclude on this note. We pride ourselves on being a self-regulating House. If we do not address this issue, others, such the Commons Select Committee, will do it for us. I believe there is a compelling case, and I strongly support setting up our own Select Committee to cover all these issues.

8.02 pm

Lord Haskel (Lab): My Lords, when I became a life Peer, my children told me that being an unelected parliamentarian was a contradiction in terms. This is why outreach is such an important activity for me and for us. I have found that after explaining to schools, universities and other organisations the work that we do in holding Governments to account, in scrutinising and improving legislation, and in protecting the rights and lives of our fellow citizens, as well as our committee work, especially when the primacy of the other place is explained, most people support what we do. They are less concerned that we are unelected, that we have hereditary Peers and that some are part-timers. But the one thing that is not understood is our number and the cost—that rankles, and it tarnishes the work we do. That is why I think that the time is long overdue to do something about it. I welcome the debate and support the Motion.

It is not as if we are short of ideas. We have had a royal commission—in April 1999 I made a submission to it—four White Papers, draft Bills, and reports from Select Committees, academics, think-tanks, our own Clerk of the Parliaments and our own parliamentary groups. Generally, when it comes to numbers, what it boils down to is that we should be no larger than the other place—which is looking to reduce its numbers. Other noble Lords have detailed the mechanics, and I do not need to go through them, but as the noble Lord, Lord Low, and others have said, at the same time as we are reducing our numbers, the Prime Minister and the Appointments Commission must appoint only when there is a vacancy. There has to be a formula fixing the balance between the groups, perhaps relating to the result of the last three elections, but with no political majority and with some 20% to 25% on the Cross Benches. The important thing is that these measures should all happen together.

I too might add that much of the detailed work and analysis has already been done by Professor Meg Russell and her colleagues at the Constitution Unit at University College London. Conceivably, your Lordships could take things into their own hands, for example by introducing new Peers only when we think there is a vacancy. In a way, this happens with the Bishops. In addition, a move to the QEII Centre during R&R could force us to reduce our numbers by virtue of insufficient space.

I agree with other noble Lords that, to preserve our reputation, we have to get our own house in order,

otherwise others will do it for us. We know that a large part of our population are discontented with mainstream politics. Some are discontented with us. Even the Prime Minister has called us bloated. Has the Leader googled “bloated House of Lords” recently? It is very instructive: there are pages of entries headed by the Prime Minister’s use of the phrase on 8 August, which can lead to fake news websites and a hashtag #CutTheBloatedLords, directing ridicule towards us. This can only damage our work and our reputation. Is this something that worries noble Lords? It does me. All the more reason why we have to get on with reforming our numbers. Let a Select Committee put a proposal to us, and soon.

8.07 pm

Lord Butler of Brockwell (CB): My Lords, I have a variation to suggest to the incentive proposed by the noble Lord, Lord Rooker, for Members of your Lordships’ House to retire. If life Peers retire immediately, their Peerages should be converted to hereditary ones carrying no right to a seat in this House. It would cost nothing, and I believe it would be effective.

I will make four brief points. First, I have to say to my noble friend Lord Cromwell and the noble Baroness, Lady Hooper, that it really is not sustainable to say that the size of the House does not matter on the grounds that it is a pool from which Members contribute when they have relevant expertise. First, as the noble Lord, Lord Hayward, has said, we have substantially more Members than we need to do our job. Not only that, but there is substantial number of Members who do not contribute to the work of the House, whether by attending, speaking in debates or serving on committees. To add to the statistics that the noble Lord, Lord Steel of Aikwood, gave, I say that well over 100 Members of the House attend fewer than 15% of the sitting days. Others attend only when whipped by their parties to vote. We have a long tail which could substantially be reduced, with benefit to our reputation but without reducing our ability to do our work.

My second point is that the problem of our size is now more urgent than it has been in the past. As the noble Lord, Lord Gordon of Strathblane, said, the opposition political parties in the House now have a substantial majority over the Government, and when they act together they can defeat the Government at will. There are only two ways in which this can be dealt with. One is by the Prime Minister making further appointments to the House on a scale which would damage public perception of the House even further. The second is by the opposition parties showing self-restraint, which, to their credit, they do, at least most of the time. However, this is not a satisfactory basis on which to run a House of Parliament.

Thirdly, I want to deal with the issue of the Prime Minister’s exercise of patronage. When I worked in government, I had the privilege of sitting in on discussions between the then Prime Minister and Leader of this House when appointments were to be made. The Prime Minister would ask the Leader what areas of expertise needed to be reinforced to help this House to fulfil its scrutinising role. That meant people with expertise in science, business, medicine or cultural

activities, and many others. With no disrespect to any of those appointed recently, it is difficult to believe that this happens with political appointments today; the main concern appears to have been simply to get the Government’s voting numbers up.

Fourthly, and I say this with great temerity, I venture to be less pessimistic than the noble Lord, Lord Wakeham, and the noble Viscount, Lord Hailsham, about the prospect of getting effective action taken, subject to one condition: that any legislation must be introduced first, and debated and passed, in your Lordships’ House. I believe it will pass through this House, even if it does not give the Liberal Democrats what they want, if, however painful, it is fair. If it is passed by this House and does not threaten the position of the House of Commons, I think there is a good chance that it will pass that House as well. So I believe we should go forward with determination and with confidence.

