

Real Reform Now

Why Progressives Should Embrace Democratic
Renewal And How We Get There

Lewis Baston, Brian Brivati, Matthew Cain,
Dermot Finch, Guy Lodge, Fiona Mactaggart,
Steve Reed, Will Straw and Stephen Twigg

September 2009

REAL REFORM NOW!

Progress
Labour's Progressives

Progressives

Progress is an organisation of Labour party members which aims to promote a radical and progressive politics for the 21st century.

We seek to discuss, develop and advance the means to create a more free, equal and democratic Britain, which plays an active role in Europe and the wider world.

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The logo for 'Real Reform Now!' features the word 'REAL' in red, 'REFORM' in blue, and 'NOW!' in red. The letter 'O' in 'REFORM' is replaced by a white silhouette of a building with a central spire, set against a blue background.

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Introduction

Brian Brivati

John Smith called devolution the settled will of the people of Scotland. In the months that have passed since the expenses crisis was at its height, the settled will of the British people has become firmly that we change the way we do politics. The wave of popular sentiment for reform that started this spring has continued and the political class must either ride it or drown. The question now is what reforms should come first and how will they be decided on and implemented. This pamphlet is a contribution to that process. It lays out the alternatives for fixing our broken political system.

Our current constitutional arrangements have been failing us for decades. They have failed because the executive has not let them function properly. MPs have been unable to perform their role of scrutiny and few of them have been prepared to challenge the power of the whips. The system has failed because our legislators, though many of them are hard working and conscientious, have now let us down by playing their expenses system to the hilt and in some cases committing fraud.

“ Our current constitutional arrangements have been failing us for decades ”

These sets of problems can only be dealt with by a connected set of reforms and not just one change. This is not a hysterical response. It is a long overdue recognition that politics in this country needs to modernise.

We need substantial changes to the way in which the House of Commons works, with elected chairs for committees and with the system of independent regulation already proposed by the prime minister fully implemented. We need fixed terms to reduce the power of the executive in relation to the legislature. We need primaries for the selection of candidates so that communities feel involved in the choice of their representatives. We need further devolution of powers to local communities through elected mayors who can take over the job of local representation under these systems and let MPs focus on broader issues. We need PR or AV-plus, so that MPs reflect the diversity of their constituencies. Extremists will be represented under a new system, but it is better that we know who the racists are than that they hide behind the veneer of the major parties' broad coalitions. We need the ability to recall MPs who fail to abide by the standards expected of them. We need debate on other issues and other reforms that would continue to shine light into the workings of the state and empower citizens in relation to their representatives.

The UK has a vibrant civil society and high levels of civil engagement. We need to translate some of the energy and drive that is devoted to voluntary organisations and community groups into the business of running the politics of the country. Taken together, these changes would give parliament a chance to once more be the place in which the informed conversation of our nation takes place. Perhaps it is time that we acknowledged that parliamentarians cannot function as true Burkean representatives, so we must move

towards them being more like the delegates of the people. To achieve this peaceful revolution, we need everyone interested in the renewal of democracy to come together.

There are moments in history in which unexpected opportunities arise to move this country forward, when unexpected alliances form around our shared values, around an idea built on the British consensus. When the Labour party built the welfare state it was on Liberal foundations and many one-nation Conservatives supported it. When Edward Heath rightly identified membership of the European Economic Community as key to the future of Britain, he took us into that community with the support of Labour's pro-Europeans on a free vote. When Margaret Thatcher's governments set about to modernise the British economy, many in the Labour party saw the necessity for privatisation. In reforming our state, from home rule to the suffrage to devolution, after bitter disputes we have come together as a country, across political divides against extremist opposition to achieve the change our people have demanded. Even politicians, who argue about so much, frequently find that, when faced with a major challenge, they agree on the really big issues, even as they differ over the means.

We face a crisis in our political system and the best response would be a similar alliance of those interested in responding with reform. There is a great deal at stake because we face the danger that we are watching a generation being lost to politics – alienated by the current scandal, turning to the extremist parties or giving in to apathy. How do we renew our democracy? Each individual political party might suggest its own programmes of reform and score points and conduct petty squabbles among themselves, to the delight of the media and the indifference of the voters. The government might put a plaster of a new system of allowances and a new speaker over the

deep wound that has been cut through our constitution. That is perhaps what the voters, hardened in their cynicism, might expect the political class to do. They might expect business as usual. Who could blame them for that? And who will gain if our response is rushed and off-the-cuff promises of reform which we cannot deliver? The extremist parties who peddle hate as a substitute for substance. The extremists in this country and around the world who hate democracy and want to destroy it. They are the only people who will gain from a return to business as usual.

So Progress calls on all progressives, all reformers in all parties and in none, to come together in the campaign for real constitutional reform now. Because we must do better. We must show that not only have politicians and activists in all parties 'got it', but we also know what to do about it. In fact, what we have here is an opportunity, a once-in-a-lifetime chance, to make politics relevant again, to make parliament matter once more, to make all of our people feel part of the governing of their own country and the running of their own communities. There is the possibility that this darkest hour has come before a new dawn.

We need to move quickly. As the news cycle moves on and the general election looms, there will be a temptation to push the issue of progressive constitutional reform into the long grass. A royal commission, a review, a consultation process will be set up. There is talk of the job of constitutional reform taking 20 years. The National Council for Democratic Renewal is an important step forward. These issues will be discussed regularly at the heart of government, but what looks like a significant move inside the machine was barely noticed in the country.

The central problem is that the National Council looks a lot like the old politics, the politics that has produced the current level of

discontent. Its establishment has missed the central point that the real stakeholders in politics, the voters, have been excluded once again from the process of selecting the options for change. The idea of convening a citizens' convention was rejected for two kinds of reasons. First, because *representative* democracy is the source of the legitimacy in our constitution; the only way that citizen representatives or juries could be made legitimate would be to elect them. If you elect them they become representatives and, unless they are delegated to vote in certain ways, this recreates the system we have now. MPs are not some separate species, they are elected citizens.

The second argument against is that issues involving the constitution are very complex and it will take a long time to arrive at a view of what can be done. Both these arguments are the means by which change has been deferred for decades. In other words, they are the classic Yes Minister rationale for not moving forward with reform. Citizens organised into groups to deliberate on the form of a new constitutional settlement need not become representatives and they can still have legitimacy if their job is to choose between options and arguments laid out before them and reduce the choices down to those that make most sense to a representative sample of the country.

Deliberative democracy introduces the equivalent of a pre-legislative phase into the process of making law, but this phase is handed over to the citizens. Legitimacy is derived from both the openness of the process and the task which the citizens' convention is given to do. The whole polity must ultimately have a say on the more substantial elements of change, but the citizens' convention can make clear which areas are based on consensus and can proceed as soon as possible. Though this option has been

dismissed by the government, the debate on it will, and should, run and run.

The main focus of this publication is to remove from the debate the second objection that is raised against the need for real reform now – we don't know what to do? We do. The issue is not whether there needs to be real reform now; the issue is what kind of reform. This is neither

as complex an uncharted territory as defenders of the status quo claim, nor as requiring of further study as they usually tell us. We have been debating these things for generations. There are any number of commissions, enquiries and reports sitting on

the shelves of the House of Commons library on how to do virtually every aspect of the reform agenda currently being debated. There is an entire department at the University of Essex devoted to a democratic audit.

In each area of reform there are more than enough ideas and suggestions. Progress has brought many of these ideas and options together in one paper so that we can begin this debate as one between the available options. There are other ideas floating around and other kinds of options for change. Some of these will form part of the debate as it unfolds. We need to consider change which can take place now, in this parliament. We then need to consider change that the first Queen's speech of the new parliament will introduce after it has been endorsed either by a referendum at the general election or by the result of the general election alone. Finally, we need to consider what works well and what we should leave well alone. The extent to which the overall system sits in this last box is limited.

“ The issue is not whether there needs to be real reform now; the issue is what kind of reform ”

The radical ideas that are developed in these pages and the alternatives presented are not a response to the expenses crisis. It would be a mistake to think that they are. The expenses crisis opened the lid on what the citizens of this country really think about their political system. The crisis removed the ability of MPs to dismiss cynicism with a condescending nod and get back to business as usual. This is what has happened over and over again in the past. We must not let it happen again. This publication shows that we know what could be done and we how it can be done: let us now decide what we will do.

Brian Brivati is director of the John Smith Memorial Trust and is a signatory to the Progress call for constitutional reform:
<http://www.progressonline.org.uk/consultations/reform/>

Electoral reform: let the people decide

Stephen Twigg and Lewis Baston

John Smith was not himself persuaded of the case for reforming the way we elect the House of Commons, but he recognised that it was an important issue and proposed that it be resolved by letting the people decide in a referendum. That referendum commitment was part of Smith's legacy – a radical programme of democratic reform which was an important part of the 1997 manifesto. The rest of the package was passed during Tony Blair's first term. Sadly, the referendum on voting reform has still not happened.

The renewed political focus on democratic reform provides a timely opportunity for Labour to fulfil that 1997 manifesto pledge – a clear case of better late than never. And again this is not an isolated single issue, but part of a package including measures proposed elsewhere in this Progress pamphlet.

In his statement to the House of Commons on 10 June, the prime minister said the following about electoral reform:

'Mr Speaker, last year we published our review of the electoral system and there is a long-standing debate on this issue. I still believe the link between

the MP and constituency is essential and that it is the constituency that is best able to hold MPs to account. We should only be prepared to propose change if there is a broad consensus in the country that it would strengthen our democracy and our politics by improving the effectiveness and legitimacy of both government and parliament; and by enhancing the level and quality of public representation and engagement. Mr Speaker, we will set out proposals for taking this debate forward.'

