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# Back from Life Support:

Remaking Representative and  
Responsible Government in Britain

Frank Field MP  
edited by Roger Gough



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## About the author

**Frank Field** has been the Member of Parliament for Birkenhead since 1979. He accepted the position of Minister for Welfare Reform in Tony Blair's first Government and held it between 1997 and 1998. He currently chairs the Pensions Reform Group, the Cathedrals Fabric Commission for England and the 2011 Trust. He has written numerous publications on welfare and poverty, including most recently *The Ethic of Respect: A Left Wing Cause* (2006) and *Neighbours from Hell: The Politics of Behaviour* (2003).

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# Foreword

Roger Gough

Head of the Governance Unit, Policy Exchange

Reform of our institutions is back at the heart of political debate. While Tony Blair viewed these issues as the province of anoraks and a hindrance to serious business, Gordon Brown gave them priority from early in his premiership. Whatever the merits or deficiencies of the proposals in the Green Paper *The Governance of Britain*, they have undoubtedly triggered debate. Meanwhile, both the Conservatives and the Liberal Democrats have brought forward their own proposals for significant changes.

These initiatives reflect a growing sense of unease about the link between public and politics, with unprecedentedly low electoral turnouts and widespread public detachment and alienation from the political process. As Frank Field points out in this pamphlet, attempts to tackle the problem by making voting easier mistake the root cause of the problem, while undermining the integrity of the electoral system. As the class and ideological identities that bound many people to the two governing parties have faded, voters have become much more ‘rational’ in choosing whether or not it is worthwhile to cast a vote, especially in seats that are considered ‘safe’.

Public opinion is also far more sceptical about the operation and effectiveness of Parliament. Although some MPs – Frank Field himself being a notable example – have a reputation for free and independent thinking, polling evidence indicates a widespread belief that MPs will put party interests above the general good. This is despite the steady decline in party line voting in the Commons since the 1970s, and the growing role of Select Committees. Even if Parliament has changed, it has not kept up with rising public expectations.

These are the issues that Frank Field addresses in his pamphlet, drawing on almost three decades' experience as an MP. Many of his proposals, taken individually, would be radical; cumulatively, their effect would be even greater. However, that is only commensurate with the challenge that we face. As he points out, the scale of current detachment from politics is alarming; its effect on the legitimacy of government damaging; and the time to start reversing these trends is now.

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## Executive Summary

The concepts of representative and responsible government have been at the heart of British democracy. However, cumulative social and political changes have undermined the concept of active citizenship on which this was based, and the low turnouts seen in recent elections undermine the claims of Parliament and government to match either criterion.

This pamphlet proposes the following reforms to begin reviving the idea of representation:

“ Cumulative social and political changes have undermined the concept of active citizenship ”

- The right to object to a too limited range of candidates
- Primaries to choose the winning candidate in safe seats
- Adopting a two stage election process so that, in the first instance, only candidates with 50 per cent plus one of the votes are returned immediately, with a play off between the top two candidates thereafter
- Extending public positions that are elected beginning with police chiefs and housing association bosses
- Reforming the House of Lords along group representation lines

Other proposed reforms aim to make parliament more responsive and responsible to voters:

- A parliamentary timetable to reflect the reality that 70 per cent of legislation now comes from Brussels
- Fixed time limits between general elections
- Entrenching House of Commons powers to check the executive with select committee chairman to be nominated and

voted upon by the House of Commons in a secret ballot, select committees approving all major public appointments relevant to their sphere of influence, select committees having parliamentary time to introduce their own legislation, and a requirement that each new page of legislation should be matched by taking a page off the statute book



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## Introduction

What would you think of a country where as little as one in five of all voters not only decides which party should form the government but also that this government should have total sway over all other political parties combined? How democratic would you believe such a country to be? Would you be surprised to learn that the country under discussion was our very own which we fondly think of as the crucible of democratic government?<sup>1</sup> British politics needs rescuing from the life support machine which has become crucial to its survival.

The British meaning of democracy is rooted in the twin principles of representative and responsible government. In an age when the contestants for power concern themselves almost exclusively with, in Tony Blair's words, 'a few hundred or a few thousand votes' in marginal seats that 'will determine the result'<sup>2</sup>, how might we refashion these twin principles?

Recent constitutional changes have been based on the magpie approach to reform – a picking of a succession of what appear to be bright ideas. But reforming by this approach provides no sense of coherence. More importantly, it does not relate specifically to the twin pillars that have supported British democracy.

How might the power of the voters – all voters, not just a minority – reach those parts of our politics currently closed to their influence? Here is a reform programme that centres exclusively on a reworking of representative and responsible government a near century after establishing a universal franchise.

<sup>1</sup> Data on turnout is from the House of Commons Library, 2008

<sup>2</sup> Reported in *The Times*, 5 May 2005

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# 1

## Understanding British Government

A.H. Birch's *Representative and Responsible Government*<sup>3</sup> provides the most valuable framework within which to consider how our system of government can be deemed democratic. Central to what makes Britain democratic, according to Birch, is the operation of two political concepts: the idea of representative and the notion of responsible government. Both of these concepts hold a variety of meanings.

### Representative

It is generally agreed that a political system can properly be described as a system of representative government if it is one in which representatives of the people share to a significant degree in the making of political decisions. In this context Birch puts forward three uses of the term 'representative', each of which has played a part in building up in the subconscious mind of the electorate how they view the role of the people whom they elect.

A common usage of the term 'representative' was of someone who had been freely elected on the universal franchise. The meaning of the term was then extended so that a representative would be a person who is elected and is dependent on his constituents for re-election. It is in this sense that he or she is their representative.