8.11 pm

Lord Mackay of Clashfern (Con): My Lords, I entirely agree with a good deal of what the noble Lord, Lord Butler of Brockwell, said. I believe that an Act of Parliament is ultimately necessary. It is true that we can do quite a lot, but a Select Committee examining this would find that some essential aspects require to be dealt with by an Act of Parliament. The most important of these, of course, is the prerogative of the Prime Minister in appointing Peers to this House.

I entirely agree with the view that, for various reasons, including very irrelevant ones, the size of this House has become an obstacle to the fulfilment of our task with the degree of acceptance in the community that it should have. Our fundamental task is to revise legislation that has been passed by the House of Commons. It is true that, from time to time in the past, and indeed this year it has been so, some Bills have started in this House. That is a perfectly reasonable way of proceeding in some cases. For example, I had responsibility for the embryo Bill that came here, and which was discussed by eminent experts who knew all about these matters, before it went to the House of Commons. I am glad to say that on the essential issue—namely, when embryo research should be allowed—the House of Commons accepted the view that had found favour here. If you go for a completely free vote, as we did on that Bill because of its nature, you are always risking that the House of Commons and the House of Lords might take different views. But that worked extremely well, and it is a very important piece of legislation in an area that is outside the ordinary scope of legislation that we have to pass.

The fundamental job of this House is the revision of legislation, with the exceptions that I have just mentioned. Over the time that I have been here, which is now a long time—I would immediately pass any retirement age that could reasonably be thought of so I would not object to one being suggested, although I think it is for someone else to do so rather than myself—the House of Commons, which I was never in, has found itself more and more subject to very heavy tasks arising in constituencies; so many people have problems that Members have to deal with. One of

[LORD MACKAY OF CLASHFERN]

the results of that, I think, judging from afar, is that they do not have so much time or possibly so much inclination to revise the detail of Bills in Parliament. After all, those of us who do this know that it is not a particularly attractive task; in fact, it is rather a grind. But it is mightily important, because if legislation goes out of here wrong, it can do terrific damage to a lot of people.

I think we have found a way to try to deal with that, and often with quite contentious matters. As I say, I was never in the other place, but there is an atmosphere in this House of trying to get the right answer irrespective of any sort of political consideration. I have relished the atmosphere here since I came here a long time ago, and that atmosphere continues in an attempt to find a satisfactory answer that will do right for all manner of people. Even if we are not judges, we still try to do right to all manner of people in accordance with the usages of this realm. And it seems to me very important that that role is preserved, and that the people who are willing to undertake it, and to do so in a fairly comprehensive use of their time, are here to do it.

My noble friend Lord Caithness talked about coming from a distance. I live in Inverness, which is quite a distance from here, but it is possible if one is devoted to it that one should come and try to carry out one's responsibilities. When one has a certain amount—a little, maybe—experience in this area, I find it a responsibility to come for as long as I can come: not every day or every week but as often as I possibly can, and certainly to matters which seem to be on something I know about, such as the universities Bill tomorrow. It is extremely important that we should have people here who have that mission, and I believe that a lot of people here do have it. I do not wish to show myself as unwelcoming to the people who have recently come; on the contrary, many of them may be much better than me at doing just that.

I want to mention just at the end that if we are to succeed in reducing the membership of this House we have to have a statutory cap on that membership; that is the only way in which we can control the size after it is reduced. It is one thing to reduce it and another to keep it reduced. I believe that a statutory cap is necessary. Of course there are complications about that, and I think it would be appropriate for a Select Committee to consider them. There are statutory complications: for example, when people in this House change their religions. Occasionally they move from being in the Conservative Party to the Cross Benches—more often, perhaps, from some other parties.

These are difficulties, but I do not think that they should be obstacles to our carrying out this fundamental task of having the House reduced in a permanent way to a size that is accommodating to the important task that has to be undertaken.

8.19 pm

Baroness Butler-Sloss (CB): My Lords, it is a great pleasure and privilege to follow the noble and learned Lord, Lord Mackay of Clashfern, and I respectfully agree with absolutely everything he said. It is very helpful to have this debate today. When I was interviewed

as a Cross-Bench candidate, I was asked whether, if I got it, I would attend. I said that of course I would; it was a great privilege to be able to take part in legislation, having been interpreting legislation for the preceding 35 years.

I am very glad that the noble Lord, Lord Balfe, was asked by the Prime Minister whether he would attend. It seems to me that it is a question that should be asked of every possible Peer: otherwise, what on earth is the point of coming here, other than possibly the honour that other noble Lords have referred to, which should be treated in a rather different way? I have to say, remembering what the noble Lord, Lord Foulkes, said, that I attend nearly every day and I am not alone in that. I bitterly resent what he said about the Cross-Benchers not attending. Most of us attend very regularly and I hope that he might want to retract that, as it really is not a fair comment on the work that we do.

Lord Foulkes of Cumnock: May I intervene to say that I was certainly not referring to the noble and learned Baroness or to the large number of people who do attend regularly? But if she looks at the figures I got from the Library, she will see that of the three political groups and the Cross-Benchers, the Liberal Democrats have the highest attendance, Labour next, Conservative next and Cross-Benchers least. That is just the statistics of it. There are a number who, perhaps for good reasons, are unable to attend, and I think we should take account of that. I meant no insult whatever to the noble and learned Baroness, for whom I have the greatest respect.

Baroness Butler-Sloss: I thank the noble Lord and withdraw what I said, because I understand what the statistics are. However, there is a hard core of Cross-Bench Members who attend very regularly and consider that our duty is to do the work of the House among other Peers.

I have to say that, being now 83, I agree with the noble Lords, Lord Steel and Lord MacGregor, that it would be a very sensible compromise that those who were 80 at the end of a Parliament should go. It would have the effect of immediately reducing the membership to not all that far above 600—so it would be a good idea.