The most effective means of 'taking this debate forward' would be for the government to focus the debate on the electoral system by calling a referendum to let the people decide. While time is pressing, the opportunity is still there for a bold move on the issue provided the relevant decisions are taken quickly.

The timetable and practicalities

It is certainly possible to hold a referendum on the electoral system in May 2010. By fixing such a date, there would be a presumption that the general election would be called for the same day, although the timing need only be discussed in the context of the local government elections that will be taking place on 6 May 2010.

Personally, we have long favoured holding the referendum on the same day as a general election for one simple, overriding reason – there would be a much higher turnout and therefore the outcome (either way) would have maximum credibility.

Others have argued that the referendum should be held sooner. We are not sure that it is realistic to expect a vote earlier than May 2010, but, even if it is achievable, our fear is that a stand-alone referendum might attract a low turnout and, therefore, opponents of reform could disregard a Yes vote.

Two different arguments have been put to us against holding the referendum alongside a general election. Some say that the partisan heat of an election campaign would make it harder for people to work together on a cross-party basis. Clearly there is some merit in this point, but it hardly augurs well for a more pluralist politics if this is seen as a sufficient argument. Others say that there is a specific danger for

Labour here as the only one of the big three parties which is divided on the subject of voting reform. Voters dislike divided parties. It is a serious point, but we think this could be turned to Labour's advantage by acknowledging our differences and making the case

“There are sincerely held views on both sides of this debate within the Labour party”

that we are not a monolithic party in which all of us share the same viewpoint. There are sincerely held views on both sides of this debate within the Labour party. This is such an important question that we are not leaving it to MPs but letting the people decide.

There are three timetables that need to be considered in planning a referendum. It is not necessary to complete one before starting another, and the processes can be run in parallel.

- 1 **Legislative.** Under the founding statute for referendums that was passed in 2000, known as PPERA, a further act to enable a specific referendum question to be put is required. Parliamentary time is needed to get this legislation through.
- 2 **Referendum campaign.** PPERA sets out a timetable for the process of a referendum, which takes about 13 weeks from the publication of the bill to referendum day (provided that the legislative and administrative processes run smoothly).

- 3 **Administrative.** The Electoral Commission, Ministry of Justice and local returning officers need to make the detailed arrangements for the campaign and the business of holding the vote, ideally by December 2009. A detailed conduct order has to be drawn up. The commission has some specific roles during the campaign period, namely advising on the question, regulating participants and designating the principal organisations for the Yes and No campaigns that will receive public funds.

Legislative

The amount of legislative time required for a referendum bill will depend on how complex and controversial the bill's contents are. If there were an all-party consensus it could be done in days, but of course this will not be forthcoming because the Conservatives are opposed. The principal obstruction could be the House of Lords, although having a referendum on the electoral system is protected by the Salisbury convention because it has featured in Labour manifestos. The most 'Salisbury-proofed' option would be to simply adopt the 1998 Jenkins recommendation for the system known as the Alternative Vote Plus (AV-plus).

The 1997 manifesto states:

We are committed to a referendum on the voting system for the House of Commons. An independent commission on voting systems will be appointed early to recommend a proportional alternative to the first-past-the-post system.

The 2005 manifesto states:

Labour remains committed to reviewing the experience of the new electoral systems – introduced for the devolved administrations, the European

parliament and the London assembly. A referendum remains the right way to agree any change for Westminster.

The Jenkins commission and AV-plus were of course the result of the 1997 statement, and the government's review of electoral systems was published in January 2008. Its analytical findings offer ample support, if the government wishes to use it, to argue that a case has been made for reform and a referendum should go ahead.

This measure would have to pass through parliament in the teeth of Conservative opposition in the House of Commons, and attempts to amend it by their supporters in the Lords. It is not necessary to persuade a huge majority of Labour MPs and peers to favour electoral reform; people who oppose the measure should feel able to vote for the bill while reserving the right to argue against it at the time of the referendum. A short bill implementing a manifesto commitment, which the Liberal Democrats could be expected to support, should have a reasonable prospect of success.

Referendum campaign

PPERA sets a period of 28 days when the campaign is on and organisations can become 'permitted participants' and apply for 'designated' status, then 14 days for the commission to deliberate and designate. Designated organisations (the assumption being that these will be umbrella groups on each side) will have access to state funds for the campaign.

A campaign period follows after that. PERPA sets no fixed timetable, although the 30 days or so of the north-east referendum in 2004 was criticised as too short for the designated organisations to prepare campaigns. Designated organisations need some time to be formed once the nature of the referendum is clear, and then some

time to spend the money rationally during the campaign (publishing posters, literature, holding meetings, producing referendum broadcasts, etc, will all take time and planning).

Before all this, there is a period ('as soon as reasonably practicable after the bill is introduced') for the Electoral Commission to consider the fairness and intelligibility of the question.

To be clear of the possibility of objection from the commission, or a successful application for judicial review, there would need to be at least 13 weeks between publication of the bill and referendum day (provided that a realistic legislative timetable runs alongside this). The secretary of state has some powers under PPERA to start the referendum campaign clock ticking before the bill has become an act.

Administrative

The PPERA timetable envisages administrative preparations running alongside the political campaign, although there will have to be work before then to write the referendum bill, establish a question to be put and the detail behind it (for instance, an updated version of the Jenkins proposals for new boundaries) and plan official public education campaigns. Planning and drafting will have to begin as soon as possible if the process is to run smoothly and not be disrupted by administrative glitches.

The Gould report on the Scottish elections of 2007 established a principle (endorsed by the government) that the election rules should remain unaltered in the six months prior to polling day, which would apply to some of the detailed arrangements for a referendum. Late alterations were an element of the administrative problems with those elections.

However, the timetable is clearly possible given political will in the government.

Why AV-plus?

In principle, there is a wide choice of what one might put in the question, in terms of different electoral systems, or processes leading to further citizen involvement in drawing up a new electoral system.

- In practice, we think the most defensible referendum question would be on the AV-plus proposal made by the Jenkins commission – if the referendum is to have a significant impact on the future of British politics.
- AV-plus is protected by the Salisbury convention from obstruction by the House of Lords. With less than a calendar year to go until the election, picking another option that does not have the linkage to the 1997 manifesto risks a delay, which in these circumstances is tantamount to a defeat for the project.
- The details of AV-plus require only minor updating and very little further consultation to be a definite blueprint (to be fair, the same is true of AV).
- AV-plus would enable Liberal Democrats, Greens, nationalists and constitutional reformers to join Labour supporters of reform in a Yes campaign. While it may be a ‘second best’ system for some, (and STV the ultimate prize for many), there is a realisation that AV-plus would represent significant progress and the best opportunity for a long time.
- The prize is even greater, potentially - civil society and campaigning groups beyond the usual participants in electoral systems debates (environmental, poverty and international development NGOs, for instance) who favour more open politics may join a Yes campaign and give the government credit. As well as helping Yes to win, it would be a demonstration of Labour’s ability to work in a pluralist way and think of the long term.

Conclusion

Calling a referendum on electoral reform is more than just a piece of unfinished business from 1997. It would be the most convincing demonstration that Westminster has realised the need for fundamental change and more popular control. It would extend public service reform into the heart of the system by offering more choice and responsiveness in political representation. It would rebuild some of the coalitions that unite progressive politics – and indeed progressives who stand outside the traditional party structure. And it would be a gesture of good faith that would reconnect Labour to some supporters who have drifted away during our long and successful spell in government to date. But in order to do this in May 2010, there are preparations that need to be undertaken immediately.

Stephen Twigg is chair of Progress and **Lewis Baston** is director of research at the Electoral Reform Society

Give power back to local communities

Steve Reed

As trust erodes from national politics, there is an opportunity to rebuild it from the local level by empowering local communities and politicians to make a difference in their areas. How do we decide which powers and services to devolve? There are five tests we might subject them to. Services should be devolved if, that way, they are more likely to:

- reflect local needs and priorities
- meet local people's aspirations
- bring together and empower local communities
- strengthen democratic accountability
- improve service quality and value.

While the outcome of the next general election is not yet decided, opinion polls predict it will be tougher for Labour than any since 1992. There is a real risk that a Tory government will be elected. That is concentrating our minds on how we can best protect local communities from the onslaught a rightwing government would let

loose. A first line of defence will be local government and local communities empowered to resist the worst effects of Tory policy. If empowering people is good politics in the face of a Tory government, then it's good politics under any government, and working alongside a progressive Labour government we might expect even more benefits to flow.

Crime and policing

Safety remains high on the public agenda. We can better address this priority by strengthening the relationship between the police and the local authority and making

policing and community safety more accountable and responsive to local people. Policing budgets should be devolved to councils so they can jointly commission services with the police, probation and prison services to tackle local crime priorities. This would make the anti-crime proposals

in local election manifestos much more meaningful and would make locally elected councillors much more accountable for performance in this important area. To strengthen partnership working, chief constables or borough commanders need the right to sit on the local authority's senior management board, and in return council chief executives should sit on the senior police board.

