The House of Commons under pressure

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> " I am fed up with the Punch and Judy politics of Westminster. . . . "
>
> David Cameron, speech on becoming leader of the Conservative Party, 6 Dec. 2005

Learning objectives

- To identify contemporary challenges faced by the House of Commons.
- To describe and analyse pressures on Members of Parliament.
- To describe and analyse pressures on the House of Commons.
- To detail different schools of thought on the reform of the House.
- To identify different approaches to parliamentary power.

Introduction

The House of Commons fulfils a range of functions, but its capacity to do so effectively has been the subject of controversy. There have been significant changes in recent years to the structures and procedures of the House (Chapter 16). The House has become more specialised through committees. It has acquired a greater agenda-setting role. Members have become more independent in their voting behaviour. The House can claim to be more effective now in fulfilling its core functions than at any time in modern political history (Norton 2017: 192–7). Yet Members of Parliament individually are having difficulty coping with the demands placed on them. The House of Commons collectively is under strain. It also faces a public more inclined to judge MPs on their public individual behaviour than on what they do collectively in challenging Government (Norton 2017: 197–203). Criticisms have led to demands for reform, with different schools of thought emerging. Much of the discussion, though, takes place within a pluralist view of power. Different views of power can result in the House being seen as more powerful than is often popularly recognised.

Members under pressure

Members of Parliament are called on to carry out the functions of the House of Commons. As we have seen (Chapter 16), the resources available to them to carry out those tasks have increased in recent years. MPs have more resources than before. They have a better salary than before, and they have office and support facilities far in excess of those available to their predecessors. However, the demands on MPs have increased massively in recent decades, on a scale that challenges their capacity to cope with them, even with increased resources. The increase in demands on MPs' time can be ascribed to four sources: public business, organised interests, constituents and MPs themselves.

Public business

The volume of business has increased in recent decades. This is particularly pronounced in terms of legislation. The number of bills introduced by the government is nowadays not much greater than it was in earlier decades. What has increased is the volume. Bills are much longer than they used to be. They are also more complex. Before 1950 no more than 1,000 pages of public Acts were passed each year. Before 1980 no more than 2,000 pages were passed each year. Since 1980 the figure has usually been in excess of 2,500 pages and on occasion has surpassed 3,000 pages. In the twenty-first century, some bills – such as the Financial Services Bill in 2012 – have been so big that they have had to be published in two parts. This increased volume places a significant strain on parliamentary resources. Most bills go to public bill committees. The longer and more complex the bill, the more time it needs in committee. Several public bill committees will normally be in existence at the same time. Because bills are introduced usually at the start of a session (to ensure that they get through within the session), they tend to be sent to committee at similar times. As a result, there is a tremendous strain on the finite resources of MPs, in terms of both their number and the time they have at their disposal.

In addition to the greater volume of public legislation, there is also the burden of other business. This includes or has included, for example, having to scrutinise EU legislation, a task that falls principally on the European Scrutiny Committee (which considers all EU documents submitted to the House) and three European committees, responsible for discussing documents that the House considers worthy of further consideration. It also includes the work of the select committees. As we have seen (Table 16.4), the departmental select committees take up the time of over 230 MPs. There are then the other investigative select committees, such as Public Accounts and Public Administration and Constitutional Affairs. Committee work, which often requires reading a substantial amount of paperwork submitted by witnesses and outside bodies, can be time-consuming. Some of the material can be detailed and complex. All this work represents a relatively recent increase in the workload of MPs as the House has shifted from a chamber-focused institution to a more specialised committee-oriented institution. Some MPs not only serve on an investigative select committee, but may also be appointed to domestic committees and to public bill committees. Keeping up with all the work can prove a daunting, if not impossible, task. Even if Members attend committee meetings, they may not have done the preparatory reading, instead glancing at the paperwork while the meeting is in progress.

Organised interests

MPs have always been subject to lobbying by outside groups – groups wanting members to push for a particular outcome in terms of public policy. However, that lobbying has become pronounced in recent decades (Norton 2013: Ch. 12). Since 1979 organised interests – firms, charities, consumer groups, professional bodies, pressure groups – appear to have 'discovered' Parliament. Government after 1979 appeared to adopt a more arm's-length relationship with outside bodies than before. The departmental select committees came into being and provided particular targets for organised interests. The 1970s had also seen something of a growth in the voting independence of MPs. As a consequence of these several developments, the House of Commons looked far more attractive than ever before to external bodies wanting to influence public policy (Rush 1990; Norton 1999a). One survey of organised interests found that, by the mid-1980s, three-quarters had 'regular or frequent contact with one or more Members of Parliament' (Rush 1990: 280). Of the groups that had such contact, more than 80 per cent had asked MPs to table parliamentary questions, and almost 80 per cent had asked MPs to arrange meetings at the House of Commons. Over half had asked MPs to table amendments to bills and to table a motion. It is common to hear MPs in debates refer to material they have received from interest groups (see Norton 2013: Ch. 12). This contact between organised interests and MPs has a number of beneficial consequences. Among other things, Members are provided with advice and information that can prove useful in questioning government and in raising new issues. However, it also has some negative consequences. One is the demand on MPs' time. One survey of 248 MPs in 1992 found that on average an MP spent over three-and-a-half hours a week meeting group representatives (Norris 1997: 36–7). Further time is taken up by acting on the requests of such groups and by reading and, if necessary, responding to the mass of material that is mailed by the groups. MPs now have difficulty coping with the sheer volume of lobbying material that is sent to them.