There is, of course, another point: when this House is relocated there will be a lot of retirements, so it may be that by that stage a lot will be done. But this will be in 2022 or whatever it may be, and I entirely agree with other noble Lords that we absolutely have to get on with it now because the suggestion by the noble Baroness, Lady Hooper, that 800 does not matter is quite simply not true, as many other noble Lords said. We are seen as ridiculous by many people and the word “bloated”, referred to by the noble and learned Lord, Lord Judge, and which others have pointed out, is undoubtedly true.

Consequently, we have to move to the next stage, which obviously is the Select Committee. There is considerable unanimity on that. It should take evidence and make recommendations, and it should be done in months, not years. It should and could consider what steps this House could take by resolutions within our

own procedures—but I recognise, as the noble and learned Lord, Lord Mackay of Clashfern, said, that at some stage there may need to be legislation.

The Select Committee must identify what it is that we cannot do ourselves. Then, as the noble Baroness, Lady D’Souza, said, acting together we are actually very influential. We should use our influence, so long as this House is unanimous, to put considerable pressure on the other House to deal with patronage, which is an open sore, and other matters that we cannot deal with ourselves. I agree with the noble Baroness, Lady D’Souza, and the noble Lord, Lord Butler, that we could get a lot done both in our own work and in persuading the other place that we could have a Bill that would start in this House.

8.24 pm

Lord Norton of Louth (Con): My Lords, this has been a very good debate, and an important one. It is not an exercise in navel-gazing; it matters because this House matters. Addressing size is only part, but a necessary one, of what needs to be done to protect and enhance the role of this House as a valuable—and, I would argue, invaluable—second Chamber. This House adds value and, contrary to what some have said, is justifiable in democratic terms. Democracy—*demokratia*—is about how people choose to govern themselves. In a representative democracy, the choice of who is to govern is fundamental. In the United Kingdom, we choose a Government through elections to the House of Commons, a Government who are responsible for a programme of public policy and accountable for that policy to the electors at the next election. There is core accountability. We have the benefit of a second Chamber that fulfils tasks that add value to the political process without challenging that core accountability. As my colleague Professor Colin Tyler, a specialist in democratic theory, put it in evidence to the Joint Committee on the Draft House of Lords Reform Bill, if you “divide sovereignty within Parliament”, you undermine the capacity of Parliament to give effect to the will of the people.

We have a Chamber that draws on experience and expertise to complement the work of the elected House. By general consent, this House does a good job. Debate about Lords reform focuses primarily on composition, not on functions—there is a general agreement about the functions of a complementary second Chamber. The House of Lords Reform Bill in 2012 was premised on the House continuing to do its existing job. But of course composition and functions are intrinsically linked; who is in the House determines how effectively the functions are fulfilled. We are a legitimate Chamber, but whereas the Commons takes its legitimacy for granted through election, our legitimacy has to be earned through the work that we do. We therefore need to ensure that we are working effectively and efficiently; we need to ensure that the quality of what we do is maintained.

We know from the Ipsos MORI poll of 2007 that electors considered the two most important factors in determining the legitimacy of this House to be trust in the appointments process and in considering legislation carefully and in detail. Seventy-six per cent considered

trust in the appointments process to be very important, while 73% thought the same for considering legislation carefully and in detail. Some element of election came way below.

It is three years almost to the day since I initiated a debate on the size of the House. It was clear then that there was a problem; the problem is even greater now. As we have heard, of legislative chambers that meet regularly throughout the year, we are the largest. It is true that the Chinese National People’s Congress has more Members, but it meets for only about two weeks each year. It is true that we have a smaller membership than existed prior to the 1999 Act; the difference is in terms of activity and perception. There is a justified expectation now that those created as Peers should contribute to the work of the House. The level of activity places a burden on the resources of the House, and on the public purse. Any inactivity reflects badly on the House, since we appear to be carrying passengers. So either way there is a problem.

We need to address size, which necessarily entails not only reducing numbers but also, as we have heard, controlling future appointments. That is where public perception becomes important. Some noble Lords appear to say that this is not too important: it is only perception. We do not exist in a vacuum. The more we grow in number, the more the media draw attention to our size, whatever good work we do. Indeed, as we have heard, that coverage masks the work of this House: that is the reality. New creations will be pored over by the media to see if someone has been a party donor. It only takes one for the media to generalise about the whole. Whatever we say, that will remain the case. We therefore need to move from deprecating such activity—or simply ignoring it—to doing something practical about it, hence this Motion and the recognition that action needs to be taken.

It is quite clear from this debate what that action needs to be. We need to establish a Select Committee to address the various options for reducing the size of the House. As has been stressed, we cannot resolve what the precise action is in a single debate such as this. The noble Lord, Lord Anderson, seemed to think that the committee may not reach agreement and that was, therefore, an argument for not having a committee. If there is going to be a committee with a majority and minority view, I would rather have that than no committee at all. It can come forward with recommendations. The sooner we get under way and the sooner the committee reports, the better. It need not be a lengthy exercise. It may not succeed, but it is an essential start. I am delighted that my noble friend the Leader of the House is to reply. I trust that she will acknowledge that this is not a parochial issue. It is about ensuring that this nation’s constitutional arrangements benefit it. I end as I began: addressing size is only part of what needs to be done, but it is a necessary part. Let us get on with it and then address what else needs to be done.