The second common usage centres around the idea of a representative being an agent or a delegate. The origins of democracy within the trade union movement were focused within the branch,

<sup>3</sup> Published by George Allen and Unwin Ltd in 1964.

which mandated delegates to represent the decision of the branch at any higher meeting of the union. In Labour Party terms it was once common to see MPs acting as delegates in this sense of the term, particularly when there was a very significant group of safe seats in which a union, or sometimes an alliance of unions, controlled the selection of the candidate, and thereby deemed who would become the MP. The Labour Party was, after all, formed by the unions.

In its third common usage the term representative signifies that a person is typical of the group that has elected them. MPs are seen to be representative if they mirror some of the main characteristics of the group that elects them and not only in terms of their views. Hence the greater insistence that the House of Commons should be less male dominated to reflect more accurately the proportion of women in the electorate.

“ Central to what makes Britain democratic . . . is the operation of two political concepts: the idea of representative and the notion of responsible government ”

## Responsible

The term ‘responsible’ is similarly used in several different ways. A government is seen as being responsible if it is responsive to public opinion, i.e. the government sees itself as the servant rather than the master of the electorate.

A second interpretation of the idea of responsibility stands in contradiction to this first understanding of the term. Responsible government is used here to mean an administration that, despite the cost in loss of electoral support, will hold to a programme, even if voters express contrary views, because it believes that its strategy is in the best long-term interest of the country. Voters will hold the government to account when they pass their judgment at the ensuing election.

The third meaning in the British context of government being responsible comes from a belief that ministers are accountable to parliament for the work of their departments and that, in a collective sense, the cabinet is responsible to parliament for the whole of its programme.

Polls show that voters understand these different forms of responsibility. They are for the most part relaxed about ministers being accountable to Parliament and consequently rarely demand in opinion poll surveys an individual minister's resignation. An insistence, however, that governments should be responsive to their opinions on particular policies can make nonsense of the idea of that self-same government being held to account for the whole of the programme on which it is elected.

It is here that the role of representative most clearly interlocks with the concept of responsibility. An important restraint on government MPs in successfully changing government programmes is that the electorate might then be unable to hold a government to account for the whole of its programme at the following general election. There is still a great truth in the statement that William Pitt is reported to have made. Managing government business would be impossible, he maintained, if his side of the House was not composed largely of thick Tory squires. Others have taken the place of the squires, but the principle still stands.

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# 2

## No more glad morning

Rereading Birch's *Representative and Responsible Government* surprises me on two counts. The book was published in the early 1960s, just at the point when what seemed to be a new industry was fast coming into existence. Michael Shanks's *The Stagnant Society* marked the birth of a 'what's wrong with Britain' debate that concentrated, although not exclusively, on the performance of the British economy. The imminent demise of GB Limited was prophesied through a bevy of books, pamphlets and in TV and radio programmes.

Birch did not belong to this brigade of doom-smiths. He spurned the presenting of odd groups of facts separate from the wider context in which they needed to be considered. What was offered instead was a subtle analysis showing how incorporative our system of government had been of most of the ideas that had been developed on representative and responsible government over the previous two centuries.

If there was a failure to be attached to the British form of democracy, Birch alleged, the fault lay not in the operation of the system itself but in the eye of the beholder. Criticisms arose from those holding a misleading picture of the distribution of power and influence in Britain. Unlike the economic pessimists, who cried out loud for a major transformation in how the British economy operated, Birch limited himself to the need for a better understanding of the workings of British Government. Research was required, he believed, in three directions: a much fuller account of the various categories of people who take part in the political process, a detailed description of the channels of communication between these people and a greater understanding of the

traditions of behaviour which largely govern the way in which they act.<sup>4</sup>

The second big surprise for me in looking again at this text was how the economic and political critiques of our own age have simply been reversed in terms of their perceived importance. While the economic doom-smiths have been put to flight, few political observers and commentators would now share that earlier confidence in our governmental institutions that Birch breathed on to practically every page he wrote.

Birch recognised that a few academics, and one or two parliamentarians, were discussing reforms. But the British political world for Birch was becalmed and the signs of this were evident in the way he contemptuously swatted aside suggestions for reform. For example:

- It had ‘never been seriously suggested that the electoral law should take cognisance of the existence of political parties’
- There had been ‘no debate about the advantages of primary elections or about the desirability of laws regulating the organisation of political parties’
- There had been no interest in the list system of voting in multi- member seats
- The doctrine of the mandate was not a serious proposal
- Ideas on group representation had come and gone so completely that it was not easy for younger generations to realise that less than fifty years earlier these views had been widely accepted

Birch concluded: ‘In Britain, to repeat, none of these complicated or controversial issues has ever been brought into the debate’.

I am sure Tony Blair and Gordon Brown would like to inhabit a world where political parties, and donations to them, remained an invisible and untroubling part of the constitution.

<sup>4</sup> op cit p 240.

Far from there being no British interest in a list system, one such scheme now operates over the whole of the UK for elections to the European Parliament and the list system is also a part of the electoral system for the Scottish Parliament as well for the Northern Ireland and Welsh Assemblies.

The doctrine of the mandate has come of age. The days have long since gone when a party leader, such as Peel, believed it proper first to win an election, and then be 'called in' by the sovereign to form a government, before declaring what the programme would be. But it is remarkable that Birch could write in the early 1960s downplaying the contractual type relationship between parties and voters that the mandate symbolised and its wider role in making for accountability.

Far from the search for greater understanding of the subtleties of how our political constitution works there has been an upheaval on practically all fronts. But after ten years of almost permanent revolution, voters as well as parliamentarians are left dissatisfied with the overall outcome.

I would suggest that the main reason for this is not simply that individual reforms, like that of the House of Lords, were botched, but that the reforms as a whole have not been thought out as part of a coherent overall programme. They have been a response in the style of a much earlier and wider debate on 'what is wrong with Britain' where public institutions were often transformed on an ad hoc basis that lacked a coherent theme.

