

The Reform Challenge

Perspectives on Parliament:
Past, present and future...



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Preface

Peter Riddell
Chair, Hansard Society



This series of lectures came at the end of the most turbulent Parliament in living memory. The expenses scandal aggravated, but did not create, a growing sense of public disenchantment with the world of Westminster. Even before a vote has been cast at the general election, a record number of MPs have decided to leave the House of Commons.

The scandals – both in the House of Commons and the House of Lords – have triggered wide-ranging demands for reform. The revelations over MPs' misconduct led to legislation ending control by MPs over their own expenses and allowances and the creation of the Independent Parliamentary Standards Authority to take over this role. Further proposals would also make IPSA responsible for pay and pensions. In the Lords, too, the suspension of two peers over 'cash for amendments' allegations led to a review of its code of conduct and the creation of a commissioner, similar to the Parliamentary Commissioner for Standards in the Commons. Proposals to reform the system of payments to peers have also been made by the Senior Salaries Review Body, though the changes will not be completed until after the general election.

However, the scandals have also prompted soul-searching about the role and effectiveness of Parliament itself. One of the most striking, and damaging, findings in the Hansard Society's annual

Audit of Political Engagement was the sharp decline in the number of people regarding Parliament as an important institution affecting them. Leading parliamentarians are well aware of these attitudes and many have been arguing for reform of their procedures for many years.

Last autumn, the Hansard Society hosted a lecture by Mr Speaker, John Bercow, who made a number of proposals for strengthening the role of backbenchers, and a lecture by the Lord Speaker, Baroness Hayman discussing ways in which the Upper House had changed and needs to change further. We decided to take this series further by inviting leading representatives of the three main national parties to give their thoughts on parliamentary reform in March 2010, in the closing weeks before the election campaign started. These lectures came just after the debates and votes by the Commons to accept the thrust of the package proposed by a special select committee chaired by Tony Wright to have the chairs and members of select committees elected and to create a new House Business Committee to decide on the allocation and timing of non-government business.

These are important changes but all three lecturers – Jack Straw, the Lord Chancellor, who has taken a close interest in the Commons throughout his career; David Howarth, his Liberal Democrat

shadow who has made a big impact on constitutional issues during his five years in the Commons; and Sir George Young, the Shadow Leader of the Commons, and a long-time champion of Commons reform – each highlighted areas where more needs to happen. There were disagreements – for instance, between Mr Straw and Sir George – over the impact of a reduction in the number of MPs by equalising the size of constituencies, and between Mr Howarth and the others over electoral reform.

But there was agreement by all three on the need to build on the Wright reforms – not only in the internal procedures of the Commons but also, particularly, in trying to re-engage voters with Parliament; to renew the legitimacy of representative democracy. Longstanding proposals for electronic petitions have so far gone nowhere – and need to be addressed. There are now more ambitious proposals for voters to be able to set the agenda by triggering debates and the presentation of bills – though final decisions would still remain with MPs.

It is misleading to believe that the general election and big changes in the membership of the Commons will be enough to restore confidence, let alone trust, in Parliament. Far more needs to be done. These lectures point the way.

The Reform Challenge

Dr Ruth Fox
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When only 19% of the British public believe Parliament to be one of the two or three national institutions that have most influence on their everyday life it is clear that Westminster faces a crisis of relevance and legitimacy.¹

Parliament lies at the apex of our democratic system and fidelity to its authority is predicated on public confidence and consent. Yet 62% of the public admit they know 'not very much' or 'nothing at all' about it;² only 40% believe it holds the Government to account; and only 27% believe it is 'welcoming to the public'.³ Only a quarter of the public trust politicians either 'a great deal' or 'a fair amount'⁴ and only one in five people say they would be proud if their child became a politician.⁵

And yet the public continue to retain a heartening faith in the systemic foundations of our representative democracy. Two thirds strongly believe in the importance of politics, roundly rejecting the idea that it is a 'waste of time';⁶ three quarters of the public believe it is their 'duty' to vote;⁷ 58% still believe that voting in a general election gives them a say in how the country is run;⁸ 60% believe that Parliament is a 'worthwhile' institution⁹ and 75% that a strong Parliament is good for democracy.¹⁰ In the last decade this confidence in the core tenets of our political system has provided an essential bulwark against a rising tide of distrust

and cynicism about politicians and an ever-growing disillusionment with and disengagement from the political institutions they inhabit as a result of problems such as MPs' expenses, war in Iraq, and the financial crisis.

In light of these problems the next general election is rightly regarded as a crucial test of our democracy and public expectations are higher than normal that the new intake of MPs – potentially the largest turnover since the second world war – will usher in the winds of change at Westminster. But if members of the next Parliament fail to renew the legitimacy of representative democracy, to demonstrably change the culture and conduct of Westminster politics, to restore the standards of public service, and to enhance the reputation and relevance of Parliament and the politicians who serve in it, then it is the subsequent general election in 2014 or 2015 that could prove to be the true watershed. The extent to which our politicians – individually and collectively – are focused on the right parliamentary reforms for the future is therefore critical.

The parameters of reform

All the parties talk of the need to renew our democratic system in order to regain public trust. Yet, even before the expenses scandal, politicians did not command public trust. The *Audit of Political Engagement* demonstrates that

trust in politicians has not deteriorated much over the course of this Parliament and has certainly not collapsed as a result of recent scandals. Levels of trust were already low. Only 26% of the public say they trust politicians today, but that is down just 1% on the number who said the same in 2004, though there has been a distinct hardening of attitudes among those already inclined to distrust.¹¹ The revelations about MPs' expenses did not create the trust problem but merely crystallised and magnified it through a daily drip-feed of evocative tales of duckhouses, moats and non-existent mortgages.

The challenge facing politicians is much broader and more complex than one of trust alone. Public faith, confidence in and satisfaction with the effectiveness of Parliament collectively and MPs individually is also part of the mix. And there is no silver bullet to address the problems: what is required is a multi-faceted approach to tackle the flaws and weaknesses, fundamentally overhauling key aspects of the work of Parliament. The process and procedures that govern the way legislation is scrutinised and laws made needs to be reformed in order to improve its effectiveness. There is currently a mismatch between the scrutiny mission of Parliament and its capacity to carry out that mission. The role and function of individual MPs needs to be facilitated to a greater extent than at present if the marginalisation of backbenchers is to be addressed and the influence of parliamentarians collectively vis-à-vis the executive is to be asserted. Parliament must also communicate and engage more effectively with the public than it does at present for it is strongest when it is responsive to, articulates and mobilises public opinion. And if the concept of public service in Parliament is to be restored then there needs to be a new focus on ethical conduct underpinned by the principles of public life, transparency and accountability. Finally, that the expenses and other

related financial scandals in both the Commons and Lords have engulfed politicians on all sides of the political divide highlights the fact that there is a fundamental governance and leadership problem within Parliament that must be addressed.

The prospects for future reform

On the 22 February and the 4 March backbenchers on all sides of the House supported radical proposals for the introduction of House and Backbench Business Committees, the election of select committee chairs and members, and new initiatives to foster public engagement in the parliamentary process particularly through a new petitions process. The expenses issues had the unexpected effect of emboldening Members to defy the conventional wisdom that the most significant parliamentary reforms are generally implemented only in the propitious environment immediately following a general election and not in the dying weeks and months of a Parliament.

These measures, proposed by the House of Commons Reform Committee chaired by Tony Wright, mark an important new effort to restore some potency and legitimacy to the House of Commons and enhance the role of backbenchers in relation to the executive. It will now be for the Members in the new Parliament to exploit the opportunities they provide.

Looking beyond these reforms, however, a number of fundamental questions and concerns must be addressed if Parliament is to become a more effective and relevant institution, the solutions to which lie often as much with the executive as with Parliament.

At a prosaic level, so long as the current volume of legislation continues unabated then the capacity of Parliament to effectively scrutinise it will be limited. Although the average number of bills is

broadly the same today as previously, the number of pages of primary legislation has increased dramatically: in the 1950s for example, just over 1,000 pages of legislation were introduced but in recent parliamentary sessions the number of pages has regularly exceeded 3,000, to which then has to be added the thousands of pages of accompanying delegated legislation. But while the volume of legislation to be scrutinised increases, the resources to do it – particularly the availability of parliamentary time – have not. Consequently, unless the volume of legislation is restrained then procedural reforms will only be able to deliver incremental improvements in scrutiny and oversight.

The quality of policy preparation and legislative drafting – and the direction that is provided to parliamentary counsel by ministers for this – is also vital: for it is Parliament that has to accommodate the difficulties posed by inadequate bill preparation in terms of parliamentary time and resources. Similarly, regular ministerial reshuffles and machinery of government changes impose a burden on continuity of scrutiny and oversight – for example in terms of select committee organisation and membership – that Parliament is powerless to address on its own.

Several bodies – the Speaker's Conference on Parliamentary Representation and the Independent Parliamentary Standards Authority foremost among them – have suggested in recent months that the sitting times of Parliament should be reformed still further to better reflect the working hours of the majority of the public. But in reality, such reforms are impractical so long as the demands on parliamentary time continue to grow exponentially, driven by the ever-increasing size of the statute book and a system that facilitates legislation by tidal wave rather than by pipeline.

Although an understandable response to the expenses scandal, it is not axiomatic that cutting the cost of politics, as all the parties appear now to advocate, will necessarily enhance and be to the benefit of Parliament and our wider democracy. Cheap democracy is not the same as good democracy and is not necessarily in the public interest. It is one thing to cut costs by limiting the amount of money that can be claimed personally by MPs but it is quite another to initiate measures that may constrain democratic accountability and effective scrutiny. Reducing the number of MPs by 10% or 20% may reduce the overall financial cost burden of Parliament. However, unless such a move is accompanied by a parallel commitment to reduce the size of the Government's payroll vote, it will merely enhance the executive at the expense of the legislature by reinforcing the power of the frontbench in proportion to the overall size of the House of Commons. Furthermore, when we face the worst economic crisis since the 1930s and the size and scope of the public sector has been inflated by the nationalisation of a large portion of the banking sector, downsizing Parliament at a time when its legislative and scrutiny burden is both substantial and ever more important, is a strategy not without risk. In terms of resourcing, it could be argued that Parliament needs more support than ever before – for example, to provide more expert advisers – in order to properly carry out its constitutional responsibilities in respect of financial scrutiny.

A lesson of reform over the last 13 years is that any programme of change requires clear and energetic political leadership from within government. The Wright Committee marks the exception not the norm. But executive initiation of reform presents real problems. Firstly, reform – or modernisation – can mean different things to different people and can therefore lead in different directions. Modernisation generally favoured by the executive has tended to focus on reforms

to achieve greater efficiency in Parliament's processing of legislation, whereas modernisation by those favouring a rebalancing of the relationship between the legislature and executive has tended to focus on reforms to improve the effectiveness of MPs individually and Parliament collectively. Secondly, even when valuable reforms are introduced there is no guarantee that they will be effective if their exploitation is dependent on the initiative of the executive: both pre-legislative scrutiny and legislative carry-over are important reforms that have been under-utilised since their introduction despite frequent expressions of support for them by the Government.

But Parliament and the House of Commons in particular will not be able to wrest the initiative for reform from the executive unless and until it develops coherent mechanisms and processes to implement and review reform itself. Change in recent years has come through a number of routes – the Modernisation Committee, the Liaison Committee, the Procedure Committee, or the Administration Committee to name just a few. But the result is that change becomes dependent on the will of those committees to pursue proposals in the face of executive opposition or disinterest, or it is reliant on the particular political influence of the chair to help secure the proposals. When membership of the committees changes then momentum in favour of particular proposals can be lost. And when there is major impetus for reform, as there has been in the last year, then entirely new committees can be established, as we have seen with the Wright Committee. Unless more coherent and effective mechanisms to deliver reform are provided then the approach to reform may continue to be ad-hoc and often ineffective.

Part of the problem is also that there is often a lack of consensus among

backbenchers about what changes they actually want to see. Many hope that the new intake of MPs after the general election will consequently inject new life into the parliamentary reform agenda. The potentially historic scale of the new intake of MPs certainly presents a new opportunity for these Members will not come to the debate with the same ingrained outlook as many of the current group of MPs. Having not been there long, they will not necessarily be wedded to the traditional way of doing things, so it may be possible to develop a new consensus in favour of reform across Parliament. But paradoxically the scale of the new intake might actually inhibit the potential for reform in the new Parliament. New Members, unsure in their roles and unfamiliar with how Parliament works, may find themselves unduly dependent on the party managers for advice and support and therefore less likely or able to challenge them when it comes to issues of reform. In the age of the permanent election campaign, MPs – and the new generation of parliamentary candidates in particular – are also more locally focused on constituency activity than ever before, to the detriment of their role as legislators and parliamentary scrutineers. The parties have yet to fully confront the irony that despite this incessant local focus, MPs are nonetheless perceived to be more out of touch with public opinion than ever before. Unless the next generation of MPs embrace the fact that in addition to their local commitments they have a constitutional obligation to hold the Government to account on behalf of the public then the prospect of many of them focusing on parliamentary reform as a priority may be slim indeed.

Priorities for reform

The last three Parliaments have witnessed a series of important reforms, many of which were first recommended by the Hansard Society. Legislative procedures have been redefined through the

introduction of programming, carry-over of bills, pre-legislative scrutiny, and public bill committees. The scrutiny process has been reshaped and refocused through significant reforms to the role and function of select committees, changes to parliamentary questions, and the introduction of the Modernisation Committee. And the way that Parliament conducts its business has been modernised with changes to sitting times and the parliamentary calendar, new initiatives to facilitate public engagement, broadcasting changes, and the overhaul of the management structure.

But looking to the future what should be the new priority areas for action and reform?

1. Legislative and scrutiny process

i) Programming

Programming motions outline the time that will be spent on each stage of a bill as it goes through the legislative process. First recommended by the Hansard Society's independent Commission on the Legislative Process (the Rippon Commission),¹² the aim was to introduce more certainty into the legislative process and to eradicate, or at least greatly reduce, the gaps in scrutiny that occurred when a bill ran out, resulting in many clauses being left undebated. In the early years of programming there was political consensus between the parties but after 2001 this declined and programming motions are now largely carried by the Government against the wishes of the opposition. The process has thus become ever more controversial with two particular criticisms levelled at it: that it strengthens the executive because it deprives the opposition of one of its rare parliamentary weapons, namely time, and therefore the ability to obstruct and delay legislation; and that the timetable is often so tight that a lot of legislation is passed entirely without scrutiny with many amendments at Report stage in particular being unexamined by the Commons.

Conversely its supporters can rightly argue that programming has brought greater certainty, even rationality to the legislative process, limiting the ability to filibuster and delay and thus reduce the time available for constructive debate.

But the problems with programming are a good example of what can happen when a reform is introduced in isolation, decoupled from other reforms intended to accompany it as part of a broad package of change. When the Rippon Commission recommended the introduction of timetabling, it saw this reform in the context of other proposed changes, particularly greater use of pre-legislative scrutiny, carry-over of legislation, and the introduction of a Business Committee. The latter was long resisted and has only just been endorsed as part of the Wright Committee package of reforms for implementation after the election. One of its early priorities should be to review the programming process, taking account of the recent study undertaken by the Procedure Committee.

ii) Pre-legislative scrutiny

Although pre-legislative scrutiny has been expanded over the last decade, the benefits have not been fully realised. Between the 1997-98 and 2003-04 parliamentary sessions, 42 bills were published in draft: in the 2003-04 parliamentary session alone 12 draft bills were published. However, in subsequent sessions there has been a marked decline. In the 2008-09 session, for example, seven draft bills were announced but only two were then published in time for scrutiny during the session. And though the scope of pre-legislative scrutiny has been expanded to incorporate the Queen's Speech, of the 23 bills announced in the first ever draft programme in July 2007 only one bill was then subsequently published in draft (the draft Constitutional Renewal Bill) and referred for full pre-legislative scrutiny to a parliamentary committee.