Constituents

Organised interests have been responsible for a marked increase in the mailbag of MPs. So too have constituents. We have touched already on the volume of mail, especially e-mails, received in the House of Commons in the twenty-first century (Chapter 16). For the MP, constituency work takes priority and can occupy a large portion of the day in dictating replies to constituents' letters and e-mails. It can also occupy most of every weekend, through both appearances at constituency functions and holding constituency surgeries – publicly advertised meetings at which constituents can see the MP in private to discuss particular concerns.

When an MP receives a letter or e-mail from a constituent that raises a particular grievance (failure to receive a particular state benefit, for example) or issue of public policy, the MP will normally pursue the matter with the government through writing to the relevant minister. Ministers answer in the region of 250,000 letters a year, mostly from MPs. Some constituents are persistent. As one MP recounted,

> A tiny number of constituents and campaigners can hi-jack the attention of the office with a relentless flow of letters and calls. . . . Often they have a single all-consuming problem and fail to understand the mass of daily demands on an MP's time.
>
> (Flynn 2012: 143)

The burden of constituency demands continues to increase, and MPs have difficulty finding the time to cope with constituency demands and the demands of public business (see Norton and Wood 1993; Norton 2013). By 1996 it was estimated that MPs devoted almost 40 per cent of their time to constituency business (Power 1996: 14). In 2006 MPs who had been elected for the first time in 2005 put the figure at 49 per cent (Rosenblatt 2006: 32), and in 2011, MPs first elected in 2010 put it at 59 per cent (Hansard Society 2011: 6). The problem is particularly acute for MPs with constituencies close to Westminster: constituents expect them to find the time to be at constituency events, even when the House is sitting. MPs are not only recipients of communications but are themselves generators of communications to constituents. MPs have made use of new social media, utilising not only websites but also blogs, Facebook and Twitter (Norton 2007; Williamson 2009; Jackson and Lilleker 2011; Norton 2012a). For many, this adds considerably to their workload.

MPs themselves

MPs are also responsible for adding to their own burden and to how they are seen by people outside the House. As we have seen, recent years have seen the growth of the career politician. There is a greater body of members who are keen to be re-elected and to achieve office. They are keen to be noticed in the House. Achieving a high profile in the House helps them to be noticed locally. Utilising social media also contributes to profile raising. This may help, albeit at the margins, with re-election (see Norton and Wood 1993) and, indeed, may help with reselection by the local party. It is also considered necessary for the purposes of promotion, given the growing number of career politicians and hence the more competitive parliamentary environment. The tendency of the career politician is to table as many questions as is permissible: research assistants will variously be asked to come up with suitable drafts (see Franklin and Norton 1993). The career politician will try to intervene as often as possible in the chamber and will table early day motions to raise issues. There is also likely to be an allied tendency to attract media attention, not least with frequent press releases and tweets.

All these pressures add up to create a particular burden for MPs. Surveys by the senior salaries review body have shown that, over the decades, the amount of time devoted to parliamentary duties has increased. One study in the 1990s suggested that MPs typically work in excess of a 70-hour week. It is difficult for MPs to keep pace with what is expected of them. Their resources have improved in recent years, and they have been aided considerably by new technology, but the resources have not kept pace with the demands. For many MPs it is a case of running in order to stand still. For others it is a case of slipping backwards. There is a particularly important conflict between trying to find time for constituency work and finding time for dealing with public business in the House (Norton and Wood 1993; Norton 2013: Ch. 11). So long as constituency work takes priority, then the time needed for public business is under particular pressure.

The House under pressure

The fact that MPs work hard for their constituents is something that is frequently acknowledged by constituents. Assessments of the role of the local MP tend to be positive (twice as many people saying the local MP did a good job as the proportion saying the MP did a bad job) and consistent, having shown little change over a number of years. However, the view held by citizens about the House of Commons appears more ambivalent, certainly more volatile, than the

Table 17.1 Levels of satisfaction and dissatisfaction with the way Parliament works

Q. How satisfied or dissatisfied are you with the way that Parliament works?

	Audit 1 (2004)	Audit 4 (2007)	Audit 7 (2010)	Audit 8 (2011)	Audit 10 (2013)	Audit 13 (2016)
	%	%	%	%	%	%
Very satisfied	1	2	1	1	2	2
Fairly satisfied	35	34	32	26	25	30
Neither satisfied nor dissatisfied	27	24	24	33	38	30
Fairly dissatisfied	23	24	25	24	20	23
Very dissatisfied	9	9	13	11	14	11
Don't know	5	7	4	4	3	3
Satisfied	36	36	33	27	27	32
Dissatisfied	32	33	38	35	34	33
Net satisfied	+4	+3	−5	−8	−7	−1

Source: Hansard Society (2016)

views they hold of the local MP. The proportion of people thinking that the House of Commons is doing a good job has varied over the years, sometimes quite substantially. The Hansard Society's annual *Audit of Political Engagement* has found that the proportion of those satisfied constitutes only a minority of those questioned (Table 17.1). The proportion dissatisfied is sometimes greater. The proportion 'very dissatisfied' is consistently higher than those 'very satisfied'. About a third of respondents are neither satisfied nor dissatisfied or do not have a view. The 2016 report revealed that only 32 per cent of those questioned were satisfied with how Parliament does its job. Distinguishing the institution from its members, only 29 per cent were satisfied with how MPs generally do their job (Hansard Society 2016: 62).

