

## **Reforming the House of Commons:**

**By James Prentice**

With Brexit, it is clear that there is a feeling amongst many in the country that Westminster doesn't work. Rather than dismissing this as populist rhetoric it is worth considering whether the electorate is right to have this sentiment. Looking at the state of governance that comes from Westminster it is becoming increasingly harder to argue that the system works and the status quo should persist. This is because the number of serious policy failures appear to have increased in recent years. Some of these failures have been so damaging they have dismantled the prison and justice system, weakened the economy, awarded contracts that appear corrupt, wrongly deported British citizens and illegally prorogued parliament. Such actions, amongst many more, have caused untold misery for many people and damaged the reputation of the Houses of Commons and Parliament. Therefore, to restore its image reforms must be made to ensure similar failings do not consistently occur.

This policy document identifies the elements that are driving negative outcomes within the legislature and executive, who both sit in the House of Commons. It then offers alternatives that are designed to improve upon current workings. The paper explores the problems surrounding the current role and functions of MPs. It then goes

on to explore the problems for MPs that are placed into the executive, with it next analysing the challenges surrounding the highest ranking MP, the Prime Minister. The policy paper argues that the problems stemming from these branches of office mostly derive from MPs not being allowed to think for themselves, contribute to the policymaking process and properly scrutinise legislation. This mostly stems from the desire for the executive to dominate MPs in their respective party. This problem then occurs at the ministerial level when Prime Ministers seek to control the wider executive and their respective party.

To address these problems, this policy paper argues that the job of MPs must be made clearer and they must be more effectively enabled to shape policy and scrutinise government legislation. To achieve this, the executive should be separated from the legislature and the executive's power should be checked far more than it is. This is especially the case with the Prime Minister, who has the power to drive through bad policies due to their control over the centre of government. To secure this restraint, the electoral system will need to be reformed. MPs will also need to be given greater control of the parliamentary timetable so the legislative agenda is not totally controlled by the executive. The executive branch will also need to be reformed by providing it with greater expertise that will be able to support parties in government in implementing their agenda. Also, reforms will need to be made to where the executive physically operates. With Downing Street being highly unsuitable as a centre for government the operation will need to be moved to a more modern building capable of serving the core executive. This office will then need to be fully staffed with a strong communication, strategy, policy and delivery unit. This team and the wider executive will need to work with MPs in the Commons as they will not have

a majority. This will require them to work with other parties and secure cross-party approval. This will require the executive to submit higher quality and more detailed legislation than currently is the case as vague poorly crafted policy proposals will not make it through scrutiny. The tougher scrutiny process will help to iron out problems in legislation and make it more representative. Under this system, the executive will also be required to implement policies the legislature passes. As MPs will have guaranteed time each week to vote on selected policy proposals, new laws may be passed that were not initiated by the government. This means that the government would be required to make these changes even if it had tried to prevent them. Consequently, the executive and legislature would have to have constant interaction to ensure that agreed policies are enacted by the Westminster system.

In summary, under this system the executive would face more constraints and MPs would be empowered. MPs role would change from a constituency-focused job to a legislative one. Whilst this would lose the constituency-parliamentary link, it would address the primary challenges discussed throughout this policy document. Specifically, it would address the dominance of the executive and the weakness of the legislature, thus tackling the major causes of bad policies that are harming people and undermining parliament's credibility.

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James Prentice- Policy Paper - Proposal on reforming the House of Commons

### **Problems for the legislature (MPs not in the executive)**

#### **1. A lack of power for MPs and the excessive power of the whips in Parliament.**

Currently, we have a structure that appears to very much contradict itself. We have an electoral system that places great importance on electing individual MPs. Yet, when they get to parliament they are expected to follow the national leader's messages, even when they feel it conflicts with their constituency's concerns. So here we have a parliamentary system under a president's authority, which Lord Hailsham once called an "elective dictatorship." In short, we merely choose our dictators until the next election, rather than choose our representatives who are there to reflect our local area's concerns and views. A lack of constraint on the executive by our elected representatives is a worrying feature in our democracy and it can leave the electorate feeling powerless, something which can damage people's faith in democracy. It can

almost make the role of an MP redundant, meaning the legislature often doesn't carry out important functions. How can we overcome such a long-standing and structural problem?

Restriction on the whips is needed:

Firstly, the role of party whips must be reduced. The Whips are a group of MPs assigned to force the government's legislation through the House. This is done by the whips placing pressure on MPs to follow party lines. This also includes stopping government legislation from being amended. It is also used by opposition parties to try and stop government legislation from passing. A three-line whip is usually the most severe form of enforcement and holds any MP who has any position, or ambition for one, to ransom. This is because if they refuse to go along with the whip's line then they are usually forced out of favour and in extreme cases, they can be expelled from the party, preventing all hope of re-election. An example of this was the Iraq War, where some MPs felt compelled to vote one way because of the stance of their party and loyalty towards their leaders. There were examples of ministers and upcoming talent losing roles because of this, which needlessly limited competition for positions. This highlights how the executive's power can detract away from MPs' ability to represent the public and control its armed forces.

- MPs should not be whips. Instead, it could be party workers monitored by the Westminster democratic services department (see page x).

- Whips cannot be placed upon legislation that is not covered by manifesto commitments.
- There should be a limit to how much presence whips can have on committees.
- Votes of conscience should not have whip control.
- There should be clearer procedures for votes when deploying armed forces, such as no whipping system being present when these types of debates and votes are conducted.

Greater power for backbench MPs will be needed:

The legislature could be empowered to scrutinise legislation and shape government policy in a number of different ways. Firstly, MPs will need to have greater control over the parliamentary timetable, with them having a specific set time for every week's sitting (more on this on page x). To secure this time, powers from Westminster could be devolved, meaning the government would not need to focus on so many different policy areas, thus freeing up time for specific issues MPs are interested in.

This would allocate more time for private members' bills and would guarantee enough debate time. Providing such debates could be free from government and were not subject to whipping, this could provide much better policymaking on issues that governments do not want to touch. This could also provide action on issues that often get overlooked by governments.

Indeed, these types of debates often get the best out of MPs because they are not subject to party control and are encouraged to think for themselves based on the evidence presented. Indeed, with such a system the executive would not be required to do as much work and they could focus on specific responsibilities in more detail, thus encouraging more detailed and considered policymaking.