8.32 pm

Lord Newby (LD): My Lords, I have no difficulty in agreeing with the Motion before your Lordships’ House. I am therefore extremely tempted to follow the advice of the noble Lord, Lord Forsyth, to the noble and

[LORD NEWBY]

learned Lord, Lord Hope, and sit down now. Sadly for him, and for the House, he is not going to be so lucky.

I start with an admission. In a previous incarnation I was responsible, albeit to a modest extent, for increasing the size of your Lordships' House. When I was chief of staff to Charles Kennedy, we got a proposal from the then Prime Minister, Tony Blair, about a very modest increase in the number of Liberal Democrat Peers. We objected to it, on the grounds that it was modest, and we would rather like a few more. We tried to find out what the other parties were getting but were told that that was completely improper and we could not be told. We said that unless we got a few more we were not going to agree to anything. There was a great deal of huffing and puffing but, to cut a long story short, we ended up with 60% more than had been on the original note. This was haggling about the composition of a legislature in one of the world's largest countries. This process was, and remains, ridiculous and unsustainable in the long term.

As my noble friends Lord Tyler and Lord Rennard have set out, my party has had a long-standing policy to elect people to your Lordships' House and, in the process, reduce the number of Members. We believe that in a democracy legitimate power and political authority ultimately derive from the people. In the 21st century, and in a modern innovative country such as ours, it is simply wrong that the public never have the opportunity to vote for Members of this House or to hold us to account on our record. Members of this House are, individually and collectively, legislators. It is straightforward that we should be accountable, through elections, to those whom we expect to follow the laws which we enact. A number of noble Lords, including the noble Lord, Lord Foulkes, and the noble Earl, Lord Caithness, have made a point about regional representation in your Lordships' House which strengthens this argument. As long as we have the current system there will be a predominance of people from London and the south-east in your Lordships' House. There is a lot of talk about rebalancing the economy and the northern powerhouse, but the northern regions are not fully represented in your Lordships' House. Until they are, any sense of political rebalancing in terms of the balance of arguments in Parliament simply will not happen. Regional elections would help to redress that balance.

It is also worth pointing out that every other second Chamber in the world, I think, except possibly the Council of Elders in Papua New Guinea, is elected. Although they may all be wrong, and we may be—

Lord Norton of Louth: Sixteen Chambers are wholly appointed.

Lord Newby: I stand corrected. I had better be careful because the noble Lord will correct what I am about to say, but I believe that many countries have more than one Chamber and that a minority, at best, have a non-elected second Chamber.

Lord Norton of Louth: That is true of wholly elected Chambers; they are in a minority as well. No one model is in an absolute majority.

Lord Newby: One of the great strengths of your Lordships' House, which would undoubtedly disappear were we all elected, is that this kind of seminar would probably not take place. I stand corrected on the point I made about second Chambers but do not resile from the point that an elected House, or a predominantly elected House, would be superior to the current House. I strongly supported the attempt by my colleague in another place, Nick Clegg, to bring about such a change under the coalition Government. If such a change had been brought about, the exasperation of the noble Lord, Lord Forsyth, and the noble and learned Lord, Lord Morris, and others over the number of Liberal Democrats in your Lordships' House would already have been largely assuaged because we would have had elections. We wanted that and we would still like it. We may not always do desperately well in elections but in principle we are happy to contest them.

Much of today's discussion has concerned the need for consensus as we move forward. There is considerable consensus around the role of your Lordships' House, notwithstanding some of the concerns of the noble Baroness, Lady Stowell, on this issue. I think there is near consensus, if not total consensus, that there is a strong legitimate role for a second Chamber to scrutinise and revise the Government's legislative agenda; to hold the Executive to account through Questions, debates and the work of Select Committees; and, from time to time, to ask the House of Commons to think again—in short, to ensure that a sober second thought is built into the process of creating laws in this country.

Collectively, the House takes its role extremely seriously. We spend the vast majority of our time picking over the fine detail of legislation, continually asking the Government, "Have you got this right?", "Did you consider this different aspect when this policy decision was taken?", and, "Does it do what you want it to do?". My experience as a Whip in government was that when the Government lost a vote, it was usually because we had lost the argument. This was a very difficult thing to accept at the time but it was the case. In my view asking the Commons to think again in those circumstances greatly benefited the development of legislation.

Since 1999, the Chamber has become much more professional in the carrying out of its important role and has already taken action to improve itself in a number of ways. We have taken measures to strengthen the Code of Conduct and ensure that the Nolan principles on standards in public life are observed. We have legislated on the initiatives of my noble friend Lord Steel and the noble Baroness, Lady Hayman, to ensure that those who are convicted of a criminal offence and sentenced to more than a year's imprisonment cease to be Members of the House, and to strengthen our ability to take action when necessary to expel or suspend Members. These changes have been achieved by consensus. There is consensus that the size of the House should be reduced, and on the other principles that a number of noble Lords have mentioned: that it should be smaller than the Commons; that we should retain an element of Cross-Benchers; and that no political party should have a majority. However, here consensus begins to break down, as the noble Lord,

Lord Wakeham, pointed out in his typically wise speech. This lack of consensus applies to matters great and small, all of which could in theory enhance the credibility and reputation of the House. One such measure, which could be quickly implemented, would be for the House to agree the recommendation in the report of the Committee for Privileges and Conduct entitled *Undermining Public Confidence in the House*, to strengthen the code of conduct with a “disrepute” provision. However, there is no consensus to do that, so it probably will not happen.

