



Making Parliament Work for People

Speech by Rt Hon Hilary Benn MP (Shadow Leader of the House of Commons) to the Hansard Society: 11th May 2011

I am very grateful to the Hansard Society for providing me with this opportunity to speak about the future of Parliament and of our politics. It is an honour to be hosted by an organisation that for more than 60 years has done so much to uphold the ideals of our parliamentary system of government and to ensure that democracy is safeguarded – a task that was as yet unfinished in 1944 when the Society was founded.

Six days ago, we had the first national referendum in 35 years. Ostensibly about the voting system, it was for many

of us a chance to change the nature of our politics. Unfortunately that did not happen, and both campaigns played their part in that outcome. The truth is that the public were not persuaded that AV was the answer to the problems of our politics, and we have to respect their verdict.

For my sins I have fought thirteen elections as a candidate. And the outcome of the most recent of these has given me more of a chance to reflect upon the workings of Parliament and its relationship with our wider political life. They should not be seen as separate – although too often they are – because for our politics to work effectively we need our Parliament to do the same.

We all know that Parliament and politicians have had to work hard to restore the trust lost in the expenses scandal – it was the closest I have seen this place come to a collective nervous breakdown. It forced us to take a long, hard look at ourselves. Tomorrow we will debate IPSA again. I support an independent and transparent system – publication is the best safeguard - but I share the sense of frustration that many Members feel, despite the outcome of the recent review, that the organisation is still too expensive and by its bureaucracy it makes life difficult for Members rather than helping them to do their job. That

needs to change but I do not believe that the motion on the order paper tomorrow is the way to do it. Indeed, given all that is going on at the moment, the public would find it extraordinary if Parliament were now to demand time to debate a whole new system, when it's the existing system that needs to be sorted out.

I support a power of recall for cases of serious financial wrongdoing, but it can't be a means of hauling back MPs to face the electorate when people don't like what they have said or how they have voted. We have the means to do that already. It's called a general election and that's where that decision should be made.

The truth, however, is that we were in trouble as an institution long before the recent crisis. That the national audit of political engagement in 2010 found that only 19% of people felt that Parliament is working for them was revealing, and as Ruth Fox put it:

“ If members of the next Parliament fail to renew the legitimacy of representative democracy, to demonstrably change the culture and conduct of Westminster politics, to restore the standards of public services, and to enhance the reputation and relevance of Parliament and the politicians who serve in it, then it is the subsequent

general election in 2014 or 2015 that could prove to be the true watershed.”

Ruth was right to speak with urgency, so I want to begin with what has changed in Parliament.

The last 12 months have seen the arrival of coalition government which has changed our politics, the dynamics in the Chamber, and the nature of collective cabinet responsibility in a number of unusual ways. All this has happened at the same time as significant reform, and we should express our thanks to those who have worked so hard to bring this about, in particular the former and current Leaders of the House, Harriet Harman and Sir George Young, and Tony Wright and the members of his Committee.

It really has been a Wright revolution. The direct election of Chairs and members of Select Committees has taken power away from the parties and put it in the hands of MPs. It has asserted the principle of independent scrutiny of the Executive. Select Committees should be a powerful voice, and their membership should not be controlled by those they oversee. Looking back, what is surprising is that it took us so long to realise this.

There are now also more urgent questions granted - thanks to the Speaker. There are few things that concentrate your mind more as a Minister than being summoned to the Chamber at short notice to explain yourself.

The Speaker has also called more Back Benchers to ask questions, and all of these changes have helped to re-invigorate the Chamber.

But for me, the most significant change of all has been the creation of the Backbench Business Committee.

One view of history suggests that the Executive grabbed control of time at some point in the 17th century and has largely determined what is debated ever since. In fact, it was at the end of the 19th century that Arthur Balfour, frustrated by the problems that the Government faced in getting its business considered, managed to persuade MPs to agree to give Government business precedence at every sitting unless otherwise provided. Balfour's reforms were known as his 'railway timetable' and they certainly ensured that Government business has arrived reasonably on time ever since.

In Parliament, time equals power, and the setting up of the Backbench Business Committee and the allocation of days

at its disposal has given backbenchers the chance to determine what we debate, how we debate it and whether it is put to a vote.

Natascha Engel has shown great skill in the way in which she and the Committee have seized this opportunity. Each week they invite MPs to come and say what it is they wish to discuss. One consequence is that we now have the means by which Early Day Motions and petitions that attract a lot of support can be found time for debate.