Documents the executive has access to should also be made available to MPs, providing they do not clearly jeopardise national security. An example of this occurring was seen with the Brexit negotiations where MPs and committees felt they did not have all the information at their disposal. To overcome this, these documents should be stored on a system that all MPs have access to. Documents relevant to a specific debate in a given week could be placed within one folder to ensure that MPs will have easy access to the facts.

MPs could also be empowered by awarding them greater resources. This would provide them with a dedicated assistant that would specialise in policy and research. This would enable all MPs to gain access to the information they need and would assist them in scrutinising legislation and making their own policy proposals. This would be a civil service role where civil servants would be allocated to an MP. If they could not serve a specific MP for political reasons they would either be later reassigned to another MP or could be given time to find another job. Additionally, MPs could have a dedicated

constituency assistant who would act as a political assistant for the MP and would be chosen by the MP.

Greater power for select committees is needed:

Select committees can be an important opportunity to ask questions about government practices, policy and performance. However, this vital opportunity to empower our representatives and scrutinise government can be undermined by constant government interference within select committees, limiting their potential to do good. To protect one of the best elements of the Commons and its functions reforms could be made to protect select committees and empower backbench MPs. This could include:

- Providing more resources for select committees.
- Making documents available for select committees, with them getting the same access as ministers.
- Being given the right to report on government performance in key areas.
- Being provided more involvement in committees, such as members from professional organisations, unions, business leaders, charities, voluntary groups etc.
- Conducting backbench business committees and other affairs should be entirely free from senior ranking MPs, thus reducing their interference.
- Removing partisan ad-hoc standing committees and making such functions less partisan (as select committees currently are).



- Electing members to select committees by secret ballot by fellow MPs on a cross-party basis.
- Nominations that are internal to parties should be done by secret ballot and handled by the speaker and their staff. This will ensure party leaders do not influence such proceedings.
- Holding government inquiries closer to committees and MPs to ensure that inquiry findings are taken note of and changes are implemented.

## **2. No clear job description for MPs.**

Once becoming an MP, an individual may ponder what exactly their job entails. MPs broadly can be defined as having two jobs, being a legislator and being an advocate for the constituency they represent. This involves scrutinising all the legislation they are asked to vote on as well as participating in debates and committees (amongst other things). On top of this, they are often required to spend a few days a week in their constituency and respond to constituency correspondence. These are two very demanding full-time jobs. Therefore, MPs have a dilemma, which job do they focus on more? As most MPs can't introduce legislation and are instructed how to vote on a large number of votes, most MPs understandably spend more time on constituency matters. Yet, this means that the vital role of the legislator in our political structure often goes overlooked. Due to this, some MPs become reliant on whips telling

them how to vote and MPs can often vote on amendments and legislation without fully knowing what they are voting on. Consequently, the job of an MP needs to be narrowed and much more clearly defined. To accomplish this, we need to cut one of the full-time jobs. The sacrifice should be at the constituency level. MPs' entire remit should be parliamentary as this is the institution they are elected to. This means that their job should be focused on legislative matters. MPs could still be able to be an advocate for their constituencies, but this work would be very much conducted within Westminster. The advantage of this focus will be that it will free up time for MPs to scrutinise legislation. This will allow MPs more time to get into the detail of what they are voting on. This will allow them to understand the impact of their choices on their constituents better and also provide time to help them identify problems within proposed laws before they are passed. This will also put more pressure on the government to ensure that legislation is of a detailed and high standard before it goes to the Commons as poor legislation would likely not pass scrutiny.

The negative of this approach is that it would give MPs much less time to deal with constituency matters. However, as stated earlier, they would still be able to assist their constituents when campaigning in Westminster and Parliament. Further, MPs would actually have less casework if they spent more time ensuring the government did not make mistakes or pass bills that were deeply unpopular. This is because much casework is created from the unintended

consequences of legislation working once passed. Mistakes missed by the government when passing legislation often lead to hardship and justified complaints from MPs' constituents. Constituents then understandably contact their MP to ask for better representation or help, thus taking up more of an MP's time that could instead be spent ensuring future mistakes don't occur. Further, much of MPs time that is consumed by casework often relates to matters that are not the responsibility of Westminster. This casework instead relates to local government matters. Meaning MPs staff often spend much time forwarding matters on to local government departments and councillors. To make matters worse, a new MP's email account will be active before they are even fully inducted into parliament, get an office and can access their account. That means from day one MPs are fighting a backlog of casework. Petitions now can also be signed with a click of a button and can be automatically sent to your local MP. This leads to a scenario where MPs often never fully deal with their mountain of casework, despite often directing their staff to prioritise the work. This leaves people feeling that the system doesn't respond to them in an adequate time frame, causing upset. For those who do get an adequate response, should someone be bumped up the queue in a government inbox just because they have contacted their MP? In some countries, this would actually be thought of as political corruption.

Therefore, should MPs have this role if it can't be fulfilled properly, if it gives unfair preferential treatment to someone and it takes away their ability to do

their primary job as a legislator? The case isn't really there. This is especially so when considering the most urgent cases MPs could help with often get lost in the mountain of casework, Instead, rather than MPs being expected to respond to this mountain of casework that often has little to do with their job, they could hold more regular in-person surgeries. Here, the most serious cases could be dealt with on an appointment basis.

The time allocated for casework also takes time away from MPs providing a link between a local area and Westminster. Yet, MPs are also expected to spend much time at local events and being seen at various functions. Again, it could be argued this is an unfair expectation that MPs should attend all these events as it does not assist them in improving legislation and helping their constituents. No doubt, this is what local people value, but local people valuing this alone does not mean that this is the best use of a parliamentarian's time. People may actually approve of parliament more if MPs spent more time legislating as it would result in fewer mistakes that negatively impact people.

Vitaly, focusing the role on primarily legislative matters would also help obtain MPs who are suited to produce the best legislation. Currently, MPs tend to be really good social and political campaigners and increasingly are media savvy. Yet, people with experiences and skillsets that may be better suited to policymaking and improving legislation often feel discouraged from these sorts of arenas, meaning we may be losing out on talent that could improve the

quality of our governance. Alternatively, those who may be best suited to local politics where they can use their campaigning skills to tackle local socio-economic issues are lost to a Westminster system that doesn't make the best use of their skills. Instead, such people could be better suited to a stronger more devolved local governance system. This would include unitary authorities and town councils.