Pre-legislative scrutiny by parliamentary committee ought to be the norm for most bills. Where possible, MPs who take part in pre-legislative scrutiny should also subsequently become members of the public bill committee thereby ensuring that specialist knowledge of the legislation at draft stage is carried over into formal consideration of the final bill. All bills which are subject to carry-over from one parliamentary session to another should have had pre-legislative scrutiny of the draft bill. Thus the advantages gained by the executive in securing greater flexibility in the timetabling and passage of the legislation would be balanced out by greater parliamentary scrutiny of the bill. Finally, as much as possible, draft bills should be accompanied by a comprehensive set of draft secondary legislation as it is these regulations that generally provide the substantive detail of a bill.

Pre-legislative scrutiny is not without its challenges – not least the time constraints that impact on the legislative process and the additional burden of work it imposes on select committees. Overall however, the potential benefits to be derived from systematic pre-legislative scrutiny outweigh the problems, many of which can be addressed by other procedural reforms to streamline the legislative process. For example, the introduction of a new House Business Committee could provide, on a consensual basis, a mechanism for discussion of those bills that might be candidates for pre-legislative scrutiny.

iii) Public Bill Committees (PBCs)

Introduced in 2007, public bill committees provide more flexible scrutiny of legislation than their predecessor standing committees because they allow members to invite evidence from outside bodies during the formal legislative process. Now in their third year, the performance of these committees is ripe for review as previously promised by the

Modernisation Committee.

Given that PBCs have opened up legislative scrutiny to those outside Parliament, the work of the committees should be promoted more widely. Written evidence is permitted for all PBCs but oral evidence cannot be taken for any bill originating in the House of Lords or which has not been subject to pre-legislative scrutiny. These are unhelpful restrictions: the House of Lords should establish PBCs for bills that originate in the Upper House and where pre-legislative scrutiny has taken place this should be the starting point for examination by the PBC, regardless of where the bill originated, a position previously recommended by the Modernisation Committee.

Chairing of PBCs needs to be reviewed in order to enhance their effectiveness. Improvements might be made by greater involvement of select committee chairs or a more enhanced role for members of the Chairmen's Panel supported by greater assistance and briefing from clerks. The time between Second Reading and commencement of a PBC is often insufficient and sometimes as little as 24 hours. This lack of notice and preparation time necessarily impacts on the quality of PBC deliberations and should be reviewed. The new House Business Committee could play a role here. Timetabling arrangements for PBC hearings should be made more flexible, with greater discretion for chairs to continue questioning witnesses where they deem it appropriate. Chairs (rather than Whips) should be invested with the power to call witnesses and consideration should be given to allowing experts, lawyers or officials, to speak at committees.

iv) Select Committees

Thirty years after they were founded, departmental select committees have extended the range and breadth of scrutiny undertaken in Parliament and

have provided an alternative career path for those MPs with a particular interest in a niche area of public policy. In the last decade, the work of select committees has become more focused as a result of the 2002 adoption of 10 'Core Tasks' setting out their primary objectives. The appointment of media officers to support their work has also helped to make them an increasingly visible (and popular) form of parliamentary activity.

In order to provide for greater focus on select committee work one half or preferably one full day per week should be set aside in the parliamentary timetable for committee work during which time the main Chamber would not sit. This should be determined by the new House Business Committee.

The role of committees in scrutinising public appointments between the announcement of an appointment and the taking up of a post has also been broadened in recent years although they do not possess the formal power to veto an appointment. But if these hearings are to be ascribed greater value – both by MPs and the public – then their scope, purpose and impact needs to be revised.

The Hansard Society has previously recommended the creation of a wider range of sub-committees in order to foster expertise.¹³ For example, to avoid overburdening the Treasury Committee, a separate HM Revenue and Customs Committee could be established. However, the Wright Committee decision in favour of smaller overall membership of select committees, while having some distinct advantages, goes against the grain of this sub-committee approach. Given the range of work facing select committees – pre-legislative scrutiny, post-legislative scrutiny as well as their regular committee inquiries – it remains to be seen whether this will prove to be the right decision. An alternative approach to sub-committees may be to simply establish several new committees,

for example a Tax Administration or Taxation Committee, or establish more joint committees such as a Joint Committee on Tax Administration involving both MPs and peers.

If legislative scrutiny is to be improved then it is essential that committees are fully resourced. The 2002 introduction of the Scrutiny Unit to support the work of committees has proven to be an invaluable innovation. But as the workload of committees increases so, too, will the pressure on the resources of the Scrutiny Unit. With fewer than 20 staff, it provides select committees with expert advice and support on financial scrutiny, pre-legislative scrutiny, and the evidence taking functions of public bill committees. Given the changing workload of committees, and the need to improve scrutiny and oversight of financial matters, there is a case for augmenting the work of the Unit through the creation of a Parliamentary Finance Office to provide parliamentarians with additional high quality research, access to specialist advice and expertise, and further support for collection and analysis of evidence and report drafting.¹⁴

v) Post-legislative scrutiny

The Government has accepted that Acts should be reviewed between three and five years after enactment. The burden of post-legislative review will fall largely on select committees although at present the initiation of that review process remains with the executive. Given the existing responsibilities that select committees must discharge it would be advantageous if a more flexible approach was taken to both cross-committee work in the Commons and the creation of joint committees with the House of Lords. Some form of joint sifting committee could be established to prioritise which aspects of an Act will be reviewed in order to rationalise the post-legislative scrutiny process.

vi) Chamber -v- Committee work

The work of select committees needs to be better integrated into the activity of other parts of Parliament, particularly the Chambers. There should therefore be greater provision for short debates and questions on recently published reports during peak periods in the Chambers to which ministers should give a preliminary response. This process should be managed by the Liaison Committee and the new House and Backbench Business Committees.

Reflecting the shift towards greater committee work, the core tasks of the Chamber of the House of Commons should now be refined and clarified. The floor of the House remains the main public focus for activity but attendance is low for anything other than big, set-piece parliamentary occasions. The extent to which discussion in the Chamber dominates political debate has also declined. To improve attendance and influence, the work of the Chamber should therefore be refined to reflect its emergence as the plenary session of Parliament and the place where ministers are held to account on the topical issues of the day.

Similarly, in the House of Lords, in order to make better use of the time available in the Chamber, the Grand Committee process should become the default mechanism for consideration of all bills.

Greater use should then be made of split committal of bills in both Houses so that the most contentious issues might be dealt with and voted on in the Chamber with the remaining more consensual elements of a bill dealt with in committee.

vii) Delegated (secondary) legislation

Primary legislation often provides only a framework for particular policies, leaving secondary legislation to fill in much of the detail. There has been a huge expansion

in secondary legislation over the last quarter century: the number of statutory instruments doubled from around 2,000 per year in the mid 1980s to over 4,000 per year in 2005. Despite this increase, scrutiny of statutory instruments remains wholly inadequate.

In 2003 the House of Lords established a sifting mechanism – the Merits of Statutory Instruments Committee – to determine which statutory instruments are of sufficient legal or political import that they merit further debate. This reform has strengthened the role of the Lords and its scrutiny function. A similar Merits of Statutory Instruments Committee should be established by the House of Commons to complement the scrutiny work carried out by peers. Additionally, the affirmative resolution procedure for regulations should allow for amendment rather than just adoption or rejection.

viii) Private Members' Bills (PMBs)¹⁵

Private Members' Bills provide a rare opportunity for individual MPs to initiate legislation, respond to public concerns and help shape the legislative agenda. Enhancing the positive elements and outcomes of the PMB process would strengthen Parliament but the current procedure means that few make it onto the statute book. Many of the procedural devices that can be deployed to destroy a PMB derive their potency from the fact that PMBs are not timetabled. The Wright Committee proposed that the new Backbench Business Committee should look at this as well as related issues such as the balloting process and the shoehorning of consideration of PMBs into Friday sittings when most Members are in their constituencies. This should be a priority for the new Parliament.

ix) House of Lords

Much of the focus of political debate about the Lords concerns its composition. But following the introduction of the

Wright Committee reforms in the Commons, there is a strong case for reforming Lords legislative procedures to provide a more streamlined bi-cameral approach to scrutiny. Now that the Commons is to have a House and a Backbench Business Committee there is a case for the Lords to introduce a Business Committee as well in order to provide greater transparency about the decisions governing the agenda of the Upper House. Similarly, select committee chairs and members might be elected in future, though given that the Lords is a naturally less partisan Chamber than the Commons, and that one of its core strengths is the external expertise that members bring to the work of the House, there may be less demand for select committee elections than in the Commons. But one area that does need to be addressed is the issue of ministerial accountability. Cabinet ministers have long sat in the Lords (not least the Leader of the Lords and the law officers) and there is nothing constitutionally improper about departmental Secretaries of State doing the same. However, previously other members of Cabinet rank have answered for the department in the Commons. Today, Commons accountability is being effected through ministers from outside Cabinet which is an unsatisfactory position for the elected Chamber to be in.

2. Public Engagement

i) Petitions

The public engagement section of the Wright Committee report was disappointingly weak, reflecting the inability of members to reach a consensus on how and to what degree the public should be involved in the parliamentary process.¹⁶ It did, however, recommend a new system for petitions, to be administered by the Procedure Committee for a trial period, and further consideration of the implementation and costing of a system of ePetitions.

The Hansard Society has long argued that petitions and ePetitions should be made a much more significant feature of the work of Parliament in order to better engage the public and be more responsive to matters of topical public concern. The *Audit of Political Engagement* shows that the public are more likely to sign a petition than they are to engage in any other form of democratic activity.¹⁷ As such, the introduction of a petitions system would have symbolic as well as practical value in better linking Parliament and the public.

It is therefore vital that the trial of a new petitions and ePetitions system is implemented early in the new Parliament and reviewed after an appropriate length of time. The Hansard Society has previously recommended that a Petitions Committee be established to facilitate a new petitions system. We remain of the view that this approach – rather than an augmentation of the Procedure Committee – would be best, not least because change is best secured when responsibility for reform is owned by Members at committee level.

The Wright Committee indicated support for a new ‘agenda initiative’ by which the procedures applied to local authorities for ‘petitions requiring debate’ would be applied. The Conservative Party has been more specific and suggested that if 100,000 people sign a petition it would make the topic eligible for debate, and if a bill wins the support of a million people it could have the chance to be debated and voted on in Parliament. Such an approach will certainly help to regenerate public interest in Parliament as an institution: however, conversely, great care will be needed to avoid raising unrealistic expectations about what will happen with proposed petitions or bills. The thresholds for action will also need detailed consideration: well-organised, well-resourced campaigns may not struggle to raise 100,000 online signatures.

ii) Reform parliamentary language

Improvements to the parliamentary website, simplification of the order paper and other parliamentary papers, and improvements to the explanatory notes accompanying bills have all helped make the parliamentary process more accessible than ever before. However, a majority of the public continue to find Parliament's style and presentation alienating, the language of process and procedure obscure and confusing. The Hansard Society's Puttnam Commission recommended in 2005 that a comprehensive review of parliamentary language and procedure be undertaken but this has never been taken up by Parliament.¹⁸ Procedural issues are difficult and there are issues of concern in relation to language when dealing with highly complex technical and legal matters but much more effort could be made to make process and procedures more accessible. The public and new Members of the next Parliament would all benefit from an early review in the next Parliament.

3. Conduct and ethics

The new Parliament provides an opportunity to break with the difficulties of the recent past and reassert a new collective sense of ethos and mission among parliamentarians in both Houses. MPs and peers must be inculcated with a clear appreciation of the collective damage that can be inflicted on their institution when mistakes are made. However, there remain a number of important areas of unfinished practical business that need to be resolved before it can be said that MPs and peers are truly working from a clean slate with regard to matters of financial propriety and conduct.

A new expenses system has been designed and will be administered by the new Independent Parliamentary Standards Authority (IPSA). Should the

Constitutional Reform and Governance Bill be enacted before the general election it will take responsibility for MPs' pay and pensions as well, whilst losing responsibility for the statutory commissioner, which will revert back to Parliament. If this happens then the case for extending IPSA's remit to include the administration of peers' expenses, as suggested by the Senior Salaries Review Body, is strengthened. The House of Lords has recently adopted a new Code of Conduct and the establishment of a Commissioner for Standards but thus far it has resisted independent regulation, in large part because peers did not wish to lose control over matters of members' conduct. However, if the statutory commissioner role is removed from IPSA then this potential area of challenge is removed and IPSA should assume responsibility for peers' expenses and related financial matters.

The difficulties that have emerged in determining the role and remit of IPSA illustrate an important wider problem: we still have a patchwork quilt of committees, commissioners, authorities and bodies presiding over the standards agenda, as a result of which the approach to ethics and the concept of public service remains fragmented. This is compounded by the fact that the MPs' Code of Conduct has not been made a statutory document despite early promises to do so. An opportunity to introduce a new, revised oath of office for MPs, enshrining, for example, the principles of public life has also been missed.

Subject to the outcome of current legal action it may be necessary for Parliament to clarify parliamentary privilege in the future, and consideration should be given to the introduction of a system of recall of Members by constituents in the event of egregious behaviour.

4. Leadership and management

One of the greatest factors that inhibits

parliamentary reform is the absence of any clear mechanism or procedure to give effect to proposed change unless it is at the initiative of the executive. The convoluted way in which the Wright Committee was established and then its proposals dealt with by the House of Commons are a perfect illustration of the problem. Parliament's capacity to exert its identity distinct from Government will remain limited as long as this is not addressed.

i) Internal administration

The first step must be to wrest some control of reform from the executive. The Modernisation Committee should either be abolished (as it has not met for two years it will not be missed) or be restructured in order to give greater weight to Parliament with the chairing of the committee passing from the Leader of the House to the Deputy Chair. If abolished, reform proposals in future should be channelled through the Procedure Committee or the Liaison Committee. The future election of select committee chairs will strengthen the latter so it should play a more proactive role in the reform debate than has hitherto been the case. The House of Commons Commission members should also be elected by secret ballot thereby making the body that is responsible for the administration and services of the House more accountable to it and more independent of frontbench control.

Although the 2007 Tebbit review changes have significantly improved the internal organisation and function of the administration of Parliament, there remains significant scope for further improvements as the problems with the Parliamentary Fees Office amply demonstrate. In 2005 the Puttnam Commission recommended that the administration of the House should be headed by a Chief Executive 'experienced in the management of complex organisations in the public

realm'.¹⁹ At present the House is managed by the Clerk of the House of Commons with the dual title of Chief Executive. Clerks are expert professional advisers on procedural and constitutional matters: their expertise is not in the field of management and budgets. A Chief Executive should therefore be appointed to take over these administrative and organisational aspects of the House of Commons.

ii) Speaker of the House of Commons and the Lord Speaker

To lead a substantial programme of reform requires energetic leadership, vision and commitment. On behalf of Parliament this can be provided through a strengthened role for the Speaker in both Houses.

Having participated in public hustings and set out his manifesto in the public domain, the current Speaker possesses a mandate to lead reform of the House of Commons. Similarly, the Lord Speaker is elected by the House, is independent of the executive and eschews partisanship. Both offices should be empowered to embody the institutional ethos and integrity of their respective Chamber, to act as a forthright defender of the rights of their members, and to perform an important ambassadorial and educational function, linking Parliament with the people it serves. In the last year both Speakers have made a great deal of progress with this agenda but there remains scope to augment their leadership role.