Odd reforms are proposed and elements of the constitution are picked off for modernisation. The result of this approach has been to leave voters bewildered. No attempt has been made to look at what constitutes democratic government in Britain and to propose reforms to strengthen that framework.

In order to begin such an approach I would like to bring back to the centre stage the twin principles of representation and responsibility and to use them as a framework within which to rework their

meaning. How do we make our system of representation work better while ensuring that the idea of responsible government is strengthened? The time, however, is short. With only 20 per cent of the electorate determining the government there is little time to waste.

### Crisis of legitimacy

Birch, rather surprisingly as it may now seem, said nothing directly, literally nothing, about voters – the red corpuscles in the British democratic process. The whole backcloth to his book was of course about ‘us’ the voters, and how governments respond to our wishes. But there was no discussion about the voters’ role in the democratic process.

This truly gaping lacuna can be explained, I believe, by looking at the role the active citizen was not only expected to play in our democratic process, but one that he and she played to such a full extent that they could simply be taken for granted. British democracy and a non-active citizenry were non sequiturs.

From where did this belief in the role of the active citizenry in our democratic process spring? When the Victorian elite began to engage in the case for extending the franchise they sought a solution that, while extending political power to an ever widening group, would also be best placed to guarantee order. As a guide to the future, the Victorians looked back to ancient Greece, and in particular, the city state.

This approach has had the most profound impact on our political culture. But it was an unreal exercise in one sense. The first major extension of the vote to the skilled working class town dwellers swelled the numbers of voters in each constituency way above a level at which city state politics operated in ancient Greece, where the vote was not enjoyed by all. But the vote was conceded on the basis that the working classes were already operating their own mini democracies in governing mutual aid societies and trade



unions. This democracy was deeply hostile to the state which was seen to be run by the rich and powerful in their own selfish interests. Collective provision was the core of their business, but state collective provision was anathema to them.

Here were the active citizens taking responsibility for themselves and building up from scratch their own home-made democratic organisations. Gladstone concluded that this active citizenry had already earned the right to the vote. The idea of an active citizenry became the key assumption underpinning the democracy which we have inherited. And yet two significant shifts have since occurred since then which begin to erode this sub-structure of active citizenry on which British democracy was built.

First, the intensity of this direct democracy operating through working class institutions waned. And this slow subsidence was then brutally speeded up when the Attlee Government nationalised a consumer-owned welfare state. Attlee's reforms not only stripped out much of civil society, but also changed the meaning of collective provision to a one-size fits all model run by a central state. As a result, it gated much of active citizenry to the political arena and, even here, to the act of voting.

Then, over time, something began to happen to the role of the active citizen with respect to voting. The experts on our electoral system, like David Butler, were no doubt right to stress that if the age of the electoral register was taken into account when the election was called, i.e. at the beginning or at the end of a twelve month period of a register's life, and the movement of population after the registration date for the new register, to say nothing of the varying efficiency of the local registration officers, voting remained staggeringly high in the post-war years.

And this was true if we look at the data for the earlier part of the post war period. But the more up to date those data become, the more ominous they appear. Turnout data since 1945 are given in Table 1.

**Table 1: Turnout at UK General Elections: 1945-2001**

Valid votes as % of electorate

	England	Wales	Scotland	Northern Ireland	United Kingdom
1945	73.4%	75.7%	69.0%	67.4%	72.8 %
1950	84.4%	84.8%	80.9%	77.4%	83.9%
1951	82.7%	84.4%	81.2%	79.9%	82.6%
1955	76.9%	79.6%	75.1%	74.1%	76.8%
1959	78.9%	82.6%	78.1%	65.9%	78.7%
1964	77.0%	80.1%	77.6%	71.7%	77.1%
1966	75.9%	79.0%	76.0%	66.1%	75.8%
1970	71.4%	77.4%	74.1%	76.6%	72.0%
1974 Feb	79.0%	80.0%	79.0%	69.9%	78.8%
1974 Oct	72.6%	76.6%	74.8%	67.7%	72.8%
1979	75.9%	79.4%	76.8%	67.7%	76.0%
1983	72.5%	76.1%	72.7%	72.9%	72.7%
1987	75.4%	78.9%	75.1%	67.0%	75.3%
1992	78.0%	79.7%	75.5%	69.8%	77.7%
1997	71.4%	73.5%	71.3%	67.1%	71.4%
2001	59.2%	61.6%	58.2%	68.0%	59.4%
2005	61.3%	62.6%	60.8%	62.9%	61.4%

Source: House of Commons Library data

Three trends are clear. The first is that for the vast majority of elections since the end of the Second World War turnout has been above 70 per cent, and often towards the top end of that decile. Second, in two elections, which were thought to be decisive for the direction of the country, 1950 and 1951, voting was well over 80 per cent. Third, (and most significantly) the turnout figures

for the last two elections show a sharp break with the post-war pattern. In 2001, turnout dropped to 59.4 per cent, rising only to 61.4 per cent in the 2005 contest. In less than a decade, between the elections of 1992 and 2001, turnout fell by almost a quarter, or by over 18 percentage points. What then does this say about

**Table 2: Shares of total electorate won by each party since 1945**

Share of vote (%) (Proportion of electorate by party)

