

# Peers' and Public Attitudes to the Contemporary House of Lords

*Briefing for a seminar in the House of Lords, 12 December 2007*

Meg Russell  
The Constitution Unit, School of Public Policy  
University College London

**Please do not cite or quote this paper in other academic works without prior permission from the author**

This briefing provides some summary figures from a survey of members of the House of Lords conducted by the Constitution Unit, combined with figures from a survey of the public conducted for the Constitution Unit by Ipsos MORI. Both surveys were carried out in 2007, with the public opinion survey in late October (details are given in the Appendix). Members of the House were asked about a wide range of issues, and only a limited number of results are reported here, particularly with respect to the powers of the House and its reform. Both peers and the public were asked questions about the legitimacy of the contemporary House of Lords, allowing us to compare their perspectives as well as considering the two sets of opinions separately.

## Summary points

- Peers state that the 1999 reform (removing most hereditary peers) gave the chamber added confidence and legitimacy. They also believe that the public, government and pressure groups now have more respect for the House of Lords.
- Peers believe that the chamber's power over ordinary legislation is about right, but many think it should have more power over 'delegated' legislation and constitutional matters.
- However, peers agree that government defeats are not their most important means of policy influence, and that persuading ministers to amend their own bills is more important.
- Asked which factors are most important to determining the legitimacy of the House of Lords, peers prioritise 'trust in the appointments process', 'detailed legislative scrutiny' and 'presence of experts' over other factors (including 'presence of elected members').
- Asked the same question, the public also choose to prioritise exactly the same factors, plus the House 'making decisions in accordance with public opinion'.
- Asked to choose which are the two most important determinants of legitimacy, the public chose (in order) decisions made in accordance with public opinion, a trustworthy appointments process, and considering legislation carefully and in detail. Inclusion of elected members came fifth out of seven.
- Slightly more people think the House of Lords is doing a good job on policy than think the same about the House of Commons. Though far fewer believe 'the process for choosing members of the House of Lords is a good one'.
- Among people claiming to be knowledgeable about the Westminster Parliament, the Lords ranks even better on policy. It also ranks if anything marginally worse on process of choosing members, but addition of elected members was also ranked if anything lower in importance.

## Peers' beliefs about the 1999 reform

Our survey of peers included a number of questions about the impact of the 1999 reform, which removed most hereditary members from the chamber. Some of the key results are given in Table

1. These show that the great majority of members of the House believe that it has grown in confidence since 1999, and that it is taken more seriously by the public, pressure groups and the government. There was general agreement between members representing different political parties in the House on these questions. The responses are consistent with those of the Constitution Unit's 2005 survey of peers (see Russell 2005), and with other questions on our 2007 survey. For example (not shown in the table) 88% of members agreed that the House has become 'more assertive' since 1999. In addition there is some evidence that patterns of work are changing in the House of Lords. For example, the majority of members agreed that joint working between the two opposition parties had increased since 1999.

Table 1: Peers' beliefs about the impact of the 1999 reform

	Increased a lot	Increased a little	Not changed	Decreased a little	Decreased a lot	Total increased
Peers' confidence to demand policy change	25%	61%	13%	1%	0%	86%
Joint working between the opposition parties	7%	46%	43%	4%	0%	53%
Public support for the House of Lords	20%	53%	22%	5%	1%	72%
Attention pressure groups pay to the House of Lords	27%	55%	16%	1%	0%	82%
Attention government pays to the House of Lords	8%	60%	24%	5%	2%	69%
The 'legitimacy' of the House of Lords	22%	55%	19%	4%	1%	76%

## Peers' attitudes to House of Lords powers

We also asked members about their attitudes to the current powers of the House of Lords over legislation, as shown in Table 2. There was general agreement that the chamber's powers over ordinary legislation (which allow it to delay most bills for about a year) are 'about right'. However there was less agreement about certain other categories of legislation.