Conclusion

The public expects that the general election will herald change at Westminster. If that is to happen then it is crucial that all Members of the new Parliament – individually and collectively – are focused on parliamentary reforms that will genuinely restore its relevance to people's lives and improve people's faith

in it. What will be needed is political will, from frontbenchers and backbenchers, government and opposition; a blueprint for action; the adoption of clear processes and procedures to implement reform and then, when appropriate, to review progress and make further changes where necessary. Reform should be an ongoing process to respond to the changing political, economic, social and technological landscape, not an occasional knee-jerk reaction to problems as they emerge.

Notes:

¹ Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.96.

² *Ibid.*, p.68.

³ *Ibid.*, p.95.

⁴ *Ibid.*, p.89.

⁵ *Ibid.*, pp.94-95.

⁶ *Ibid.*, p.46.

⁷ *Ibid.*, pp.74-75.

⁸ *Ibid.*, pp.85-86.

⁹ *Ibid.*, p.41.

¹⁰ Hansard Society (2008), *Audit of Political Engagement 5* (London: Hansard Society), pp. 32-34.

¹¹ Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.29.

¹² Hansard Society (1992), *Making the Law: The Report of the Hansard Society Commission on the Legislative Process* (London: Hansard Society), chapter 7.

¹³ See for example, A. Brazier and V. Ram (2006), *The Fiscal Maze. Parliament, Government and Public Money*, (London: Hansard Society), pp.22-24.

¹⁴ *Ibid.*, pp.69-71.

¹⁵ For an account of why and how Private Members' Bills should be reformed, see A. Brazier and R. Fox, 'Enhancing the backbench MP's role as a legislator: the case for urgent reform of Private Members' Bills', *Parliamentary Affairs*, Vol. 63 (1), January 2010, pp. 201-211.

¹⁶ See House of Commons Reform Committee (2008-09), *Rebuilding the House*, HC 1117, chapter 5.

¹⁷ Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society), p.81.

¹⁸ Hansard Society (2005), *Members Only? Parliament in the Public Eye* (London: Hansard Society), pp.63-64.

¹⁹ *Ibid.*, pp.84-88.

Parliamentary Reform: From here to there

Rt Hon John Bercow MP
Speaker of the House of Commons

24 September 2009



Thank you very much for that introduction Peter. It is an enormous pleasure to have the chance to address this society which I have so enjoyed working with in the past and which I hope and expect to work with further in the future. It is also a particular honour to have Peter Riddell in the chair here as he is living proof that the phrase 'distinguished journalist' is no more an oxymoron than that of 'respected parliamentarian'. Thank you for inviting me.

The core of my remarks today will concern parliamentary reform with a special focus on the role of the backbench MP in the House of Commons.

It would be strange, however, if I did not say anything at all about the vexed issue of Members and their allowances. As an omission it would be less Hamlet without the Prince than Macbeth minus all the Scotsmen. The recess has, broadly speaking, brought some relief from the publicity surrounding expenses, a self-inflicted wound I readily concede, that has been deeply damaging to the standing of the House of Commons. In short order, though, we will have the recommendations on future arrangements from Sir Christopher Kelly and his colleagues, the completion of an inspection of past claims overseen by Sir Thomas Legg, the release of another set of expenses with, we have pledged, dramatically less black ink than that which

accompanied the initial set earlier this year and the creation in permanent form of the Independent Parliamentary Standards Authority.

It would thus be naïve not to anticipate that allowances will return again to the headlines. It is also my view, which I expressed on the day of my election as Speaker in June, that unless his conclusions appear manifestly inappropriate, which I do not expect, Sir Christopher Kelly's findings are destined to be the blueprint on which a new solution is very closely based. If anyone in the House thinks that denial, delay or dilution is a serious option that Member is deluded. A new settlement has to be fair to Members. However, still more crucially, it has to be, and to be seen to be, fair to taxpayers. A scheme which fails in the court of public opinion will surely founder.

In truth, the question of payment and allowances has had a toxic quality from the outset. A brief look at the debate on this in 1911 is very instructive. The motion to create a salary for Members was moved by David Lloyd George, then Chancellor, at a date, which I should acknowledge in case the historians in this audience catch me out, was smack bang in the middle of August. I am not sure that sitting in that month would be realistic today but, as an aside, I see no reason why September must be deemed sacred too.

Lloyd George was well aware that his proposal was not a populist cause. So his strategy for presenting it in the House was intriguing and it demonstrates that anybody who thinks that 'spin' was a crude late 20th century invention is sorely mistaken. He advanced three core arguments to the Chamber. The first was that the payment was not an innovation but a return to tradition. The thesis here was that as Members had been directly paid out of local authority rates in the past and indirectly through holding minor offices after that, all that was being suggested was a reversion to, and I quote, 'the wholesome practices of ancient times' which indicated that the Liberals were 'the real custodians of the old traditions of the country'. This was a clever analysis, but perhaps partly devalued by the fact that the method of direct payment to which he referred had been abandoned in the 1650s and the indirect structure in the 1780s.

Undeterred, Lloyd George moved on to his second and third assertions. The second was that the Prime Minister, Mr Asquith, had raised the matter during the preceding general election campaign and so the government had a mandate for it. As other Members spotted, Mr Asquith had actually mentioned it in one sentence in one speech in front of one set of voters, which surely must have stretched the doctrine of mandate to its maximum elasticity. Finally, the Chancellor claimed that the Parliament to which he was speaking had a far more weighty workload than those of the previous century. This was undoubtedly correct and a very strong argument but he could not resist adding to it by informing the House of a private conversation which he, Lloyd George, had held with William Gladstone in which the Grand Old Man had told him that in his day a Member of Parliament was expected to deliver only one speech between one general election and another. This was a fascinating insight but as Gladstone had died some 13 years previously it was hardly one which could

be subjected to independent corroboration.

The motion passed comfortably in the end perhaps because of self-interest but more because the opposition to it was less than entirely coherent. Some insisted that it was wrong in principle for a Member of Parliament to be paid while others asserted that the sum of money on offer – £400 per annum – was far too low to attract the calibre of parliamentarian that was wanted. At least one leading figure made both of these, seemingly incompatible, statements in the same speech. I cannot today resist quoting from one of those opponents, George Sandys, MP for Wells.

'Who is this new system going to attract?', Mr Sandys asked. 'It is highly probable that it will attract the class from whom the professional politicians are usually recruited in other countries, namely, unsuccessful barristers, needy journalists, and the jack-of-all-trades and masters of none whom we find so largely represented in other legislatures.'

Thank goodness that nothing remotely like that prediction was to transpire in practice.

The really interesting and, in modern terms, extremely relevant element of that debate involved the character of parliamentary representation.

Friends and foes of salaries clashed with striking passion over whether payment would render a backbench MP a more or less independent political actor, more or less vulnerable to the authority of the Whips Office (this was a major concern 98 years ago) or more or less deferential to the Government of the day. That discussion has become only more intense with the passage of time. It seems to me that there are subtle links between parliamentary compensation and parliamentary reform and that it would be wrong to consider the matter of what a

Member of Parliament should earn or be allowed to make a claim for and not what it is that MPs actually do in the House of Commons.

In my opinion there are three main realms in which parliamentary reform needs to happen. The first is in the rights and duties of the backbench MP as an individual player. The second lies in the collective rights and duties of MPs when they act in committee, notably the departmental select committee system which has become such a vital part of Westminster life since 1979. The third resides in the institutional rights and duties of the House of Commons as a whole, whether its agenda should be overseen by a Business Committee of its own creation and whether there are powers which have been ceded to the executive that should be restored.

The second and third of these are immensely important, and I shall have something to say about them on another occasion. And of course they are relevant to the inquiry which Tony Wright and his colleagues are conducting and on which they will report in November. I confidently expect that Report to be both constructive and innovative.

What I do want to focus on with intensity is the role of the backbencher. I have spent the clear majority of my time in Westminster on the backbenches, not least because every time anyone was kind enough to appoint me to the frontbench I managed to encounter an issue of principle and resign from it. I am also the first Speaker for some time to have been neither a Deputy Speaker nor a minister. I think I have a reasonable understanding of the backbencher's lot in life and appreciate that, to borrow from Gilbert and Sullivan, it is often not a happy one.

The dissatisfaction that manifestly exists is hardly surprising. The backbench MP has, over several decades, perhaps even from before 1911, found himself marginalised

in the House of Commons. Backbenchers become figures of real significance only when either the parliamentary numbers overall, or on a contentious measure, are so tight that literally every vote counts. At all other times, there must be many a backbencher who has felt akin to the soldiers at the Somme, turfed out of the trenches on the orders of distant masters to charge towards the enemy. The role of the backbencher as inquisitor in the Chamber and as a legislator in his or her own right has undoubtedly diminished. Most backbenchers have responded to this by throwing themselves wholeheartedly in a different direction as advocate and de facto ombudsman on behalf of their constituency and constituents. This is an absolutely admirable function but one which leaves other important themes incomplete and which may, by accident rather than design, have contributed to the near universally recognised erosion of local government and politics in this country as MPs invade terrain that was once considered the property of councillors.

We need a better balance than this. We need MPs to be fearless champions of their electors and of their own interests in and through the Chamber as well as by post and in emails. We need the backbencher to move from the parliamentary version of the stalls to centre stage.

If there is any one measurement by which I would want my time as Speaker to be assessed it is that the backbench MP felt, and emphatically was, more significant in the House than he or she was before I had the incredible honour of being dragged to the Chair. That is my personal agenda.

I have already sought to introduce a number of changes in this respect and I have announced some more which will be implemented very shortly.

These include:

Establishing a brisker style of dealing with Oral Questions to bring more backbenchers into this vital part of the House's work.

I think this is especially valuable when the Prime Minister is making a significant policy statement to this House. When Gordon Brown made a Statement on Building Britain's Future in June, I called more than 40 questions on it. I wanted all backbenchers to know that if they had a sentiment they wanted to air in the Chamber and were in their places at the appointed hour, they would have a decent chance of being called to speak.

I have been ready to grant Urgent Questions much more frequently. These provide a real backbench opportunity and they also demonstrate the House engaging with the most topical issues – and not at the behest of the Government of the day. I have allowed an average of about one Urgent Question a sitting week since becoming Speaker and, subject to there being Urgent events to have a Question about, I would not want to fall much below that mean.

I have announced the experiment of a tracking system for Written Questions, in due course to be made available on the internet. I am aware that ministers have many, many demands on their time but I want to encourage a culture in which Questions posed by backbench MPs are considered to be a special priority. This can only enhance the status of Members of Parliament.

I am also planning to preside at some Friday sittings. I want to show through having the Speaker in the Chair that Private Members' Bills are not a relic or a parliamentary appendix, but an integral aspect of the business of the House.

I have also argued that the selection method for those who serve as the Deputy Speakers should be transferred from 'the usual channels' to the whole

House, most of whom will be backbenchers, through a secret ballot. This is worthwhile in itself but it may also have the more subtle effect of binding all those who sit in the Chair more closely to backbenchers.

This is, I hope, a reasonable downpayment for five sitting weeks but more has to be done. I want to make 10 further practical suggestions here which, rather grandly possibly, I would like to think of as constituting a backbenchers' Bill of Rights. The first five of these relate to parliamentary inquisition. The second five of them to parliamentary legislation.

Let me start with those changes which I think would enhance the noble art of inquisition. I believe the House of Commons would be improved for backbenchers by the following.

First, I would like the House to restore cross-cutting questions to Westminster Hall on subjects which cover the responsibilities of two or more departments. The increasing complexity of modern administration means that ever larger numbers of important issues do not fit squarely or exclusively into one Whitehall silo but sprawl more widely than that. The backbencher would benefit from the House meeting this challenge.

Second, I think the House would benefit from reassigning one of the two weekly Ten-Minute Rule Bill slots to another type of backbench opportunity. This would be a maximum of 20 minutes in prime time, and we could be imaginative about how it could be used. Perhaps a backbencher could raise an issue, with very brief interventions from other members and a five-minute response from a Minister. Or an individual MP might ask a Question of the Government which did not meet the fairly strict criteria for Urgent Questions. Or perhaps the chairman of a select committee could make a brief statement on a high-profile report published that morning, and get an immediate reaction

from the Government. I think we are limited here only by our own creativity!

Third, I think we need to contemplate further reform in the process of scrutinising delegated legislation and European business to allow backbenchers a louder voice in both these areas. There are a number of avenues which could be explored here. In an average year there are more than 10,000 pages of delegated legislation, and our means of scrutinising that legislation is severely limited. We could establish a sifting committee for these statutory instruments with the right to demand a debate on statutory instruments deemed to be highly significant. The debates could take place in committee – with a change I will suggest in a moment – or, exceptionally, on the floor of the House.

For SIs debated in committee, we might model the process on those for European Committees (questions to the minister followed by debate), and also hold debates on substantive motions – not merely that ‘the Committee has considered’ the SI concerned. We could allow the European Scrutiny Committee the authority to require a limited number of debates on the floor of the House to be held within a specific time on important EU documents. And we could introduce the European Committee format to the floor of the House, with questions to the minister followed by debate.

Fourth, I would favour the restoration of Private Members’ Motions so that the individual MP has the right to put a proposition to the House and have it voted on. I am reliably informed that the House of Commons is almost alone among lower chambers of Parliaments in democracies old and new in having no such arrangement and that strikes me as a very strange anomaly indeed.

Finally in this section, and on the matter of anomalies, I find the fact that

backbenchers have no means of directly questioning prominent ministers of the Crown because they happen to sit in the House of Lords to be less than satisfactory. That is even more true at a time when the Cabinet contains the esteemed Lord Mandelson, whose empire is of a scale not seen since the death of Alexander the Great, and the thoughtful Lord Adonis who presides over the country's transportation network. I suspect that both of these individuals would concede that they should be responsible to backbench MPs and would be more than willing to participate in an experiment in which they were made available publicly through Westminster Hall, as one option, and I intend to consult on how we might take this forward.

I move on now to the matter of the backbencher as a legislator. I feel strongly that the erosion of this aspect of an MP's role is one we should all want to see reversed. I have, therefore, five propositions which I think would add value.

First, we need to supplement the resources of the Public Bill Office to offer additional support to Members who are successful in the Private Members’ Bill Ballot. The Office does a great job in helping Members with the process of scrutiny, and especially the drafting of amendments and some bills. But they are not at the moment equipped to provide the sort of specialist bill drafting support which is available in many other legislatures.

Second, we could remove the Government's present monopoly of decision as to whether a Private Members’ Bill can go into a Public Bill Committee, substituting with a sort of taxi rank system which would keep two or three Private Members’ Bill PBCs available.

Third, we could allow a maximum of three

hours for any Second Reading debate after which the Question could be put, subject to modest safeguards. There might be the risk that a Government could use its weight of numbers to curtail and hence crush debate. This would obviously be undesirable. There are numbers of devices which could be deployed to avoid this. One would be to make it known that the Chair would not accept a closure. If, however, a closure motion were accepted and agreed by the House, you could have two or three reserve candidates for debate or simply have the remaining bills already put down for that day. We need to find a far better balance between cutting a debate improperly and extending a debate artificially. Neither the guillotine nor the filibuster is an ideal parliamentary technique.

Fourth, we could have the option of a Report Committee for Private Members' Bills. At the moment, the Report stage of a Private Members' Bill is too often the continuation of a guerrilla war which often has little relevance to the actual content of the bill. Taking this stage off the floor of the House would both focus it more clearly on the content of the bill and free time for more substantial debates on Second and Third Reading.

Finally, there is the matter of the timing of when Private Members' Bills or Private Members' motions should be taken. I am interested to discern whether colleagues believe that the status of Private Members' legislation would be enhanced if it were possible to move the bills from Fridays where they sit now to, say, Wednesdays, putting them more squarely in the heart of a sitting week rather than their present somewhat isolated berth. This would not be, I should stress, a device for ending Friday sittings – there is a wealth of other business we could locate there – but it strikes me that it is at least worth a discussion as to whether change would be desirable.