### **3. A lack of training and support for MPs.**

Upon becoming an MP an individual must learn a great deal of archaic rules and conventions that govern the way the Commons work. They must also learn how to read and scrutinise legislation as well as how to run a MPs office. Further, if MPs' purpose becomes primarily about legislating they will also need to be taught how they can design policies to address causes they care about. They will also need to be informed on how to successfully bring such policy designs to the Commons for a vote. Additionally, even if an MP's workload burden is reduced they will still face long hours and a tough working environment. Currently, many MPs suffer from challenges due to their demanding workload and tough working conditions and these problems often go unaddressed. Therefore, an institution that can help MPs overcome this steep learning curve and better support them in their workplace would need to be created. Such an institution could be called the Westminster democratic services department and would be responsible for:

*Providing support:*

- Giving support and advice to new MPs to get them to settle into parliament as quickly as possible after elections have just been held.
- Giving training on legislative and parliamentary processes.
- Setting clearer working times for parliament that are more compatible with family life (this could help bring different people into parliament).
- Monitoring the activity of Whips, which would be party workers instead of MP's. These workers would be required to sign a code of standards outlining how whips should behave.

*Addressing problems with recruiting staff, staff pay and high turnover:*

- Hiring of staff that work for MP's (neutral civil service role, such as a researcher role).
- Giving MPs and their staff support (mental health issues, drink/drug-related issues).
- Giving staff and MPs training on how to use systems.
- Giving MPs staff that can help resolve policy issues in their constituency. MPs could also pick a political assistant that would help them in their constituencies.
- Setting staff pay, providing a new higher baseline that will encourage staff to stay and reduce current high turnover rates.

*Conducting administrative functions on behalf of MPs:*

- Managing MP's expenses.
- Setting MP's salaries, reviews to be carried out once per parliamentary term. This could be done at the end of a parliament to avoid politicians being accused of pushing up their own salaries.
- Managing accommodation for MPs that need second homes due to large travel distances, which could help MPs financially and avoid issues second homes can bring.
- Maintaining a logbook of all declared lobbying meetings and activities. Recording the outcome of any lobbying activities.

*Carrying out investigations into disciplinary matters:*

- Carrying out disciplinary procedures for staff found to fail MPs and show incompetence.
- Carrying out investigations of intimidation and sexual harassment of fellow MPs and staff of MPs.
- Investigating any undeclared lobbying activities.
- Investigating undeclared expenses or misuse of expenses.
- Investigating any allegations of corruption.

**4. A lack of clarity around the rules that govern parliament, meaning many MPs are not sure on what they can do to influence legislation.**

Many of the rules that govern parliament are either not written down or are written down in a way that is hard to comprehend. As many rules were

created in times when people spoke and wrote differently, it can be quite hard to interpret the rules. This can make it hard for even experienced MPs to understand what they need to do and how they need to behave to have an impact. Therefore, many MPs are not able to have a legislative impact because they have little to no chance of being able to understand the process that allows them to. To make matters worse, many practices and conventions that dictate processes and behaviours are not written down. This means that it becomes even harder for MPs to fully understand the rules that govern the Commons.

There are conventions (things that most people take as given rules but actually aren't) that are written down. However, the problem is again they are written in old-fashioned convoluted language that is hard to stand. Such rules can be interpreted in many different ways and are not really set rules. This again can make it impossible for MPs to understand how they can have an impact on legislation and encourages them to follow guidance given by party leaders.

Standing orders of parliament are also too lengthy and complex for many MPs to understand. This leaves many MPs too baffled to understand what they should be doing and when they should be doing it. It also means it is very hard for MPs to understand how they can navigate the rules to deliver change on things they are campaigning on or how to even affect legislative outcomes.



This again leaves MPs at the mercy of more experienced party officials instructing them on the “correct” course of action.

To fix these problems a more modern set of procedures, conventions and rules could be created. These rules would be written in an MP's manual and be converted into plain English as much as possible. From this, new MPs would be able to quickly read and understand the rules on which they must operate. This would make new MPs less reliant on more experienced party leaders and officials. From this, more MPs would be able to more effectively campaign for change they believe in, secure gains for their constituency and affect legislative outcomes.

#### **5. Legislation not being in plain English (Amendments referring to legislation in old fashioned language).**

Even if MPs could be given more training on how to scrutinise the legislation and amendments they vote on, it is likely this would not be enough to allow them to make an informed decision. This is because they will be presented with language that will be full of legal jargon that is incomprehensible to most people. As legislation is often built upon previous laws that have been enacted, the language can be very old-fashioned, further adding to the complications of MPs being able to understand what they are voting for.

There are ways to overcome such problems. Many parliaments around the world convert any legislation presented to the legislature to a common

language so that people from a non-legal background can understand exactly what is being debated.

Additionally, when making amendments there is something called a Keeling Schedule. This ensures relevant parts of legislation are printed out when making amendments rather than the whole legislative document. This allows the legislature to focus on what will be the impact of amending laws that have already been enacted. Additionally, an explanatory note summarising the impact of an amendment could be given to MPs to assist the legislature in understanding the impact of approving a change. As MPs often can be asked to vote on many amendments within a short period of time, this could help the legislature make informed decisions on the large number of changes they are asked to decide upon.

Whilst these reforms will help most MPs, it will not for all. This is because a small proportion of MPs are also in the executive. To improve the Commons for these MPs the executive must be reformed. This is what the policy document now turns to.

## **Executive Problems (Ministers, Cabinet and the PM)**

### ***Ministers:***

- 1. Both parliament and the executive has far too much work, leaving it overstretched and unable to fully deal with all policy areas.**

Ministers are overworked and are faced with an increased amount of decisions to make per day. As a result, they are spending more time in meetings and have lost control of their diary. They are required to make many decisions late in the day, often having to make decisions from the many paper documents they receive in red boxes. This causes Ministers to work very late, reducing the amount of sleep they can get. This means that Ministers and their aides often make decisions when tired, meaning their propensity to overlook details is increased. They are also often given only one course of action to choose from, meaning they are often just rubber-stamping decisions that could have been made by the civil service within their department. This occurs as civil servants are increasingly being risk averse, meaning that decisions that were once carried out by civil servants are now referred to the minister for approval. This has increased an already heavy Ministerial workload.