	Con <sup>(a)</sup>	Lab	Lib <sup>(b)</sup>	PC/SNP	Other	Electories
1945	30.0%	36.0%	6.8%	0.1%	2.6%	33,240,391
1950	36.2%	38.6%	7.6%	0.1%	1.1%	34,412,255
1951	40.3%	41.0%	2.1%	0.1%	0.5%	34,047,426
1955	38.1%	35.6%	2.1%	0.2%	0.8%	34,852,179
1959	38.8%	34.5%	4.6%	0.3%	0.4%	35,397,304
1964	33.4%	34.0%	8.6%	0.4%	0.7%	35,894,054
1966	31.8%	36.3%	6.5%	0.5%	0.7%	35,957,245
1970	33.4%	31.0%	5.4%	1.2%	1.1%	39,342,013
1974 Feb	30.6%	30.1%	15.6%	2.1%	2.6%	38,726,708
1974 Oct	26.0%	28.6%	13.3%	2.5%	2.4%	40,072,970
1979	34.2%	28.7%	10.8%	1.6%	2.7%	40,068,445
1983	30.8%	20.0%	18.4%	1.1%	2.3%	42,192,999
1987	31.8%	23.2%	17.0%	1.3%	2.0%	43,180,753
1992	32.6%	26.7%	13.9%	1.8%	2.7%	43,275,316
1997	21.9%	30.8%	12.0%	1.8%	4.9%	43,846,152
2001	18.8%	24.2%	10.8%	1.5%	4.1%	44,403,238
2005	19.9%	21.6%	13.5%	1.3%	5.1%	44,245,939

(a) includes National and National Liberals for 1945, includes National Liberal and Conservatives 1945 – 70.

(b) includes Liberal/SDP Alliance 1983-87; Liberal Democrats from 1992

Source: House of Commons Library data

representative government if four out of ten voters no longer see the point of going to the polls?

A second set of data on the proportion of the total electorate – votes cast and those un-cast – gained by the winning party is given in the following table. Here the figures raise equally important questions on what is now meant by responsible government, i.e. to whom is a government responsible?

Again, three trends are apparent in these data. First, in all elections in the quarter-century after the war, the winning party gained votes from over (usually well over) a third of the entire electorate – voters and non-voters alike. Second, there then occurs what appears to be a blip. In the second election of 1974 the winning party gained support from only 28.6 per cent of the entire electoral register. Near normal service is then quickly resumed with the winner gaining over 30 per cent of the potential votes in the next election. Third, in the last two elections, that ‘blip’ re-emerges as a potential trend, with the governing party winning only 24.2 per cent and then in 2005 a mere 21.6 per cent of support from the total electorate. This analysis raises significant questions, not only about what this means for both representative but also responsible government.

Our democracy has been based on the belief that representative government was one where voters returned candidates who were like them in their ideas, aspirations, and how they thought politics should be approached. How representative can a government be if it secures the support of only one in five of the entire electorate? Given that a general grievance of voters is that MPs are highly unrepresentative of themselves, the voters, does this not raise a key issue for party leadership concerning the types of people parties put forward for election?

Likewise, our ideas on responsible government have rested on the belief that governments are held to account throughout an entire parliament for the entirety of their programme. In what

sense does this idea of responsibility continue to operate if governments can retain total power with the approval of only one in five of the entire electorate and electoral calculations are based on winning over as few as a couple of hundred thousand votes in the key marginal seats out of a total electorate of 44.3 million votes?

I believe that these data that I have presented on turnout, showing the fraction of the total electorate that a party has to win before gaining absolute power, holes below the water-line the Great British steamer, HM Democracy. A political crisis of legitimacy is now stalking us, and it is urgent to consider ways by which representative and responsible government can be remade in our country.

### Becoming more representative

I do not share the view of that great doyen of political sociology, Seymour Martin Lipset, that rising turnout in elections is a sign of impending democratic crisis and that, conversely, falling turnout is a sign of a mature democracy with all the big class issues settled.<sup>5</sup> I believe that, in this country at least, the reverse is true. Falling turnout here is a sign that embraces a growing cynicism about the integrity of politicians, the feeling amongst voters that they have too restricted a choice at elections, and that it is well nigh impossible to enforce responsibility on this narrow political class for the actions they take.

The view that the answer to the collapsing turn-out lies in the lowering of the voting age still further, or of making it easier to vote, is simply absurd. Lowering the voting age to 16, as suggested, will not only blur yet again the crucial transition from childhood and early adolescence to the status of adulthood – a huge and distinct issue meriting a separate discussion – but this suggestion also totally misunderstands the reasons for falling turnout at elections. The decline over the post-war period – from a peak over 84

per cent in 1950, to the lowest levels ever recorded of 59.2 per cent and 61.3 per cent in the elections of 2001 and 2005 – has nothing to do with the difficulty of voting, or indeed the age of voting. Successive reforms during this period have made it easier to vote and the age threshold has already been lowered. Neither move has arrested the 27 per cent collapse in turn-out over the post-war period in the UK.

I accept that making it easier to vote – particularly by postal voting – may have lessened the actual rate of decline in turn-out, but only in the technical sense of the term. Postal voting has not bucked the trend on the number of legitimate voters participating. More votes than would otherwise have been cast have been bought at the cost of wide-scale fraud in postal voting. The Electoral Commission was too polite to mention the fact, but in some areas voting fraud has been on such a scale that the legitimacy of our electoral process is threatened.<sup>6</sup>

So what might be done? My aim has been, first, to draw attention to the seriousness of the threat to representative and responsible government, in other words to our democratic way of life. But then, secondly, to begin a debate on a series of reforms each aimed at strengthening both pillars of British democracy – a system of representative and responsible government.

<sup>6</sup> Postal Voting and Electoral Fraud, Standard Note February 2008, House of Commons Library

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# 3

## Recasting representative government

A plague on both your houses

As I move around Birkenhead one of the many themes constituents raise is that the difference between all three parties is so small that there isn't much of a choice anymore. A group particularly disenfranchised are those old Labour voters who would like to vote for a socialist candidate but are not offered this chance in a legitimate context. They do not regard fringe Trot candidates as in any way a serious choice. Nor do they believe that New Labour fits the bill either.

My guess is that a reformed voting system that minimised the risk of wasted votes, at least in the process of sorting out who are the front runners, would encourage a greater spread of serious candidates. In such circumstances an appeal along Old Labour lines might well bring in a vote of 15 to 20 per cent of the total in safe Labour seats, particularly if the candidate ran an active campaign through the term of a parliament.