These 10 suggestions are, I hope, solid enough in their nature, to make a difference if they were to be introduced together. I am not pretending that they would instantly transform the working lives of every single backbench MP, any more than I anticipate that Sir Christopher Kelly's recommendations will lead to the whole population placing photographs of their local MP upon their mantelpiece, as appealing as such a vision might be to incumbents. Yet reform does not have to be revolutionary to be worth attempting and my strong sense is that reformers across the party spectrum have very similar agendas. There was not much, in my judgment, in the Conservative Party Democracy Taskforce report led by Ken Clarke, Sir George Young, my new colleague on the House of Commons Commission, and Andrew Tyrie towards which most MPs in the Labour, Liberal Democrat and other parties would not have some sympathy.

This leads me, in my final section, to ask why reform to assist backbenchers has not taken place in the past and whether there are grounds to conclude that it could be delivered now. There are, in my opinion, three reasons why we have not escaped the status quo thus far and three reasons why the chances of our doing so over the next year are encouragingly high.

The three reasons why reform has stalled at previous moments are, to my mind, as follows.

One, that reforms designed to assist the backbencher have long had a 'St Augustine' quality to them. Make me virtuous but not yet. They have been seen as worthy but without the sense of urgency that forces worthwhile change to occur. All too often, warm words about reform have been speedily followed by the relegation of the issue to the backburner.

Two, some in the respective Whips

Officers (who have a very important role to undertake) have feared that backbenchers with the capacity to exercise more influence in the House would inevitably be more independent in their voting habits as well. This is impossible to prove one way or the other but I would just float the notion that people, including backbench MPs, might be easier to engage with when they are more content with their role in life and the character of their employment than if they are discontented on both counts. The instinctive 'small c conservatism' of the cynics who mutter privately that, once empowered, backbenchers will get above themselves, cannot be credibly defended in public. It should be abandoned and replaced by a mindset that champions the cause of backbench initiative.

Third, the Speaker in the past has not felt able to act as an advocate for such changes. This was partly due to a very narrow view of the 'Umpire' function of the presiding officer but mainly because the method of election or, more often selection did not allow for the Speaker of the day to claim anything akin to a mandate for making a speech such as this offering today.

I think we do now have the conditions in which change to support the backbencher is viable.

One, there is a sense of crisis about the standing and the purpose of the House of Commons which extends beyond the immediate argument about how to organise a set of allowances.

Two, all of the main party leaders, the Leader of the House and her Shadow, and those MPs outside of the main parties, are publicly committed to reform as never before. This is hugely welcome and it presents a superb opportunity for serious and significant change. And in passing I might say that, although of course they maintain a proper discretion, I know that we shall have the creative and

enthusiastic assistance of the senior Officers of the House.

Third, the office of Speaker can now, I hope, be an advocate of, and a catalyst for change. I am very fortunate in being the first Speaker to be elected after an open campaign for the post, with formal manifestos, hustings and a secret ballot, in short the basic infrastructure of a conventional democracy, and I regard that as an enormous asset for me and those who come after me. It allows the Speaker to fulfil that vital umpire role with a more rounded view of it. A diligent umpire in cricket, one observes, concerns himself not only with the conduct of play but with the state of the pitch and he would take a dim view of the parliamentary equivalent of ball-tampering. The pitch at Westminster is currently prepared to the disadvantage of the backbench MP and I hope to be able to establish a consensus that we may need a heavy roller to correct this.

I would like to return, if you will indulge me in concluding, to 1911. It will very soon be the centenary of that monumental statute, the Parliament Act, and this strikes me as an enticing target to look to in completing a reform process which would include not just a programme for backbench MPs but also reform of the select committees and of the authority of the whole House, which I have deliberately not touched upon in any detail to this audience. If any good is to come of the grim expenses affair, it must be that it serves as a vast electric shock which forces the House to look at itself and what it does across the field in a full and fresh fashion.

Back in 1911, to finish today, Lloyd George, as I said, opened the debate on the payment of MPs but it was his fellow Cabinet member, Herbert Samuel, then Postmaster-General, who closed it. Lloyd George and Samuel were to fall out in the 1920s and 1930s, indeed Lloyd George was to remark caustically of Samuel who,

like me, was of Jewish heritage that 'when they circumcised Herbie, they threw the wrong bit away', but on August 10, 1911 they were allies in the Chamber. Samuel stood before the House at the despatch box and declared:

'The strength of the House of Commons lies above all else in its representative character; the more it is the real mirror of the nation the greater its authority will be. The House of Lords is more picturesque, the Privy Council contains perhaps a greater number of illustrious names, the Government Departments have within their ranks a greater number of experts on the details of government, but this House is strong, and stronger than all of them all because it is the Commons House, and the more it can be made truly representative of the whole body of the nation, the greater will be its authority for the masses of our countrymen.'

Three cheers to all that. We know that the House of Commons has to change if it is to renew and assert itself against a sometimes over-mighty executive. We have an opportunity to be decisive agents of change. We must take that opportunity in the interests of public trust, effective representation and better government.

Ermine, Ethics and Engagement - evolution in the House of Lords

Baroness Hayman
Lord Speaker



9 December 2009

At the height of the global economic meltdown, Rahm Emmanuel warned President Obama not to risk letting 'a serious crisis go to waste'. Well, we have had a serious crisis of our own in Westminster this year. In the toxic political climate created, reactions have seemed incoherent and unconsidered. Some would argue, more focused on party political interests than on the future of Parliament, and that we have actually made the situation worse, rather than taken advantage of the opportunities for constructive change.

To say that we need to rebuild public trust and confidence in Parliament has become a cliché but that doesn't stop the task being one of overwhelming importance. Tonight, I want to talk about that task from the House of Lords perspective – about what has been achieved so far, (and I'd argue that that has been a great deal), and about what still needs to be done. But first I think it must be recognised that it is not only external confidence that has been undermined. The firestorm of public contempt unleashed when both individual and institutional behaviour has been put under scrutiny and found wanting has also damaged Parliament's confidence in itself.

And if we are not only to survive this crisis, but to come out of it stronger, we need to tackle the task of rebuilding confidence within Parliament as well as

externally. Parliamentarians are deeply demoralised. The majority have not been individually at fault and there is indeed an element of collective punishment at work. But then there has been an element of collective failure in our neglect to address the systemic flaws and weaknesses which have been so clearly exposed this year. Why we need to have that confidence rebuilt is not simply a matter of applying emotional arnica to soothe badly bruised political egos. Rather we need self-confidence to adopt the steely determination necessary to put our own Houses in order, to sort out the mess in which we are now mired. And to do that, we need – to return to Obama – a belief that 'yes we can'.

The key, I would argue, lies in taking control of our own destiny. In proving that the self-regulation which is so fundamental to parliamentary democracy can be made to work in line with 21st century expectations of openness, transparency and accountability. In a brilliant maiden speech in the House of Lords two weeks ago, Jonathan Sacks, the Chief Rabbi, spoke of the necessity of 'keeping faith with our past whilst honouring our obligations to the future'. Achieving that balance in an institution as old, and as steeped in tradition, as the House of Lords, is a real challenge and pervades the issues I am talking about tonight.

Let me start with the change in the ethos

and ethics of the House brought about in turn by changes in the membership which began in 1958 with the Life Peerages Act and accelerated in the decade since the 1999 House of Lords Act.

First and most obviously, these changes – the departure of the hereditary peers, the 282 new appointments over the last 10 years – have brought a greater sense of professionalism to the House. That absolutely does not mean that we are now a House of professional politicians. Indeed, one of the greatest strengths of the Lords, [and one of the reasons that I believe those who understand the House are so positive about it], is the fact that so many members are NOT party politicians. The experience and expertise here is deep and diverse and goes far wider than conventional politics. What I do mean by professionalism is a more workmanlike approach to the legislative role, which brings with it the sense of expecting support to enable one to do the job well – of proper induction, of offices, of IT equipment. And of governance arrangements which are responsive to members' needs.

The other change comes from the fact that membership is no longer as it was in the past, literally a birth right. That pre-ordained passport to Parliament no longer applies, and the disappearance of that sense of the right to be here puts added emphasis on a culture of responsibility being integral to membership of the House.

This cultural change was very clearly articulated in the Eames Report, debated and agreed in the Lords a week ago. Lord Eames had chaired a group looking at the code of conduct for Members in the wake of the episode last year when four Members of the House were accused and two found to have broken the House's rules in relation to paid advocacy. Even under the old system, the House found a way both of having a thorough investigation of the allegations and,

drawing on a centuries-old precedent, suspending the Members concerned. But it was also obvious that we needed to re-examine all our arrangements in relation to conduct and make sure that our rules were clear and defensible – 21st century proofed. To ensure that they did not inhibit the contribution of members with current external experience – which really would have been to undermine the whole basis of this House – but did give public assurance of the propriety of the behaviour of Members.

Significantly, the new code of conduct that has emerged from this process, starts off with a description of the role and functions of this House as a parliamentary chamber and with the explicit expectation that every Member should contribute to its work. It then sets out the ethical principles, as well as the specific rules, that should guide peers. Over-arching all else is the commitment that Members should always base their actions on consideration of the public interest – and personal honour. Each Member is to be required to sign up to the new code when they join the House, and again when they are sworn in at the beginning of a new Parliament.

But, honouring the Chief Rabbi's precepts, whilst the mechanics may be new, the principles are not. Every day in the parliamentary prayer read in the House before we start our work, there is a collective undertaking to 'lay aside all private interests, prejudices and partial affections'. As the Report put it, 'this House does not need to invent new principles, but to reinvigorate old ones' and in Onora O'Neill's wise words to be 'heavy on focus'. The code does not try to legislate in detail for every particular circumstance, not least because the defence of 'what I did wasn't against the rules' has become completely devalued – today's equivalent of 'only obeying orders' – and something that the public has found most difficult to swallow from parliamentarians.

Crucially, the Report recognised that if self-regulation is to survive and flourish in the future, it has to be commensurate with the environment and expectations of Britain in the 21st century. And that involves an element of external validation. So for the first time this House is to have an independent Commissioner for Standards with the responsibility of investigating complaints against Members – not only of breaches of the code of conduct – but also a range of other issues, significantly the rules governing financial support available.

That financial system – the missing e-word in my title, ‘expenses’ – has been the other area of controversy this year. There have been specific allegations of misbehaviour against a small number of Members and a much larger sense of unease about the system as a whole, which has undermined the reputation both of the House and of individuals. The current system has evolved over the last 50 years in a series of small ad-hoc steps rather than through any coherent design. It is now manifestly unfit for purpose, having failed to provide any clarity over what has constituted reimbursement for actual expenses and what was an allowance, and having been regulated with the lightest of touches. The system was an accident waiting to happen and happen the accident did.

In the past a variety of forces had militated against change. The system was simple, cheap and easy to administer involving little bureaucracy. The argument was made that there was no point in undertaking the difficult task of devising a new system for what was seen to be a transitional House. We were all always waiting for the Government Godot of comprehensive reform of the Lords that has been ‘just around the corner’ since 1911. Next year it will be a century since that reform was first promised. Surely, as David Steel recently remarked, the only time in history that a political pledge has qualified to receive a congratulatory

telegram from the Queen.

But all those arguments for doing nothing disappeared this year with the scrutiny to which the scheme, and every Member of the House who has used it, has been subject, and in the wake of the expenses debacle in the Commons. This House recognised in May that the system was not sustainable and we took action. We commissioned the Senior Salaries Review Body to report. They have now done so and their conclusion said simply what I think we knew in our hearts: that ‘the previous system did not meet the standards of governance, precision and transparency now demanded for the use of public funds’.

For many Members, I know, the changes in the new scheme pose great difficulties and that they feel the pendulum has swung too far from under-regulation to over-prescription aimed against those who work very hard for no salary. But I hope Members will also see that the new scheme gives us the opportunity for a new start, and is central to protecting the reputation of the House as a whole, as well as that of individual peers.

I would emphasise again that if self-regulation is to be acceptable and meet the challenges of 2009, it must involve an engagement with the outside world. We must demonstrate that self-regulation doesn’t mean no regulation, it doesn’t mean ‘soft’ regulation, and it doesn’t mean regulation solely by Members in the interests of Members. I believe it would be fatal to this institution if we retreated into our gilded bunker and ignored the views of those outside – even, challengingly, when we feel they are unfair – whom we serve through our work and who fund us to do so. Like it or not, the whole political class has been tried in the court of public opinion and found wanting. Regardless of our view of the role of the media in all this, we have to show that both corporately and individually we understand what has

happened – that we actually do ‘get it’.

I believe it’s essential that the House next week accepts the recommendation from the leadership on all sides; that we act speedily on the SSRB report in order to implement a completely new system in time for the new Parliament.

But we do need to look at the detail very carefully both before and after implementation. One of the dangers of new arrangements both in the Commons and in the Lords is that in our desire to tighten financial controls, we drive from politics those who do not have private incomes. We do not want a House of Lords in which only the retired or the independently wealthy can participate. So monitoring the effect of the new system and involving the House of Lords Appointments Commission in that monitoring and a thorough review is in my view essential. One of the strengths of the House in its current form has been the increasing diversity in its current membership. We simply must not, to strangle metaphors, throw out that particular baby with the bathwater in which our dirty linen has been washed.

I have spoken so far this evening on the areas of internal governance where we are taking steps to rebuild trust and confidence. And that absence of that trust and confidence is a feature of the current disengagement of the public from Parliament could only be denied by those who haven’t read a newspaper or turned on a television during 2009. But we have to keep some sense of historic perspective. Politicians have seldom been loved or come top of the pollsters’ ‘most trusted professions’. You only have to read Tristram Hunt’s piece in the *Guardian* today, on the horrific reputation of Parliament in the early 19th century, and what John Russell described as, ‘the growing want of confidence in public men’ when introducing the first reform bill in 1831, to know that Henry Kissinger spoke for generations of sceptics when he

commented, ‘It’s 90% of politicians that give the other 10% a bad name’.

But no-one could say the current situation is a comfortable one. And that 19th century outrage resulted in the seismic change of the 1832 Reform Act. Those of us born in 1948 and ‘49 are told we are the golden generation – the beneficiaries of the Beatles and the Pill, and the death of deference. But, in the still of the night 40 years on from the swinging ‘sixties, I suspect I’m not alone in wondering whether that deference has been replaced by a cynicism so corrosive that it runs the risk of destroying institutions and values, for individuals and for institutions, which are central to our liberal democracy; and in preferring a world where respect is a possibility, and where respect is given when it has been earned – where journalists’ default position is not always and automatically ‘what is that lying bastard lying to me about tonight?’

And if I ask myself how Parliament could legitimately earn that respect, my answer is that putting our internal House in order – on conduct and expenses – is absolutely necessary but absolutely not sufficient. We also have to find ways of doing our job as parliamentarians better. And to put more effort into engaging with the public about what that job is, and arguing our case that it is central to a functioning democracy. It is ironic and a little depressing that at a time when Parliament has put more resources than ever in its history into communication with the outside world, it is still such a struggle to connect. There is a tremendous amount going on and as the House of Lords Information Committee Report, ‘Are the Lords Listening?’ showed, plenty of new proposals fizzing around. Yet despite all the initiatives and innovations, all the effort, all the expenditure, all the new media gizmos, we actually have a greater disconnect between public and politicians than I can ever remember in 40 years in politics.