On top of this, in the modern media age Ministers are required to frequently travel for PR opportunities and conduct many media interviews. They are also required to make content for their and their party's social media channels. Additionally, it is important to recall that Ministers are also MPs, meaning they must also carry out constituency functions. Therefore, it is understandable why many ministers feel exhausted when making decisions. One reason for nearly all Ministers feeling this way is that the government has so many responsibilities, meaning all senior ministers find themselves making decisions on many different policy areas. This requires them to cover more media

appearances, respond to journalists more often, spend more time making decisions on policy and allocate more time to pushing through legislation in the Commons. Due to this crowded schedule, policy details can be overlooked, meaning that legislation is often forced through without having the preparation needed to make it viable for real-world implementation. This lowers the quality of legislation that the UK is subject to.

To overcome this problem government could devolve more powers. This would lessen the burden on central government and could free up the executive's time to focus on producing higher-quality legislation on fewer subjects. Additionally, the civil service could lower the number of decisions Ministers need to approve and they can schedule decisions to be made during the working day. This could be done once a week with a presentation going through each decision and the possible options that can be taken. Such a system could reduce the amount of time Ministers need to spend at their department and reduce late working hours, meaning fewer decisions will be taken when late at night ministers are knackered.

The number of Ministers and the number on the executive could also be lowered by removing PPS positions that do not have a clear departmental responsibility. Ministers could instead be supported by non-political appointed experts, rather than the current SPAD system. Instead, the Minister could either appoint an expert of their choosing or publicly advertise the expertise they are seeking. This would allow Ministers to be supported with expert

advice that could help them quickly learn their briefs and assist them in delivering legislation that will have the positive impact the government desires.

## **2. Increased use of secondary delegation powers and skeleton legislation.**

Partly due to this heavy workload and Ministers fearing they won't be in post for that long, Ministers often quickly develop policy in a bid to get it through parliament quickly. To do this, legislation is deliberately kept vague and light on detail. Sometimes just the bare bones of legislation is presented to MPs, something called skeleton legislation. This allows ministers to present the broad concept of legislation to MPs for their approval. Once accepted, details can later be added to the bill by ministers and their departments. This lowers the quality of legislation as it is harder to scrutinise due to limited detail. This makes it harder to fully understand its impact, meaning that unintended consequences upon implementation are more likely to occur. This can lead to the public being negatively affected and creating a sense that the Westminster system doesn't work for ordinary people.

These problems can occur even without scrutiny from parliament. Ministers are increasingly making use of secondary legislation powers, where they can bypass Parliament in making new laws. With legislation being increasingly vague, Ministers can use their powers to make minor amendments to legislation that require little parliamentary scrutiny or approval. From this, the

government can secure outcomes to legislation that may be difficult to ram through parliament. During the Brexit transition period Ministers were even allowed to use so-called Henry VII powers when changing legislation. This allowed Ministers to convert EU laws into British laws and potentially make changes to such laws without parliament even being informed. This is again increasing the proportion of decisions and laws that do not have adequate scrutiny, again leading to more unintended negative consequences. Whilst this allows the governments to pass more legislation, it can result in people being more harmed by new laws, causing a feeling that the system doesn't work for many people in the country.

To fix this issue, such legislation needs to be lower in number and needs to be better scrutinised. As a result, all departments should be required to evidence they are reducing the number of legislation that is secondary in nature. Additionally, more secondary legislation should be required to go to the Commons for greater scrutiny. Finally, legislation that is presented to parliament should have a minimum standard of detail that is required so the legislature can adequately scrutinise it. An independent legal body attached to parliament could assess if legislation meets such a standard. If it does not it could be sent back to the relevant department for revision. This process would keep happening until the proposed bill was dropped or presented with enough detail for MPs to be able to understand its topic and potential impacts. Although less legislation may be passed, through better scrutiny and

amendments it should produce better quality governance that results in fewer unintended negative consequences. This could help to decrease the feeling that the Westminster system simply doesn't work.

### **3. Some members of the executive having little to no power.**

Some members within the executive have little to no power over any government responsibility. The core executive can create more members of the executive to increase the government payroll vote. It can do this by creating PPS's. These are MPs who are assigned to junior ministers to assist them in running their departments. Yet, in reality, these MPs often have little work to do and act more as a link between the backbenches and the government. This link feeds information to the government and helps to identify and stave off rebellions. These positions are often not paid and have almost no responsibility. Yet, they are useful for the government as it increases its payroll vote (the number of MPs that must vote with the government at all times to keep their job). This neither really benefits the executive nor the legislature as it doesn't spread the workload of government, ease the burden of governing or strengthen the influence of most backbench MPs. To address this issue, MPs could be separated from the executive so that the executive can't use junior positions to increase its payroll vote (see pages x for more details).

#### **4. The short tenure of ministers who are not experts.**

As the Prime Minister can make an MP a member of the executive or move Ministers between departments overnight, they seek to use these powers to maintain control over their party. Therefore, the urge to reshuffle their executive becomes irresistible and is frequently used to change the government's approach and exert control over potentially rebellious MPs. This has led to a high turnover of Ministers. This high turnover has led to inconsistent approaches and rushed policy implementation. Often Ministers are not in their job for more than a year before being moved on or shoved out. This is problematic given that Ministers will rarely be appointed to a department where they have experience or expertise. This means that Ministers do not have time to learn their briefs and how their department works, yet this is the very thing they need to do once appointed. Ministers have also become reliant on SPADS for their advice. These are special advisors that are political appointments and they are there to mostly protect the Minister and pursue the government's objectives. Therefore, their main advisor is totally reliant on the Minister and will be paid, and expected to serve the government. This means they will nearly always follow the Minister's or Government's line rather than being there to give independent professional advice on different policy options. Consequently, Ministers often are not being fed expert advice nor have assistants that can help them learn their brief quickly at the start of their short tenures.