Although we are still getting to grips with all of its possibilities, it is already a profound change. Two occasions illustrate this. The first was the Backbench Committee's debate on contaminated blood, in which there was a vote. The Government had to sit up and take notice. The second was the debate on voting rights for prisoners, part of which was carried live on the news channels, not something we see very often.

Why is the creation of the Committee of such importance? Because by removing Government's control of time, it has also taken away its ability to control what we debate. In particular, it means that progress on parliamentary reform will no longer depend on the Executive finding time or expressing support.

So as Greg Knight's Procedure Committee comes up with proposals – for example, its recent report on Ministerial Statements – or ideas come from the Liaison Committee or Graham Allen's Political and Constitutional Reform committee, it is the existence of the Backbench Business Committee that now gives us the means to debate further changes, frame proposals and decide upon them. Voting is a wonderful way of reconciling the apparently irreconcilable, and we should be willing to try things out. As the Deputy Prime Minister argued last week, in a different context, doing so is “entirely rational”.

The Wright Committee was able to achieve all of this by force of argument and circumstance. It seized the opportunity, provided leadership and gave us that “sense of ownership and responsibility” it talked about. Looking back, it is a mystery how the House came to cede to the Executive control over making Parliament more effective, but I don't think it will happen again.

So far so good, but there is more to do and now is the time to do it. On 3rd February this year, Caroline Lucas secured a debate on Parliamentary Reform in Westminster Hall. There was an impressive turn out, with contributions from Members, new and experienced. For me, what ran like a thread through all the speeches that afternoon was a

passion for Parliament because of what it can do for the people we represent, and an enthusiasm and an energy for change that makes it seem within our grasp.

Now, of course, there always has been - and always will be - some reluctance to do things differently. When I suggested recently that a Member wanting to resign from the House should simply be able to write to the Speaker and say, "I hereby resign", the Leader of the House – whose reputation as a reformer goes before him - chided me slightly by saying that the Chiltern Hundreds had stood us in good stead for some 260 years and the Government was not inclined to change the system now.

I was disappointed by that response because “we've always done it this way” is a history lesson not an argument. We should listen to the case, hear the different views and then take a decision.

So where now ? I want this evening to talk about five things:

- how we use time;**
- the process of legislation**
- the reform of the House of Lords**
- the balance of power between the legislature and the executive; and**

- **how we can better connect what we do here with what people want from us.**

Firstly, time.

It is precious precisely because there is not enough of it, and much of the debate about how we work is, in fact, about how we use the hours we have available.

We should get on with the establishment of the House Business Committee, as envisaged by Wright, because it is the logical consequence of the changes we have already made. Now that Government has shared control of time with backbenchers, representatives of both should meet, together with the opposition, to divide business up. And given the number of times the Leader of the House now says at Business Questions "that's a matter for the Backbench Business Committee", I half wonder whether in the interim we shouldn't have questions to the Chair of that Committee too.

On programming, it is clearly sensible in principle as a means of allocating time, but the way it is done must acknowledge the essential deal. The Government gets to know when its legislation will emerge and the opposition gets to shape what's debated. And with fixed term Parliaments on the way – subject to what the House of

Lords decides - it should be easier to allocate time, especially with greater use of carryover.

As MPs we have to balance our constituency responsibilities with our job here in holding the Government to account and scrutinising legislation. Both workloads have got bigger in the past fifty years and both are important. The help we give our constituents is one of the most important ways in which people see that politics has a connection with their lives. But it does mean that we must better help MPs to balance these demands, particularly as our constituencies get bigger and expectations continue to rise.

One step we should take is to change Parliament's sitting hours. I favour a return to an 11.30am - 7pm sitting on a Tuesday, but I would combine this with another reform.

The current pattern of the sitting week makes it difficult for MPs who want to promote legislation. To go through second reading, an opposed Private Member's Bill has to have 100 Members in the House to support it. And yet, at present, Private Member's Bills are debated on a Friday when a large majority of MPs are in their constituencies.

I think it's wrong that Members should have to make a choice between their constituency responsibilities and

considering this legislation; nor do I think that those present should be able to talk out Private Member's Bills.

If, however, we moved Private Members' Bills to a Tuesday, and possibly, a Wednesday evening, then more Members would be here. It would also deal with the argument against earlier sitting hours of those who complain the place would become a ghost town after 7 o'clock in the evening. Fridays could then be used for more adjournment debates, or left clear.

There are other ways in which we can make more effective use of the time we have. Westminster Hall has been a great success. It has created more opportunities for backbenchers to raise matters, and I support the Procedure Committee's proposals on ministerial statements, including allowing Westminster Hall to be used to question Ministers on written statements.