Another measure—it was initially proposed by Lord Avebury in 2006 and was in the initial draft of my noble friend Lord Steel’s Bill—would be to end the system of hereditary by-elections in this House. That has now been taken up by the noble Lord, Lord Grocott, who can certainly be assured of my support for his Bill. When it was introduced, the by-election system was supposed to be a temporary measure until the then Labour Government’s “second stage” of Lords reform was completed. As a junior Whip on the 1999 Bill, I remember the noble Baroness, Lady Jay, then Leader of the House, at her most imperious, slapping down people who said that the system of by-elections for hereditary Peers with an electorate of under 10 was a nonsense, on the grounds that it might not have been perfect but it would never be enacted because there would be a second phase of reform—so why was anybody worried? We have seen what has happened.

Another measure that could be considered is to reduce significantly the role of patronage in the appointment of Members to the House by giving a stronger role to the independent House of Lords Appointments Commission—the burden of the speech made by the noble Lord, Lord Jay—and by ensuring that the commission is placed on a statutory basis. The issue of scrutinising the suitability and commitment of potential Members has near unanimity in your Lordships’ House, and we should go ahead and do that.

All the more substantive proposals put forward clearly have major strengths and weaknesses. I have a lot of sympathy with my noble friend Lord Steel’s proposal on retirement age, although I know that that makes me unpopular with some members of my group, and there is certainly no consensus to do it. I have some sympathy with the suggestion that there should be an automatic retirement if a certain percentage of attendance is not reached in a Session. However, given that a number of noble Lords who make good contributions here are doing things outside and cannot be here all the time, we would have to set the bar significantly lower than the 30% or 40% suggested by the noble Lord, Lord Foulkes. I do not agree with the other suggestion, that we should have a moratorium on appointments. While the tap should certainly be turned down, it would be a mistake to turn it off, as we would just get an ever-older House.

Lord Berkeley of Knighton (CB): On that point about having time to come here, when I was appointed by the Appointments Commission, rather like my noble and learned friend Lady Butler-Sloss, I was extremely worried, because I had composing and broadcasting commitments and I felt that I could not give the House what it might need. The chairman at

that time, who is sitting here today, said, “If you have a commitment to come, that is what we need”. I cannot come at every moment of the day but I try to come, as with this evening. I was interested to hear that more interventions would be welcomed, because that would mean that people could come and participate even if they could not be here at the beginning of the debate.

Lord Newby: My Lords, the noble Lord makes my point. I realise that my time is virtually up. I conclude, in looking at all the suggestions that have been discussed, that any further work that is undertaken will need to look at both sides of all those suggestions, both the upsides and the downsides. The lack of consensus on just about all the suggestions demonstrates that none of them is unambiguously without problem.

I am a proud Member of your Lordships’ House. I think that it plays a significant and positive role but fully accept that, in the minds of many people, this role is devalued because of the size of the House. I and my colleagues are therefore willing to look at methods by which a change in its size might be achieved short of the elections that we would prefer, but which I recognise we will not get in the foreseeable future. However, after today’s debate, and despite some consensus, we are under no illusions that this will be easy.

8.44 pm

Baroness Smith of Basildon (Lab): My Lords, this has certainly been an interesting debate and I am grateful to the noble Lord, Lord Cormack, for instigating it. I am also grateful to the noble Baroness the Leader of the House and the Government Chief Whip for providing government time for it.

Perhaps the most enjoyable part for me was the exchange between the noble Lords, Lord Norton and Lord Newby, on the facts of the issue. I welcomed the comment from the noble Lord, Lord Newby, that, despite the inevitable impact that elections would have on his Benches, he would still prefer to go forward on that basis. It was perhaps our first seasonal mention of turkeys voting early for Christmas.

The large number of speakers today reflects not only a concern about this issue but the fact that we are a self-regulating House and that we take that role seriously. We are ourselves seeking solutions and looking at how to move forward—and indeed, many other areas of Lords reform have been initiated in your Lordships’ House. If there are to be changes in how this House operates, including in its size, it will be helpful to proceed if not with consensus then certainly with broad agreement.

Labour Peers have been considering these issues for some time, and noble Lords will have seen our 2014 report. It is perhaps worth noting its title: *A Programme for Progress: The Future of the House of Lords and its Place in a Wider Constitution*. We have not had much debate tonight about its place in the wider constitution, but that has to be taken into account in areas of reform.

During this debate there have certainly been points with which I have agreed and others with which I have disagreed, and there have been a number of views and

[BARONESS SMITH OF BASILDON]

suggestions which I think are worthy of serious reflection and consideration. My noble friend Lord Cunningham of Felling, who is very experienced in these matters, said that it is difficult and complicated but that we can make a start. Tonight we have made that start. We have heard differing views on what the problem is and how it can be resolved, but there was broad agreement that we could be a more effective and better-understood Chamber, and perhaps be held in higher regard, if we had fewer Members.

However, the first principle should be that form follows function, and the role of this House has to be the central part of our debate. We have been clear about what we do and how we can best do it. The role of a scrutinising and revising Chamber is, as we have heard from many noble Lords, valuable—but, as we have also heard, it is often misunderstood.

The Canadian Senate has had some similarities with our Chamber, although I appreciate that it is very different at the moment. The first Prime Minister of Canada described the Senate as a Chamber of “sober second thought”. I think that that is a good description of how to approach matters. However, I also have no doubt that Governments have become less tolerant of that sober second thought, and indeed of more independent thought. I do not know whether noble Lords have been following the news today. The current political crisis in Italy started with a referendum on reducing the size and power of the Senate—the second Chamber. The Prime Minister was accused of attempting a power grab by trying to reduce the Senate’s powers, and there was a populist campaign in defence of the second Chamber. We should look at what is happening there.