What, then, might explain why attitudes towards Parliament are not more positive? The House of Commons has seen major changes in recent decades. Some of these changes, such as the creation of the departmental select committees and the introduction of public bill committees, have reinforced the capacity of the House to fulfil a number of its functions. The creation of the Backbench Business Committee in 2010 has also had a notable effect in terms of the expressive function of the House. The 2016 Hansard Society report found that a majority of respondents – 58 per cent, a notable increase over recent years – agreed that Parliament 'debates and makes decisions about issues that matter to me' (Hansard Society 2016: 25). Yet not many of those questioned thought that Parliament encouraged public involvement in politics and, as we have noted, just under one-third thought that Parliament worked well overall. What, then, may explain this negative perception of Parliament's

effectiveness? The possible explanations may be summarised under the headings of partisanship, executive dominance, the creation of other policy-making bodies, and scandal.

Partisanship

The clash between the parties is a characteristic of British political life. It is a long-standing feature of the House of Commons. There is a perception that, in recent years, it has become more intense. This is reflected, for example, in the nature of Prime Minister's Question Time, where the desire for partisan point-scoring has largely squeezed out genuine attempts to elicit information (see Franklin and Norton 1993). However, perhaps most important of all, partisanship is now more publicly visible. The presence of television cameras means that, in a single news broadcast covering the House, more people will see the House in that broadcast than could ever have sat in the public gallery of the House. Although there is general support for broadcasting proceedings among public and politicians, the focus on the chamber has tended to encourage a negative perception. As the author of a 1999 Hansard Society study of the broadcasting of Parliament noted:

The overwhelming perception of parliamentarians as point-scoring, unoriginal and dogmatically partisan can not be blamed entirely on negative reporting by journalists. If one purpose of broadcasting Parliament was to allow people to judge it for themselves, the low esteem MPs are

held in by the public has not been elevated by ten years of live exposure.

(Coleman 1999: 21)

When people see the House on television, they see either a largely empty chamber – MPs are busy doing things elsewhere – or a body of baying MPs, busy shouting at one another and cheering their own side. That is particularly noticeable at Prime Minister's Question Time. The Hansard Society 2016 report on public engagement with Parliament found that seven in ten adults (69 per cent) thought that there was too much political point scoring, and half of those questioned considered it 'noisy and aggressive' (Hansard Society 2016: 32). For MPs who want to win the next election, supporting their own side in the chamber takes precedence over maintaining public trust in the institution (see Norton 1997: 365). Media coverage exacerbates the problem. As Kevin Theakston and Tim Heppell told a Commons committee, 'The modern media spotlight contributes to the extremely adversarial and gladiatorial nature of the confrontations' (Political and Constitutional Reform Committee 2014: 26). Given that television coverage focuses on the chamber and not on the committee work of the House, the enduring perception that viewers have is of a House of noisy, point-scoring MPs, contributing little new to political debate. The Hansard Society survey found that almost a third of those questioned said that Prime Minister's Questions put them off politics (Hansard Society 2016: 34).

Table 17.2 Perceptions of MPs

Q In general, whose interests do you think MPs put first: their own, their constituents', their party's, or the country's?

	10–11 January 1994	23–26 May 1996	12–17 January 2006	3–6 January 2008[1]	29–31 May 2009
	%	%	%	%	%
Their/his own	52	56	45	55	62
Their/his party's	26	27	28	34	21
Their/his constituents	11	7	9	6	7
The country's	5	5	14	4	5
Other	1	1	1	n/a	1
None of these/don't know	5	4	3	1	4

Note: Base: c. 800–1,600 GB adults aged 18+, except 1 Base: c. 1,070 UK (GB & NI) adults aged 16+.

Source: Ipsos MORI

The activity of MPs appears to contribute to a public perception that, after their own interests, MPs put their party interests ahead of those of their constituents and the country (Table 17.2). By 2009 fewer than one in eight people thought that MPs gave priority to the interests of the constituents and the country.

Executive dominance

There has been a perception of a growth in executive dominance in the UK (see Allen 2001). The effect of this, it is argued, is a greater marginalisation of Parliament. Party dominates the House, and this stranglehold has been exacerbated as more and more power has been concentrated in Downing Street. This perception of executive dominance was marked when Margaret Thatcher occupied Downing Street and was revived under the premiership of Tony Blair and his successors. The extent to which Parliament is marginalised has been the subject of academic debate, but the perception of a peripheral legislature resonates with the public. The MORI state of the nation polls in the 1990s and in 2000 found a growing body of respondents who believed that Parliament did not have sufficient control over what the government does. The annual Hansard Society audit of Political Engagement shows that a minority of those who are questioned believe Parliament holds government to account. The 2016 survey found 43 per cent thought it did – an increase on the proportion the previous year, but below the figure (47 per cent) reported in the 2013 report.