If local communities are to take more control over crime, they need more information and more resources at their disposal. This can be done by creating a new duty on councils to inform people

“Policing budgets should be devolved to councils so they can jointly commission services with the police, probation and prison services to tackle local crime priorities”

about crime happening in their area, the measures taken to tackle it, and what happens to those who are convicted of causing it. In particular, local people want to see that the guilty are made to pay reparations to the communities they have harmed. Allowing those communities choice in what community work is carried out and then making sure it is done in the most visible way possible will help. Joint police and community panels now exist across the country to determine and focus on local crime-fighting priorities. They need to be made more representative of the local community, councillors need a right to attend, then we can give the panels more influence over other local public services that affect crime such as street-cleaning, removal of graffiti and dumped rubbish, countering drug and alcohol abuse, probation, reintegration of ex-offenders, and local licensing policy.

Strengthening local accountability

Local communities want to see more accountability for all public spending that goes into their area. While we can easily see how much the police, council and health service are spending in a given locality, there is no equivalent transparency for national government spending. Government should publish full information about the total spend in every local authority area so it can be more closely scrutinised, made to work towards local priorities, and made to deliver better value.

Directly elected mayors increase local accountability and there is a strong case for electing them in all our major cities (see Dermot Finch, pp26-34). The evidence from London is that a mayor directly elected across the whole city increases political debate, election turnout and political engagement. Where local people have elected mayors from the political fringe – like the English Democrat in

Doncaster – that reflects the failure of the mainstream parties in the past and is not an excuse to resist change.

There is a growing democratic deficit at the local level. As more and more power and decisionmaking moves from councils to local strategic partnerships (LSPs), councillors are losing some ability to hold decisionmakers to account. LSPs bring together the council, health service, police, Jobcentre Plus, higher and further education, business groups, prisons and the voluntary sector in any given area. They take decisions through boards and sub-boards, spending millions of pounds of public money and setting long-term strategies for their areas. It's time to end that democratic deficit by electing councils with a mandate that extends across the entire LSP. That would strengthen the scrutiny of services that fall outside the council, it would save public money by leading to more joint appointments at a senior level, more jointly commissioned services where they overlap across different public sector organisations, and more co-location of services so it's easier for residents to access the services they need, regardless of who is providing them.

Driving efficiency in this way will be critical to protecting frontline services given the tight constraints on public spending we expect once the recession is over. While we're at it, there would be no harm in abolishing the regional government offices. Although they were set up to help local government negotiate the confusing array of national government departments and agencies, they have instead become resource-hungry nannies imposing bureaucratic targets on local councils that distort locally agreed priorities.

Neighbourhood decisionmaking

If we're going to extend the central power of elected councils to hold to account other public bodies, then we need to balance that out by

strengthening the power of local communities and ward councillors at the neighbourhood level. That could involve giving ward councillors more influence over issues like licensing, local road and transport schemes, regeneration and sustainability programmes, and giving them decisionmaking powers over grants for local groups and projects in their area. With more devolved budgets, local community or resident groups could be invited to draw up their own local schemes to improve their area, with the ward councillor given powers to approve or reject the final recommendation. This is important so that democratic accountability is maintained and power is not handed to unrepresentative but vocal sectional interest groups. With increased powers of this kind, we might hope to attract more high-calibre individuals to stand as councillors and increase voter turnout as the election becomes more immediately meaningful to local people.

Council tax and revenue

Councils need more control over how much money they raise and what it's spent on. Labour should abolish ringfenced budgets and let local councils decide what to spend the money on. If councils get it wrong, they will be voted out. National government can insist on certain minimum standards of provision, but beyond that the decisions should be made locally. That is the only real way to increase local political engagement – by making it meaningful to get involved.

At the moment, council tax levels are determined locally but within tight constraints set nationally, including bands and caps. Labour should allow councils to vary council tax bands more so, for instance, poorer households can be charged less and richer households charged more if that is what local people vote for. More radically, we could allow councils to choose to opt out of council tax as their way of raising finance locally and, subject to a local

referendum, move instead to alternatives such as a local income or sales tax. With the safeguard of a referendum, this would only happen with local public support.

Councils also need more power over the level of local business rates. Currently, this is set nationally, which means councils are unable to reduce rates to protect local businesses suffering as a result of the recession. Protecting the local economy and local jobs is a key role for councils – and it is cheaper to lower business rates in the hardest-hit high streets than it is to pay for the damaging social consequences of further economic decline and rising unemployment.

Housing

After decades of underinvestment, councils are suffering from a desperate shortage of council housing. There are around 1.5 million people on waiting lists nationally. In addition, hundreds of thousands of homes are sub-standard, suffering from damp, rotten windows, poor quality bathrooms and kitchens and lacking central heating. Where councils needed additional funding to bring these homes up to standard, the government required them to set up arms-length management organisations (ALMOs) to run their housing services in order to qualify for the money. While there's sense in this where the council's housing service was failing, it makes no sense at all where the service was rated highly and valued by tenants. We should value standards above structures and, where a service is delivering well, allow it to receive government funding without interference.

Housing finance should also be devolved to the local level. Currently, the government takes all the rent paid by council tenants everywhere. A large slice of that revenue simply vanishes into the

Treasury, then the rest is redistributed in line with an arcane formula that few even in the housing world fully understand. Much of the money goes to pay the interest on mountainous levels of debt built up in the 1980s when the last Tory government tried to stop councils investing in council housing. After the redistribution and Treasury top-slice, most councils get back less than the money their tenants paid in the first place, and there are severe constraints to prevent them using their resources to build more council housing.

This bizarre model creates, in effect, an additional tax on some of the poorest people in society or, seen another way, a bizarre method of recycling money through the benefits system back into the Treasury, given that some 60% of council rents are paid through housing benefit. We need the government to carry through their proposed reforms by allowing councils to keep all the rental income from their own tenants, redistributing debt more fairly across councils, and allowing councils to use their resources to build more council, social and affordable housing.

Schools

There's a related point to make about funding for new schools. Academies – independent schools within the public sector – are working well in many parts of the country. Their rate of improvement is faster than state schools and they often succeed in turning around previously failing schools. But there are other models that work well, too, including the parent promoter model included in government legislation but rarely taken up because of the less generous funding available. There's only one parent-promoted school in the country, the Elmgreen School in Lambeth. It's succeeding because it involved local parents in setting it up and running it. That kind of local support is invaluable to the success of

any new school. It makes more sense to the public, too, when they see local parents involved in creating a new school rather than, say, a wealthy carpet magnate or some other outside sponsor with no obvious experience of education. Why not equalise funding for the parent-promoter model, recognising that it offers nearly all the benefits anticipated for academies plus stronger community involvement?

Power to the people!

Devolving power to local authorities and local communities is about promoting quality over dogma and standards over structures. Instead of fearing postcode lotteries, we should welcome postcode democracy. Councils that are delivering well need the autonomy to innovate more so they can find new and better ways to deliver public services. By strengthening decisionmaking at the local level we empower local people to tackle the problems they face. That's not something for progressives to fear, it's something to embrace.

Steve Reed is leader of Lambeth Council

The case for metro mayors

Dermot Finch

Our biggest cities need directly elected mayors, with real tax and spend powers. 'Metro mayors' would re-engage millions of voters, and provide more effective leadership for our most important economies outside London.

We all know why constitutional reform is back in vogue in Westminster. But the need for electoral reform goes beyond the expenses scandal, and should not end in parliament. We need to

shake up local government, too.

Big city, metropolitan mayors should be an essential part of that.

The Tories have already committed to 12 big city mayors outside London. Labour should go further. The next Labour manifesto should include a

commitment to strong metro mayors in our biggest conurbations like Greater Manchester and Birmingham. Not just figureheads, but leaders with real financial clout over transport, housing and skills. And not just ward councillors indirectly elected by their party group to run a council,

“The Tories have already committed to 12 big city mayors outside London. Labour should go further”

but leaders with a direct mandate from voters across a number of councils that share the same metropolitan area.

Metro mayors would be a tricky step for Labour. The party would have to bury the idea of elected regional government, and switch to elected metropolitan government instead. It would also have to face down its dwindling number of incumbent councillors, most of whom hate the idea of elected mayors.

But metro mayors would be a bold and winning step, too. They would provide a clear answer to the unresolved question of English devolution, a refreshing (and directly accountable) alternative to quangoland, and a magnet for new political talent. Crucially, they would get things done – like the congestion charge in London. And in this increasingly global economy, metro mayors would give our biggest cities the outward-looking face they need to succeed.

No longer the party of local government

Labour was the party of local government in 1997, but now its local base is at rock bottom and the Tories are the dominant party.

Labour has just 4,700 councillors across Great Britain – less than half the Tories' 10,100 and not many more than the LibDems' tally of 4,400. In England, half of all councillors are Conservatives, Labour controls just one-third of metropolitan boroughs, and the LibDems run a growing number of major cities – including Bristol, Cambridge, Hull, Liverpool, Newcastle, Sheffield and York.

It is very difficult for parties with a depleted local base to win general elections. That is why the Conservatives have spent the last decade building up theirs. If Labour is to continue as a national force, it needs to rethink and rejuvenate its presence at city-level, and offer a radical new alternative plan for devolution in England.

Labour and devolution

Let's look at Labour's track record on devolution so far. Tony Blair got off to a good start, overseeing a long-overdue transfer of power to Scotland, Wales, Northern Ireland and London. But he left the rest of England relatively shortchanged. Blair talked about English devolution only intermittently, and meantime kept on pulling those central government levers. He didn't realise that a network of powerful city mayors could have helped him deliver.