This Parliament has been difficult for the Government. It is the first time ever that a Conservative Government have not had an automatic majority in your Lordships’ House. Both the Government and the Opposition parties have had to manage that—and, despite some transitional hiccups, I think that as a House we have managed the process well. Being a responsible Opposition does not mean that the Government get their own way every time, but nor does it mean that the Opposition can deny the right of an elected Government to implement the programme on which they were elected. As we have also heard, every Government have tended to appoint more of their own party Peers and fewer opposition Peers. In 1997, when Tony Blair became Prime Minister, there were 477 Conservative Peers and 117 Labour ones. But, even then, it was only after eight years and two electoral landslides that the Labour Party became the largest party in your Lordships’ House in 2005. Yet the pace then, from 2010, certainly gathered. The Conservative Party, despite there being two parties in government—the Conservative Party and the Liberal Democrats—became the largest party in your Lordships’ House after just three years.

Part of the problem is the short-term decisions that have been taken in recent years and a lack of understanding of the role of your Lordships’ House. David Cameron appointed more Peers per year and at a faster rate than any other Prime Minister since 1958 when life peerages were introduced—and more were from the Government parties and fewer from the

Opposition. That then became further complicated because a significant number of those Peers were appointed to the Liberal Democrat Benches—which used to be on the other side of the House—meaning an extra 45% in their number, bringing them up to 104 from 72. However, when they went into opposition on this side of your Lordships’ House, the Prime Minister felt he had to appoint more Conservative Peers to try to balance the numbers—“ratcheting up” was the expression used by some noble Lords—to compensate for his former party of government moving into opposition. That is not the sole reason, but it is part of the reason why the size of the House has grown.

In addressing size, we have to look at two issues. One is reputational and the other is practical. When I first came to your Lordships’ House six years ago, we did not have an overflow seating area for Members of this House who were not able to come into the Chamber during Questions. That is something new that has come about with the increase in the size of the House. We should also recognise the reputational issue. A number of noble Lords commented on the difference between the number of Peers who attend and those who are entitled to attend. However, I do not think it is enough to say, “It’s okay because they don’t turn up very often”. It is almost as though we were suggesting to other Peers who do turn up that we could manage that bit better if they did not turn up very often, either. That is not acceptable. Every Member of your Lordships’ House is an equal and is entitled to be here and to vote. I am sure it was not just me and those in my party who winced when we heard one Member of this House complaining that he was appointed as an honour and did not like being called in so often to vote with the Government. That is not a party embarrassment but an embarrassment for this House.

Although I was interested in a lot of the comments of the noble Lord, Lord Wakeham, I have to say that I disagree with him that this is a part-time House. It is not a part-time House; we often sit longer than the other end. What we do have, however, is the fact that Members of this House do not have to be full-time professional politicians to engage in the work of scrutiny and holding the Government to account.

How do we achieve reducing our size? We can agree that we think there is an issue and we can agree on the principle, but how do we make it happen? The noble Lord, Lord Cormack, very helpfully said that we were talking about principle and not detail—but, inevitably, in talking about principle we have to look at some of the detail. I agree with the noble Lord, Lord Newby, although I do not feel quite as negative about it as he does, that every proposal will have its downside. But they will also have benefits, and that needs to be taken into account and looked at.

On the issue of a retirement age, I feel very uncomfortable with my great and noble friend Lord Dubs, who introduced me into this place, sitting behind me. I know he said that he would be happy to go but we would not be happy for him to go. Whatever age we suggest, we can all identify noble Lords of that age or older who make an amazing contribution to this House, and name a few others who are younger than them

who do not. I think we would find that, although most noble Lords would favour a retirement age, they will choose an age that is five years above the age they are. Therefore, although I am sure that retirement will be looked at as part of the criteria, we cannot look at that solely. The noble and learned Lord, Lord Hope, made the important point that some Members of this House—not just those on the Cross Benches—come in once they have retired from their profession because they want to use their expertise in the work of this House.

If we were to look just at attendance, it would disproportionately affect the Cross Benches. We should expect a basic level of activity and commitment to this House from all noble Lords. Having said that, we need to recognise the contribution of those who do not attend very regularly, but who, when they do, add experience, expertise and value to the work that we do. It is about getting a balance between those two issues so that we can do justice to our colleagues, whom we want here, but with the expectation that people are here not just as an honour but to play a role in legislation and the work that we do.

Another issue is whether we should in some way tie numbers here to a general election. It needs careful thought. I am totally opposed to using the previous election alone as a marker for numbers and proportions of the different parties and the Cross Benches. We should perhaps look at the trends over three elections, as Professor Meg Russell has said. To have this House bouncing about from one side to the other because of one election result would undermine the very essence of what we are about. We are not a reflection or a mirror of the House of Commons; we are a distinct and separate body. We complement and work with the House of Commons but we are different. The noble Baroness, Lady D'Souza, made a similar point about three elections. We have to take care about how we look at that.

What are the guiding principles when looking at size? For me, the one that is non-negotiable—this has been mentioned many times—is a cap on numbers. It does not have to be an absolute number; it can be a band of numbers. I have previously been told—the noble Baroness, Lady Stowell, will remember the many discussions we had on this matter—that it was totally unacceptable to the Government as the Prime Minister has to have the right to make appointments and cannot be fettered in any way. However, I am not talking about removing the patronage of Prime Ministers—I am not against Prime Ministers having patronage and making appointments to this House of people who have worked for their parties and their Governments—but there are limits. Unless a cap is agreed there will be no value in—and perhaps more importantly there will be no agreement on—reaching a reduction in the size of your Lordships' House. If over a period of time—perhaps five, 10 or even 20 years—the numbers grow back, that will happen only through more government appointments. I have had colleagues on my side of the House say to me, “I would retire but, if I do, all I do is create a government vacancy”. That is not what this House should be about. I am not talking about an exact number but there should be a band with a top level on it.