It's not simply a result of the expenses furore. Underpinning public anger is, I believe, a diminished sense of what Parliament is and what it is for. A vague but persistent feeling of under-performance. The 'what did the Romans ever do for me?' question. I suspect this may reflect the combined effect of a decline in shared constitutional understanding and the predominance of governments with large majorities since 1979. This has led to a blurring in the public mind between Parliament and Government. And this is where we need the help of the Hansard Society and others in this room tonight, to recreate an understanding of the difference between the executive and Parliament. A large part of what I mean by doing our job better is about both Houses being more assertive and explicit in our job of holding the executive to account. Tony Wright's strengthening Parliament committee in the Commons has in its recent report, 'Rebuilding The House' adopted this approach, setting out a series of proposals aimed at creating 'an effective and vital House of Commons, improved by stronger accountability, that is also the best antidote to the disengagement and anti-politics that characterises our age'.

In the Lords we also have no shortage of good ideas as to how we could up our game. Many were apparent in the recent debate on the Queen's Speech when Robin Butler, Jeff Rooker, Bruce Grocott, Paul Tyler and others came up with a range of proposals:

- The use of select committees for all bills that start their life in the Lords
- The certification of bills leaving the Commons of which parts had not received any scrutiny;
- A new role for the Lords in undertaking post-legislative scrutiny;
- For sharpening up Question Time and for new select committees on regulators and on treaties;
- We are adopting proposals for new formats for holding Lords' Secretaries of State to account – an issue also being explored by the Commons.

And Members here, too, are interested in taking more control over the agenda of the House. What we need now, I believe, is to take up the idea that has been put forward for a committee of our own, so that we can take a comprehensive and coherent approach to our own 'Strengthening Parliament' agenda. Many will say that we already do as good a job as any second chamber in the world, scrutinising legislation, holding government to account, playing to the strengths of our expert and diverse membership in committee and enquiry. I am proud of the performance, but this is not a time for resting on our laurels. Rather it is a time to meet Roy Jenkins' aspiration of, 'rising to the level of events'.

And in taking on that aspiration, we need to explore how we achieve a bicameral approach. Parliament comprises two Houses and we need to look at ways in which we can complement and add value to each other's work, not just providing checks and balances. When one House changes its way of working, it has an effect on the other – timetabling of legislation in the Commons leading to the Lords taking on its line by line scrutiny role, is a prime example. Close working between the Commons and the Lords needs to go beyond the current joint committees. Too often, relations between the two Houses are not an example of creative tension, but simply a failure to take a whole Parliament approach.

Sometimes the Palace of Westminster feels divided into colour coded territories, inhabited by rival gangs, though whether we in the Lords are the Sharks or the Jets, I couldn't say. Some of this is down to a lack of mutual understanding. While it is hard to escape knowledge of the

Commons in the Lords, where many members have come from the Lower House, the same is not true of the green benches. I think there is a real opportunity here, when we see large numbers of new members coming into the Commons after the next election. I know the Hansard Society is to be involved in the induction process of those new MPs and hope very much to ensure that the work of the Lords will be included in that induction, as the basis for a more productive relationship between the two Houses. Improved induction, and indeed our current joint committee work is a start, but beyond that we need to look at mechanisms to ensure the two Houses work together on strategic issues affecting Parliament as a whole.

Another part of this agenda of doing our job better relates to public engagement. Unless the public understands what we're meant to be doing and what we are actually doing, it will be hard for them to feel confidence that we are doing it well.

Public engagement has become one of the motherhood and apple pie aspirations of the last few years. Perhaps we need to be a bit more precise about what we actually mean by the phrase, 'public engagement'. There is better information for the public, (perhaps the simplest task to tackle) with a huge amount available and accessible and the parliamentary website key, with important developments like the BBC's *Democracy Live* site which we launched in the House of Lords last night. Then there is interaction with the public – select committees meeting outside London, inquiries holding online consultations, YouTube videos and Lords of the Blog – and I'm sure someone in Parliament, although not in this room, I hope, is tweeting somewhere, even as I speak.

Then there is the much more thorny issue of public influence and participation. A delicate area in which to tread where I think we need to be much clearer about

what expectations can be fulfilled before we raise them; perhaps more robust in our defence and explanation of representative democracy.

And in all of this public engagement work, we have to evaluate and make sure that we don't just make, in Mr Speaker's phrase, 'the super-informed' into the 'über-super-informed'. The recent Hansard Society report into Parliamentary engagement and participation is worth reading in full. Its conclusion that the public's views on political engagement and participation are 'complex, sometimes contradictory and rarely uniform' is a salutary reminder that it is not clear exactly what needs to be done.

Interestingly, the two proposals that emerge most strongly from that report are education in schools about parliamentary democracy and a petitions committee – where I think we should explore the possibilities. Petitions have a long history, but that history has always involved eliciting a response from Government. Perhaps we in the Lords could look at how we could deliver a response from Parliament – giving the public, as well as parliamentarians, a chance to set the agenda.

Finally, a word on composition, not the traditional elected / appointed debate, but the issue of length of service. The honour of a life peerage is for one's lifetime. But with the membership of the House currently at 740 and with the potential to rise to over 800 after the election, we cannot avoid the question of the size of the House. That means we have to start asking whether, for the parliamentary legislative aspects of a peerage, the job of being a legislator, life should always mean life.

I spoke before of the greater sense of responsibility the House was developing about the contribution that Members were expected to make. Frances D'Souza, Convenor of the Crossbench Peers, took

up this theme and related it to the issue of non-attendance in her contribution to the debate of the Eames Report. She asked if we needed to create a culture where Members felt they should retire if they could not make a contribution to the work of the House. Of course, retirement has not been a possibility in the past – although people could take leave of absence. But the Constitutional Reform and Governance Bill proposes to change that and introduce such an ability to retire – alongside the possibility of expelling Members who have criminal convictions or who have grossly abused the code of the House.

It might be that over time, a culture developed in which there was an expectation that those who could not make a full contribution, [and I don't mean that to be a full-time contribution, but a contribution appropriate to their circumstances], should retire. And we could explore the proposal by Lord Harries of Pentregarth (who, as a retired bishop, has some actual experience denied the rest of us and was a member of the Wakeham Commission). He suggested fixed term appointments for 'parliamentary peers' which could reduce the size of the House in the future. That might also help with the problem of what happens to the frontbench goats when they become backbench sheep.

For too long I would argue, a range of issues has been kicked into the long grass until the day of all-singing, all-dancing reform. This approach has not served us well on expenses and it doesn't serve us well in this area either. In line with my theme of shaping our own destiny, we should now take a close look at the Constitutional Reform and Governance Bill and the opportunities it offers the House to progress.

I finish where I began with the turbulent and destabilising political ecology of 2009. I have outlined some of the steps we have already taken in the Lords to

address the failings of the past – both individual and institutional, and the work we still need to do to build a stronger and more effective Parliament.

It will take, I suspect, the symbolism of an election and a new Parliament for the public to accept that change has really happened. But whether that symbolism, that sense of a fresh start is sustained will depend on the quality of work we put in now to re-invigorate our Parliament. The great danger, I believe, is that the historian of 50 years hence will reach the judgement that it was on our watch that the reputation of British parliamentary democracy was damaged beyond repair. Professor Peter Hennessy said to me that at the height of the horrors, he had gleaned some small comfort from the fact that the British public on this subject was still shockable. To his mind that meant that the reputation of Parliament was still redeemable. If we are to achieve that redemption, there is much work for all of us to do in the months and years ahead.

Parliamentary reform: The Labour perspective

Rt Hon Jack Straw MP
Secretary of State for Justice
and Lord Chancellor



9 March 2010

Thank you Peter,

And thank you to the Hansard Society for inviting me to deliver this lecture on parliamentary reform. It coincides with a moment of significant change in the House of Commons following acceptance of key recommendations from the Wright Committee report on parliamentary reform, which the Prime Minister set up in the wake of the expenses scandal. These have the potential to shift power away from party managers and towards backbenchers, and in so doing will strengthen the legislature against the executive.

The Hansard Society has long campaigned for these changes and their enactment is, in part, a tribute to your endeavours and those of your fellow reformers. Parliamentary reform can be seen as dry and difficult to understand, and as such tends not to gain much media attention. But it's vitally important, and you deserve credit for keeping the issue alive.

Parliament matters. It is the legislative body which provides and sustains the Government of the day; and at the same time it is charged with holding that Government to account between elections. It sits at the apex of the democratic system and still is, in the crunch, the cockpit of the nation.

The view that Parliament is irrelevant or

powerless is, as I intend to show tonight, complete nonsense. But the institution is far from perfect. Changes in recent decades have, contrary to the prevailing orthodoxy, strengthened the legislature against the executive. But the balance remains tilted in the Government's favour.

That is not axiomatically a bad thing. A strong executive that is able to steer its business effectively through Parliament is one of the essential and positive characteristics of the British political process. It means that things get done. Contrast that with the US system, where an American President with a clear mandate is being blocked from giving 40 million citizens healthcare by the Congress. Given the strength of opposition which Nye Bevan encountered in 1947, the NHS would almost certainly never have been approved had we had the US system.

But I am not so blind as to believe our system is perfect, or that the parliamentary reforms of the past 13 years have all been for the better. The reforms enacted in this period have, on balance, been beneficial. But we have not, I think you will all agree, reached parliamentary nirvana. The task now is to use the current momentum for parliamentary and constitutional reform to build on these reforms so as to strengthen the role of Parliament and close the gulf which has opened between it and the British public.

Myths

However, before I look back at the parliamentary reforms since 1997, and ahead to the changes we might see in the future, let me begin by exposing a few myths.

It is common to hear that Parliament has never been more supine, more emasculated than during the period of this Labour Government.

The Conservative MP, Douglas Carswell, for example, recently wrote that 'As Parliament has lost the ability to hold those with executive power to account, executive power has grown unchecked'.

And the *Daily Telegraph's* Deputy Editor, Benedict Brogan, reported on last year's election of John Bercow by saying that 'the next Speaker must contribute to the building of public confidence, as well as reversing Parliament's supine uselessness in the face of an overweening executive.'

These are serious charges, because they imply that Parliament is failing to discharge one of its two core functions – to scrutinise the executive and hold it to account. Furthermore, this is said to be a recent failure.

Both charges are wide of the mark.

First of all, take off the rose-tinted spectacles. Parliament's supposed weakness and unpopularity is an enduring theme.

At his trial in 1895, when Oscar Wilde was asked whether the house of ill repute he had frequented in Little College Street was in one of London's more sordid, disreputable areas, he replied that it stood near the Houses of Parliament. The Court Report dryly observed that his retort was met with laughter.

Jump forward to 1931, and a debate in the Commons on the merits of the

Alternative Vote, and you find the leading Liberal, Sir Herbert Samuel MP, commenting that in his 40 years' connection with Parliament, he had never known a time when it had not been said that 'the House of Commons is not what it once was'. [Commons Hansard 2 June 1931].

And half a century later, in 1976, Lord Hailsham suggested that we lived in an 'elective dictatorship'.

There has never been a golden age of Parliament. The institution has always been criticised for being supine.

Yet as someone who was working as a special adviser when Lord Hailsham gave that famous speech, I would argue that the charge held more weight back in those days.

In the mid-seventies the Government really did boss the Commons and was shielded from all kinds of scrutiny. There were no proper select committees; parliamentary proceedings were covered in the newspapers but not broadcast on TV; neither Parliament nor Government were subject to Freedom of Information legislation; the power of the Whips was such that Governments suffered rebellions less frequently; and the House of Lords was a docile body predominantly comprised of unelected mainly Conservative hereditary peers. If a minister got fed up with repeated written questions they could – and did – block further questions as well as answers by misuse of the claim that an answer would involve a 'disproportionate cost' – and the Table Office of the Commons enforced the block.

Parliamentary Reform since 1997

Since 1997, a number of reforms have transformed that situation, building on the critical development of 1979/80, which was the creation of a system of select committees.

Perhaps the most significant of the post-97 changes has been the removal of the vast majority of hereditary peers from the House of Lords in 1999, which has transformed the way that Chamber operates. No party can any longer call upon a majority. The size of the Lords is smaller, but it is more independent and active. It is also, as Meg Russell of the Constitution Unit has shown, far more likely than ever before to defeat the Government in votes.

But alongside reform of the Lords there have also been significant improvements to the House of Commons which have similarly put a stronger check on the executive. These include:

- The introduction of Westminster Hall as a secondary Chamber for MPs to scrutinise Government and hold debates;
- strengthening of the role of select committees including the creation of a Scrutiny Unit to provide expert support;
- the Prime Minister's bi-annual appearance before the Liaison Committee;
- the establishment of the principle that parliamentary votes must precede military action;
- the introduction of topical parliamentary questions and reduced notice for tabling of oral Parliamentary Questions;
- a great increase in the day-to-day supervision of the Government through written parliamentary questions, reinforced by the powers to MPs and citizens alike in the Freedom of Information Act;
- the Human Rights Act, with its own Joint Committee of both Houses;
- pre and post-legislative scrutiny and draft bills; and
- new public bill committees that enable expert witnesses to give evidence on bills immediately before and as part of their line by line scrutiny. I refer to it

again in a moment.

So, scrutiny of Government today is far more substantial than it was in the past.

The need for further reform – Programming

But although there has been a shift in the balance between executive and legislature in favour of the latter, the Government is still dominant. As I have said, the fact of a strong executive is not necessarily a bad thing. But it needs to be matched by a strong Parliament. And there are elements of executive power and control that do need attention.

One area to which critics can point with some justification has been the negative effects of the stricter timetabling of bills – known as programming.

It should be said that the system which existed prior to programming was hardly fantastic. It led to macho and unproductive filibustering which with contentious bills would eventually result in much less scrutiny of equivalent legislation than happens today. A 'guillotine' was provoked after 80 hours in standing committee; so with that target, consideration of a bill's clauses rarely got out of single figures.

But I accept that under the old system there was generally more time at Report Stages and for committees on the floor of the House. And I also accept that the Opposition as a whole, and individual backbenchers from both sides, had more power to disrupt Government business in the days before programming. That was an important weapon in its armoury.

So I hope that reform of programming is something that can be progressed, and I know that the Hansard Society has published useful proposals in this regard.

Before I leave the issue of procedural reform I would like to expand on one of

the changes that I was able to deliver as Commons Leader – the replacement of Standing Committees by Public Bill Committees, which allow for a legislative committee to cross examine ministers and take evidence from independent experts.

It is still early days but, as a report by the Constitution Unit found, the initial signs are promising. I suggest that the Hansard Society and others with an interest in this area keep an eye on this aspect of the legislative process, because as Professor Cowley has said, if we get the Public Bill Committees right they have ‘the potential to do more to improve the quality of the parliamentary scrutiny of bills than any other Commons reform in the last 20 years’.

Connecting Parliament with the public

Beyond procedural change, it is striking how much the culture of the Palace of Westminster has changed over the past decade: in the numbers of visitors it welcomes, the facilities provided for them and in the information both Houses provide on their work. And the Commons and Lords Chambers are no longer considered sacred territory. The UK Youth Parliament has now sat in both.

Much of the credit for this transformation should go to the House authorities and in particular to the House Librarian, John Pullinger, who has pursued this outreach agenda with a passion.

The expenses scandal

It is all the more unfortunate, therefore, that the expenses scandal has struck at this moment. It has acted like a political tsunami, washing through Parliament and sweeping many people before it.

For me, the damage of the expenses scandal is not so much that it shattered any more positive perceptions about Parliament and politicians – rather, it is that it confirmed what many people

thought they already knew: that MPs are a bunch of scoundrels who are in it for themselves.

It isn’t actually true in the vast majority of cases, but it’s very hard for an MP to make that case at the moment.

Thankfully, there are independent voices speaking up on our behalf, as the Chair of the Hansard Society did a couple of weeks ago in his *Parliamentary Affairs* lecture entitled: ‘In Defence of Politicians – In Spite of Themselves’.