The English regions rejected John Prescott's lukewarm version of devolved government in 2004, and have ended up in limbo since then – run by unelected regional development agencies and half-baked regional assemblies. The revival and renewal of cities under Labour was a real achievement, but happened in spite of their relative impotence on the political stage.

Public service agreements and regional development agencies might look sensible in isolation. But taken together with all the other targets and quangos, they made the party seem increasingly top-down and remote. The ascendancy of targetry and quangoland ultimately undermined democratic local government and sidelined local people.

At the city level, Labour engaged in a half-hearted and very incremental programme of devolution, laced with technocratic and technical language. The legacy of the last decade is not pretty: a string of impenetrable acronyms – LAAs, LSPs, LABGI; an anonymous programme of decentralisation called the sub-national review; a parent-child relationship between central and local government; and a growing chasm between ministerial rhetoric and local reality.

Some within the party – notably David Miliband, James Purnell and Hazel Blears – pushed for more urgent action on devolution.

But none of them got very far. The rest of the party was impervious to the case for more radical devolution, and got distracted by a slightly tedious internal debate about postcode lotteries and localism.

Brown is something of a reluctant and belated advocate of devolution. He talks about it in grandiose terms, as part of his wider (and so far elusive) constitutional reform plan. But his words lack conviction and follow-through.

As a result, ministers' talk of devolution has not been matched by action. White papers come and go, and still the balance of power between central and local government remains pretty much the same – with the majority of the money spent by local government ringfenced into centrally-

“Ministers' talk of devolution has not been matched by action. White papers come and go, and still the balance of power between central and local government remains pretty much the same”

dictated pots. This deficit of political and financial power at the city level has led to falling turnouts across the board. More and more local voters have responded by staying at home.

Labour has woken up to this only recently. Miliband – a big fan of mayors – conceded in his recent John Smith Memorial Lecture that devolution under Labour has been too modest: ‘Some powers have been devolved (to local government), but the shift in balance of power from Whitehall to town hall has not yet happened.’

By failing to connect with the devolution agenda, Labour has opened up an opportunity for the other parties. It is the Tories who now present themselves as the great devolvers, having presided over the emasculation of local government and breakup of the mets in the

1980s. And it is the LibDems who now run a disproportionate number of our biggest cities outside London.

Mayors: Labour v Tories

Labour has flirted with mayors over the past decade. The Blair government did the right thing in 2000, installing the mayor of London. But since then, we've had a curious and underwhelming batch of small-scale mayors with no real powers, in random places like Hartlepool and Lewisham.

The momentum for mayors within Labour has stalled. Miliband's support was echoed by Ruth Kelly and Blears, but they are both off-stage now. Labour's own mayors in Doncaster and Stoke have hardly been an advert for effectiveness and probity. And since Ken lost to Boris, many within the party have started to regret the whole mayoral experiment.

By contrast, the Tories have now become big fans of elected mayors. In the party's Control Shift green paper earlier this year, David Cameron promised to introduce elected mayors in England's 12 biggest cities outside London – including Birmingham, Manchester and Wakefield.

If they win the next election, the Conservatives will hold a series of mayoral referendums on the same day – with a clear intent to install elected mayors in those 12 cities during its first term. That's a much clearer position than Labour – but not necessarily the right one.

The Tory mayoral plan only applies to the 12 local authorities of Birmingham, Manchester, Wakefield and so on. That would result in the rather odd situation of Manchester having its own mayor, but the other nine local authorities in Greater Manchester continuing as they are now. The Tory plan is also virtually silent on the powers that would be available to a new city mayor.

Labour could go further than the Tories, by supporting metro mayors with real financial powers. That means a mayor for Greater Manchester, not just Manchester city council, with control over transport, housing and skills funding.

Case for metro mayors

If mayors are good enough for London, why can't Greater Manchester and Greater Birmingham have their own elected mayor too?

The political case for mayors is stronger than ever, following the expenses crisis. Powerful, directly elected metro mayors would help to re-engage local voters with the political process.

Mayors tend to attract higher turnouts – 45% of Londoners voted in last year's mayoral election, compared to just 25% turnout in Knowsley and Moss Side council elections. The 2008 London mayoral race also commanded a great deal of public interest, with more public debates and media coverage than elsewhere.

Local government is proud of its direct accountability and connections to real people and places. But turnout at local elections is pretty dire, at around 30%, and the average age of a local councillor is 58. As Britain gets more diverse, its council chambers are stuck in a time warp. Most councils tend to be dominated by white, middle-aged men.

Levels of interest and participation in local government are both directly proportionate to its power and influence. Low turnout and ageing councillors are a direct result of the limited powers currently available to local councils.

Councils would attract higher turnout, more diverse candidates and a higher calibre of councillor if they had more real powers – to raise and lower business taxes, and to spend transport and training budgets. And metro mayors would attract the best candidates,

because they would represent not just a council ward but an entire metropolitan area.

The economic case for metro mayors is pretty strong. The recession is having a different impact in different cities. Birmingham is being hit much harder than Bristol, and Liverpool's recession is different to the downturn in Leeds. Each city needs its own powerful leader – armed with real financial powers – to tackle the recession locally.

The recession is impacting across council boundaries, and the global economy is making political lines on the map increasingly irrelevant. Now more than ever, individual councils across each of our biggest cities need to collaborate and present a united front. Metro mayors in Greater Manchester and Greater Birmingham would do just that. They would advocate on behalf of an entire functional economic area, not just a small part of it.

Critically, metro mayors would help unlock the financial powers that cities need to invest in transport, housing and skills. The lesson from London is clear. The direct mandate and additional accountability of a metro mayor increases pressure on Whitehall to devolve funding and new powers. While the governance of our other cities is fragmented between individual councils, the devolution of financial powers from Whitehall will always be incremental and faltering.

I made these points at a Progress rally for electoral reform in June. The chief executive of the Royal Society of Arts, Matthew Taylor, was there, too, and has since called on Labour to embrace elected mayors. Writing in the Guardian, he said:

'If government is serious about giving local leaders the scope to make tough choices, it should commit to create mayors in all England's largest cities. As Ken and Boris have shown, the personal mandate of a mayor makes a step change to local leaders' visibility, legitimacy and capacity to stand up to the centre.'

Why not?

So if metro mayors are such a great idea, why hasn't Labour gone for them already? Three reasons are usually trotted out:

- Mayors would add another unwelcome layer of bureaucracy
- Mayors would be maverick personalities, rather than 'proper' politicians
- Mayors are often associated with corruption, personal scandal and financial irregularities

All three reasons are now looking a bit tired.

Mayors would actually add a useful democratic, strategic layer to city governance – much better than the unelected layers of quangocracy that have proliferated in recent years.

Maverick personalities and proper politicians are not mutually exclusive. London has been run by two mavericks since 2000, and most people now agree the London mayoralty is a good idea.

Mayors do not have a monopoly on scandal and corruption, as MPs have demonstrated recently.

How to achieve metro mayors

Labour should go for metro mayors in its next manifesto. Three basic steps are needed:

- Commit to mayors in principle, as the best governance model for our biggest cities outside London – visible, directly accountable and able to take tough decisions.
- Prioritise the next wave of mayors in the four biggest and most coherent metropolitan areas outside London – Greater Manchester, Merseyside, Leeds city-region and Greater Birmingham.

- Give these metro mayors real financial powers, including direct control over housing, transport and skills funding – and the ability to raise revenues locally, including the whole of the business rate.

A bold step like this would help to re-engage millions of voters, and give our biggest cities outside London the powers they need to succeed. It would take English devolution to the next stage, and more than match the Tories' proposals. Another decade of incremental, piecemeal devolution is not an option.

If Labour wants to hold onto power, it will have to give some away.

Dermot Finch is director of the Centre for Cities

Reforming Parliament after the expenses scandal

Guy Lodge

More than a century ago, William Gladstone declared that the British constitution ‘presumes more boldly than any other the good sense and faith of those who work it’. Those MPs who have been caught flipping mortgages and claiming for duck houses have shown that good sense and faith alone are insufficient for sustaining public confidence in parliament.

In response, the prime minister rightly promised to end the era of ‘self-regulation’ and so brought forward proposals to establish an independent parliamentary standards authority and a statutory code of conduct for MPs, while the committee on standards in public life, chaired by Sir Christopher Kelly, will set out plans for root and branch reform of the expenses system in the autumn.

Unfortunately, some of the government’s proposals have been diluted by MPs who appeared to be more interested in heading off on their 82-day summer holiday than in tidying up the biggest political mess in modern times. No one doubts that the bill was hastily and, in parts, poorly drafted (especially the clause to end parliamentary privilege), but the solution to this was not to fudge a

compromise and head to the beach but instead to stay put in Westminster and spend the time needed to ensure that the bill was rigorously scrutinised.

Despite some opposition, the government did get their way on the creation of an independent authority to oversee pay and allowances. But dropping the statutory code of conduct for MPs without more extensive debate is regretful, as is the decision to abandon plans to introduce new criminal offences for MPs breaking rules on the registration of interests and those caught being paid by lobbyists to raise questions in the Commons. These measures needed more careful consideration. And why their lordships think they should be exempt from the parliamentary standards authority beggars belief. (A review is currently underway looking at Lords expenses – where it is possible to claim up to £60,000 a year – which will no doubt reveal a number of controversial claims. The next expenses debacle is just round the corner.)

The expenses crisis should be a defining moment in British politics. The opportunity for radical reform should be seized and mobilised in the same way that Lloyd George understood when he used the Lords' rejection of his 1909 people's budget to bury elements of our ancien regime constitution by removing the veto power of the Lords. Instead, as attempts to reform the expenses system have shown, there is a real danger that the moment will pass without much more than a bit of tinkering. The response to fiddling expenses is not to fiddle with reform while Rome burns.