Another point I have made before is that form should follow function. The Labour Peers' report suggested 450—a working number—but the reason they came to that figure is because they looked at the committee work and the scrutiny that this House does. It is not only about legislation. We work on EU legislation and on statutory instruments—which we do so much better than the other place—and with Brexit coming along there may well be increased activity in your Lordships' House. As we progress through the Brexit process we need to ensure that the Government are given advice by this House and can address all issues.

We agree that, whatever the number is, it is likely to be lower than the size of the Commons. However, relative size to the Commons is not the driver. The work that we do and how we do it should be the driver. However, it is inevitable that we will be smaller than the House of Commons.

I have two final points. Another point made by Professor Meg Russell, which I feel strongly about, is that we have to take into account the political balance of your Lordships' House. There is an Official Opposition and Government in the other place and in this place and that must be recognised. The 20% or thereabouts that we have talked about for Cross-Bench representation does not seem unreasonable, but we are a political Parliament with an Official Opposition and a role for political parties and that has to be recognised. I would not go down the Canadian route of all Members now being appointed as independents—that would be a step too far—but we want to ensure that political recognition is taken into account.

Finally, if we are reduced in size it is inevitable that a spotlight will be shone on the appointments process and we need greater transparency in how appointments are made. Again, I am not trying to stop Prime Ministers and the leaders of the Opposition and other parties making their political judgments on who they want in here, but there has to be openness about the criteria used. The Appointments Commission has five Peers and two independents. Should we look at a greater role for independents to get a more widespread and diverse approach to how we appoint Peers?

We have made an important start today. I make one further plug to end the absurdity of the elections of hereditary Peers. The whole House recognises that the time has come to do so. That is not in any way to cast aspersions on the hereditary Peers who play a full role in this House, but it should be done to show that we understand and share the public's concerns. There is an opportunity here. Although there is not a complete consensus there is broad agreement and we want to move forward.

8.59 pm

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, I am grateful to everyone for their contributions to the debate and to my noble friend Lord Cormack for securing the opportunity for us to discuss this important matter. Today's debate has shown that across the House there is a strong desire to ensure that we continue and, indeed, improve the way we perform our critical scrutinising and revising role. What

[BARONESS EVANS OF BOWES PARK]

has also come across loud and clear is the concern noble Lords have about the public's perception and understanding of the work of this House. This evening has reinforced to me that many noble Lords believe that the size of this House presents problems on both counts.

As Leader, I want to be clear at the outset that I have heard the strength of feeling on this issue. I also add that I am strongly of the view that any action we might take on the size of the House must at heart enhance our ability to perform our vital role of revision and scrutiny. Any reform cannot and must not be simply about numbers; it must result in this House working better in fulfilling our role effectively, as well as serving the public at large.

What has been encouraging about today's debate is that there is a strong desire for us to work constructively together across the House to make progress on this issue. Indeed, I am strongly of the view that that is the only way progress can be made. However, as noble Lords will no doubt expect me to say about a topic that has occupied your Lordships' House for many, many years, this is not something we will be able to make decisions on immediately and implement reforms overnight.

As noble Lords said earlier, today is not the day for me directly to address the merits and demerits of each and every proposal suggested during this interesting and extremely well-informed debate, but I will of course read *Hansard* and reflect further on the detail of noble Lords' contributions. What I will do is set out my approach. In doing so, I remind noble Lords that this is a subject I will consider with two different roles to play.

First, as Leader of the whole House, it is my responsibility to ensure we remain able to perform our role as a scrutinising and revising Chamber as effectively as possible, complementing the work of the elected House, and that any changes we make are consistent with that purpose. It is also my role to listen to the concerns raised by noble Lords across the House and to work to see whether solutions can be found to address them. This debate reflects the fact that one of the most frequent issues noble Lords have raised with me since I have become Leader is concern about the negative public perception of this House, and the view that our size is one of the contributing factors to this. I understand these concerns and agree that we must reflect upon how we can better command public confidence in the excellent work we do.

Secondly, I am also Leader in this House of the Government Benches—a Government elected with a manifesto which acknowledged that size is an issue to be addressed, but also made clear that comprehensive reform is not a priority for this Parliament. As a number of noble Lords have acknowledged, that must be right when there are so many pressing legislative priorities to deliver over this Parliament, not least around the UK's exit from the EU and our ambitious social reform agenda.

I am sure noble Lords will not be surprised that I will not set out a stall at this stage and propose specific changes. I think that today's debate has, despite consensus, shown there is further work to do to reach a broad

consensus on the precise way forward. However, neither am I suggesting that we should simply set ourselves in aspic. It is right that we collectively seek a solution to address concerns about the size of this House raised today while ensuring we continue to refresh and renew our expertise and our outlook so we remain relevant to the Britain of today and the future. Whatever reforms might be implemented, it is essential that this House continues to be able to draw on the invaluable breadth of expertise and experience of Peers as we do today.