But it is going to be a long haul to win back the trust we have lost, let alone that we never had. What, then, can Parliament, politicians and political parties do to turn this around?

There are no magic bullets. The problem of political disengagement predates the expenses scandal and has deep, complex roots bound up with social and economic changes over many years. It is a phenomenon experienced in many comparable societies. But there are, I believe, some parliamentary and constitutional reforms that might help, and I want to focus on three interlinked areas: Commons reform, Lords reform and wider reform of the political system that would have an impact on Parliament.

On the Commons, the most immediate issue is to respond to the expenses scandal. Action is already underway in this regard through the creation of a new Independent Parliamentary Standards Authority, which will end the discredited system of self regulation and become the independent arbiter on MPs’ expenses, pay and pensions.

More broadly, the Wright Committee reforms will help to deliver a deeper cultural change in the workings of the Commons by empowering backbenchers. Its key proposals, now passed, include:

- select committee chairmen to be

elected by the House at the start of every Parliament;

- members of select committees to be chosen by their parties in a secret ballot;
- the creation of a Backbench Business Committee in time for the next Parliament to timetable non-government business; and
- the establishment, during the next Parliament, of a House Business Committee comprising the backbench business committee and representatives of Government and Opposition.

On the House of Lords, the time has come to complete the process of reform that we began in 1999. Little more than a decade ago one House of Parliament was numerically dominated by Members who sat there solely by birthright – to whom merit or election as the route to the legislature were entirely alien. We stopped that, but now we need to take the next and final steps.

The Constitutional Reform and Governance Bill already contains provisions to end the system of by-elections which still allows new hereditary peers to enter the House by virtue of their hereditary title; to ensure there is a robust disciplinary regime in the Lords; and will enable Members of the House to be expelled, suspended or disqualified. And it will, for the first time, allow peers to resign from the House and disclaim their peerage.

Beyond that, we will soon publish proposals for a fully reformed Second Chamber. I have worked long and hard on reform of the Lords. I know just how many battered and ruined plans to reform it are strewn along the way. This is reform whose time has come. But it is a once in a generation change so we need to get it right. And that means making it a top priority in a new Parliament. The good news is that there is a clear cross-party

consensus for the destination – a smaller wholly or mainly elected Second Chamber – and the method – phasing the change in over three Parliaments.

AV and Boundary Reform

On the question of wider constitutional reform I want to end by looking at some rival policy proposals that the main parties have put forward, which would have a significant bearing on Parliament if they were enacted.

One concerns the electoral system, where the Labour Government is currently legislating to allow the British people a referendum on whether to switch from First-Past-The-Post to the Alternative Vote for elections to the House of Commons.

I am a big supporter of FPTP but I believe there are two reasons why the time has come to move to AV.

The first is the fact of multi-party politics. The two-party system of the 1950s is gone for good and the electoral system needs to react to that. The second is the crisis of trust in politics following the expenses scandal. We need an electoral system that secures legitimacy for the public. I have in principle long supported the Alternative Vote, by which voters rank candidates in order of preference, and now believe we need to actively move to it.

Crucially the Alternative Vote would enable us to retain the single Member constituency link, which is one of the central merits of the current system – both because it delivers effective representation and allows MPs to be held directly to account. But AV would maximise the chances that every MP is elected with the support of over half of the voters in their constituency. In an age of multi-party politics, it could both enhance the legitimacy of MPs, and therefore Parliament, and enable the public to express a greater range of

preferences.

But as with any constitutional change of this magnitude, it could only be made with the endorsement of the electorate. This is in keeping with Labour's approach to all significant constitutional reforms since 1997, which have been made either on the basis of cross-party support or through popular endorsement in a referendum.

Sadly, recent parliamentary debates on the Constitutional Reform and Governance Bill reveal that the Conservative party would abandon that approach if they were elected to Government.

Both parties acknowledge that there is a need to tackle the crisis of low public trust in the political process. But while Labour has proposed to ask the British people whether they wish to change the electoral system, as one means of increasing the legitimacy of the democratic process, the Conservative party proposes – in the name of 'economy' – to cut the number of MPs by 10% without testing the will of the people in a referendum and without any proper effort to seek any kind of cross-party consensus.

The apparently virtuous call to cut the cost of politics is actually camouflage for a dangerous, destructive and anti-democratic piece of gerrymandering. Their proposal is not about cutting the cost of politics; it is about advantaging the Conservative party. Boundaries drawn on the basis of registered electors, rather than the population as a whole, already distort the electoral map because registration rates are lowest among specific groups congregated in specific locations. According to the Electoral Commission's recent estimate, most of the three million-plus people who are eligible to vote but who are not registered are to be found in our inner urban areas.

Cutting 65-80 seats by crudely equalising registered voters would disproportionately reduce representation in urban areas and would also disadvantage Scotland, Wales and Northern Ireland. And it would hit every island community. Orkney and Shetland would be amalgamated with a large part of the Highlands. The Isle of Wight would be amalgamated with a large part of Hampshire.

The non-partisan cross-party Electoral Reform Society has said the 'Conservative proposals mean that most constituencies will pay less regard to what most voters think of as community and natural boundaries, and change more frequently, destabilising the link between MPs and constituents.' It noted that the 'United States has rigorous requirements for arithmetical equality of population in congressional districts, but the worst gerrymandering in the developed world. Equal-sized constituencies cannot produce fair votes by themselves'.

Another point makes the Conservative proposal completely bogus. There is a suggestion that the size of the Commons has somehow increased exponentially. That is not true.

The size of the Commons has increased by 3% – 21 Members – since 1950. The size of our constituencies has increased by 25% over that period. The work load from constituencies of Members of Parliament, even in this time that I have been in the House, has dramatically increased. The consequence of the Conservative proposals would be to detach Members of Parliament from their constituencies more, and to add considerably to their work load. That can only mean that the level of service to constituents would decline at a time when we should be increasing it.

In stark contrast to Labour's agenda for moving towards a new politics on the basis of popular consent, the

Conservatives aim to butcher scores of constituencies for sordid political ends. I don't think that's the right way to go about significant constitutional change, and I don't think it's any way to build public confidence in Parliament and the political process.

Conclusion – Representative Democracy

Nor, in conclusion, do I believe that we would build public confidence and engagement in the political process by moving away from the system of representative democracy and towards a system of 'direct democracy' where MPs are simply delegates and plebiscites become a regular feature.

If you want to see where that can lead, look to the United States and specifically to California, where the practice of holding ballots on the state budget has brought one of the richest and most powerful states in the Union to the brink of bankruptcy.

The *New York Times* recently reported that the Californian initiative 'in which legislators or independent groups ask voters to mandate how the state's money is spent or not spent — has become at times an exercise in fiscal self-defeat, with voters moving to earmark money for one special program one year, only to contemplate undoing their own will a few elections later'. The entire system has been plunged into crisis and the state is almost ungovernable. Or look at Switzerland, where they've just had a plebiscite on legal representation for animals, following a successful one to ban the building of minarets.

I believe that existing political structures need to allow more direct public involvement in the decision making process. That's why I use residents' open-air meetings in Blackburn. It's why in the Ministry of Justice we are pioneering policies to give communities a greater say

in criminal justice policy, and why we've used deliberative events to ask people their views on proposals for a statement of values and a Bill of Rights and Responsibilities.

But it would be a serious mistake to try to hand decision making power over to the 'body politic' at large. For one thing, as the Californian experience shows, direct democracy risks undermining stable government. But it paradoxically also risks distorting the democratic process by amplifying the voices of those already adept at making themselves heard, at the expense of the more socially marginalised groups.

The Hansard Society's own series of *Audits of Political Engagement* underline my concern that political participation is socially skewed – finding that older and wealthier people participate more than the young, the poor and those from particular ethnic minorities.

I am certainly not convinced that the creation of new and increased opportunities for participation will necessarily tackle that disjuncture. Indeed in all likelihood it will tend to make it more pronounced, as new avenues of engagement attract the already engaged more than the disengaged. So we need to beware that in our desire to tackle one democratic deficit we don't create another.

Direct democracy mechanisms may make it easier for minorities to contribute to political debates, but at the same time they make it harder for them to influence political decisions – as more and more issues would be decided by majority votes. As a consequence, direct democracy – in its purest form – runs the risk of increasing voter apathy and disengagement among those citizens who are already marginalised. In so doing, it will increase political inequality, and with it inequality in other areas.

So let me conclude by nailing my colours firmly to the mast of representative democracy. I remain convinced that this offers the best means of balancing and accommodating competing interests and best ensures that the interests and rights of minorities are not lost to sight.

When, therefore, we evaluate the case for major constitutional reform in the future, our judgement should be based on the extent to which such changes support and enhance, rather than undermine, the representative system – which has Parliament at its apex.

Parliamentary reform: The Liberal Democrat perspective

David Howarth MP
Liberal Democrat Justice
spokesperson

15 March 2010



We should start by saying what parliamentary reform is not. First and foremost, it is not the same as reform of the whole of politics, since that would require reform not only of Parliament but of Government too, and of local government and of the political parties, especially party funding, and of the judiciary and of the media. But parliamentary reform is related to reform of all of those other institutions and is therefore part of the overall reform of politics. It is related to reform of the Government because the domination by the Government of Parliament, especially of the House of Commons, is one of the crucial facts, and, in my view, one of the crucial defects, of our political system. It is related to the reform of local government because another one of the crucial facts about our political system, and, again in my view, one of its crucial defects, is that it is too centralised, and one of the causes and the effects of that centralisation has been the growing confusion of the role of Member of Parliament and that of local councillor, which in turn has helped to create public confusion about what Members of Parliament are for. One of the aims of parliamentary reform must be to clarify and strengthen the national role of Members of Parliament, but that cannot happen without a restoration to local government of the powers and prestige that rightfully belong to it. And parliamentary reform is related to the reform of the political parties because the

relationship between the individual Member of Parliament and his or her party – a relationship of loyalty and support for its aims and ideals, but also of patronage, discipline and, above all, campaign finance – is crucial to the way Parliament works, and, again, is something in need of reform if Parliament is to restore its reputation. Parliamentary reform is connected to reform of the judiciary, and more generally to reform of the relationship between politics and law, because if we are to move to a political system based more on the rule of law, and less on crude majoritarianism, as I want to see, Parliament and the judiciary will have to develop a new understanding each other's role, and to replace the current mutual misunderstanding.

And finally, parliamentary reform is related to the position of the media because one of the reasons Parliament has come to be seen as less important, and why it has lost its standing as the cockpit of the nation, is that a media voracious for instant decisions and unceasing 24 hour entertainment has very little room for a deliberative assembly that conducts debates over hours and takes months to make decisions. That is why, for example, Parliament rarely receives media coverage beyond the dramatic, noisy and irrational exchanges of prime minister's questions, and even that – in parliamentary terms – short session has to be severely edited to make it appear both snappy and even more

confrontational. On this point, however, I am a reactionary. It is the media that should reform, not Parliament. The 24 media has not changed human nature and it has certainly not increased human capacity for making good decisions at speed. Quick decisions might be what the media need to keep their audiences, but they still tend to be bad decisions.

And so parliamentary reform is not by itself political reform, but it is closely related to political reform and cannot be understood outside that context. But parliamentary reform is also not something else; it is also not the same as reform of society, or economic or social reform. Those who say that parliamentary reform is irrelevant to the everyday concerns of those who are worried about their jobs, their families and their souls do have a point. Parliamentary reform is unlikely by itself to create a single job, except perhaps in the administration of the House itself or in academia, and it is unlikely by itself to lead to better public services or to lower taxes, although I would suggest well-scrutinised laws have a better chance of being effective laws than those whose contradictions and vagueness are allowed to pass unchallenged. But that does not make it irrelevant. The health of our democracy – or rather its state of ill-health – is an important question in itself. As a liberal, I always turn to political questions first, before I turn to the economic and the social. For liberals, the distribution of political power is always an issue of the first rank. I know that is not what socialists think, or what conservatives think. They both think that the state of politics is a secondary question, and that politics is never really more than an expression of social or economic conflicts, conflicts that they both think of as more fundamental than political conflict. That is one of the reasons liberals are different. We do not think that we have to justify an interest in political reform in terms of anything else.

But before going into specifics I should

make clear what I think the fundamental problem is with our present political system. For it seems to me that we in Britain are on the edge of a crisis of legitimacy in our political institutions. It is not merely that our institutions are unrepresentative or ineffective or unjust, although they are all those things. It is that they command so little respect that they are losing authority. The lack of respect is evident in many survey results. A 2009 IPSOS-MORI poll found that trust in whether politicians are telling the truth has fallen to 13%.¹ A PoliticsHome survey of the same year discovered that only 12% of the population trust the state to keep their personal information safe.² And according to a 2010 Edelman survey, only 35% of the 'well-informed' public (educated to degree level, top quartile earnings) trust the government 'to do what is right', a fall of 6% in one year at a time when trust in almost every other developed country is rising and leaving elite trust in Government in the UK about 10% lower than that in other democracies.³ As the Hansard Society's latest *Audit of Political Engagement* shows, this is not at all a temporary blip caused by the expenses crisis, since there has not been much trust in politics apparent since the Hansard Society's survey began in 2004 (that is, after the start of the Iraq War), although the expenses crisis does seem to have increased the proportion of the population with no trust in politics at all.⁴

That report also shows a gradual decline in the proportion of citizens who believe that the political system works well. The only surprise is perhaps that as many as 28% still believe that the system does work well, but whether that survives the general election is another question. One of the most telling results in the Hansard Society survey was to the question, would you be proud of a child of yours who became a national politician, to which only 22% answered yes. Another telling result is that three times as many people believe that the media has an important

effect on their lives than believe that Parliament has such an effect.

The point at which loss of respect shades into a collapse in authority cannot be identified with precision, but it is clear that a political system that is despised, whose leading participants are seen as motivated by personal greed and selfishness and whose relevance to daily life is doubted cannot for long retain much of a claim on the loyalty of the population. We are left with a state apparatus reduced solely to the legal system and the administrative structure, and even they are vulnerable to attack by media organisations that see no inherent value in legality and procedural regularity when they come into conflict with their commercial interests – as we have seen both in the mobile phone tapping scandal and the Jon Venables affair.

Collapse of state authority is a problem in itself for liberals, who, unlike libertarians, believe that state authority is indispensable for the achievement of social justice. But it is even more of a problem, a practical problem, in the middle of an economic crisis, especially one whose origins lie in banking – the part of the economic system in which, more perhaps than any other, the institutions of the market are ultimately dependent on the credibility of the state.

The optimistic view, promoted largely by those political parties and their media supporters who have most to gain from it, is that a general election will bring the legitimisation crisis to an end, that a bout of democratic participation and the ritual humiliation of a number of Members of Parliament will restore authority to the political system. I do not believe that it will, for three reasons.

First, the origins of the loss of respect for politics are more deep-seated than the expenses crisis and a few discredited individuals. Its origins in my view lie in the processes that produced a situation in

which politics and the media have both reduced themselves to branches of the entertainment industry – processes too complex to go into in great detail here, but which have to do with the unfortunate coincidence of the media's desperation to maintain revenues in the face of new sources of information and entertainment and the political system's equally desperate attempts to manipulate the media for political ends, attempts that have resulted in the political system becoming subservient to the very power that it sought to control and harness.