One area, however, that might yield more positive results is the reform of parliament itself. The reason for greater optimism is that Gordon Brown has asked the veteran and committed constitutional reformer, Tony Wright, to chair an all-party committee to investigate how parliament should be transformed. Its report is also likely to

receive enthusiastic support from the new speaker, John Bercow, who campaigned for the role claiming he would be ‘an agent of change’.

What should Wright and his colleagues focus on? The first thing it should do is jettison plans to meet in private and ensure that all its deliberations take place in a public forum. For the parliamentary authorities to even consider that the committee meet in private shows just how out of step the institution is with the public mood. Parliament, to use Vernon Bogdanor’s poignant description, can no longer resemble a house without mirrors.

“ For the parliamentary authorities to even consider that the committee meet in private shows just how out of step the institution is with the public mood ”

It should then set about diagnosing the nature of the current crisis so that its proposals directly respond to public concerns about the way politics is conducted in Britain. This is not straightforward but it seems that there are two distinct factors that need addressing.

A crisis of confidence in politicians to serve the public interest

First, there is a crisis of confidence in politicians, whom the public perceive as untrustworthy and out to serve their own ends or those of their party, rather than serve the wider public good. This explains why the public strongly dislikes some features of parliamentary behaviour: whipped votes, petty political adversarialism and political careerism. In contrast, the public still respect aspects of MPs’ roles that are seen to be serving the public interest, such as

their constituency work and the role they play in holding the executive to account.

Reform therefore needs to strengthen those features of parliamentary life that appeal to the public and which are crucial for rebuilding the reputation of MPs. This demands rebalancing power between the executive and parliament so that MPs have a more influential role in the legislative and policymaking process, thus providing them with a distinct and alternative career path to that offered by the front and opposition benches. Such a rebalancing should also help produce a less tribal parliamentary culture.

There are a number of ways in which this could be achieved. Most obviously, MPs should have greater control over their own timetable and agenda. As Meg Russell, a leading authority on parliament, has said, one of the most ridiculous spectacles of the expense drama was watching MPs fail to secure a debate on a no-confidence motion of the then speaker because the government controlled the timetable. A period of time should be set aside each week to allow MPs to debate and vote on matters of their choosing. Such a move would allow parliament to be much more proactive than it currently is. A cross-party backbench committee, rather than the whips, should be established to allocate time for such activity.

To ensure that both government and parliamentary business can be sufficiently accommodated, the house would need to sit for longer. But this shouldn't pose a problem: in the 2008-09 session, the house will only sit for 128 days. Why not use some of the 12-week summer recess?

According to a recent Spectator poll, the public would also like to see more free votes in the house and a little less whipping. It shouldn't be beyond the parties to expand the issues on which free

votes are held and this might be something they delegate to a backbench committee to reflect on.

Select committees obviously need beefing up. Chairs and members should be chosen by a free and secret vote of the whole house and committees should receive more resources and staffing to enhance their ability to scrutinise and hold ministers to account. But reform needs to go further. Select committees could also be given confirmation powers over senior appointments made to the major public bodies which they oversee. For instance, the education select committee should confirm the head of Ofsted's appointment. In extreme cases they might also be given the power to remove senior public servants by issuing a declaration of no confidence.

Less discussed, but equally important, is the need to overhaul the public bill committees which remain hopelessly inadequate. Peter Riddell's observation that members of bill committees spend more time writing Christmas cards to their constituents than they do interrogating the quality of legislation remains a fair account.

Specialist and permanent legislative committees should be introduced to replace the non-expert bill committees which would provide for more effective scrutiny of legislation and enable MPs to develop expertise in specific areas. Not only should these committees consider bills, they should also be asked to conduct post-legislative scrutiny to see whether the policy aims were achieved. And if they haven't, they should make the case for amending or repealing the legislation.

To further boost the influence of the committee system, the reformed bill committees and select committees should cover parallel subject areas. For example, there should be a home affairs specialist bill committee and a home affairs select committee. Each would have its own chair, membership and secretariat but they

would be expected to engage with each other. The best way of doing this would be to have some overlapping membership (two to three members could, for example, sit on both committees), while the chair of each should be made an ex-officio member of the other.

Rather than reducing the number of MPs, as the Conservatives are suggesting, reducing the payroll vote would do much more for the effectiveness and independence of parliament. Indeed, reducing the number of MPs without cutting the number of ministers would make it even more difficult for parliament to hold the executive to account. The cap on the number of ministers – paid and unpaid – needs lowering, while each department should be limited to just one parliamentary private secretary. Perhaps Speaker Bercow could apply some pressure here: in 2002-03, he introduced a private members bill advocating a reduction in the number of ministers. Fewer ministers would also help the localist cause since, the more ministers there are, the more the centre likes to meddle.

And if parliament is to be taken seriously as the ‘home’ of accountability, it needs stronger powers over the ballooning number of unelected bodies and actors who exercise considerable influence within Britain. Given how deep rooted the doctrine of ministerial responsibility is within our political culture and the idea that ministers alone are accountable for everything, the British constitution has long struggled to know how to hold unelected figures to account. To take a recent example, even though the fees office and senior parliamentary figures connived in the expenses saga, not one has been quizzed about their role in the affair.

Things need to change to ensure that parliament, which sits at the heart of our democracy, is effectively empowered. So there should be confirmation hearings for heads of quangos and regulators; the rules and conventions protecting civil servants and special advisers from

full parliamentary scrutiny should be scrapped; ministers in the Lords should have to answer in the Commons; a joint committee of both houses should be convened to quiz the new supreme court justices; and there should be regular question time sessions with the UK's permanent representative in Brussels.

A crisis of accountability and power

Secondly, the expenses scandal has exposed the powerlessness of the public in terms of their ability to hold MPs to account for their behaviour and to influence what goes on inside parliament. Reform should, therefore, aim to strengthen the accountability of parliament and MPs to the public themselves. If parliament is to lose its gentleman's club reputation there will need to be a stronger voice for the public in parliament.

This will be more difficult to achieve given how deeply embedded the idea of parliamentary rather than popular sovereignty is in Westminster. Leo Amery, a Conservative MP, captured this well in his book *Thoughts on the Constitution*, published in the 1950s, when he wrote: 'Our system is one of democracy, but democracy by consent and not by delegation, of government of the people, for the people, with, but not by, the people.'

Whereas the slogan 'We the people' lies at the heart of many liberal democracies, in our constitution the people have never had more than a walk-on part. The wave of constitutional reform under Tony Blair reflects this position, as Vernon Bogdanor argues, since ultimately the measures he passed, important as they were, resulted in a redistribution of power between elites and not between elites and the public. So, devolution transferred power from politicians in London to a new crop in Belfast, Edinburgh and Cardiff, while the Human Rights Act shifted power to the judiciary. These changes

resemble historic patterns of reform: our political revolution took place in the 17th and not 18th century, meaning it was sufficient to replace crown power with parliamentary power.

The expenses crisis should, however, herald an opening up of parliament and a shift towards a form of popular sovereignty and greater direct democracy. Contrary to what some argue, stronger elements of direct democracy do not necessarily undermine our representative institutions, instead they can bolster and complement them.

A public petitions committee, similar to the one in the Scottish parliament, should be established and empowered to take petitions from the public and to act on them. For instance, the PPC might pass a petition to the relevant bill committee which could revise or even initiate legislation on the back of it. Symbolically, such a reform would be significant: for the first time the public would be able to shape and influence the agenda of parliament from the outside.

More radically, a ‘citizens’ chamber’ might be convened at Westminster, to sit alongside the Commons and Lords, with members appointed by lot from the general public, which would be asked to consider and debate specific policy issues (constitutional matters would work well) that would feed in to the policy process.

There is also a case for introducing a recall mechanism, but the right to trigger one should be narrowly defined around ethical issues, for example if an MP has breached the principles of public life, and not on the policy positions of individual MPs. The threshold for triggering a recall should be set high (25% of voters) and there would also need to be tight regulation of the funding of recall campaigns.

Conclusion

Peter Hennessy has suggested that it will take 10 years before

parliament recovers its reputation. Certainly, it will take a lot more than institutional reform to reconnect with the public. Ultimately, trust has to be earned. Nonetheless, in a quiet and understated way, changes to the way parliament works could help reanimate the public's relationship with their elected representatives. And since it costs nothing and requires little, if any, legislation, it could all be done relatively quickly. All it takes is political will on the behalf of the parties to agree a way forward. They should invoke the spirit of Lloyd George and seize this once-in-a-generation opportunity to enact fundamental change.

Guy Lodge is associate director at the IPPR

Unfinished business: time for an elected second chamber

Fiona Mactaggart

The MPs' expenses scandal was a disaster for UK politics: a cynical public, more than ever before, sees politicians as out of touch and dishonest: 76% of respondents to an Ipsos MORI poll (May 2009)

believed that the political class as a whole could not be trusted to tell the truth.

“Constituents appreciate representatives who live in their area, and who share their experiences and values”

This does not tally with my experience of politics, and I hope that it would not with that of the readers of this pamphlet. But the people reading this article are already more engaged

than the average. When people have a relationship with an MP, they are twice as likely to trust them.