The popular perception during the Blair premiership of Labour MPs slavishly voting as they were told was encapsulated by a *Guardian* cartoon showing a Labour MP holding an electronic voting device displaying two options: 'Agree with Tony [Blair]' and 'Strongly Agree with Tony'. The reality was different, with initial high levels of cohesion being replaced by unprecedented levels of backbench dissent (Cowley 2002, 2005; Cowley and Stuart 2008). Nor was dissent stilled with the return of a coalition government in 2010 – quite the reverse – with dissent by government backbenchers reaching levels not previously recorded (Cowley and Stuart 2012; Norton 2012b; Cowley 2015: 146–54).

However, the perception of executive dominance persists – the Prime Minister governing with little regard to Parliament – and it remains the case that the government will almost always get its way in a parliamentary vote. A defeat of the Blair government in 2005 on the issue of extending detention of suspects without charge was the first in more than 2,000 votes to take place in the Commons since the Labour Government was returned in 1997. There remains a popular view of a House of Commons that it is not calling government to account. The House is seen as weak in the face of a strong executive.

Creation of other policy-making bodies

The capacity of the House to fulfil its functions is undermined not only by executive domination of the House but also by the creation of other policy-making bodies. Even if MPs had the political will to determine outcomes, their capacity to do so is now limited by the seepage of policy-making powers to other bodies, what has been termed the 'hollowing out' of the state. There are three principal bodies or rather three collections of bodies involved: the courts, the devolved assemblies and the institutions of the EU.

The courts acquired new powers as a result of British membership of the EU, the incorporation of the European Convention on Human Rights (ECHR) into British law and devolution. The effect of these we shall explore in greater depth in Chapter 22. Various disputed issues of public policy are now resolved by the courts, which have the power to issue declarations of incompatibility if a public authority contravenes rights under an Article of the ECHR. During the UK's membership of the EU, they have had the power to suspend or set aside British law if it conflicts with EU law. The courts are also responsible for determining the legal limits established by the Acts creating elected bodies in Scotland, Wales and Northern Ireland. The capacity of the House of Commons to intervene or to overrule the courts is now effectively limited.

The devolution of powers to elected assemblies in different parts of the United Kingdom also limits the decision-making capacity of Parliament. Parliament is not expected to legislate on matters devolved to the Scottish Parliament. The Scottish Parliament has been given power to legislate in areas not reserved under the Scotland Act and has also been given power to amend primary legislation passed by Parliament. Legislative powers are also held by the Northern Ireland Assembly, other than for 'excepted matters' (powers that may never be transferred from Westminster) and 'reserved matters' (which may at some stage be transferred). The powers of the Scottish Parliament and the National Assembly for Wales have been extended under the terms of the Scotland Act 2016 and the Wales Act 2017 respectively. The National Assembly for Wales (NAW) has acquired legislative powers. The scope of decision making by Parliament is thus constricted.

We shall return to its legal implications of membership of the European Union in Chapter 22. Membership served to transfer policy competences in various sectors to the institutions of the European Union: they increased in number with subsequent treaty amendments. Other than being able, under the Lisbon Treaty, to challenge a proposal on the grounds that it breaches subsidiarity, Parliament has had no formal role in the law-making process of the EU. It has worked to influence the British minister prior to the meeting of the

relevant Council of Ministers, but – if qualified majority voting (QMV) is employed – the minister could be outvoted. There has been nothing that Parliament could do to prevent regulations having binding effect in the UK or to prevent the intention of directives from being achieved.

Scandal

Throughout the twentieth century there were various scandals involving politicians accepting illicit payments in return for some political favour. In the 1970s and 1980s there was criticism of MPs for accepting payment to act as advisers to lobbying firms or hiring themselves out as consultants. One book, published in 1991, was entitled *MPs for Hire* (Hollingsworth 1991). At the time it was published, 384 MPs held 522 directorships and 452 consultancies. In 1994 the issue hit the headlines when a journalist, posing as a businessman, offered 20 MPs £1,000 each to table parliamentary questions. Two Conservative MPs did not immediately say no to the offer. The story attracted extensive media coverage, and the two MPs were briefly suspended from the service of the House. The subject received a further boost later in the year when *The Guardian* claimed that two ministers had, when backbenchers, accepted money to table questions; one, Tim Smith, promptly resigned as a minister and the other, Neil Hamilton, was eventually forced to leave office. The furore generated by the stories led the Prime Minister, John Major, to establish a Committee on Standards in Public Life, under a judge, Lord Nolan. In 1995 the House accepted the recommendations of the committee about payment from outside sources, though not without opposition from some Conservative Members. MPs went further than the committee recommended in deciding to ban any paid advocacy by MPs: members cannot advocate a particular cause in Parliament in return for payment. Members were also required to disclose income received from outside bodies that is paid to them because they are MPs (for example, money from a company for advice on how to present a case to government). The House also approved the recommendation to establish a code of conduct and appoint a Parliamentary Commissioner for Standards to ensure that the rules are followed. The code was subsequently drawn up and agreed. It is accompanied by a guide to the rules of the House relating to members' conduct.