As part of a journey of reform, which would test the lack of choice of candidates, the Electoral Commission should allow, when the majority of candidates agree, that the ballot paper should have an entry which, instead of listing an additional name of a candidate and their party, would simply state 'None of these'. Voters feeling that there is a genuine lack of choice could put their cross against this box. It would be one of a number of ways of measuring the failure of our system to be more representative of voters' views.<sup>7</sup> The results, I believe, would be a spur to reforms aimed at making our legislature more representative. What might the next move be?

### Make voters more decisive while increasing choice

One major advantage of single member seats, the present status quo, is that it marks very clearly where the buck stops. In Birkenhead anyone who wants to know who their representative is in parliament knows that there is only one person who represents their views in Westminster. I spend a fair amount of effort in ensuring that people know that I am their representative and the new communication allowance system (which incidentally weights the scales against those who wish to challenge me) has this very object in mind. With a single member seat people know who to inform, who to lobby and to whom objections should be addressed.

Given that a number of objectives are being pursued by reform – greater representativeness as well as a greater sense of responsibility from government to the governed – it is important not to lose this link between Member and constituency until all other reforms of the single member seat are tried and tested.

At the present time, over two thirds of MPs are returned on a minority of votes cast, i.e. more votes are cast collectively for opposing candidates.<sup>8</sup> Most reforms aimed at ensuring that MPs are more representative of their constituents' views try to incorporate those devalued votes in a system which makes them more effective in deciding who is elected. All of these reforms are bought at the cost of devaluing first preference votes.

The reform works on the basis that voters list their second preference choice of candidate. If no candidate has 50 per cent plus one of the vote the candidate with the fewest votes drops out, with their votes being recast to their second preference candidate.

Here is a great fallacy. The votes being distributed are revalued as equal to first preference votes in the sense that they could decide the election result. Here is an admittedly extreme example, but its extreme nature does illustrate the great nonsense of making second, third, and so on preference votes equal to those cast as a first preference.

<sup>8</sup> Details of House of Commons, Library, Statistical note, 2008



In my first election in Birkenhead I gained 49 per cent of the votes cast. There were four candidates, three of which had serious votes behind them. It would be possible under an alternative or transferable votes system for me, who led the race with a clear 15 percentage point lead, to have gained so few second preference votes that when second preference votes of the third candidate were revalued as first preference votes, to have allowed the candidate placed second in round one to have won.

No second preference vote is equal to a first preference vote. Otherwise the voter would have voted differently and, in this admittedly extreme example, 49 per cent of voters would have had their first preference votes made less valuable than the second preference votes of a candidate who came third in the original contest. I see no way of countering what would be the introduction of a new arbitrary element into deciding winners other than in introducing the French system.

In France candidates are elected immediately in constituencies where they gain 50 per cent plus one of all the votes cast. In all other seats there is a run off a week later between the top two candidates. Every elector knows what the choice is and every elector in this second round has one first preference vote only to cast.

## Primaries

I believe that I was the first to advocate one person one vote for selection of parliamentary candidates and, as I had such a self-interest, for that system to apply as soon as possible to the Labour Party.<sup>9</sup> I advocated this, not as a means of strengthening the representativeness of MPs, but as a bulwark against the Trotskyite invasion of the Labour Party in the 1980s. I believe that this reform of widening the 'selectorate' for choosing parliamentary candidates now needs extending.

<sup>9</sup> It was an idea I put to one of the leaders of a group of then Labour MPs who were widely reported in the media as planning to secede to form the SDP. I didn't persuade this group to stay, as I hoped their staying would strengthen the position of all non-Trotskyites in the party, but by making one person one vote a founding principle of the SDP they did a service to all political parties and the wider political community.

In his classic work, *The English Constitution*, Walter Bagehot noted the ability of our politics to allow power to move around the different parts of the governing bodies without upsetting the formal institutions of state. He was particularly concerned with the House of Commons' loss of power to make and unmake governments, as well as to decide much of the legislative programme. He saw this power being transferred to the Cabinet. Political power has continued to move and what then concerned Bagehot, with power increasingly residing in the Cabinet, has moved again, this time into the hands of the Prime Minister alone.

A similar transfer of power has been taking place in the electoral process. The incumbent party candidate never loses in a very significant number of seats. A third of seats are won with 50 per cent or more of the votes cast.<sup>10</sup> Whoever is selected as the candidate for that party in most of these seats will automatically become the MP, no matter what the wider views amongst voters of the governing party are about the type of candidate they would like, let alone the views of the wider electorate. The power that the electorate has over the choice of the winning candidate in safe seats has moved from the ballot box into the party caucus.

Introducing primaries for the selection of candidates is a third reform aimed at increasing the representativeness of MPs. I was going to suggest to my own local party that we asked the national Labour Party to run such an experiment in Birkenhead which is now the fifteenth safest seat in England. In discussing the idea with a colleague, who was then a vice chairman of the Tory Party, I was told in no uncertain terms that it was a less than sensible idea as I would walk the primary.

It was an idea that did surface, I am pleased to say, in Tory circles, and in some hopeless seats, where the Tories have almost no party membership, a primary in the form of a public meeting has been held to choose candidates. But the original idea was not to give greater freedom to choose candidates in seats where candi-

<sup>10</sup> Barry Sherman MP has pointed out that this figure underestimates how safe many of these seats are as many outside the 50 per cent group have two opposition candidates dividing the remainder of the votes fairly equally, thereby making it very difficult to mount a successful challenge to the incumbent. Data from the House of Commons Library

dates cannot possibly win, although I am certainly not against that, but to increase the power the electorate has to choose who will be the certain winner in a parliamentary contest.