It is simple, really: the closer you are to someone, the better your relationship will be. If you put barriers between yourself and your

supporters, the relationship will deteriorate. Constituents appreciate representatives who live in their area, and who share their experiences and values – as lots of MPs do. But, as a whole, we have been too distant. The closeness of MPs to their constituencies and their commitment to keeping in touch is often reflected in differential turnouts and higher majorities for those with a good record. But the system gets in the way.

Our institutions are often incomprehensible, the way we work is made mysterious by rituals and language designed to distance MPs from the public. And unlike commerce, where rivals promote their brands but tend to avoid attacking competitors for fear it may damage the reputation of their product, politicians attack each other mercilessly. It is difficult to get someone interested in politics if the language we use is difficult and if it is presented as generally dishonourable by popular commentators and, at least partially, by other politicians. And now that the political class is regarded as bloodsuckers and cheats, people want to keep their distance for fear that they will be dirtied by any form of involvement.

The media do not help people understand politics. Antagonistic to organised politics, they treat parties' attempts to control their message, and to use mechanisms (like the whip) to sustain party unity in parliament, as a conspiracy against the public. Parliamentary debate is rarely reported but used by sketch writers as a starting point for jokes. In this context, reprehensible behaviour over expenses was an own goal which accelerated a pre-existing public alienation from politics.

Voters know that the problem goes beyond individuals. Eighty percent agree that: 'It is not just politicians who are at fault for the expenses scandal. Our parliamentary system is to blame.' They are right, and it's time to do something to make the whole system

connect more directly with the people who should be in the driving seat in a democracy: the electorate.

Apathy is not generated by rituals and language, or politics which fail to address things which electors care about, or even by media hostility to politics as a way of tackling shared problems. It arises from a feeling that politics does not change anything; high claims and ambitions turn out not to be realised, so people do not bother to get involved.

But we can change things now: 54% of respondents to a recent YouGov poll agreed with the proposition that there is now a 'once-in-a-generation chance for a major overhaul to improve our democracy'. This recognition of the opportunity to reform political life needs to be used to win a campaign for change in the last year of this parliament. The change needs to help restart democratic politics and it needs to be transparent, and irreversible.

I propose that we couple two issues which have majority public support – electoral reform (79%; Guardian 2009) and an elected upper house (82%; YouGov 2007) – and deliver a referendum on both on the same day as the next general election. This will do more than putting commitments in a manifesto. Manifestos can be ignored or, more often, fudged. Promises to reform the House of Lords have been in every Labour manifesto from 1997 onwards, yet, despite a royal commission and several white papers, it still depends on patronage or inheritance for its members. The time has come to put reform in the hands of the voters. In doing that, we will – for once – be acting fully on our promises to change the state of play in UK politics. And we must do it now.

But good political ideas can turn sour when they are abused for petty advantage. The Alternative Vote is no more representative than the present first-past-the-post system, and a referendum on AV will not offer a choice to make UK elections deliver a result which more

accurately reflects the views of the electorate. Those, many of whom are hostile to electoral reform, who suggest it as a good wheeze to make David Cameron seem to be against change will get their comeuppance when the electorate spot they are gaming. The referendum should be on whether we adopt the AV-plus system proposed by the Jenkins commission and whether we elect members of the second chamber, currently the House of Lords.

In a recent report on the planned constitutional reform and governance bill, the House of Commons justice select committee argues against parties getting involved in a 'bidding war' on constitutional change. The committee suggests that plans announced at the end of the last session to phase out the last hereditary peers are being rushed. Frankly, that's nonsense – but they are right to warn that they have not been thought through. Bizarrely, ending the hereditary principle will increase the extent of patronage as all members of the Lords will be appointed.

The 1911 Parliament Act put in place procedures designed to operate until a second chamber 'constituted on a popular instead of hereditary basis' was in place. Almost a century on, we have not started on the first part of that task. The second part was dealt with in Labour's 1997 manifesto which promised to end the right of hereditary peers to sit and vote in the House of Lords. Most have gone, but the 92 who are still there remain the only elected members of our upper house, delivered by an election restricted to hereditary peers, making a mockery of democracy.

The planned constitutional reform bill does not replace an unsatisfactory system with a better one and there is a risk that the Lords could stall this bill until an election. It proposes that, as elected hereditary peers die, they should not be replaced. This passes to the grim reaper the responsibility for change. It could let the

Tories look more committed to reform than Labour, and add to public scepticism about our empty promises.

In 2001, we were 'committed to completing House of Lords reform, including removal of the remaining hereditary peers, to make it more representative and democratic, while maintaining the House of Commons' traditional primacy'. We have not acted on this commitment. Nor did we act after again promising in 2005 'a reformed upper chamber' without hereditary peers, that is 'effective, legitimate and more representative without challenging the primacy of the House of Commons'. The House of Commons voted for an elected second chamber, although once again the Lords voted overwhelmingly against. This failure to deliver on promises explicitly made in our manifestos encourages people to feel that politicians cheat, or at least make empty promises.

In Labour's manifestos, we committed to making sure that the house that is accountable will continue to take the lead. Yet things have gone backwards. Two secretaries of state with major departmental responsibilities are unable to appear in the Commons. The prime minister has appointed an unprecedented number of peers to his cabinet. The title of first secretary of state, which implies superiority over other senior ministers, has been bestowed upon an unelected member of the cabinet.

In the so-called 'government of all talents', the prime minister has elevated unelected experts to government above elected politicians, suggesting that he, too, doesn't rate politicians. The GOAT ministers are accountable to no constituency and, as things have got harder, they are not sticking around. They were a device to make government appear more inclusive (Digby Jones), more connected (Lord Malloch Brown) more expert (Ari Darzi) and, above all, more popular by being less political. But, ultimately, they leave the

government looking more unstable than ever. This unprecedented reliance on patronage weakens Labour and sends a very clear message that democratic control is a second-order issue.

In his preamble to the 2008 white paper on Lords reform, Jack Straw observed that ‘parliament as a whole will not be an effective and credible institution without further reform of the House of Lords.’ He is right. The way the House of Lords works is out of date and impossible to square with modern voters’ expectations. And although the Lords as a revising chamber is capable of getting the detail right, it is still at heart an old gentlemen’s club, and too often that shows in the sides it takes in debates. In its recent discussion of a proposed offence of paying for sexual services from a woman who is controlled, exploited or subject to threats, the peers expressed pity for the men who may be accused of the offence rather than women victims of traffickers and pimps.

There are qualities in the Lords which make it well suited to its revising role: no party has an overall majority, most of its members have a proven track record in another field and its approach is more deliberative and reflective than the Commons’. But the last white paper made a decent fist of showing how such characteristics could be maintained in a house elected by thirds, in a proportional system, where members serve long terms and cannot use it as a stepping stone to the Commons.

Robin Cook used to say: ‘Democracy is a value, not a process.’ Yet, too often, the process of governing has taken precedence over the ability to assert our values and make just changes to our constitutional settlement. When electoral democracy is continually undermined, we should not be surprised that people turn to opportunist factions like the BNP. The magical thing about electoral politics is that winning elections requires people to listen; when they

do not, they lose. The government periodically offers up constitutional renewal as a means of re-establishing trust in politics, but it does not follow through and, as a result, has lost credibility. People feel their trust has been abused, and so they stop listening.

If we grasp this chance to show that we trust the voters and that we can listen, we can channel anger against current politics towards constructive democratic change. Trusting voters to decide could help to repair our party's fractured relationship with the electorate.

Time is running out. The final session of this parliament could be the last opportunity for reform in a generation. We need to force the issue. Given that conclusive reform of the Lords has been kicked into the long grass with other constitutional innovations (the so-called constitutional reform and governance bill really doesn't reform much and aims to keep our governance, especially the civil service, unchanged), the only way of ensuring that the next parliament acts is by building an undeniable public mandate for reform. The referendum proposal would do that. It links electoral reform with giving the electorate power to decide who is in the second chamber. These are two key features of our constitution where we can put real power into the hands of the electorate and, by doing that, show that Labour has confidence in democracy. There is some possibility that, if Labour shows that trust in the electorate, they will once again begin to trust us. That might be too much to hope for, but, in any case, this is the right thing to do – and that is why we should do it.

Fiona Mactaggart is MP for Slough

State funding for political parties

Matthew Cain

The government can make progress on party funding reform before the next election. Many of the key elements of a fair, transparent system are already in place, thanks to the 2000 Political Parties, Elections and Referendums Act (PPERA). Many of the principles are also well established, thanks to the historic restrictions on what political parties and candidates can do around election times.

Any reform must carry cross-party support to be credible. However, recent progress towards an agreement has been thwarted by members of the Labour party, who have used the issue to grandstand over the union link, and general secretaries, who have been prepared to listen to conspiracy theories that it is a Trojan horse for ending their political influence. This is avoidable and all should recognise that the cost of failing to reform party funding is ongoing competition as to who can attract the most wealthy donors.

There are significant structural reasons for reforming party funding. The decline of political parties means that fewer people vote for them, identify with them or join them. These long-term problems have created difficulties for parties in raising funds. More

recently, the campaign ‘arms race’ between the major parties has led them to seek large donations from wealthy individuals. The IPPR first reported these challenges as the backdrop for party funding reform in 2002. The situation is more urgent now, but a deal for reform is possible.

In 2000, PPERA introduced a new transparency in the sources of party income. Many donations, some relatively insubstantial, have been accompanied by media rows which discredit the motives of the donor and the party. These rows only serve to increase the unpopularity of parties, discredit mainstream politics and deter honest wealthy donors.