Therefore, all this makes it very hard to have a positive meaningful impact when seeking to deliver change. As Ministers know all this, they often seek to have an impact through quickly developed policymaking. This can lead to bad outcomes as big changes can be made without the necessary preparation to explore if the policy is viable and if it will work in the way it is intended to. This has led to many policy disasters that were easily avoidable. This only damages the perception of Westminster and lowers the quality of governance for everyone throughout the UK.

This problem could be addressed by reforming the electoral system, separating the executive and legislature and changing the way Ministers are appointed. See pages X for more details.

***Prime Minister:***

**5. The Prime Minister being too powerful.**

The theory goes that the Prime Minister in the UK is actually a very weak political head of state. This is because it is argued they have limited staff, no direct department to control and are reliant on their Ministers doing their work for them. In reality, this is not the case and the Prime Minister has an incredible amount of power. Indeed, they are actually more powerful than most Prime Ministers across the world and have similar powers to that of a president. This is because they have no constitutional constraints, little local governance constraints, often do not need to bargain with other parties, can

create and dismantle ministries at will and appoint and fire at will. This, in effect, gives the Prime Minister a good amount of power over the executive. This is because if a Secretary of State refuses the PM's will they can appoint another MP to take their place. They do not have to worry about another party objecting to their senior member being kicked out of cabinet and they can reward any MP they like. They can also determine who the junior ministers are of their cabinet members, meaning that even junior ministers owe their position solely to the PM. They also can reshuffle at will, meaning that a junior minister looking to stay in post or for a promotion will need the PM on their side. Once a PM has their compliant Minister in place they can then take decision making outside of cabinet. This is done through the PM inviting ministers to Downing Street to discuss possible courses of action on topics they are concerned about that fit within a Minister's purview. They can ask the Minister or Secretary of State to take their preferred position in a friendly chat and then announce to cabinet that this has been decided. The Minister is unlikely to refuse as they do not wish to upset the PM and recognise their powerful position. Those in cabinet will likely accept as well because the decision will fall outside their department's remit and they will want to keep the PM onside. Therefore, as long as the PM can get a Minister or Secretary of State to agree in advance of a cabinet meeting, they likely will be able to get the outcome they most prefer. They can also invite advisors into Downing Street to ensure SPADS are briefed on what the PM's preferred position is and ensure the department follows this agenda, including relevant Ministers.

Additionally, PMs can force their will through the Westminster system through the Cabinet Office. Although the PM does not technically have their own department, they can use the Cabinet Office to select the government's priorities. From this, the department will use its immense resources, talent and power to find solutions to the issues the PM cares about most. From this, action from the relevant department can be secured and legislation can be produced. The PM can then use their majority to force their preferred policy approach, again meaning few barriers exist to their influence.

Prime Ministers also don't have to bargain with local powerful actors as power is so centralised in the UK. There may be the odd issue they don't get their way on, but by in large this will not stop a PM's plans. They also rarely require compromise as their majorities mean they don't even have to work with opposing political figures within central government. Additionally, if a department within central government becomes difficult they can reorganize or dismantle it entirely. Therefore, there are few obstacles in the PM's way and they generally have loyalty from the people they need it from. This makes them considerably more powerful than most Prime Ministers. Indeed, rarely in these systems can a PM appoint and fire people so quickly and not have to rely on other parties working with them. To put it simply, they have fewer obstacles to stop their will. This sounds advantageous, but if a PM has a bad idea they can force it through easily. This can cause carnage at the heart of

government and cause untold damage. Indeed, this happens all too often and it leaves people feeling that the system doesn't work.

This much power being at the very centre of our system invites chaos partly because it is not well designed to handle power. Downing Street is an impractical government centre with the building not having a sufficient number of large offices to get teams working together. People largely choose their office based on how close it is to the PM, not because how easy it is to collaborate with people. It is often hard to find people and the place feels like a pressure cooker. In more recent times there has been a lack of essential staff inside the government headquarters, largely to make way for more political advisors. This has led to the decline of essential units like the strategy, policy and delivery units. This has meant Downing Street has found itself spending more and more time firefighting, reacting to crises rather than shaping a government agenda and strategy. This means that decisions are made often in a panicked reaction to events going on around them. In such an environment good policy and decision-making will be hard to achieve consistently. Also, the practicality of a policy is not considered as there is no time to consider this due to the right staff not being in Downing Street. The effectiveness of policies is also not considered once implemented, meaning that mistakes are fiercely defended rather than corrected. This is bad considering the system is not set up well to avoid failures in the first place. This understandably leaves the public feeling unrepresented and let down by

the Westminster system. Due to the inequality of representation in parliament, such errors are repeatedly forced through. We turn to this very problem next.

Therefore, fixing this inequality is essential to addressing the problem of an overly powerful Prime Minister. This can be done by reforming the voting system and merging the legislature with the executive, see pages x for more details.

## Inequity in parliament

### 1. Unbalanced representation within parliament.

The biggest inequity comes in the representation of political parties compared to how the public votes. Indeed, vote share matters so little in comparison to the number of seats gained that political parties will turn to strategists to plan how they can win with the fewest number of votes. This leaves parties exposed to figures who will focus more on electioneering than policy development.