Second, it is important to realise that the types of individuals involved in Parliament will not fundamentally change after the election. I know that the Conservatives have been trying to give the impression that their candidates are all drawn from outside politics – that they are local doctors and 'ordinary people' – but that is far from the truth (and the fact that the Conservatives are raising false expectations makes the problem worse). I have been looking at the backgrounds of Conservative PPCs in seats in which a Conservative MP is not standing again, plus those in newly created seats generally expected to elect Conservative MPs and those in the seats in which the Conservatives are second to Labour that they need to win to gain an overall majority. In those seats, about 170 in total, 38% of Conservative PPCs have at some point in their lives until now been political professionals – researchers, special advisers, Conservative Party employees, think-tankers, lobbyists and so on. 38% is, interestingly enough, also the percentage of Labour MPs in the 2005-10 Parliament who had been political professionals at some point before being elected. Perhaps even more important from the point of view of trust, and the kind of political system we are in the process of creating, nearly 30% of Conservative target PPCs have worked in the media manipulation professions – marketing, advertising, PR – or directly in the media. That is 10% higher than the

figure for the whole of the present House of Commons (though I should note in passing the proportion of media professionals in the present House is highest in my own party). Max Weber said in his great essay *Politik als Beruf* that modern democracy was inextricably linked with modern lawyers.⁵ That is no longer true. In the House of Commons now, lawyers are vastly outnumbered by political and media professionals and they will be again in the next Parliament. I cannot see how a Parliament of marketing professionals and full-time politicians will regain the public's trust for very long, perhaps no longer than the time it takes people to work out, for example, that the scientific claims of the average cosmetics advert are bogus.

Third, and perhaps most fundamentally, the First-Past-The-Post electoral system time after time results in the election of Governments that are overwhelmingly unpopular on the day they are elected. In other democracies Governments start popular, because they have at least the good will of voters for parties that add up to a majority, or to near a majority, of the electorate. It is only later that they become unpopular. In our system, however, Governments are regularly elected whose policies have just been rejected by three fifths of the voters, and in the case of the present Government, and perhaps the next one, by nearly two thirds of the voters. Such a Government lacks real authority from the start. It lacks consent. It lacks legitimacy. It is not so much an elected Government as a junta propelled into power by an unpopular minority. Imagine, for example, a Government elected on 6 May with between 35 and 40% of the popular vote committed to immediate heavy cuts in public spending and to tax breaks for the rich, a set of policies rejected by all the other parties. In what way does that Government have real authority? Will it, for example, be able to carry the public with it against a wave of public sector strikes? Will it be able to resist those

centrifugal forces that threaten to break up the United Kingdom? I suppose those who believe in the myth of Margaret Thatcher, that she triumphed over consensus politics and ruthlessly carried through necessary reforms that never commanded popular support, will look forward to another bout of 'strong government', by which they mean social rupture combined with countervailing repression, but those who see more clearly will fear this country is about to be subjected to period of political and social division just at a time when there is the highest possible premium on unity and co-operation.

That is why the most fundamental reform of Parliament that we need is reform of the electoral system for the House of Commons. We need a system that retains the individuality of Members of Parliament, so that they are not mere creatures of their party – which means that we should reject party list systems – but we also need a system that produces tolerable proportionality in terms of result, that produces a Parliament that is representative in the most fundamental sense, namely representative of the political views of the country. There is one system that achieves both of those objectives, the single transferable vote in multi-member constituencies, and it is therefore that system that we support. Introduction of STV would also allow us to reduce the number of MPs, by about 20%, without having the effect that would follow from reducing the size of the House under First-Past-The-Post of making the Commons even more unrepresentative.

But we only support the reduction of the number of MPs because we are committed to the maximum amount of devolution of power to local level. If, as we envisage, there will be democratically elected local bodies that set health policy and policing policy, and if local councils have far more freedom to organise themselves to act in whatever way they

think beneficial for their areas, there should be less for MPs to do. More generally, it is important that we find ways of counteracting the tendency for MPs to undermine local government by setting themselves up as super-councillors. The best way of doing that is to ensure that when a constituent writes to an MP to intervene on their behalf, as often as possible the MP will have to write to a local representative, not to a national minister, to get anything done.

Electoral reform for the Commons will transform the way the Commons looks to the public. If no single party has a majority, that itself will open up the range of issues that will be debated and decided on. Parliament would be an important locus of public attention simply because the results of votes would be more uncertain and the public would see Parliament as more relevant and worth caring about. There are many proposals for enabling members of the public to ensure that particular topics should be debated in the House, and I support the general principle that if a very large section of public opinion wants Parliament to discuss a matter but Parliament refuses to do so, there should be a petition mechanism so that the public can force the issue. But a more representative Parliament would mean that those occasions would be rarer than they are now.

Lack of single party control would also transform parliamentary procedure and start to undermine the Government's stranglehold on the agenda. A Government without a majority would not be able to force through Programme Motions, it would lose control of public bill committees and statutory instrument committees, and it would even lose control of the Committee of Selection, which chooses members of such committees. But it would not by itself end government control of the agenda of the Chamber of the House of Commons itself. That is because the infamous

standing order 14(1) gives the Government control over all of the time of the House by virtue of being the Government, not by virtue of having a majority. If, on the day the next Parliament meets, the Labour Party has been reduced to third place in the Commons, but Gordon Brown has refused to accept the result and has not resigned, he would be just as entitled to control the agenda of the House as he is now. He would even be able to keep reform of standing order 14(1) itself off the agenda for as long as he retained office. His successor would have the same power even if he or she lacked a majority.

Standing order 14(1) has to go. Henry Porter said in an article in the *Guardian* that no MP could give an account of the history of standing order 14. That is not strictly true, since I could. But I am, you will be pleased to hear, not going to embark on a detailed history here. I would, however, like to point out that standing order 14 came into being in its present state only in 1963, at a period when very few people questioned the two party duopoly, when backbench rebellions were very rare and when backbenchers were not expected to be hyper-activists. No one at the time thought it was a big deal to cede all parliamentary time to the Government because the distinction between the Government and Parliament was at that time near to an all-time low. None of the conditions of 1963 now apply. The duopoly is gone, no matter how much the Labour and Conservative parties fantasise about its return. Backbenchers are under pressure to find ways of raising issues that voters are worried about, and they are more inclined to rebel – although, admittedly, that tendency might disappear in a House without a large majority and no longer populated more by those who have lost ministerial office than by those who aspire to it. But the distinction between Government and Parliament is back, and procedures of the House need to recognise that fact.

What should replace standing order 14 (1)? I was a member of the Wright Committee and fully support its proposal for a House Business Committee (as I support its other proposals, on electing select committees and their chairs and on opposition business for example). I support the full recommendation of the Wright Committee, not just the Backbench Committee, which the Government and the Conservatives have conceded in principle and about which they were forced by the House to give jurisdiction over not just 15 days a year but over approximately one day a week (a proposal that, combined with Private Members' Bills on Fridays, just about gets us back to the position before the Second World War). I support putting the whole of the time of the House at the disposal of the House itself via a House Business Committee. But I also support the Committee's mechanism for making the House Business Committee work, that the Backbench Committee would meet with representatives of the Government and the opposition parties to try to reach a consensus, but when no consensus is possible, the Chairman of Ways and Means would act as an arbitrator, and it would be the Chairman of Ways and Means (who, of course, will, as a Deputy Speaker, in the future be elected by the whole House by secret ballot) who would propose the forthcoming business to the House in the form of a motion. A majority Government that objected to the motion could organise its troops to amend it, but that would have to happen in the open. By the way, one consequence of giving this additional task to a Deputy Speaker is, in our view, that the House will need four Deputy Speakers, not just three, as at present.

But we need to go much further than the Wright Committee if we are to restore the prestige of the Commons. In particular, the Commons needs to increase its role in deciding policy, not just in reviewing the Government's policy. I disagree with the

comment often attributed to Gladstone that Parliament's only role is to hold those who govern to account. It is also, in as far as a large assembly plausibly can, to set the broad limits of policy. That is what the public think we do already, and are surprised to find that we don't do. The crucial battleground here is expenditure. Parliamentary control of supply has been reduced to a joke. No debate is allowed and half a trillion pounds gets voted through in an instant. Parliament has less real control on expenditure than a parish council. That needs to change, and the place to start is to give the new, elected, select committees a power to call in specific spending decisions before they are made.

Reform of the electoral system for the Commons will also increase the pressure for democratising the Lords. The Liberal Party has supported the reconstitution of the Upper House on a popular basis for 100 years. We inserted that policy into the preamble of the Parliament Act 1911, which we intended as an interim measure. We continue to believe that the right to make laws should be based on election, not selection, and are dismayed that the leader of the Conservative Party says that Lords reform is not a priority for him and that Jack Straw has only come round to the idea of an elected Upper House when it is too late for him to do anything about it. We recognise that for the public Lords reform is a lower priority than almost every other proposal for political reform that is put to them, but that is the result, we believe, of a situation in which the Lords look more successful in standing up to the Government than the Commons, and, perhaps oddly, look more politically representative than the Commons. If the Commons becomes more democratic and representative, the position of the Lords will come to look more and more unsatisfactory.

We support the idea of electing the Lords for long terms, to help preserve their independence, but we believe that their

independence should not be absolute and that they should be subject to a recall mechanism if they are found to have been corrupt or utterly incompetent. We also believe that a recall mechanism should apply to Members of the House of Commons who have been found to have been corrupt.

These reforms would not in themselves transform public trust in the political system. Perhaps there is nothing that can be done fully to reverse the corrosive effects of the political and media culture that British society has developed. But we can pull back from the brink of a full-scale crisis of legitimacy if we at least commit ourselves to elect a politically representative Parliament that controls its own agenda and has some say in how the country is governed. That doesn't seem too much to ask.

Notes:

¹ Ipsos MORI (2009), *Trust in People*, <http://www.ipsos-mori.com/Assets/Docs/Polls/poll-trust-in-professions-topline-2009.pdf>

² Big Brother Watch (2009), *Big Brother State Survey*, <http://www.bigbrotherwatch.org.uk/home/big-brother-state-survey-28-october-2009.html>

³ Edelman (2010), *Trust Barometer*, <http://www.edelman.co.uk/trustbarometer/files/edelman-trust-barometer-2010-uk-highlights.pdf>

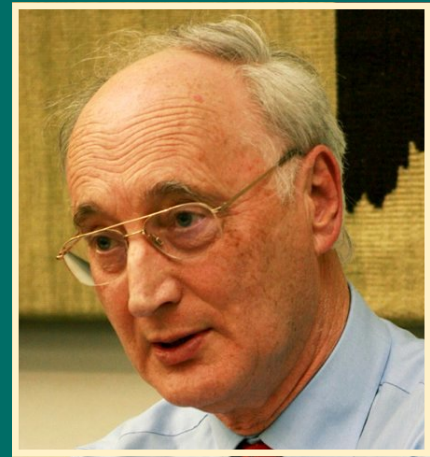
⁴ Hansard Society (2010), *Audit of Political Engagement 7* (London: Hansard Society).

⁵ 'Der moderne Advokat und die moderne Demokratie gehören seitdem schlechthin zusammen', *Politik als Beruf* (Duncker & Humblot, Munich and Leipzig, 1919), p 24.

Parliamentary reform: The Conservative perspective

Rt Hon Sir George Young MP
Shadow Leader of the House of
Commons

18 March 2010



Thank you, Peter, for that introduction – and thank you also to the Hansard Society for inviting me to speak to you this evening.

I've had the good fortune to be closely involved with the Society over many years, including as a former Vice President. Everyone who works in politics knows what a tremendous contribution it makes both to the public's understanding of Parliament and to the way Parliament works. It not only monitors the health of our democracy – it's also on hand to prescribe the right medicine when the body politic is under the weather. We've seen that recently, with the unexpected but welcome progress that has been made introducing the reforms of the Wright Committee on the Reform of the Commons; issues on which the Hansard Society has been campaigning for many years.

I'm particularly delighted to be winding up this series of three talks on parliamentary reform. If you put all the speeches from the different parties together, you can see where we agree; where we disagree; and work out how, in the next Parliament, things might be different if the Conservatives win.

The last few weeks have seen the House of Commons make some big – and positive – decisions to change the way it operates. Given the disastrous year Parliament has endured, these are

necessary reforms. The challenge before us is to implement them in the little time that remains before the election; and then to build on them in the next Parliament. The House has suffered something of a cardiac arrest; our task must be to revive it and ensure that it becomes the beating heart of democratic life.

What's gone wrong?

I'm not suggesting that there is a mythical golden age to which Parliament can return. I agree with Jack Straw that no such time ever existed. Governments of all colours and from all ages have sought to erode Parliament's authority and compromise its ability to assert itself. The enduring tension between the executive and the legislature lies at the centre of British politics.

But we risk looking at least complacent, at worst fully detached, if we fail to recognise that the current public mood relates to a widespread sense of dissatisfaction with the way Parliament does its job.

Trust – or the lack of it – plays its part. Last week, newspapers reported the headline finding from the Hansard Society's annual Audit of Political Engagement as 'expenses scandal does not cause collapse in trust'. MPs rushing to read the good news will have been disappointed. Underneath the headline was the depressing realisation that the

70% who said they distrusted politicians seven years ago haven't changed their mind. Suspicion has just hardened into cynicism.

What concerned me more was the indifference with which an increasing number of people appear to view Parliament. This message is strikingly conveyed by the finding that just one in five people think Parliament is one of the institutions that have the most impact on their lives – a sharp decline from previous years.

To borrow from Oscar Wilde, the only thing worse than Parliament being talked about, would be for Parliament not to be talked about. The House depends for its relevance on the strength of its relationship with the electorate. When it speaks to the concerns of the nation, the Chamber is lively and constructive; but when it retreats into itself, debate becomes ritualistic and purposeless. It is this sense of purpose which Parliament has lost. And in a moment I will outline our proposals to make it more relevant and effective.

Labour's record

It would be unfair to lay the blame for this state of affairs entirely at Labour's door.

I was shadow Leader of the House in their first term; and now I am shadow Leader in what I hope will be their last. This has given me a good perspective on their approach to reform. And it's not all been bad.

Under the banner of modernisation, real improvements have been made to the working practices of the House. Our sitting hours are more sensible and more reflective of the patterns of modern life. No one wants to return to all-night sittings to tramp the lobbies in their dressing gowns. We work now in a more balanced and professional environment. To prospective MPs who are women with

young families, it will seem a less intimidating place of work.

There have been other successes. Westminster Hall – for which I was the sole and lonely cheerleader on Conservative benches – has opened up greater opportunities for backbenchers to raise constituency issues. Public Bill Committees are a considerable improvement on Standing Committees benefiting from formal evidence sessions before the detailed scrutiny.

The Prime Minister's appearance before the Liaison Committee twice a year is another welcome innovation, which has provided a more reasoned forum for scrutinising the Prime Minister than the hurly-burly of Question Time. Though I say in passing that they have not in my view reached their full potential. Two and a half hours interrogation of the country's Prime Minister by the country's top inquisitors should elicit more information than it has done to date about what makes Prime Ministers tick and, if it was more effective, it would get more coverage than it does at the moment. As a former participant, I take my share of the blame for this.

While Parliament needed modernising, it certainly needed strengthening; and too often the measures that modernised it, weakened it. Lasting reform can only take place when there is agreement between the competing interests in the House – but too often the Government proceeded on the basis that what was good for it, was good for everyone. That has sadly not been the case.

The main vehicle for reform – the Modernisation Select Committee – initially managed to foster a sense of collaborative engagement. But instead of being chaired by a senior backbencher, to speak with the authority of Parliament, it has instead been led by a Cabinet Minister, who acts under the direction of the Government: a clear conflict of

interest that we have promised to end. The Leader of the House is the member of the Cabinet charged with delivering the Government's legislative programme through the House of Commons. It is a constitutional affront that that same person should also chair the Committee which decides how the House of Commons will scrutinise that programme.

Inevitably, having such a powerful executive presence on the Committee has led to a divisive approach to reform. Instead of the process being owned by the House – as it should be – it has been at the whim of the Government. When it has suited the Government, reforms have made progress; when it doesn't, they don't.