On the way in which we vote, we have already made some changes and there are others things we could do, like for example providing greater certainty about when votes will take place, the use of deferred divisions and recording abstentions. But having looked closely at the proposal for electronic voting in the lobbies, I am not convinced that it would save much time in practice.

Lastly, we need to give time for Select Committees to put their work, and their ideas, directly before MPs on the floor of the House.

Secondly, legislation.

With the benefit of some ministerial experience, I can say that Governments of all colours do not always produce perfect legislation. The notion that Ministers should launch the draft they have prepared and then repel all boarders, wherever they come from, is a nonsense. The process of scrutiny - pre-legislative, in Committee and after the event - is just as important as the process of drafting because it results in better laws, which surely is what we want. It tests the basis of legislation. It highlights weaknesses and gaps. And it identifies things that nobody had thought of.

I am a strong supporter of well-drafted Bills but I am not persuaded by the proposals from the Better Government Initiative and others that there should be a committee mechanism with the power to stop Bills before they start on the grounds that they are not up to scratch. An L committee – as we called it – that is doing its job should have this task, but ultimately decisions about what Bills to bring forward have to be political and not technocratic.

I agree with the Hansard Society that pre-legislative scrutiny ought to be the norm for most legislation. I cite in evidence the Health and Social Care Bill that is currently in a unique state of parliamentary suspension as coalition ministers argue about what should be in it.

It is an unusual example of inter-legislative scrutiny, but how much better it would have been to have paused for reflection when the Bill was in draft rather than part way through its journey through the House.

I accept that there has to be some leeway on this, particularly for new Governments which understandably want to get on with things relatively quickly. However, Bills which have not been subject to pre-legislative scrutiny should be subject to a mandatory select committee stage.

Another reform which would make best use of time would be to have split committal of constitutional bills. Traditionally, constitutional bills are considered on the floor of the House, but they can take up a huge amount of time. With split committals, we could decide on the most important parts of the Bill - to be discussed on the floor - while other parts would go to committee. The House Business Committee could deal with this and be the means by which there is a discussion with Government about the form of scrutiny a Bill should receive.

Select Committees should be allowed to table amendments to Bills, as recommended by the Procedure Committee, and I hope we will get the chance to agree this soon.

I would also make it a requirement for those tabling amendments to explain what effect they would have.

We have previously experimented with such a change, but not everyone offered an explanation. I would simply make this an enforceable rule rather than a guideline by saying that anyone who wants to table an amendment must offer an explanation or it will not be considered.

We should also have Keeling-like schedules - lists of amendments and changes made to Bills - that reproduce the provisions of the earlier measure and show the effect of the amendments. This should become a standard part of the explanatory notes to Bills so that it is easier for MPs and the public to follow the history and understand how they have been amended.

I also agree with those who say that we should have more of a chance to vote on amendments, and not see them slip off the edge of the Order Paper.

The other significant change we ought to consider is standing legislative committees.

Now, of course, with one-off bills, this would not be possible, but in areas where we have legislation year after year – such as the Home Office or Health - it would be. At the moment we have a huge degree of expertise built up in Select Committees, but this is not necessarily available to Bill committees covering the same area of policy.

And as the recent case of Sarah Wollaston demonstrated, knowing a lot about the subject doesn't always recommend a Member to those who determine membership!

One way of setting up such committees would be to have explicit cross membership between the standing legislative committee and the select committee, and while I accept that there would be implications for workload, depending on the volume of legislation in that area, we should be able to find a way through.

The third issue I want to raise is a significant piece of unfinished business - reform of the House of Lords – where it seems that the publication of the draft Bill is imminent. The case for this remains overwhelming although we have to learn the lessons of the referendum we have just had. I think this reform is part of the answer to how we renew our politics, and it needs to be seen as

such as well as in the context of the last Labour Government's record on constitutional change.

Some people seem to want to forget that before 1997 there was no Parliament in Edinburgh or Assembly in Cardiff. London didn't have a Mayor. Hereditary peers still held the balance of power in the House of Lords. Proportional representation was confined to the Continent. There was no Freedom of Information Act. And the Human Rights Act had not been incorporated into UK law.

We started the process of House of Lords reform. Our House of Lords Act 1999, which removed most of the hereditary peers, was the most substantial change to the upper House in nearly a century, so the argument that we did nothing when we were in Government is just plain wrong. We enabled the House of Commons to vote on degrees of election, and the House responded by voting for both 80% and 100%.