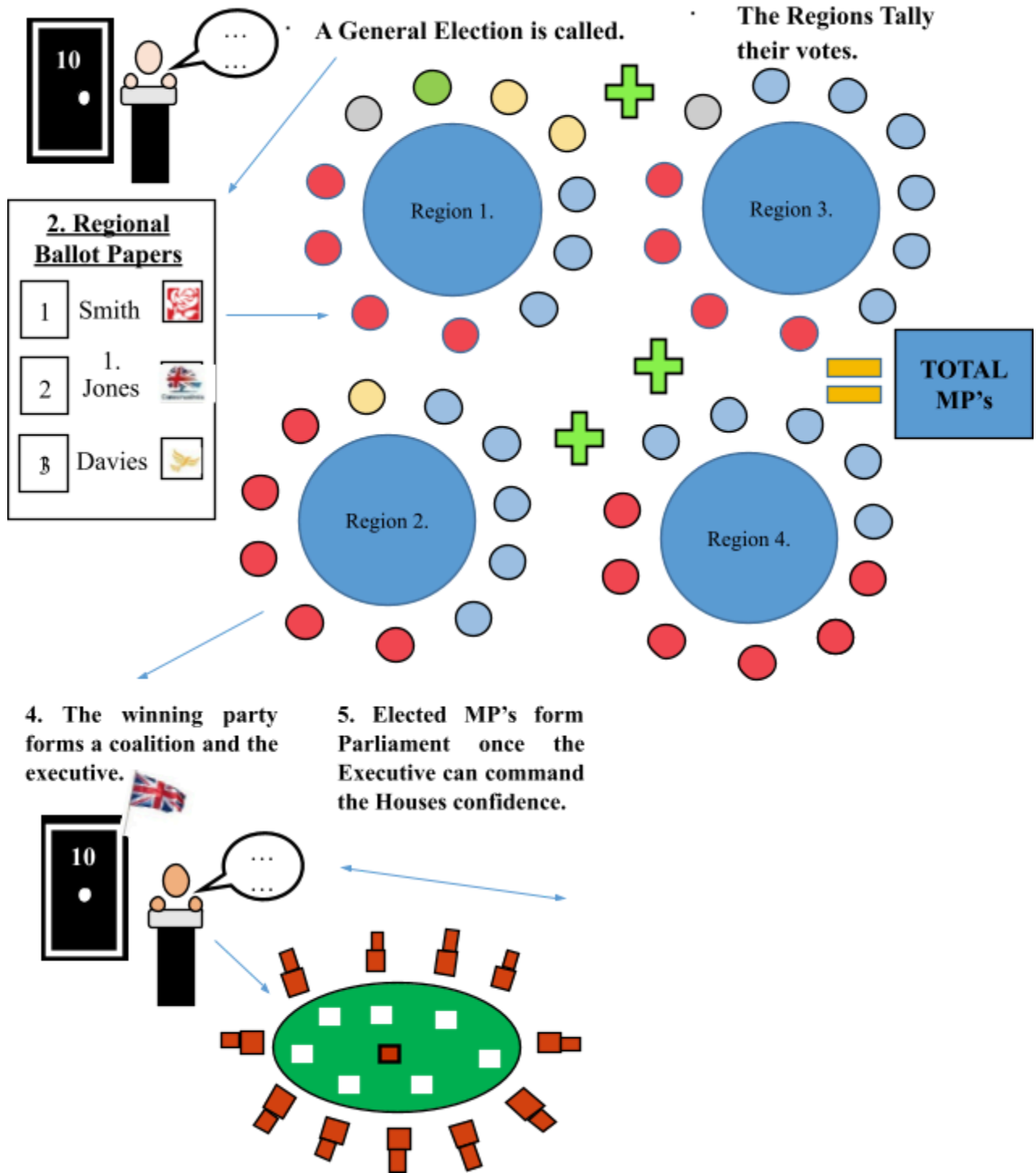
The only way to really address this particular problem is to change the voting system to a proportional one. This means that the proportion of votes cast for each party will directly match the proportion of seats awarded to each party. This could be done with a party list system. This would also provide the opportunity to solve some problems that were discussed earlier, especially the executive's domination of the legislature (MPs). It would present a solution by presenting an opportunity to separate the executive and legislature. By

separating these two bodies, MPs will be less subjected to the executive's will as there will be very limited opportunities for members to be placed into the executive. This means that the executive will not be able to use the threat of no promotion to control MPs behaviour. Also, as no party will have a majority they will be far more reliant on their backbenchers. This is because without their MPs support they simply will not have the numbers to influence legislative outcomes, whereas currently, most governments can survive a few rebellious MPs. This could also help to increase the tenure of Ministers as Prime Ministers would not be able to keep control of MPs through the use of frequent reshuffles. Also, if they had to share power with other parties they would not be able to freely move people as they would require cooperation from others. Additionally, MPs could take control of the government timetable one day a week, giving MPs more powers to shape government policy. Finally, as the executive will need the support of MPs they will not be able to use the whipping system as frequently and as strongly as they currently do. This will mean the government will require the support of MPs far more than they currently need. As a result, MPs will be free to consider legislation and scrutinise it based on the evidence available to them. This should produce better legislative outcomes. Whilst this would involve creating a new system around the House of Commons, it would produce better outcomes and would be worth the effort. This is discussed in more detail in the following section.

#### The Possibility of separating the legislature with the Executive:

As mentioned before, one of the biggest problems facing the Commons is the pressure the executive puts on the legislature. If our representatives are free to act and think for themselves how can they fully reflect the people that vote for them? Currently, they can't and this is partly undermining the entire point of our democratic system. Additionally, even MPs who are part of the executive will struggle to represent their constituents as they will often not have the time to conduct both their constituency and ministerial work. Further, their ministerial work can often be directed by the most senior ministers and by the very centre, with the Prime Minister being very influential over all departments. Moreover, if the Prime Minister has a majority in the Commons this can make all opposition MPs powerless to shape policy, further reducing the number of MPs that can be effective.

Therefore, because these problems are caused by the vast majority of MPs being dominated by the core executive, removing this imbalance is key. The way to remove this imbalance is to separate the role of an MP from the executive entirely. This means that MPs would not be part of the executive, meaning the legislature would be separate from the executive. The following is how this could be done: (See on the next page).



**Note:** Diagram outlining the process of forming new commons governments.



The first step would be to reform the voting system into a proportional party-list system. This step would ensure a fair balance of representation within the Commons. Such an electoral system could work as follows:

Parties would list the order of their nominated politicians in terms of the most to least senior. This would enable the most senior politicians to be identified so that during an election people would know who will form the executive and therefore, who they were voting for to be their representatives. MPs will be assigned to the Commons based on how many votes they secured within each region. This regional approach would allow for adequate representation of parties that do not operate across the country, such as nationalist parties that operate only in Scotland and Wales. Each region would have a select number of representatives. For example, if London was assigned 50 representatives and one party achieved 10% of the vote they would secure 5 MPs. The five MPs that would be appointed would be the five highest-ranked politicians that were put forward by that party for that specific region. Parties that secure less than 10% of the vote would not gain any MPs. The party that secures the most number of MPs would then appoint its leader as the Prime Minister in waiting, who would be the elected head of state once a majority is secured. Once in place, the Prime Minister in waiting would be required to form a majority in the Commons by instructing his party to enter coalition talks that would be able to secure 50%+ of MPs support. Crucially, this would end the single

dominance of one party and would force the leading party to work with others when seeking to pass legislation.