Political parties are vital to our system of democracy and this principle is well established in public policy. Financial support is already in place to recognise the importance of supporting popular parties. Parties get money for policy development and aid in kind through Party Political Broadcasts (PPBs), freepost at election times and the free hire of public buildings.

In addition to concerns about propriety, fairness between parties is important. Large donations will tend to favour parties that are pro-business and those in, or on the verge of, power.

A cap on donations is essential. This can help restore some trust in the political process. The cap should be set at a level where the public can see that such a sum could not buy influence or leave politicians beholden to their funders. IPPR’s qualitative research revealed that the public look at a donation even as low as £10,000 and presume that the donor must want something in return.

Some advocates of the free market oppose such a cap. They reject any proposals which limit the freedom of individuals to choose how they spend their income, post-tax. This is a principled argument, but ultimately inconsistent. The state already prevents people spending

money on other illegal activities (such as buying drugs) and restricts it in other areas of politics (spending on a constituency election campaign).

Some argue that trade unions' distinct constitutional relationship with Labour means they should be exempt from a donation cap. We disagree. Our recommendations set out to remove the perception that money buys influence and trade unions cannot be treated differently from any other donor. Some senior trade unionists and Labour party officials have already recognised that there needs to be a separation of the political and financial relationship.

“ Our recommendations set out to remove the perception that money buys influence and trade unions cannot be treated differently from any other donor ”

A donation cap would leave all parties with a shortfall on current income.

Further earmarked funds for 'publicly acceptable' party activities would be a tempting soft option to reduce the reliance on wealthy donors. However, this would also create the need for complex rules and provide the temptation to find clever ways of circumventing them. There isn't compelling evidence that the introduction of policy development grants administered by the Electoral Commission has led to a corresponding increase in the amount that political parties invest in policy development.

Bearing down on excessive party spending offers part of the solution. The 2000 PPERA introduced the principle of national spending caps, ending the spending 'arms race' of 1997. In 2002, the IPPR warned that the lack of annual spending limits gave risk that the existing legislation could be circumvented. The main political

parties did not accept that. But since then, this has come to pass with the influence of Michael Aschroft's money for Tory candidates in marginal seats. Annual spending limits are essential to ensure spending caps work.

Others have argued that party spending can be limited by banning certain expenditure by political parties. Tom Watson MP advocated banning parties from buying billboard advertising. There is little evidence that this would work. As already demonstrated, political parties have been creative in finding ways to circumvent their own legislation. Moreover, it would still be left to MPs to decide what political parties could and could not spend – an element of self-regulation that is unlikely to command public confidence.

The only way to fill the shortfall is through state funding. This must be linked to a party's activity level. A new principle needs to be established: parties should be given an incentive to recruit and retain members and small donors. While the democratic argument for mass membership parties is strong, many party activities (including recruitment and retention) cost more to run than they generate.

A system of 'tax relief plus' that incentivises the donor and rewards the party will create the necessary incentives and rewards to enable parties to retain large memberships. For example, a maximum donation of £50 might attract £50 from the state while a £100 donation might gain an £80 top-up. This would reward small donations more than larger donations. On a very practical level, this would provide greater incentives for a cabinet minister to attend the CLP barbeque than the annual conference gala dinner.

Funding reform would require a change in the financial relationship between affiliated unions and the Labour party. That would probably be different for each union. Broadly speaking, individual trade unionists could be encouraged to join Labour

directly through a proportion of their political fund, with this facilitated by the trade union. This could even strengthen the Labour-union relationship, rather than weaken it. This would enable a closer integration between the different affiliated parts of the Labour party through closer personal links at a local level.

There are alternative formulae, such as allocating state funding according to electoral performance. However, in some systems this has led to parties becoming too bloated, complacent and further disconnected from their grassroots. Such systems also prevent any new parties from becoming successful and make it much harder for parties in opposition.

There are more imaginative proposals for allocating state funding to parties. The Power Inquiry suggested that voters could opt to direct some of their taxes to their preferred party on the ballot paper. This is a variation of a US scheme where the public can indicate on their tax return that they are happy for some of their tax to go to political candidates. However, there is no evidence that this proposal would deliver sufficient funds to ensure viable organisations. In the US, donations through this fund have fallen steadily.

Countries which have significant levels of state funding without caps on donations and spending do not avoid party funding scandals. But with these in place, public support can be won for state funding for parties which encourage volunteer-intensive local campaigning.

Progress activists may shudder at the thought of supporting the Conservative party financially. But taxpayers already contribute towards parties they don't support. We can't choose where we spend any other taxes and so pay for policies we may oppose. A cost of democracy is allowing the expression of views that many people find abhorrent. We reject the BNP and its policies, but trying to rig the

rules so they can't compete is not sensible.

The IPPR's research identified the need to reform the existing free communication channels that are provided to parties. Party political broadcasts, freepost for election addresses and free room hire are increasingly anachronistic. While the specific proposals did not command cross-party consensus at the time, the issue should be considered. It underscores an important theme running through this issue: that parties must be able to communicate their programmes and messages to the public if our system of democracy is to be meaningful.

Some suggest that the public would be uniquely hostile to paying for political parties. As we have seen, this is disingenuous given the taxpayer support already in place. Moreover, the public does not generally distinguish between the different costs of politics, whether this is paying for MPs' salaries or party staff. Many presume they already pay for parties. There is also some support for encouraging parties to raise small donations.

However, if a political party is implacably opposed to state funding it should not be forced to rely on it. The IPPR argues that a voluntary system of state funding would allow those who believe high value donations are more acceptable than state funding to persist with current practice. If a party is prepared to accept a cap on donations then it can be eligible for state funding. However, if it does not want to receive state funding then it doesn't have to accept a cap on donations. The parties will still be subject to the transparency requirements and spending limits that are already in place.

In the context of further regulation of political parties, there will need to be tight rules to ensure that large donations do not simply flow into election campaigns through other means. The 2000 PPERA has already put in place extensive regulation of third party

campaigning activities during election campaigns. These require disclosure of donations and set spending limits. The Electoral Commission will need to be vigilant on this issue and should have the powers to ensure that the spirit of the law is upheld.

A stronger regulatory regime should be enforced by an enhanced Electoral Commission. The commission should be able to act in an advisory, supportive capacity to help political parties abide by the spirit of the new laws. However, it should also have quasi-judicial powers to ensure that its advice to parties can stand up in court. Powers of audit and inspection will provide the public with reassurances that state funding rules are being observed.

IPPR's research in 2002 was established in order to identify political areas of cross party consensus for reform. The three main elements of the package (caps on spending, caps on donations and financial incentives based on party activism) must be taken together. Those systems which have only two of the three elements do not avoid scandals or a reduced accountability for MPs.

IPPR's research won the support of the main parties as well as independent thinkers. The first person interviewed for the research in 2002 was then newly-elected Tory MP David Cameron, who broadly supported its findings. Subsequent inquiries have broadly accepted IPPR's framework; most recently the review conducted by Hayden Phillips, commissioned by Tony Blair in 2006.

Some will suggest that supporting political parties during a time of economic difficulties is politically foolish. It would undoubtedly require political courage – but also honesty. The total cost of supporting all parties would be less than £3 per income taxpayer per year.

Labour is already paying the price for failing to reform party funding. In marginal seats MPs are being outspent by Tory candidates free of a

spending cap. Nationally, the Tories continue to out-fundraise the party. This will only get worse if Labour loses power.

By contrast, the Tories have considered party funding reform. Cameron recognises that there will be media scrutiny of large donations and this can undermine trust in his party. And a Tory government with a decent majority would have little to stop it reforming the system in a way that damages Labour's relationship with trade unionists.

It may never be possible to build genuinely mass movements capable of communicating to the widest possible audience funded solely by small donations. But nor is it acceptable to be reliant on a wealthy few. The current situation of occasional scandal discredits all politicians. Party funding reform is worth it.

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Labour primaries: increasing participation and accountability

Will Straw

In his final appearance at Prime Minister's Questions, Tony Blair said of parliament: 'Some may belittle politics but we know, who are engaged in it, that it is where people stand tall. Although I know it has its many harsh contentions, it is still the arena that sets the heart beating a little faster; and if it is on occasions the place of low skulduggery, it is more often the place for the pursuit of noble causes.'

The expenses scandal has shattered this notion. Politics in general and Westminster in particular have haemorrhaged trust and respect. Any return to Blair's sense of nobility will require a series of radical reforms. Proportional representation must replace first-past-the-post when it is likely that fewer than two-thirds of those who vote will cast a ballot for either the Labour or Conservative party. It continues to be absurd that the second chamber is constituted entirely of patronage and heredity. Meanwhile the power of the government to determine virtually all parliamentary business

cannot be justified when it received just 9.6 million votes from an electorate of 44.2 million.

But reforms to parliament (the ‘supply side’) say little about voters’ demand for democratic engagement. While cause and effect are hard to disentangle, turnout in elections and party membership have both fallen dramatically at a time when there has been growth in single-issue movements and the politics of protest. In addition to other reforms, a new approach must be taken to revive interest and enthusiasm for our democratic institutions.

While it is not a silver bullet, a move towards primaries should be seen as one means with which to revive the social contract between local communities and the politicians who represent them.

What are primary elections?

A primary election takes place when members of the public, rather than party members, are invited to vote in an election to select an individual political party’s candidate for a general election. They are therefore one means by which a political party nominates its candidates.