We have seen how ready the Government are to push through unwelcome proposals, even using the casting vote of the Leader of the House to introduce the unpopular regional select committees – which we propose to abolish.

I witnessed this at first hand as a former member of the Modernisation Committee, when for the first time in my 35 years in the House the Government broke with all-party consensus to force through a report on programming. The minority report that I produced with my Conservative colleagues to protest against these changes was voted down. The Government simply deployed its majority both in the Committee, and then on the floor of the House, to introduce what was in effect an automatic guillotine on all Government legislation.

The then Leader of the House Margaret Beckett argued that the guillotine was a way to cut down on late sittings and allow MPs to invest more time in their families. But it was heartening last week to hear Jack Straw publicly accept that programming had undermined effective scrutiny. I hope that Labour will now follow my pledge to return to the more collaborative approach to timetabling

business that existed before. As a seasoned campaigner for a stronger Parliament, you will forgive my scepticism.

Constitutional Reform

Too often the Government offers words of support, and then fails to act on them. The initial spark of enthusiasm for one morning's good headline never seems to burn as brightly the following day.

You only have to look as far as Labour's flagship Constitutional Reform and Governance Bill to see the divorce between the rhetoric and the reality. In the week that Gordon Brown entered Downing Street in 2007, he announced plans for a 'new British constitutional settlement'¹ to thrust power into the hands of Parliament and the people. I welcomed his statement.

But what happened? A bill was published in draft form; it was put before a joint committee for urgent consideration; the committee completed its work in haste at the request of the government by July 2008 – and then the bill was lost without trace into the legislative Bermuda Triangle for a whole year. Having just about made it through the Commons low on fuel, it will now be glimpsed below the clouds by their Lordships at Second Reading on 24 March before being downed in thick fog in the remaining days of this Parliament.

There has been little or no progress on nine of the 12 areas where Brown pledged action – such as a Commons vote to trigger dissolution – to transfer power from the executive. Rather than strengthening parliamentary accountability, the bill itself was so tightly programmed in the Commons that at least 28 clauses – about a third of the bill – were not debated at all. And although this was designed to reinvigorate democracy, the last minute insertion of a

referendum on AV was a pre-election stunt that serves only to undermine it.

This has not been, as the Prime Minister predicted, 'an important step forward' – but rather, as the former Lord Chancellor Lord Falconer pertinently called it, a 'constitutional retreat'.

Wright Reforms

The Government was also in headlong retreat on Commons reform – though I'm pleased to say they are now finally running, if you'll excuse the pun, in the right direction.

The vote on Wright was doubly significant because the proposals that the House overwhelming endorsed on 4 March were not dictated by the Leader of the House and pushed out by the Modernisation Committee. Instead, they were introduced by a committee whose chairman, Tony Wright, is a well-respected backbencher and whose members were elected by their peers, not nominated by the Whips. Instead of enabling the Government to break the consensus on reform – as it has previously done – a consensus in the House broke the Government.

Harriet Harman implausibly argued during the debates that the Government was always on the front foot. But while they have dragged their feet, it was the reformers, supported by the Conservatives, who have been pushing the pace of reform.

We opposed the Government's attempts to restrict the terms of reference, which would have strangled the House Business Committee at birth. We pressed them for time to debate the report after it was published. We forced them to give the House a vote on all of the proposals. We called for the establishment of the Backbench Business Committee at the beginning of the next Parliament – something even the Wright Committee

appeared reluctant to see. And it was only after I threw our weight behind the creation of a House Business Committee that Harriet Harman conspicuously reversed her previously stated opposition and indicated that she would support it.

The Government failed to recognise that the harder they tried to resist, the more effectively their own actions made the case for the executive relinquishing its iron grip on the business of Parliament. As the Labour MP Martin Salter memorably put it, 'The power of these shadowy forces at work behind the scenes demonstrates more clearly than ever why the Wright Committee recommendations need to be implemented in full, and that the clammy fingers of the Whips and Government business managers are prised once and for all off matters that are for Parliament rather than for party'.²

Reformers from across the House should be delighted by the results of the votes a fortnight ago. It was a March Revolution – a definitive victory for Parliament over the executive. The decisions that the House took to elect select committee chairmen and members, create a Backbench Committee and lay the path towards a more collaborative way of handling our business were necessary and long overdue.

The challenge now is to put these sensible changes into practice. I was particularly struck by the words of Tony Wright during the debate when he warned that setting up new structures is easy, but it is more difficult to make them work. As he said: 'In a way it is easy when we can blame the Government for everything, but from now on we shall have to attend to ourselves and take responsibility for ourselves. If we do not do that, this is not going to work; it will be sunk'.³

We now have just nine or so days in the remainder of this Parliament to

implement the decisions. There is no room for error within such a tight timescale.

Harriet Harman said today that she will find time to debate all of the necessary changes to Standing Orders. But there is a growing concern that this may not happen before dissolution. Such a delay would jeopardise the ability of the Backbench Committee to be up and running in time to set the first topical debate of the new Parliament.

What's next?

The big question that remains is: what should happen next? Given Parliament's self-inflicted wounds, have we done enough to stop the bleeding?

My answer is emphatically, no. Parliamentary reform is not a single day's work. To many people, it may seem a painfully slow and arcane process, but when the circumstances are right – as they are now – it has the opportunity to transform not just Parliament, but the way we do politics as well.

I want to make it clear to you tonight that, if we win the election, the Conservatives will not rest on the achievements of the last few weeks. But we will use the momentum created by the Wright Report, build on the consensus that has been established and feed off the energies of a new generation of MPs.

Yes, there will be other big priorities for the next government – not least paying down the national debt. But we know that urgent action is needed to cut the democratic deficit too. Just as we will rebalance our finances to get growth back into the economy, we will also rebalance the power between government, Parliament and voters to bring confidence back to politics.

So let me outline a number of areas where we will help make Parliament more

independent; increase its role in national debate; sharpen its tools of scrutiny; and strengthen its accountability to the people it serves.

Conservative proposals

Many of Parliament's current problems stem from the over-interference of the executive. The Government is formed from Parliament – it doesn't own it and it shouldn't have so much say over how the House is run. We are committed to abolishing the Modernisation Committee and will return its agenda to a revitalised Procedure Committee, chaired by a senior backbencher, elected by secret ballot of the whole House.

But the new rules on electing the heads of select committees will also lend new authority to the Liaison Committee – whose chairman should now take a greater lead than before in charting the direction of reform. Other than their landmark report 'Shifting the Balance' in 2000, they have focused more on their evidence sessions with the Prime Minister than spelling out their vision for the House in greater detail. In the future, I believe they should do that.

To help them meet this challenge, we will break the monopoly on statements currently held by ministers and hand to the Liaison Committee a quota of 12 statements a year, which can be drawn on to enable select committee chairmen to launch their reports to the House and answer questions on them. So when select committees have got something important to say, such as today's report from the Defence Committee on the need for a comprehensive approach to securing peace after military operations, it won't be buried in a press release and relegated to a few columns in a newspaper; but broadcast live to the nation in prime time.

This will help the House become a platform for debating the issues of the

day. And we'll go further. Too often the Chamber can seem like a sea of green benches, particularly during thinly attended Opposition debates. So we will allow the Opposition to trade the time allocated on those debates to force the Government to give topical statements on the issues of the day – again in prime time.

As the Wright Report observed, all too often MPs themselves do not see the point of making the House the primary focus on their activities. But our proposals will seek to transform this by replacing long and turgid debates with short and punchy statements that will get far greater air time. You only have to compare the amount of media interest that was shown in Tuesday's statement on BA with the equally topical but less gripping debate later that afternoon on higher education to understand the impact. Parliamentary theatre can be as gripping as the real thing – but we need to make better use of the stage.

Backbenchers aren't in Parliament just to talk – they're there to scrutinise legislation and improve the law. While we give them more of a voice, we must also sharpen their teeth.

Making law is a two-sided process: the executive should keep a handle on the volume of legislation that it tries to pass, while the legislature needs to have enough time to give proper attention to every part of every bill. At the moment it's going wrong in both respects. There is currently too much legislation, produced too often, with too little effect. And while the Government churns out bills like press releases, there has been no effort to give the Commons the time and the tools it needs to examine them in detail.

We all know what happens when our brains don't get enough oxygen. Time is the oxygen of Parliament. At the moment, the sheer volume of legislation is suffocating the House. We will give it the

breathing space to be able to undertake its scrutiny in a measured and considered manner, without forcing it to hyperventilate.

We will start from the premise that there should be fewer bills, more thought-through and better prepared for their journey through the House. I applaud the work of the Better Government Initiative in this area and their principles will inform our approach, should we win the election.

Legislation is too often drafted on the hoof; which forces Parliament to do the heavy lifting that should have been done at an earlier stage by officials. In the 2007/08 session, the Government tabled well over 5,000 amendments to its own bills. It is absurd to expect the House to take the hit for inadequate preparation in Whitehall.

We'll abolish the automatic guillotine for Public Bill Committees, as I said earlier, which will give backbenchers more time for proper scrutiny. And we need to look closely at the Report stage of bills where real issues of timing remain. I'm in favour of more split committee stages, where some of the committee stage is taken on the floor of the House, so that more backbenchers would have an opportunity to contribute at an earlier stage of the bill – as well as stricter time limits on speeches so that some of the pressure is taken off timing.

More effective mechanisms such as these will help to make the Commons better at holding the Government to account – which in turn will build public confidence in what MPs do.

Lords Ministers in the Commons

The work of MPs has for decades stretched only as far as the committee corridor and the Chamber of the Commons. But over the last three years, we have had to confront a new beast on the political landscape.

These stubborn, independent and wily creatures initially bred in great numbers – and in one case spent his time acquiring vast tracts of territory across Whitehall. But these animals are evasive too; and while they have been allowed to roam free and unrestrained, there is currently no means of bringing them to heel.

These are, of course, the Goats – those ministers appointed from outside Parliament to sit in the Lords and form Gordon Brown's famous Government of All the Talents.

Since July 2007, there have been ten peerages awarded to individuals so that they can function as ministers including two secretaries of state: Lord Mandelson, who needs no further introduction, and Lord Adonis, at Transport.

This is not a new development – there have been nine secretaries of state sitting in the Lords since 1979. What is unusual is for their departments to be accountable to the Commons only through junior ministers. Under Conservative governments, there was typically another minister of Cabinet rank who handled departmental business in the Commons.

There is no such equivalent today. Lord Mandelson delegates Commons work to Pat McFadden; Lord Adonis to Sadiq Khan. Both are doubtless competent ministers.

But it is frustrating that at a time of economic fragility, with industrial strikes brewing, that the Cabinet ministers with responsibility for industry and transport are unaccountable to the House.

I have made clear in a submission to the Procedure Committee that the current state of affairs must now end and a way should be found for Lords ministers to be cross-examined, like the rest of their peers in the Cabinet, by MPs.

We should start in Westminster Hall,

requiring ministers who sit in the Lords to respond to debates where responsibility for that particular issue rests with them. The Committee will publish their report on Monday; and I hope they will agree with me that it is time to tether the goats.

Cutting the size of Parliament

Our proposals will help to make Parliament a more formidable inquisitor of the Government; and a more relevant force for the public.

But we cannot start work on cutting the democratic deficit without acknowledging that the first priority of the new Government will be to tackle the financial deficit.

We all know that whoever is in power after 6 May is going to have to make some difficult decisions on spending. These won't just be taken by the Chancellor; or even the Cabinet; they will require the collective will of Parliament. And at a time when we are calling for restraint from the public and the private sector, it's vital that Parliament leads by example and does everything it can to search for efficiencies.

Over the last 13 years, the cost of politics has doubled. But we haven't seen double the benefits. So just as we try to achieve more with less in the public sector, so we must in Parliament.

There are too many MPs. The House of Commons is the largest lower house of any major Western democracy. Even the world's largest democracy, India, makes do with 545 MPs. By comparison, the UK has 20% more MPs but just 1/20th of their population.

This is why we have pledged to create a smaller House of Commons. If we win, we will introduce legislation to instruct the Boundary Commission to reduce the number of MPs by 10% in time for an election in 2014. By May 2015 the House

of Commons could have 585 members – a cut of around 65.

These proposals will have the potential to save over £15 million a year. And it will give an even more valuable political signal during this time of fiscal restraint: that we are all in this together.

And on this, the public are right behind us.

Far from being anti-democratic, we will help reduce the inequities in the electoral system at the same time as we bring down the costs. At the moment, the electoral maths is skewed. In 2005, Labour polled 70,000 fewer votes in England than the Conservatives, yet won 92 more seats.

Jack Straw has accused us of gerrymandering. It's a claim that's hard to swallow given their recent conversion to the Alternative Vote. If AV had been used in 2005, it would have delivered more seats for Labour than the first-past-the-post system, even though the party only secured 36% of the popular vote.

What's more, leading academic experts have said that our proposals would make little change to Conservative representation.

On our direction, the Boundary Commission will ensure that every constituency is roughly the same size. This will address the disparities that exist between constituency populations – and give each vote an equal value. What could be more democratic than that?

Conclusion

I want to end on a broader reflection. Society has changed, but Parliament has not. As the constitutional expert Professor Vernon Bogdanor has said, power has not been handed to people, it has merely passed 'between elites'.⁴

Our task now must be to drive much wider cultural reform in Westminster – not just cleaning up politics, but transforming it. That is why we are committed to a substantial shift of power from the centre down to the local; from Whitehall to communities; and from bureaucracy to democracy.

This will not weaken Parliament – it will strengthen it. We have nothing to fear from binding ourselves more closely to the electorate we represent. It may be a challenge; but in the end, I predict, it will be a success – for Parliament and for the people.

Notes:

¹ *Hansard*, 3 July 2007, col. 815.

² M. Salter, 'Harriet Harman bottles it on Parliamentary reform', *The Daily Telegraph*, 4 February 2010, <http://blogs.telegraph.co.uk/news/msalter/100025048/harriet-harman-bottles-it-on-parliamentary-reform/>

³ *Hansard*, 4 March 2010, col. 1082.

⁴ V. Bogdanor (2009), *The New British Constitution* (Oxford: Hart Publishing).

Recent Hansard Society publications



The Hansard Society's annual *Audit of Political Engagement* measures the pulse of the nation on politics and the political system. The Audit this year has a special focus on MPs and Parliament, raises a number of topical issues in the context of MPs' expenses and the forthcoming general election, and provides longer term reflections on the level of continuity and change charted in the Audit findings over the course of this Parliament.

It shows that while the MPs' expenses scandal has affected the public's satisfaction with and perception of MPs and the Westminster Parliament, there has not been a change in the level of trust people say they have in politicians or politics. [Click here for more.](#)

Digital Citizens and Democratic Participation shows that for Britons who are already online, the internet has made it easier to take part in civic and political activities and that half of them prefer to use the internet to take part in democratic life.

With over two thirds of the British population online, this report explores how people use the internet to connect with their elected representatives and also the trends in online digital engagement across civic and political life. The research draws on a national survey of individuals who were already online and the second was a sample of 'digital leaders' – people with a strong interest in social media and politics. [Click here for more.](#)



DIGITAL CITIZENS AND DEMOCRATIC PARTICIPATION

An analysis of how citizens participate online and connect with MPs and Parliament

Andy Williamson



There has been increasing speculation that the next UK general election might produce a parliament in which no single party holds a majority of seats – a 'hung parliament'. It is over 30 years since the last hung parliament so what would be the modern day consequences for Parliament, the political parties, individual MPs, and the public? Would a hung parliament strengthen Parliament and better reflect the wishes of the electorate or would it render government indecisive and unstable?

This edited collection of essays from distinguished commentators, academics and parliamentarians discusses the implications of a hung parliament and presents a range of different views on the subject. [Click here for more.](#)

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