The second step would be to form a wider executive. Importantly, at this point, this system would create the opportunity for the elected head of state to bring expertise and civil society into the executive. Once a coalition deal is secured, the Prime Minister and Deputy Prime Minister would need to appoint a cabinet, (the Deputy Prime Minister would be the leader of the largest junior party of the coalition). This would provide an opportunity for these leaders to appoint professionals to the core executive (those who will be the Secretaries of state). This would allow politicians to appoint long-standing experienced professionals into the cabinet to run departments that would be directly relevant to their knowledge and experience. Politicians could approach these people before an election was due to be called and work out a platform that would ensure collective responsibility within the executive. All parties within the coalition could be allocated a set number of departments and they could each choose their own expertise to be placed within each department. Junior members of the executive could then be appointed by these experts to help them carry out their functions as Secretary of State and deliver government policy. These professionals could be identified in advance of the election so the public would know who would form the core executive ahead of the election.

Importantly, this would restrict the ability of one party leader to hire and fire ministers at will, meaning Ministers would be more secure in their role and likely have longer tenures. This is because a proportion of these ministers would be aligned with another political party and would be protected by a rival party leader. Further, these ministers would not also have to carry out their role as a MP, meaning they would have more time to focus on managing their departments and delivering government policy. This could also mean more MPs would have time to scrutinise government policy and carry out other essential functions.

The third stage would be to form the government and start the first parliamentary session of the new parliament. Once the executive has been formed and the new Prime Minister in waiting would be confident of having a majority, the Prime Minister would then be summoned to Buckingham Palace to be asked to form a government on behalf of the monarch. After agreeing to form a government, the Commons could then assemble by passing a one-line bill stating the Commons approved the creation of the government. After this, MPs would take their seats, start to make new laws and debate proposed government legislation.

MPs could then either choose to support government programmes or not, based on the legislation that comes to the house to be debated. As MPs would control the Commons they would also have greater control over the timetable, providing greater capacity for more backbench-directed legislation. This would

not only give MPs more of a say on government legislation but could also help MPs direct government policy.

Whips and other key positions within the house (such as the leaders for each party) would be elected by their respective parties. The executive would be accountable to the Commons through committees where MPs would have set times to ask questions of ministers. The leader of the losing party would lead the opposition to the government and seek to form a strong opposition through a coalition of opposition MPs. The leaders of these opposition parties would again be elected by MPs of their respective party.

Overall, under this system, the legislature would become separate from the executive and would work separately. MPs could choose to support or reject government policies without excessive interference from whips and the executive. This would ensure MPs would have greater freedom to make decisions based on the evidence presented to them, thus creating a system that would be more likely to produce higher-quality legislation.

#### Procedures for minority governments and coalition governments:

In 2010, the UK discovered the procedures for coalition talks were vague, something which could create instability under a system that guarantees the need for coalition formation. The way to avoid such problems could be to have a clear set of rules of what should happen when a hung parliament result has been declared. Such rules could be as follows:

- In the event of a hung parliament, the party with the most amount of seats, even if they only have one seat more than the second-placed party, has the right to form the first minority government. This will in effect be a caretaker government that will be headed by the Prime Minister in waiting until coalition talks have concluded.
- The party with the largest number of seats will have the first right to seek any coalition. Each party must contact each other to gauge the potential of a coalition agreement and set out their red lines. The heads of the civil service could help guide coalition talks.
- A longer time limit will need to be created for coalition talks. As we witnessed in 2010, there was a very small period to conduct sensible coalition government talks between the largest party and third largest party. As there would be a caretaker government there would be greater confidence in government stability, giving more time for in-depth talks to take place. This additional time could produce better results.
- If coalition talks fail then the largest party could approach other parties to form potential coalitions to get a majority. If this fails they could elect to go it alone in a minority government approach. If the government cannot pass the needed legislation, such as the budget or queen's speech, then the government would have to dissolve into the opposition and then let the second largest party try and form a coalition.
- Any final agreement to be signed should be made as a public document so all can understand what the exact nature of the coalition agreement

is, and what the coalition government programme should be. This could be made into one joint codified coalition government policy document.

- If no party can form a minority government or form a coalition to produce a majority, it is in the scenario (and in this scenario only) a second general election would be called. This could be triggered with a commons single-line bill vote.

## **2. Inequality in resourcing of parties within parliament.**

Fairer representation of political parties in the Commons in terms of funding and resources could also be given. At the current time funding is dependent on a combination of the number of MP's and votes gained at the election. But, due to the potential extreme imbalances between votes and seats, there has been absurd examples where resources do not match party sizes in the Commons. One such example was where Douglas Carswell had hundreds of thousands of pounds in research money allocated to his office due to the UKIP vote share in the election but was only useable by one MP. Here, fairer constituency sizes and fairer allocations of resources to individual MP's could take place. Yet, if the voting system was reformed as outlined this problem would be easy to solve as funding could be proportionate to votes cast.

## **3. Inequity of time (control of the legislative timetable).**

One of the great inequities within parliament is the lack of balance between government and backbencher time. This is set out in standing order 14 where

it is made clear the government has control over the vast majority of parliamentary time. The exception to this is the select number of days opposition parties are awarded per parliamentary session to table their agenda. Yet, even on this measure, the government can reduce the number of days for opposition and backbench MPs by changing the length of a parliamentary session. The reasoning for this has evolved over time. Initially, a timetable was needed to be created to form a modern parliament fit to run an emerging nation-state. Originally backbench MPs controlled most of parliament's time. Yet, slowly but surely the government has taken control of all time for most weeks in parliament. This is written down in standing order 14. Therefore, even if you can curtail the power of the whips, without amending this standing order it will be quite hard to empower the legislature. Consequently, this will need to be altered to specify that backbench MPs will have control of the timetable for one day a week (when parliament is sitting).