Over the past few years, we have shown what progress can be made when we come together to make this House work more effectively, as a number of noble Lords have mentioned—whether in enabling Members to retire from the House, in legislating so that Members are removed when they do not attend at all or in giving this House the power to expel Members for serious misconduct. These may have been incremental changes, but the sum of their parts has been significant and led to tangible changes in the culture of this House. I know that many noble Lords who have spoken today are impatient for more wide-reaching reform, but we should not underestimate the importance of what has already been achieved and the value of taking steps forward together.

In light of today's debate, I sense that noble Lords want to bring that same spirit to moving forward. While it will not be possible, either practically or politically, to achieve everything that has been raised this evening, I hope that it will be possible for us to examine and consider what ideas might be able to command support across the House in relation to our size. If, in the light of that consideration, there are ideas or proposals that are able to command broad consensus, I would welcome working with noble Lords, both as Leader of the House and as a member of the Government, to explore taking them forward.

Following today's constructive debate, we have an opportunity to make progress. It is clear that there is strong feeling across all Benches that the size of the House is an issue of concern and that noble Lords want to continue discussions about how we might address this, although I think it is also fair to say that there is not currently clear agreement on what a solution might be. In further discussions about our size, it will be important that we reflect on the work we do and how we can do it more effectively. As I have said, I am clear that any further reform must enhance our role as a Chamber of scrutiny and revision and that we must continue to be able to draw on a wealth of expertise and experience. I will reflect on the comments made this evening and consider how best to take matters forward. I will of course want to speak with my fellow leaders, the Convenor and the Lord Speaker to consider the best approach.

As I have made clear, if we are to make any progress on this issue, we have to do it together as a House. The way forward will not be instigated, led and imposed by government alone. A number of noble Lords have suggested a Select Committee as their preferred way forward. As the House will know, we have a Liaison Committee which oversees Select Committees and is currently seeking submissions for next year's ad hoc

committees. That may well be a route that some of your Lordships wish to pursue. I would also like to consider whether a more immediate, practical step could be taken in convening a small, Back Bench-led consultative group whose work could be overseen, for instance, by the Lord Speaker. Such a group would be well placed early on to look at pragmatic options for progress on this issue, analyse their implications and identify the important questions that need to be resolved so that we can go further. Obviously, I will discuss this further in light of today's debate, and I will bear in mind the strong desire that noble Lords have expressed for this to be a process led by Members. As the noble Baroness said, for any proposals for reform to have a chance of success, they will have to command broad consensus around the House.

I have heard the clear call from today's debate and from the broader discussions that I have had in my time as Leader for a renewed momentum to have constructive discussions about our future on this issue. Although I come to this debate afresh, I am struck by the strength of feeling across the House on the need to try to make progress. I am encouraged that the debate today has set us on our way in a welcome spirit of partnership.

9.09 pm

Lord Cormack (Con): My Lords, it falls to me, briefly, to wind up this debate having introduced the Motion. I begin by thanking, once again, the Leader of the House and the Chief Whip for making this time available to us. I also very much admired the spirit in which both the Leader and the shadow Leader of the House responded to the debate. The Leader, in particular, showed that she has within her the stuff to make a considerable and perhaps great Leader of the House. She clearly understands what the House is about and what its duties and role are. I was encouraged by what she said.

Two things came through this debate very strongly. First, 49 of the 56 Back-Bench speakers backed the Motion, with varying degrees of enthusiasm. Some were totally enthusiastic but only seven did not feel able to associate themselves with the Motion. How you define consensus I know not, but certainly that is an overwhelming majority. Secondly, with regard to the second half of the Motion, to which I attach—in spite of what was said by one colleague—equal importance, there was a desire for a Select Committee.

The Leader, in a very constructive way, acknowledged that. The best thing she said was that she clearly wants

to continue discussions. She talked about a possible committee convened by the Lord Speaker, and clearly that idea deserves serious consideration. That does not in any sense rule out a Select Committee referral, nor does it mean that we must creep at a snail's pace. The other thing that came out of this debate was the sense of urgency in many speeches, most notably in the excellent wind-up speech from the Back Benches by my noble friend Lord Norton of Louth, and in the speech of a man who has more experience of the workings of Parliament than perhaps anyone else—the noble Lord, Lord Lisvane. He said that we are in danger of losing the claim to be seen as an effective second Chamber unless we take some action.

Clearly, throughout the House, Members of all parties and across Benches—two of the five Liberal Democrat speakers were warmly in support of the Motion—recognise that size is an impediment to enhancing our reputation and the understanding of our role, and that we have not got an enormous amount of time. We need in the months ahead not a publicly announced but a privately practised self-denying ordinance on the part of the Prime Minister so that we do not see another procession coming to the Box to take the oath. Everyone who has entered this House since I came here has been made as welcome as I was—and that is our duty always. But if we overload the Benches we create problems for everyone. That has come across time and again in the speeches we heard today.

We are fortunate in having a Lord Speaker who, the moment he took office, made his own concerns publicly plain. We welcome that. We have a Leader of the House, supported by a shadow Leader of the House, who recognises the importance of these issues. I hope that this will prove not just to have been a fairly long pre-Christmas day but the beginning of a campaign that will result, in the course of the next year or so, in concrete and positive steps being taken.

We must show that we have the collective will to take the initiative here. We do not want to have a solution imposed upon us. We do not want a House in which so many of us take great pride to be in any way endangered. I have great confidence in what the Leader of the House has said. In conclusion, I thank everyone who has taken part in a very constructive debate—and it is remarkable that we have got through 61 speeches and it is still only a quarter past nine.

Motion agreed.

House adjourned at 9.15 pm.

Volume 777
No. 75

Monday
5 December 2016

CONTENTS

Monday 5 December 2016