Primaries were conceived in the early part of the 20th century by the progressive movement in the US. It is grounded in two principles: an optimism about the power of activist-based politics to change society for the better, and a belief that citizens should be able to hold their politicians to account.¹ They are now used in at least 36 states, and have since been adopted in some Latin American countries and, of course, by the Conservative party.

In the US, a range of different systems are used by different states. A ‘closed’ primary restricts potential electors to those that have registered as supporters of that particular political party. Citizens do this when they complete their electoral registration form and this does not make them formal members of that party. An ‘open’

¹ See for example SM Milkis and JM Mileur, *Progressivism: A Century-Long Tradition* (University of Massachusetts Press, 1999).

primary takes place when the election to select a political party's candidate is open to all registered voters. In every US state bar one (Wisconsin), voters must choose whether to vote in the Democratic or Republican parties' primary election.

The case for primaries in the United Kingdom

In every postwar election until 1992 turnout was above 72%. In 1997 it fell to 71.3%, in 2001 to 59.4%, and was 61.4% in 2005. Meanwhile, mass membership of all political parties has declined over time. In the 1950s Labour had over 1 million members above and beyond union affiliates. Despite a small uptick during the early years of Blair's leadership, there has been an almost continual downward decline in the number of Labour party members since that high point. The chart below shows how Labour party membership has declined over this period. Labour party membership at the end of 2007 stood at 176,891. This represents an average of just 280 members per constituency Labour party, although there is a considerable range. A similar story is true for the Conservative party.



Meanwhile, although the Labour party's parliamentarians are more representative of the UK than other political parties, there are still too few women, people from minority ethnic backgrounds or manual workers, as the table below shows.

Parliamentary representation, 2005 intake

	Percentage of party		
	Women	Non-white	Manual workers
Labour	28%	4%	10%
Conservative	9%	1%	1%
Liberal Democrat	16%	0%	2%

Source: R Cracknell, 'Social background of MPs', Standard Note 1528 (House of Commons Library, 2005)

Primaries are attractive for three reasons. First, they widen the pool of people who are able to seek elected office. The process for selecting prospective parliamentary candidates is labyrinth and necessitates a deep understanding of Labour party rules and processes. This acts as a disincentive on exceptional local individuals who have a background in broader public service and share Labour's values but are not themselves active members of the party. Primaries would simplify the nominating process and allow people from a wider range of backgrounds to seek a career in politics.

Second, primaries encourage participation and civic engagement by opening up the selection process to a wider group of people. Primaries 'encourage exceptional individuals who have a background in broader public service and share Labour's values to step forward and seek office'.² They may therefore result in candidates who are more representative of the local community. In the absence of meaningful electoral reform, they would give voters

² N Anstead and W Straw (eds.), *The change we need: What Britain can learn from Obama's victory*, (Fabian Society, 2009).

in safe seats a say in the selection of their local MP. The process of engaging a local electorate not once but twice during an electoral cycle is also good for democracy.

Third, primaries would increase the accountability of MPs to the local community. In the US, members of Congress have to face primary elections even if they are incumbents. The necessity of winning these elections in the run up to a general election increases the importance of local representation. This both empowers the local community and reduces the power of the whips in parliament to bully through unpopular legislation.

In a recent survey of over 600 Labour party members, 40.1% of members outlined that they supported open primaries to select Labour party candidates while only 30.4% opposed the idea.³

Responding to critiques of primaries

Opponents of primaries generally fall into one of three categories. First, some are concerned by the influence that money could play in a primary system. Neal Lawson has written that: 'Primaries would just be an open door to people who can write big cheques, gets lots of media and appeal to the lowest common denominator.'⁴ In the US, the supreme court has ruled that expenditure limits are unconstitutional and in breach of the first amendment since they place 'substantial restraints on the quantity of political speech'.⁵ Congressional candidates must therefore spend hours each week raising hundreds of thousands of dollars merely to compete in a primary election.

But since no such constitutional constraints exist in the UK, it would be possible to restrict expenditure limits for the course of the primary elections as well as for the general election. Political parties are currently restricted from spending more than £20m during a

3 R Bingley et al, *Labour members call for party to get on the front foot by taking firmer line on expenses scandal* (2009).

4 N Lawson, 'Primaries but not colour', (Comment is Free, 7 August 2009). Available at <http://www.guardian.co.uk/commentisfree/2009/aug/07/primaries-labour-miliband-tribune>

5 C Smith, 'Buckley v. Valeo' in Richard A Parker (ed.), *Free speech on trial: Communication perspectives on landmark Supreme Court decisions*, (University of Alabama Press, 1999). pp. 203–217.

general election campaign while individual candidates may spend no more than £11,000 to £12,000, depending on the size of the constituency. Indeed, expenditure limits for primary elections would deal with an anomaly since there is currently no limit on the amount that can be spent seeking a party's candidacy for a general election.

Second, some worry that primaries are undemocratic. Stuart White has written that: 'If the open primary system works, then all party candidates will end up looking pretty much like the median voter.'⁶ In fact, primaries generally encourage candidates to seek the median voter *who shares that party's values*. With the single exception of Wisconsin noted above, voters in the US may only vote in the primary election for one party or another. In certain circumstances where the outcome of only one party's primary contest actually counts (because the other is a foregone conclusion), campaigns have been mounted to sabotage the opposing party's election. Hillary Clinton's victory in the Texas primary, and Fred Tuttle's nomination as the Republican party's senatorial candidate in 1998, are two such examples. But these are rare and a well-designed system can avoid these problems.

Third, there are those who see candidate selection as a privilege of Labour party membership. Luke Akehurst has written that: 'We are part of a European democratic socialist tradition of membership-based parties where – flawed though the model is in Labour's case – membership carries both rights to chose [sic] the ideological direction of the party, its policies and candidates and responsibilities to fund the party and campaign.'⁷ While this is an important argument, it fails to account for the erosion over half a century of party membership. For example, Labour party members currently make up just 0.5% of the electorate. While local CLP selection

6 S White, 'Why open primaries are a really bad idea', (Next Left, 26 May 2009). Available at <http://www.nextleft.org/2009/05/why-open-primaries-are-really-bad-idea.html>

7 L Akehurst, 'Not all American lessons cross the pond well', (Luke's blog, 17 March 2009). Available at <http://lukeakehurst.blogspot.com/2009/03/not-all-american-lessons-cross-pond.html>

contests may have been appropriate for a mid-20th century era of mass membership, primaries are now appropriate in a new century where forms of citizen engagement have changed. As documented by David Miliband, the Greek socialist party, *Pasok*, has understood this lesson with excellent results.⁸

Primary elections for candidate selection: a proposal

The Labour party's process for nominating its prospective parliamentary candidates is not broken beyond repair. Respected and representative candidates have been selected by local parties up and down the country to fight the next general election. But while membership continues to decline, there is a large risk that candidates will lose legitimacy. The party should, therefore, consider piloting open primaries.

Getting the design of the system right is critical. Candidates would be expected to share Labour's values by becoming members, although it would not be necessary for them to have previously been a Labour party member. Local members could retain some role in endorsing candidates or vetoing the nomination of those with a history of advocating values at odds with the party. This could even run to choosing a shortlist as the Conservative party did in the recent Totnes primary.

To be eligible to vote in the election, citizens would need to prove that they were on the electoral register. To avoid the problems of sabotage, a small barrier could be set asking all potential voters to sign up to a statement setting out Labour's values (Clause IV is an obvious choice). This would make it a 'semi-open' primary. Alternatively, if other parties chose to conduct primaries, the elections could be held on the same day so that voters could only vote in one contest. This would make it a genuinely 'open' primary.

8 D Miliband, 'How the next decade can belong to Labour', (Tribune, 7 August 2009). Available at <http://www.tribunemagazine.co.uk/2009/08/07/how-the-next-decade-can-belong-to-labour/>

To keep down costs and utilise available technology, the primary could be conducted online with computer terminals made available for those without access to a computer at home or work.

Primaries could be piloted in two specific cases. First, the system could be used for the selection of Labour's 2012 London mayoral candidate. Since a precedent has not yet been established, this would not cut across any existing right of party members to choose the candidate. It would also be politically astute for Labour to do this since it would encourage each of the candidates to make contact with voters around the capital a year or so before the election. This information could then be pooled for the use of the party in its London election operations.

Since the Conservative party has already conducted successful open primary elections, legislation could bind all major parties to conducting open primaries and holding them on the same day. This legislation could include changes to electoral rules in London requiring voters to

express a preference for which primary they would like to vote in. This would avoid the prospect of opportunists 'gaming' the system.

A second scenario where primaries may be appropriate is when local membership falls to an unacceptable level (perhaps below 200 members or 1% of the Labour vote at the last general election). In these

circumstances the CLP should no longer retain the right to select their own PPC. In areas where Labour support is small, open

“ Primaries have the potential to increase participation and democratic accountability, especially in areas where the legitimacy of existing selection methods has been lost ”

primaries could be ripe for sabotage, particularly in the absence of primaries for other parties. But in areas where – in the continued absence of proportional representation – Labour holds a safe seat, primaries could help revive local democracy and hold elected representatives more accountable to local concerns.

Primaries have the potential to increase participation and democratic accountability, especially in areas where the legitimacy of existing selection methods has been lost. But getting the design and implementation right is critical to avoid some of the worst pitfalls of the American system. By creating a British system to fit British norms and institutions, primaries can play an important part in the future of our democracy.

Will Straw is co-editor with Nick Anstead of *The Change We Need: What Britain Can Learn from Obama's Victory* (Fabian Society, 2009)

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