Some may argue that this would create chaos for one day a week in parliament. However, this ignores that some of parliament's best work historically has come from backbenchers submitting private members bills. Here backbench MPs have changed the law on important social issues governments are often not willing to touch. These debates often produce the best from parliament as MPs are allowed to think for themselves, collate evidence and debate based on reasoned arguments. Votes are conducted in a civil manner and the result generally is accepted, meaning people can move on

from a contentious issue without falling out with one another. This actually reduces party squabbling over time. Having one day a week where backbenchers can select what laws they want to propose on difficult issues governments are not addressing could bring progress on many overlooked policy areas. Indeed, without government interference, this may actually help the executive make decisions they feel are too politically difficult to touch. With the backing of the legislature, government would not have to fear the political backlash as they alone could not be blamed for ramming it through parliament. Indeed, this could actually make government more representative and effective.

## **Problems with standards**

### **1. Inequity of time (control of the legislative timetable).**

One criticism of parliament is that it currently does not allow the UK to control its armed forces in a democratic way. Armed forces are too often deployed without the consent of parliament. Further, the executive can pressure MPs to vote for deployments through party leaders demanding loyalty from their MPs on the issue. This was the main criticism made during the decision to go to war in Iraq. It is a fair request that the people and their representatives have a full voice in how our armed forces are used across the world. This could be done with the following steps:

- Removing whips from votes where the armed forces are involved.



- Separating the executive with the legislature (see page x).
- Broadening the scope of action which needs parliamentary approval, such as policies regarding the use of drones and other new emerging technology. Not every drone strike can be voted on due to the quickness of decisions that need to be made, but the overall use of drones in foreign countries could be debated and voted upon.
- Giving the legislature adequate time before military intervention is decided. This could limit the ability of the executive to reconvene parliament solely for military action abroad.

## **2. Potential political corruption stemming from Lords appointments.**

From the outside, it appears that peerages are increasingly subject to political corruption. If an individual donates enough money to a political party their chances of gaining a peerage seem to increase substantially. Further, it also appears that peerages are given as a reward for political favours. They also appear to be given to retired politicians who have long served a party or have become politically difficult for a leader. Not only does this undermine faith in our parliamentary system, but it also politicises scrutiny of government legislation. The way to avoid this problem is to reform the House of Lords. To do this, appointments should be taken away from the executive and instead granted by recognised experts based upon expertise. This way the quality of government scrutiny could be improved whilst tackling political corruption within parliament concurrently. More detail on this reform can be read here:

### **3. Potential political corruption stemming from Lords appointments.**

The Westminster Democratic Services department would be responsible for ensuring that the following rules and procedures are adhered to. It would do this by administering the information MPs would have to give this service and investigate any withholding, deception or manipulation of evidence. The rules for this process could be as follows:

- To declare all lobbying conducted on a weekly basis. To be done so in a clear way (meaning further research is not required to find out who was lobbying).
- To declare all meetings that in any way could be associated with lobbying on a weekly basis.
- To declare if their position has changed as a result of lobbying in a statement of declaration, which would be conducted on a monthly basis.
- To declare if professional lobbyists had been used to represent a trade union, company, special interest or charity group.
- The service would investigate any claims of corruption where MPs have taken cash for a favour, such as cash for question scandals.
- The service would also investigate any reports of undeclared lobbying and would make a final judgement if this was done knowingly or by an innocent mistake.

- The service to publish action they have demanded to be taken in the event of an MP being found guilty of accusations of corruption or undeclared lobbying.
- Problems associated with lobbying can stem from party funding. Therefore, reforms to party funding could be made. There could be stricter limits on spending and donation sizes. Alternatively, state funding linked to parties that achieve +10% of the national vote could also be considered.

#### **4. Political interference from the government in forming electoral boundaries and in voting rules (Such as with voter identification law changes).**

More recently the executive have tried to gain an electoral advantage by amending the rules under which people vote. This primarily has been done by changing laws around voter identification and how the electoral boundaries are drawn. To avoid this interference to the political system from the executive, powers to do this must be taken away from parliament. Instead, the electoral commission could be placed in charge of a review around the effectiveness of voter identification laws and drawing new electoral boundaries. This independent body could impartially determine if new voter identification laws unfairly discriminate against some voters. If the findings demonstrate new laws have discriminated, then a recommendation could be given to parliament to scrap these voting laws. Further, the electoral

commission could have the power to redraw the electoral boundaries when they find significant population and demographic change has occurred since the last review. This will help to ensure that constituencies are roughly the same size when a general election is called, ensuring that representation is equal (assuming that FPTP remains as our voting system).

#### **5. A lack of expert and public involvement in government scrutiny.**

When the public is allowed to shape government legislation and scrutinise government performance in select committees, this is recognised as something that leads to better outcomes. Yet, the opportunities the public gets to shape legislation and scrutinise current national policy are limited. Therefore, devising more ways experts and members of the public can scrutinise current laws, government policy and proposed legislation could help improve the quality of governance in Westminster. This could include allowing the public to decide on matters that politicians are reluctant to address. Such decisions could be made from the process of citizen juries. This would involve selecting a representative sample of the adult UK population and presenting this panel with possible options that could be taken on a controversial policy area. These juries would then be presented with the information on all sides of the argument and would be given time to deliberate. After a set time of discussion, this jury would then be invited to vote on what they believe is the best possible course of action. If the jury decides to change from the status quo then this alteration would then be put to parliament for approval or

rejection. Such methods of working could provide action on issues that are currently being unaddressed by the Westminster system. It could also give democratic legitimacy when trying to provide answers for hard-to-address problems.

## Conclusion

In conclusion, the feeling that Westminster isn't delivering for many people across the UK should not be dismissed. In this policy paper, many problems have been identified within the House of Commons. MPs are stuck in a system that makes it hard to deliver for the people that elected them. Mistakes are repeatedly made by a dominant centre and MPs that become Ministers often feel they either can't change things or don't have the time to. The public feels frustrated that things don't change and is rightfully angry that they are consistently being failed. Some of these failures have had severe negative consequences for many people throughout the UK. Letting such a state of affairs endure will continue to hold back the UK, is politically dangerous and is not a good option. This policy document has outlined several reforms that can be made to the House of Commons to address these problems. This has included separating the executive and legislator, giving MPs more control over the parliamentary timetable, less party control over MPs, bringing expertise into the executive and parties sharing power and decision-making.