Now is the right time to pilot primaries as a means of choosing MPs. These pilots should be in the safest seats (I would be very happy for Birkenhead to be one) and to be run officially by the Electoral Commission. We will need to debate whether or not this selection should be open to all voters in the constituency, or just to those registered as party voters.

“ One objection to an open list could be that the crossing over of voters in primaries could distort the outcome of the selection ”

The case for making the ‘selectorate’ equal to the whole electorate appears overwhelming to me. The electoral register would be the basis for voting in a primary. No additional work would be involved. No such register of party voters, as opposed to members, need be compiled. The compiling of the primary voting list, in contrast, would create a moral hazard. Tory voters, for example, know that they are very unlikely to win Birkenhead before the Second Coming. Any Tory voter who therefore wanted to have a direct say in who represented the town in Parliament might be tempted to declare that they were sometimes Labour inclined in order to register on the primary voting list of Labour voters so as to have a say in choosing their MP. What’s the point of putting people through this particular hoop?

One objection to an open list could be that the crossing over of voters in primaries could distort the outcome of the selection, at least in safe seats where I am suggesting the pilots should be staged. But is this true? The opposition parties by definition simply do not have that many voters in the very safest seats. But they would be able to make their views known, and might encourage more candidates to feel safe in dropping much of the political correctness that scars too much of public debate. Encountering robust views from

the 'selectorate', partly made up from minority parties, might help knock off some of the political preciousness that helps some candidates to win nominations from tiny party political caucuses. It would emphasise to MPs in the safest seats that they are accountable to the wider electorate through their selection as candidate, rather than to what are all too often very small party caucuses.

An unforeseen consequence of this reform might be the re-emergence of uncontested seats at the election. If all voters in Birkenhead had the chance to choose the Labour candidate I think it likely that the Tories and Liberal Democrats would not contest at the General Election. Power would have moved once again, à la Bagehot, from a general election contest to primaries. In so doing power would be exercised more effectively by more of the electorate.

### Extending the power of voters

The fourth reform to make the British state more accountable is to extend the authority of the voter, to paraphrase the Heineken advert, to those parts of the state where it currently cannot reach. The Victorian debate on extending the franchise was a campaign about extending the body to which political power was accountable. Governments took the country to war – which citizens had to finance – and they taxed the population to cover the cost of the minimum range of services governments then carried out. Making political power accountable was an obvious starting point.

A J P Taylor observed that, at the outbreak of World War One, the ordinary citizen was likely to encounter the state only when sighting a policeman and when using the local post office.<sup>11</sup> World War One began to accelerate a trend that would totally transform this relationship. Not only have the powers of government extended beyond all recognition, but governments have also established what are, in effect, public corporations to undertake tasks on

<sup>11</sup> A J P Taylor, *English History 1914-1945*, Oxford, 1965, p. 1

their behalf. With regard to some of these bodies, such as the Financial Services Authority, voters are unlikely to think that they have the expertise to decide to whom such organisations should be accountable, let alone who might best run them.

There are, however, two types of bodies where the case can be made for a revival of the Victorians' interest in making public bodies accountable. There are, on the one hand, those bodies that represent sectional interests, like housing, and others which have a universal appeal, such as the police.

This government's policy has been to strip local authorities wherever possible of a duty to build and to manage housing, and for their housing to be transferred lock stock and barrel to housing associations. While these bodies hold £36.4 billion of public assets no-one elects their governing bodies. They are not accountable to tenants. Nor are they accountable to taxpayers. Some of their chief executives, earning over £250,000 a year, believe themselves to be so independent that they are talking, absurdly I believe, about floating 'their' housing association on the Stock Exchange. The Government has promised a bill next year on the governance of housing and this would be a suitable opportunity to introduce measures aimed at more direct popular control over housing association activities.

The police are a perfect example of a service where the public are highly supportive but, nevertheless, wish to have more say in general terms over how the police use the manpower paid for from their taxes.

Birkenhead used to have its own constabulary and its own chief constable. It now makes up a quarter of one of the six area divisions of Merseyside Police. The position of chief constable is too remote for voters to decide by ballot – a statement itself of some significance. The area commander of the Wirral division within which Birkenhead is located is the nearest we have to a local police chief. I believe this office should be elected so that the holder is

someone whose views on policing priorities accurately reflect those of the local population. Countering much more effectively yobbism and anti-social behaviour would very quickly become the number one priority of a local elected police chief in the area I represent.

### Group representation

From earliest times, membership of the Commons was based on the idea of group representation, i.e. that the individual in the Commons represented the whole of their area, and not just the very small number of people who had the vote. Indeed, the first squires called to a Parliament were chosen on the basis that they would be able to speak for their whole area and, because of this, be able to enforce locally any taxation parliament agreed. Members of the House of Commons were not therefore representing individual interests, in theory at least, nor simply the interests of the majority of voters.

There was of course an element of wilful deceit here. Electorates were so tiny that the MPs' views would have been in all probability nearly identical to the very small electorate. The idea of trying to influence these MPs, let alone control them in any sense of the term, rarely came into play.

This view was held so commonly and so strongly by the electorate that one of the most powerful arguments against any extension of the franchise in the period running up to the great reform of 1832 was that the views of all voters were fully represented in Parliament by their MP. The MP had a duty to represent the interests of voters and non-voters alike. As the views of the whole area were thereby automatically represented why was there a demand to extend the franchise?

However absurd we now find this line of argument, this idea has entered into our overall perception about representation. It is

also an illustration of why the single member seat exerts such a powerful pull. When a crisis besets an area, to take just one example, this old idea of representation comes fully into play. The local MP in such circumstances is expected to defend his or her patch, even if it means defying his or her own government.