The effect of the 'cash for questions' scandal was reflected in opinion polls. In a 1985 MORI poll, 46 per cent thought that 'most' MPs made a lot of money by using public office improperly. In 1994 the figure was 64 per cent, and 77 per cent agreed with the statement that 'most MPs care more about special interests than they care about people like you'. Continuing allegations of breaches of the rules after the return of a new government in 1997 did nothing to help Parliament's

reputation (see Doig 2001, 2002). However, what was to precipitate the slump in the reputation in the House of Commons in 2009 was a scandal over MPs' expenses. The House in 1971 introduced an additional cost allowance to assist MPs with maintaining a second home. Initially a modest sum, the amount that an MP representing a seat outside London could claim had reached £24,222 for 2009–10. Though the amount claimable was known, details about claims were not made public. In 2009 details were to be released under the Freedom of Information Act, but *The Daily Telegraph* got hold of advance and unexpurgated copies of the claims made by MPs and published details over a number of weeks. Publication of details of some of the claims – most prominently for a duck house, clearing a moat, in two instances claiming for mortgages that had already been paid off and in another claiming for, even though not having, a second home – led to a public scandal (Winnett and Rayner 2009; Bell 2009; vanHeerde-Hudson 2014). There was public dissatisfaction with the ease with which MPs could claim money for a whole range of items (furniture, household goods and repairs, food), often without receipts, and, in effect, supplement their salaries. The scandal led to the police investigating the actions of some MPs (such as those claiming to cover non-existent mortgages) and to the Speaker of the House of Commons, Michael Martin, resigning. He had resisted attempts to make public details of the claims and was the target of much of the criticism of how the House had responded to the crisis. Several MPs who had made claims that attracted particular public opprobrium announced that they would not be seeking re-election; some Labour MPs were brought before a party 'star chamber' and told that they would not be permitted to stand again as Labour candidates. The Government achieved enactment of the Parliamentary Standards Act 2009, transferring responsibility for policing and paying allowances to an independent body, the Independent Parliamentary Standards Agency (Hine and Peele 2016: Ch. 5). The Committee on Standards in Public Life was given responsibility for making other recommendations to address the problem. The public reaction was unprecedented in living memory. Gordon Brown described it as 'the biggest parliamentary scandal for two centuries' (Winnett and Rayner 2009: 349). It served not to destroy trust in parliamentarians, which was already low, but rather to reinforce it (see Hansard Society 2010: 3; Fisher and vanHeerde-Hudson 2014; Norton 2017). All MPs were essentially tarred with the same brush. As Tony Blair recorded (quoted in Riddell 2011: 27):

As ever with such an outpouring of outrage, the innocent or the mildly stupid have been executed along with those who really did cross the line. It is a real shame that no one stuck up for the MPs. Instead, everyone competed in condemnation of them.

Despite the introduction of new procedures, claims of misuse of office for financial benefit have continued (Williams 2016), along with popular perceptions that MPs are paid too much. A YouGov poll in 2013 found that two-thirds of those questioned thought that MPs should be paid less.

Pressure for change

These variables combine to produce a House of Commons that is under pressure to restore public confidence and to fulfil effectively the functions ascribed to it (Norton 2017). There are various calls for reform of the House in order to address both problems. However, there is no agreement on what should be done. Even in the wake of the scandal over MPs' expenses in 2009, not all those demanding reform were agreed on the scale of the problem, and they came up with very different proposals for reform.

There are, put simply, three principal approaches to reform. Each derives from a particular perception of the role of the House of Commons in the political system. They can be related very roughly to the three types of legislature identified at the beginning of the chapter.

1 *Radical:* The radical approach wants to see Parliament as a policy-making legislature. Parliament is seen as weak in relation to the executive – and is seen to be getting weaker. Reform of the House of Commons within the present constitutional and political framework is deemed inadequate to the task. Without radical constitutional reform, the House of Commons will remain party-dominated and under the thumb of the executive. To achieve a policy-making legislature, the radical approach not only supports reform within the institution but also wants major reform of the constitution in order to change fundamentally the relationship between Parliament and government. Such change would include a new electoral system as well as an elected second chamber. As such, this radical approach can be seen to fit very much within the liberal approach to the constitution (see Chapter 14). The most extreme form of this view advocates a separation of powers, with the executive elected separately from the House of Commons. Only with radical reform, it is argued, can high levels of public trust in Parliament be achieved.

2 *Reform:* This approach wants to strengthen the House of Commons as a policy-influencing body, the onus for policy *making* resting with government but with the House of Commons having the opportunity to consider policy proposals in detail and to influence their content. As such, it falls very much within the traditional approach to constitutional change (see Chapter 14), although it is not exclusive to it. Traditionalists, for example, can find common cause with adherents to the socialist approach

in respect of some reforms. Even adherents of the liberal approach will support reform, although arguing that it does not go far enough. (For traditionalists, reform is both necessary and sufficient. For liberals, it is necessary but not sufficient.) Reformers favour structural and procedural changes within the House. They want to strengthen committees. They want more time for legislative scrutiny. Reducing the size of the House was also seen as making more efficient use of resources, not least through reducing the pressure created by members themselves. The sorts of reforms that are advocated are listed in Table 17.3. Crucially, given the collapse in trust in the Commons, they also want to enhance the relationship between Parliament and the public. This is arguably the most challenging aspect of reform. The public tend to view politicians through their public individual behaviour rather than through the collective work of the Commons in challenging government. The task of connecting more with the public is especially challenging, given that it is difficult for the House of Commons as such to act swiftly in response to scandal. The House is the sum of its parts – that is, its members – and there is no one individual who can speak for the institution. The Speaker is the closest, but there are other leadership positions in the House, and coordinating responses to public criticism can take time. Much thus depends on Members adopting a more proactive stance in response to criticism and seeking to lead by example. Given the partisan pressures, coming together as a unified body is a challenge (Norton 2017). For reformers, the challenge is to get Members to accept that they are part of the problem and that a behavioural change is part of the solution. In procedural terms, there is an emphasis of introducing means of enabling members of the public to make their views known – for example through e-petitions and online consultations.