Our 2008 White Paper, "An Elected Second Chamber: Further Reform of the House of Lords" set out a way forward that had been worked through with all parties. And our manifesto at the recent General Election was clear:

"We will ensure that the hereditary principle is removed from the House of Lords. Further democratic reform to

create a fully elected Second Chamber will then be achieved in stages..... We will consult widely on these proposals, and on an open-list proportional representation electoral system for the Second Chamber, before putting them to the people in a referendum.”

The Labour Party is firmly committed to a 100% elected House of Lords, and therefore what we will look for in the Government's Bill is whether it provides for a wholly elected second chamber.

This is an issue of principle and must not become one of tactics. At a time when people are taking to the streets across the Middle East and North Africa demanding to have a say in who represents them, how could anyone contemplate reforming our system on any other basis than full democracy?

This Bill will be an early test of the Liberal Democrats' new-found determination to say what they think in public, as the coalition determines its policy. We will all be watching to see whether they stand up for a wholly elected second chamber.

The other two areas where we have a different view is the electoral system – we favour proportional representation with an open list – and in due course, we want a

referendum to seek public support for reform of the House of Lords and to provide an unanswerable mandate.

The other issue of substance is what powers a reformed House of Lords should have ? How should we deal with the conventions that currently govern the relationship between the two chambers and should they be codified ? I favour the second chamber continuing to revise and to scrutinise as part of a system of checks and balances, while recognising that the first elected Chamber should ultimately have its way.

How the Government plans to approach all of these important matters in its Bill will be critical in determining its progress.

Fourth, there is the relationship between the legislature and the executive.

That balance has over many years tilted too far in favour of the Executive. We have begun the process of redressing it – not least by giving backbenchers the opportunity to find their voice - and the further changes I have outlined tonight would help continue that process.

An important symbol of change that has happened is matters of war. It is now inconceivable that any Government would commit our forces to armed conflict

without a parliamentary debate and vote, save in the most urgent and exceptional of circumstances.

When it comes to treaties, there are still some gaps as the recent case of the defence co-operation treaty with France illustrated. Parliament should not have heard second hand after the French Government and the British media.

I believe that we should restore parliamentary Commissions of Inquiry, which the Hansard Society rightly suggests, would reinstate a valuable bulwark against executive dominance. We would need, however, safeguards to prevent them from being used for party advantage.

On public appointments, the Institute of Government has recently recommended that Parliament should have more say in them, with full control over the appointments process for the Comptroller and Auditor General, the Parliamentary Ombudsman and the House of Lords Appointments Commission, and a significant role in the appointment of around 25 other public jobs.

I have a lot of sympathy with this argument, and we should debate the issue.

And on other areas - the scrutiny of expenditure and of Europe – we should draw on the considerable experience

we have gained - including dealing with a very different system in Brussels in which ministers act as legislators - and review how both of these functions are performed.

Ultimately, this relationship is about the balance of power. Parliament's job is to represent, to scrutinise, to legislate and not to allow the executive to dominate or to take the House for granted. That's no good for any of us in the long term, however convenient it may be for the Government of the day.

It is also about MPs having the freedom to speak out.

The historic right of privilege is there for a very good reason. Nothing should interfere with the right of constituents to talk to their MP or with the right of MPs to say what they think without fear or favour.

When the draft Bill on Parliamentary Privilege appears, I for one will be scrutinising it very carefully to see whether it upholds these fundamental freedoms of ours.

Finally, I want to address the issue of trust and confidence in politics and how, as elected representatives, we can overcome the low opinion that so many seem to have of so few.

Ed Miliband summed up the problem in January:

“We all know politics is too remote from people’s lives, and that needs to change. We need to be in touch with people, and to understand people’s concerns and aspirations for the future.”

Relationships are very difficult to make a success of if there is not trust between individuals. The same is true of government. And in the world of today and of tomorrow, this will become increasingly important because without it government will become increasingly difficult.

So why is there such a lack of confidence in politics, when we need – as you said on the Today programme yesterday Peter - “a degree of trust and understanding of what our politicians are doing” ? Why is politics sometimes seen as a strange activity practised by people who are separate from society, instead of being seen as a natural part of it?

I am not sure that this tells the whole story. Instinctively, people understand that the job we do is not easy and that being a Prime Minister is less easy still.

It is striking that if you ask people about their own MP or councillor, you tend to get a very different – and a more positive - response than if the question is about politicians in general. This indicates that a greater degree of trust

exists between people and politicians when they know each other.

The same incidentally is true if you ask the public about their child's school, or crime in their area or how satisfied they are with the health service. One view of the state of our society – and of our politics – is based on personal experience; the other is not.