The idea that the group, as opposed to individual interests and passions, were represented in Parliament, formed part of our political culture. And this idea continued to play a quiet unobtrusive role as one of the factors shaping our ideas on representation right up to the sleaze crisis that engulfed John Major's Government. Because individuals were found to have taken money to represent outside interests, the Commons – in one of its regular fits of moral outrage, and following the goading by the Nolan Report, which was set up to inquire into cash for questions and other similar misdemeanours – barred the professional representation of interests in the House. It was an absurd position to adopt but that is where the debate rests for the moment.

The work of the Commons over the centuries had been deeply enriched by the knowledge that specialists brought to its proceedings, be they doctors, trade unions, teachers, nurses and so on. All individuals who belong to such groups are now careful to the point of inaction not to represent their group interests, whether it is by questioning ministers or by probing or amending legislation.

The position the Commons has adopted flies in the face of reality. Individuals rarely remain alone and are usually part of a group, and often of many groups. Many of our greatest passions are group passions, whether it is loyalty to a football or cricket club, a church or a mosque, or one of the tens of thousands of other voluntary bodies to which citizens give their loyalty. With the House of Commons closed on this front reforms to the composition of the House of Lords offer s the best opportunity for formalising the place of groups in our system of representative government.

The government has dug itself into that proverbial political hole by its botched attempts to reform the Lords. There is general consent that the Lords should be elected, but the government is understandably anxious that an elected body may begin seriously to challenge the supremacy of the Commons.

Here then is a three point programme of reform. The first is that the powers of the Lords should be enshrined in legislation and a key point of that legislation should be to formalise the position of the Lords as an inferior chamber in power to those exercised by the House of Commons. Second, in such legislation, a revised Lords needs to be given clearly the powers that Bagehot gave to the Monarch. It should have the right to be consulted, the duty to advise and similarly be charged to warn the Commons on proposed legislation. Third, the Lords should become the depository once again of group interests in our legislative system.

“ The government has dug itself into that proverbial political hole by its botched attempts to reform the Lords ”

Until recently two groups interests were formally represented in the Lords. The Lords of Appeal form the first group. This group is to be moved from the Lords into a UK supreme court. Existing members, who are life peers, will remain in the House, but new Lords of Appeal will not be made life peers. The loss of this legal expertise in probing and amending legislation will be huge. The other group represented in the Lords comes from the 26 Anglican Bishops who by virtue of their office have seats in the Upper Chamber.

The representation of these two groups should become the prototypes for increasing group representation in our society. A radical Lords reform would be based on seeking the representation of all the major legitimate interests in our society. There would be the need, of course, to establish a reform commission whose duty would be to begin mapping out which group interest should gain



representation, and at what strength. So, for example, the commission would put forward proposals on which groups would have seats to represent women's organisations and interests, the interests of trade unions, employers, industrialists and businesses, the cultural interests of writers, composers and communicators, the interests of the professions including those involved in health and learning. The representation specifically of local authority associations would ensure that the different regions of the country have voices in the upper chamber. And so the list would go on with the seats for Anglican bishops shared between other denominations and faiths.

The commission's second task should be to approve the means by which each group elects or selects its own representatives and would then have the duty to review the lists. The commission should be encouraged to approve a diversity of forms of election. Some groups may involve the whole of the membership in a selection process. Others might adopt a form of indirect election. The commission's task would be to ensure that, whatever method is proposed, it is one with which the overwhelming majority of the members are happy.

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## Making government more responsible

Three reforms are proposed here to make the government more responsible. Each of them seeks ways of moving the House of Commons' procedure from a dignified place in the constitution to a more effective one. These reforms are not aimed at returning executive powers to the House of Commons. What they are about is ensuring that the House is much more effective in checking abuses of executive power and holding the executive to account.

Parliamentary time to reflect parliamentary business

The German parliament has calculated that 70 per cent of its legislation has its genesis in Brussels. The same weighting of Brussels-made legislation must operate here. But the pattern of work in the Commons does not reflect the simple fact that over two-thirds of the laws and instructions affecting the people of this country are a direct result of a European Directive. Most European legislation is considered by the European Standing Committee and, no matter however well and effectively this committee operates, it is nowhere up to the task of giving careful consideration to that legislation inspired on the current scale by Brussels.

Brussels should be required to give details to all member countries of what its legislative programme will be in the coming year – they might wish to do it for a longer period of time. Taking full account of the impact of European legislation on British lives would begin, where most legislation begins in this country, and that is in the Queen's Speech. A part of the speech from the throne would include a section giving details of those laws and directives

that are expected to be issued by Brussels and which the UK Parliament has a duty to consider.

The Commons Procedure Committee would then begin the work of mapping out the parliamentary timetable so that the parliamentary calendar reflects the different weight of Brussels and UK inspired legislation. Some of the European imposed legislation is technical and would need to be considered by the existing scrutiny committee. But much is not and a proper examination of European legislation would transform the work of standing and select committees, as well as the business taken on the floor of the House of Commons.

#### Set time limit between general elections

The second reform making for more responsible government would be to set in statute the dates between general elections. The 1911 Parliament Act reduced the life of a parliament from a maximum of seven to five years. Most parliaments do not run for their full five year term. Governments, perhaps understandably, choose the date of a general election which is most favourable to their winning. There is nothing in the rules which would prevent a government truncating the life of a parliament to fit in with a more favourable part of the electoral cycle. This manipulation does weaken the idea of holding a government to account if, at any time, they can cut and run.

This proposed reform would forbid the calling of elections before the end of a Parliament's full five year term. There should be exceptions, of course, in extreme times. Because of the Second World War, the 1935 parliament ran for ten years. While history would deliver up a set of examples of what could be set down in statute, the Speaker would also need to be given the right to judge when other exceptional circumstances had arisen – for example, a terrorist outrage as parliament was about to be dissolved for an

election – and would advise the Monarch accordingly. There may also be times when the electorate has returned a House of Commons so evenly divided between the main parties that it would be difficult for any one party to sustain a parliamentary majority for any length of time. In such circumstances, the reform would specifically state that, when a government collapsed, the Monarch's first move would be to call on the Leader of the Opposition to form a government, and only if this proved unworkable would an over-ride be granted on the timing of the election.