3 *Leave alone:* This approach, as the name suggests, opposes change. It is the stance of a High Tory (see Chapter 14)

although it is not exclusive to the High Tory approach. Some Labour MPs have opposed reform, wanting to retain the chamber as the central debating forum. Those who support this stance stress the importance of the chamber as the place where the great issues of the day are debated. Committees and greater specialisation detract from the fulfilment of this historical role, allowing MPs to become bogged down in the detail rather than the principle of what is proposed by government. Providing MPs with offices takes them away from the chamber. Although not quite envisaging a House with little or no policy effect, advocates of this approach see the role of the House as one of supporting government. They emphasise that there is no great public demand for change, with scandals such as those of MPs' expenses in 2009 constituting, in their view, essentially transient and ultimately marginal events. Most people want a government that can govern, and the House of Commons is there to support that government in carrying out the programme it laid before the electors.

For radicals, the contemporary emphasis on constitutional reform gives them hope that their stance may be vindicated. The creation of new elected assemblies in Scotland, Wales and Northern Ireland will, they hope, act as a spur to radical change in England. Not only do these parts of the UK have their own elected assemblies, they also have electoral systems that are different to that employed for the House of Commons. With the use also of different electoral systems for the Greater London Assembly and the European Parliament, the House of Commons remains the only legislative body in the UK elected by the first-past-the-post system. Those who adopt this radical stance view electoral reform as a crucial mechanism for revitalising the House of Commons. The campaign took a knock in 2011, with the rejection of the Alternative Vote (AV) in a national referendum, but they argue that this does not affect the campaign to introduce a system of proportional representation.

Table 17.3 Reform of the House of Commons: proposals to strengthen the House

- Make pre-legislative scrutiny the norm by publishing most bills, before their introduction into Parliament, in draft form and allowing select committees to study them.
- Create more time in public bill committees for consideration of evidence.
- Introduce a committee on legislative standards.
- Provide a systematic means for post-legislative scrutiny by Parliament.
- Make greater use of online consultations for select committee inquiries.
- Give each investigative select committee a research budget.
- Give select committees the power to summon ministers.
- Create new procedures for examining delegated legislation and give the House the power to amend statutory instruments.

For reformers, reform constitutes a practical as well as a desirable option. They point to what has happened in recent years as well as to various reform tracts identifying the case for further change. The introduction of the departmental select committees in 1979 showed what could be achieved in strengthening Parliament as a policy-influencing legislature. Further reforms have been carried out since 1997. These have included the creation of the 'parallel chamber' in Westminster Hall, the creation of public bill committees, the election by the House of chairs of select committees, the creation of the backbench business committee and the appointment of a petitions committee to consider petitions from members of the public. Both the Backbench Business Committee and the Petitions Committee are able to trigger debates, independent of the Government. More modest changes have included the introduction of payment for those who chair both select and public bill committees.

Reformers want to see more significant changes. The years since 2000 have seen the publication of various reform tracts (Commission to Strengthen Parliament 2000; the Hansard Society Commission on Parliamentary Scrutiny 2001; the Hansard Society Commission on the Communication of Parliamentary Democracy 2005; Meacher 2015). There have been reports from the Modernisation Committee, the Reform of the House of Commons Committee (the Wright Committee) in the Commons and the Constitution Committee in the House of Lords. The Constitution Committee's report, *Parliament and the Legislative Process* (2004), advocated not only reform of the legislative process, but also more extensive pre-legislative and post-legislative scrutiny. The report has led to the introduction of post-legislative review as a standard procedure, with most Acts to be reviewed three to five years after enactment.

Those who want to leave the House of Commons alone take heart from the fact that they frequently succeed, not least by default (see Norton 1999b). Many ministers are not too keen on any significant reform that will strengthen the capacity of Parliament to criticise government or prevent it having its way. They want Parliament to expedite government business, not have it delayed. Robin Cook, when he was Leader of the House (2001–3), had notable difficulty in carrying his colleagues with him in pursuing a reform agenda. The whips have proved reluctant to see change. Also, MPs – once a parliament is under way – become too tied up with the day-to-day demands of constituency work and public business to stand back and address the issue of parliamentary reform. The 'leave alone' tendency may not be strong in its advocacy but can be quite powerful in achieving the outcome it wants.

Parliamentary reform has been a feature of debates over the past 40 years. However, the problem in achieving reform is the classic one. Most MPs are elected to support the party in government. At the same time, they are members of a body

that is supposed to subject to critical scrutiny the very government they are elected to support. Are they going to vote to strengthen the House of Commons if the effect is to limit the very government they were elected to support? The options are not necessarily mutually exclusive – reformers argue that good government needs an effective Parliament – but perceptions are all-important. If ministers think a strengthened Parliament is a threat, will they not be inclined to call on their parliamentary majority to oppose it? In those circumstances, backbenchers may have to choose between party and Parliament. Some recent reforms have been important, but none challenges the basic capacity of government to get its way. At the end of the day, the government achieves passage of its measures.