So if people are able to have confidence in the MP they know and the services they use, but not in politicians or services in general, the question we need to ask is this. What is it about the mirror that we hold up to ourselves as a society that produces such contradictions?

The rise of 24 hour news, greater competition and the internet has resulted in a multiplicity of voices. Politicians need to comment and to act much quickly than before, and many fear saying the wrong thing when faced with these pressures. The clamour for Parliament to 'do something and do it fast' is intense, even though it is not always in the interests of wise and thoughtful government.

Journalists and broadcasters face the same pressures too, in a highly competitive world. News channels now increasingly present opinion as well as fact. Indeed, you now hear much more comment on what politicians are

supposed to be saying or doing than you hear from the politicians themselves. Commentators are a very important part of journalism and of our democracy, but we need a balance. Let's just say that when I watch Match of the Day, I want to see footage of the actual games as well as hear analysis.

Jeremy Paxman once said "There are two estates that count. The popularly elected and the self-appointed", and Tony Blair made an important point in his Reuters lecture when he talked about the relationship between public life and the media as being "damaged in a manner that requires repair". I think it is hard for politicians to tell the media how to fix it – the freedom of the fourth estate is fundamental to our public life - so I don't propose to do so, but at some point I hope the whispered voices in the media that know this to be true will decide to speak up.

And then there is us politicians. We are to blame too when we don't face up to hard choices, or we promise more than we can in fact make happen, or we fail to listen, or having listened, we don't explain why we did something in a particular way, or we appear unwilling to talk about what everyone else is talking about. Or when we say one thing, and then do another – a hard lesson that the Liberal Democrats learned at the ballot box last week.

The greatest threat that our politics and democracy faces is cynicism. Not criticism, not scepticism, not despair – we all feel these from time to time – but undiluted cynicism that corrodes and ultimately destroys everything it touches.

We therefore have a responsibility to stand up for the power of politics to do good and to proclaim what is good about our democratic life. Compared to many other countries we have free and open debate, we are not riddled with corruption, and in my experience, the vast majority of those who enter politics – from all parties - are motivated by a desire to create a better society, although we may have different opinions about what that looks like and how to get there.

Each of us in this room tonight could tell our own stories of politics and progress. To take but one example, the National Health Service – which has transformed so many people’s lives – was built amid the ashes of the Second World War at a time of enormous economic difficulty. It stands to this day as an awesome testament to the power of politics to change things for the better.

The truth, however, is that most people don’t want to think about politics all the time. They want to get on with their lives, and they want politics on their terms. They want

politics to work when they need it. They understand that there is a difference between having a say, being listened to and having your views really taken into account, and taking responsibility for making that final, and often difficult decision.

Understanding this is crucial because while we see the power of politics to do good, the collective loss of faith in politics has been sharpest amongst those who depend on Government more than anyone else: the most socially excluded and deprived. It's the reason why so many people do not vote in my constituency, a source of concern – not to mention shame – to me as the MP. For many of my constituents are not entirely convinced that politics has anything to do with improving their lives.

And yet it can. It does. And our responsibility is to make that connection. By listening to what people want. Explaining what we are doing. Sharing the choices we face. Involving people.

I applaud the work that Parliament does to welcome visitors to this place and in its outreach programme. We should be teaching our young people about how the system works and how it can work for them. We should involve people more, whether it is citizen's juries, or using new media to tell people what's going on and to get their

views, or communities helping to decide on how local budgets should be allocated, or votes at 16.

But above all, the best thing we can do is to be straight with people, as they judge us and what we stand for, and as they see for themselves how politics can work for them.

After all, the political power we exercise in this place is merely on temporary loan. It gives us a voice. And we have a responsibility to use that voice in the interests of those we serve. That's why all the changes I have set out tonight – which some might not see as relevant to restoring trust – are in fact all about doing so. Because by giving MPs more of a chance to speak up on behalf of others, people will feel they are being better represented.

I'd like to end by going back to that Westminster Hall debate in February when Margaret Curran, speaking on behalf of all of us, said that people look to their Parliament to be the forum for national debate. They want to see that their voices are heard. They want to see us solving their problems. And they want us to make it possible for them to realise their hopes and aspirations. In the words of the prayer that starts each day in this place, they want to know that we are keeping in mind our responsibility "to seek to improve the condition of all mankind."

The truth is that our democracy is the best and only hope we have of doing this.

It is our Parliament. It is everyone's Parliament. So let us make it work for the people we have the privilege to represent in the interests of the better world that we all hope to see.