Setting in law the duty of the Monarch, in the first instance, to call in the Leader of the Opposition, would be a check on governments trying to manoeuvre a defeat in the Commons in order to go to the country at a favourable time. Once an opposition forms even a minority government, that government has the powers of patronage as well as, to some extent, the chance of making the political weather. Governments are unlikely to risk giving the opposition this advantage by a failed manoeuvre to prevent the new parliament act determining the life of a parliament.

### Entrenching House of Commons' power to check the Executive

A third set of reforms should centre on entrenching House of Commons' rights against the executive. Each of the suggested reforms centres on giving select committees some teeth as well as a better bark.

Our party system is crucial to making the British government responsible, i.e. accountable to the electorate. Yet it is still possible to maintain this key cornerstone of responsible government while, at the same time, increasing the powers of the House of Commons. These increased powers would be all about checking rather than directing the Executive.

The first reform would be one which strengthens the independence of select committees. All committees carry a government majority although a minority of chairmanships are given to opposition parties. Chairmen of committees are paid an additional £20,000 a year. There are 31 select committee chairs drawing this additional salary and their appointment is made through the Whips' office and only then ratified by the House.

These additional appointments add to the patronage power that Prime Ministers have (and in a small way the opposition leadership too, as they have a few chairmanships to award) over backbenchers and thereby over the willingness of backbenchers to hold governments to account. Loyalty is usually rewarded with a government job or position – or at least many MPs are encouraged to live in that hope. There is some justification for this view. Most, but not all, of these appointments go to party members whose voting record show that they rarely, if ever, vote against their own side. There are, thank God, exceptions to the rule. Tony Wright is one such important example.

The current practice should cease and the House of Commons itself should decree that chairmanships will be decided by the House of Commons itself on a free vote. Members could propose other Members for both the chairmanship and the composition of committees. I would suggest that the chairmanship would need 20 nominating Members and membership would require 5 nominating Members before any name can go forward to a secret ballot of the entire parliamentary membership. But these figures are proposed merely to begin a debate.

Such a reform accepts that a whipping system is necessary, both to get the day to day business through the Commons, but also for the government at the end of a parliament to be held responsible for the programme that it has piloted through the House. Greater independence for select committee chairs would not counter this necessary requirement. Greater independence, however, would

ensure that a committee's deliberations would have a more effective cutting edge in public debate, would lead further to better representation of voters' views, while simultaneously making for better government.

Three further reforms aim to strengthen the position of the select committees and their role in holding government to account. The first is to give the relevant select committee powers over approving appointments to all public bodies that are financed by taxpayers. So the Treasury Select Committee would have the power to approve the appointment of the Governor of the Bank of England and, for example, the chairman of the FSA. The DWP Select Committee would similarly have the power to approve the appointment of, say, the Pension Regulator as well as the chairman of the Pension Protection Fund. The chairmanship of the Food Standards Agency would be approved by DEFRA's select committee and so on. The Government would still nominate, but the nomination would not be effective until the relevant select committee had given its approval.

Next, select committees should be given limited power to introduce Bills into the House and would have a right to a set amount of parliamentary time on the floor of the House during each parliamentary session to debate them. Bills would still need money resolutions and, at the end of the second reading, governments might wish to refuse to agree the money resolution. But a bill, arising out of the work of the select committee, would have been presented and debated in parliament, and the electors would see that the Government had used its right of veto, if that is what happens. Clever select committees would almost certainly in the first instance choose Bills having widespread support but little monetary cost.

The last immediate reform centres on making the operation of the law less complicated. Too much legislation is introduced, too much of it is ill-thought out, and too much escapes serious

scrutiny, except that which is provided by the Lords. In the 1950 parliament, 720 pages of Acts and 2,970 pages of statutory instruments went on to the statute book. By the end of the Blair government, the number of pages of new Acts had risen to 4,609 (up sixfold), and the total of new pages of statutory instruments had soared to 11,868 (up nearly threefold).

One way of making governments think more carefully on whether yet more legislation is necessary would be to place a requirement on them to take off the statute book the same number of pages as is being proposed by the new legislation. Select committees should also be involved in this task and by making suggestions on what legislation should cease to exist. This exercise alone would concentrate the minds of government on why any new legislation would be superior to part of that already on the statute book.

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## Conclusion

The British have built their democracy around the twin principles that their government should be both representative of them and responsible to them. The lynchpin giving a British meaning to these two concepts has been the idea of a citizenry that is active to the extent of fully using the electoral process to ensure that MPs are representative of voters' views and will be held responsible by voters at the following election.

Over the past forty years voters have begun to walk away from the ownership of this democracy. During the last ten years this walk has begun to take on the appearance of a stampede. The present government has been elected by a mere one in five of the total electorate.

The government is thereby neither representative of the electorate in any of the senses that the term has been used in this country. Likewise, it is impossible to argue that any government is responsible to an electorate when voter disengagement from the political process equals four in ten of the entire electorate.

One way of interpreting the data on falling turnout is that, perhaps, the British are simply losing the democratic habit. A less challenging interpretation, and one on which this paper is based, is that the missing voters on election day wish to make the positive statement that, as they lack any meaningful choice on policy, they have little interest in who wins the election.

The danger is that a persistence of the feeling that there is no choice could, over time, lead to a loss of the democratic habit. We have witnessed in other spheres how quickly behaviour can change, and often for the worse. It is this that gives urgency to the proposals for reform in this paper that aim to revive British democracy. Nothing less matches the hour.