Explaining parliamentary power

As is apparent from the data in Table 17.1, as well as the demands for reform made by observers and many politicians, there is a widespread perception that Parliament is not doing as good a job as it should be doing. The House of Commons is seen by many as weak in the face of executive dominance. Yet Parliament has survived for several centuries; it is at the heart of our political system. Just how powerful is it? On the face of it, not very, yet much depends on how power is defined. There are different approaches. The three principal approaches derive from explaining the capacity to affect outcomes in terms of observable decision making (the pluralist approach), non-decision making (deriving from elite theory) and institutional constraints (Norton 2013: Ch. 1).

Decision making

This approach focuses on how issues are resolved once they are on the political agenda. Once a government brings forward a proposal, what difference does Parliament make to it? Does the measure emerge in the form in which the government introduced it or at least in the form it wants it? From this perspective, Parliament exercises some power, but it is limited. Parliament has the coercive capacity to say 'no' to government. If MPs vote down a bill, then it cannot proceed. Government may also seek parliamentary approval for other action, including now the deployment of British forces in action abroad. However, as we have seen, the use of this coercive capacity is rare, though it is not non-existent. In 2013, for example, the Coalition Government under David Cameron was defeated, by 285 votes to 272, on a motion approving military action in Syria (Norton 2015a: 178–9).

MPs also have a persuasive capacity: that is, they may induce government not to proceed with a measure (or to change it) even though it has the option of proceeding. Ministers may be persuaded by the force of argument, by a desire to maintain goodwill on the part of their own supporters, by the desire to avoid embarrassing publicity (the public appearance of a divided party) or by the threat of defeat. Even with large majorities in the 1997 and 2001 parliaments, Labour ministers occasionally made concessions to their own backbenchers. Thus, for example, Jack Straw as Home Secretary made changes to the Criminal Justice (Terrorism and Conspiracy) Bill as well as to the Immigration and Asylum Bill in order to assuage the criticisms of Labour MPs (Cowley 2002: 32, 52–4). When one Labour MP who opposed provisions for incapacity benefit embodied in a welfare bill went to see the then Social Security Secretary, Alistair Darling, he was asked, 'What's your price?' (Cowley 2002: 47). This persuasive capacity became more pronounced in the 2005–10 Parliament, when – with a reduced overall majority – the threat of defeat became more potent. It was also pronounced in the parliament returned in 2010. In July 2012 the Government decided not to move a timetabled motion for the House of Lords Reform Bill, fearing that a combination of the Opposition and Conservative MPs opposed to the bill would have resulted in it being defeated. Recognising that they could not impose a timetable, and that opponents would talk at length on the bill, the Government decided not to proceed with it (Norton 2015b: 480–1).

Conversely, backbench pressure may persuade Government to act. The coalition government was not persuaded of the case for a referendum on Britain's continued membership of the EU and a whip was imposed to oppose a private member's motion calling for one. However, given the scale of support for the motion among Tory MPs, the Prime Minister, David Cameron, decided in future to support one (Norton 2015b: 485) and in the 2015–7 Parliament achieved passage of the European Referendum Bill providing for such a referendum. Similarly, in the 2017 Parliament, when the Government was dependent on the support of the Democratic Unionist MPs and on unity among its own MPs, the threat of dissent by some of its own backbenchers led to it announcing it would fund abortions for women who came to England from Northern Ireland, where abortion was still restricted.

MPs thus have the capacity to affect the outcome of measures, but that capacity is extremely limited. Most bills will clear the Commons in the form they were introduced or at least in the form preferred by government. Amendments made in response to backbench pressure – or from members of other parties – are few and far between. Concessions are occasionally offered in order to ensure that enough MPs are prepared to vote for the bill. Ministers generally opt for the minimum they can get away with in terms of concessions; in the 1997–2001 parliament, for example, negotiations 'rarely yielded anything that discontented backbenchers wanted' (Cowley 2002: 180). The House of Commons *can* make a difference, perhaps more so than is generally recognised. Ministers may agree to review a measure or change some rules (see Thompson 2015) and occasionally the difference is significant and high profile, as on the House of Lords Reform Bill. However, on the whole, especially when the Government has a substantial overall majority, the impact is usually at the margins. From this perspective, Parliament is not a particularly powerful body and certainly not as powerful as many would wish it to be.

Non-decision making

Non-decision making is the capacity to keep certain things off the political agenda. The pluralist, or decision-making, approach is concerned with outcomes once an issue is on the agenda. The elitist, or non-decision making approach, focuses on how issues get on to the agenda in the first place. Non-decision making is when an issue is kept off the agenda. In elite theory, there is a body that acts as a gatekeeper, ensuring that certain fundamental matters never become the subject of political debate. Parliament is not seen as part of such an elite, but the concept of non-decision making is relevant in so far as it relates to anticipated reaction. An issue may be kept off the political agenda because those responsible for agenda setting realise that it would encounter significant and possible fatal opposition. There may be occasions, therefore, when the government decides not to bring forward a bill because it does not believe it could get it through Parliament. On occasion, the adverse reaction may be so obvious that ministers do not even need to discuss it. As a consequence, there are obvious problems in detecting instances of non-decision making. There have been cases, though, where a government has been known not to proceed with a measure because of anticipated reaction. When she was Prime Minister, Margaret Thatcher once said that she had not been as radical in economic policy as she would have liked: the reason, she said, was because she would not have been able to get the approval of Parliament. That may have been a post hoc rationalisation for not being more radical rather than the actual reason, but it points to the potential power of Parliament.

Anticipation of how MPs may behave thus has some influence on government. It is a feature not confined to the UK. As Cox and Morgenstern (2002: 446) have observed, 'the venerable "rule of anticipated reactions" makes even primarily reactive legislatures . . . relevant'. If government becomes too extreme, then Parliament may act to constrain it. Knowing that, government avoids the extremes. As such, Parliament is powerful, though the number of occasions when ministers have actually contemplated introducing a measure but then decided not to because of anticipated parliamentary reaction is likely to be very small. Given the problems of identifying non-decision making, that can only be surmised, but the existence of overall majorities for government and the willingness of MPs to vote loyally with their party make it plausible.

Institutional constraints

The institutional approach is not so much concerned with the substance of a measure but rather with the institutional structures and norms that determine how an issue is resolved. Here the concern is not with how MPs behave – whether they vote for a bill or not – but with the rules (and the acceptance of those rules) that determine how a bill becomes law. However large the government's parliamentary majority, it cannot simply get all the measures it wants passed by Parliament within a matter of days or weeks. Each bill, as we have seen, has to go through a set procedure. There are several stages each bill has to go through and there are gaps between each stage. As we have seen, there is limited parliamentary time available. The finite number of MPs available to serve on public bill committees may be seen as a problem for Parliament but it also limits the number of bills that can be considered at the same time. Government thus has to consider which bills it wishes to introduce each year. There is not sufficient parliamentary time to deal with all the bills it would like to introduce and only a minority of bills put forward by departments will be introduced in a particular session. Even then, there is the problem of miscalculation and a bill may not get through in the time available. A bill is more likely to fail because of misjudgements about timing (or previously the calling of a general election, prematurely bringing a parliament to an end) than it is because MPs have voted it down.

From this institutional perspective, Parliament is a notably powerful body. For bills to become law and be enforced by the courts, they have to be assented to by Parliament. There is no alternative process. The parliamentary *process* is thus crucial, and that process is governed by a large body of often complex rules. The book embodying all the rules and precedents, known as *Erskine May* (the name of the clerk who first produced it in the nineteenth century), runs to more than 1,000 pages. Though the House of Commons is master of its procedure, and the government could use its majority to change the rules (and sometimes does), it cannot embark on wholesale change. Ministers are not procedural experts – they rely on the clerks, who are politically neutral – and the House proceeds on the basis of a common acceptance of the rules. There is a general acceptance that government is entitled to get its business done and the Opposition is entitled to be heard.

Parliament thus functions on the basis of a consensus on the rules. If government tried to manipulate the rules excessively in its favour, opposition parties may refuse to continue playing by those rules. There is thus what has been termed an 'equilibrium of legitimacy' (Norton 2001a: 28), each side accepting the legitimacy of the other in what it seeks to do. That acceptance allows the process to function effectively. It is an acceptance that underpins the institutional power of Parliament. It is an acceptance that shapes ministers' behaviour. Bills have to be drawn up in a particular form for introduction to Parliament. Ministers are not only drawn from Parliament – and remain constituency MPs – they also have to appear in Parliament to justify their measures and their policies and to answer MPs' questions. There is no legal requirement for ministers to turn up at Question Time to answer questions, but the accepted rules of procedure ensure that they do. Whether they like it or not, Parliament shapes what they do. As an *institution*, Parliament is a powerful body.

Chapter summary

The capacity of the House of Commons to carry out its functions has been the subject of criticism for many years. Those criticisms have become more strident as the demands on MPs individually and collectively have increased. Some politicians see no need for change. Others advocate reform of the House, some through radical constitutional change, others through reform from within the institution. The debate itself takes place within a particular perspective of what constitutes power. Viewed from an institutional perspective, the House remains an essential and entrenched element of the British polity.

Discussion points

- Will reforming the practices and procedures make any difference to public perceptions of the House of Commons?
- What should be done to restore public confidence in the House of Commons?
- Which approach to reform of the House of Commons is the most persuasive?
- How powerful is the House of Commons?
- What would you do with the House of Commons – and why?

Further reading

A critique of Parliament's scrutiny of the executive is to be found in Weir and Beetham (1999). On parliamentary reform since 1900, see Kelso (2009). On proposals for reform of the House of Commons, see the Commission to Strengthen Parliament (2000); Norton (2001b); the Hansard Society Commission on Parliamentary Scrutiny (2001); the Constitution Committee of the House of Lords (2004); Brazier (2004); the Modernisation Committee of the House of Commons (2006, 2007); the House of Commons Reform Committee (2009); and Meacher (2015).

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Useful websites

Parliamentary websites

Parliament: www.parliament.uk

Register of Members' Interests: www.publications.parliament.uk/pa/cm/cmregmem.htm

Other websites

Independent Parliamentary Standards Authority (IPSA): www.parliamentary-standards.org

Committee on Standards in Public Life: www.public-standards.gov.uk

Commission to Strengthen Parliament (the Norton Report): www.conservatives.com/pdf/norton.pdf

Constitution Unit, University College London: www.ucl.ac.uk/constitution-unit/research/parliament

Hansard Society for Parliamentary Government: www.hansard-society.org.uk

Ipsos MORI: www.ipsos.com/ipsos-mori/en-uk

Unlock Democracy: www.unlockdemocracy.org.uk

YouGov: https://yougov.co.uk