Table 2: Peers' views about the Lords' powers over different legislation

	Much too great	Too great	About right	Too weak	Much too weak	Total too weak
Formal powers over primary legislation	1%	5%	85%	9%	1%	10%
Formal powers over secondary legislation	1%	3%	53%	37%	7%	44%
Formal powers over constitutional change	1%	4%	48%	36%	10%	46%

Although the House of Lords has an absolute formal veto over secondary legislation, 44% of members felt that its powers in this area were too weak: presumably a comment on the convention that the veto power is not normally used. There were significant differences of opinion between the parties on this point. Amongst Labour peers, 64% believed that the Lords' power was 'about right', but 52% of Conservative peers, and 69% of Liberal Democrat peers believed that it was too weak. Similarly, 63% of Conservative peers and 57% of Liberal Democrat peers believed that the Lords' powers over constitutional change were too weak, while 63% of Labour peers felt that they were 'about right'. The Lords takes a particular interest in constitutional matters, and has held up much legislation on civil liberties grounds, as well as other bills such as that creating the new Supreme Court. It appears that there may be support in the House for a change so that constitutional legislation is treated differently to other bills, possibly including an upper house veto, as applies in many other states (see Russell 2000).

Although opposition members, in particular, expressed support for an increase in the chamber’s formal powers, it was also clear from the survey that there are other factors of importance to the influence of the House of Lords. In a separate question, summarised in Table 3, we asked peers which elements were most important to the chamber’s policy influence. Its most evident source of influence is defeats on government legislation, of which there have been over 400 since 1999 (see Russell and Sciara 2007). But while government defeats were considered ‘very important’ by a third of peers, more than half said the same about government bringing forward its own amendments to legislation under pressure from peers. When asked to choose which of four factors was the single most important to the House of Lords’ policy influence, government amendments under pressure were again the clear favourite. This form of influence is far less visible than government defeats, but arguably also far more important.

Table 3: Peers’ views of the importance of different factors to the Lords’ policy influence

	<b>Very important</b>	Important	Not very important	Not at all important	<b>Single most important</b>
Government defeats in the House of Lords	<b>33%</b>	61%	7%	0%	<b>32%</b>
Government bringing forward its own amendments under pressure from Peers	<b>54%</b>	45%	1%	0%	<b>49%</b>
Peers exerting pressure behind the scenes to influence policy before it is announced	<b>25%</b>	52%	20%	2%	<b>17%</b>
Presence of the Lord is discouraging government bringing forward proposals at all	<b>7%</b>	30%	46%	16%	<b>2%</b>

## The legitimacy of the House of Lords

We included several questions about the ‘legitimacy’ of the House of Lords in our surveys both of peers and the public. The chamber’s legitimacy has been much contested since 1999 (and indeed throughout the previous century), due to its unelected status. As shown above in Table 1, in a result consistent with our 2005 survey, the great majority of peers believe that the 1999 reform increased the legitimacy of the chamber. But legitimacy is a contested concept (Kelso 2006, Russell and Sciara 2006), and there are many factors which may be thought to contribute to it. Our questions to peers and the public sought to investigate in more detail those factors considered important.

Table 4: Peers’ views of which factors are important to determining Lords’ legitimacy, in rank order by ‘very important’

	<b>Very important</b>	Important	Not very important	Not at all important
Trust in the appointments process	<b>70%</b>	25%	4%	1%
Process of detailed legislative scrutiny	<b>65%</b>	33%	1%	0%
Presence of experts	<b>46%</b>	48%	5%	2%
No party having an overall majority	<b>34%</b>	52%	13%	2%
A fair balance of seats between the parties	<b>30%</b>	57%	11%	1%
Presence of numerous Crossbenchers	<b>30%</b>	49%	16%	5%
Removal of hereditary peers	<b>30%</b>	28%	30%	12%
Addition of members elected by the public	<b>12%</b>	11%	32%	45%
Acting in accordance with public opinion	<b>11%</b>	45%	38%	6%

We therefore asked how important each of a number of factors were to the legitimacy of the House of Lords. The results from our survey of peers are shown in Table 4. We included nine possible factors, and these are listed in the table in descending order of which were considered ‘very important’ by the largest number of peers. This shows that the factor considered most

important (perhaps unsurprisingly, given the context of the ‘cash for peerages’ affair) was ‘trust in the appointments process’. The other factor considered particularly important by peers was the chamber’s ‘process of detailed legislative scrutiny’, and third was the ‘presence of experts’. Other factors, such as fair balance between the parties, presence of numerous Crossbenchers, and removal of hereditary peers were considered ‘very important’ by around one third of members. Least popular were the suggestions that legitimacy might depend upon the chamber acting in accordance with public opinion (though this was considered important by 56% of peers in total), or on addition of members elected by the public, which received very little support.

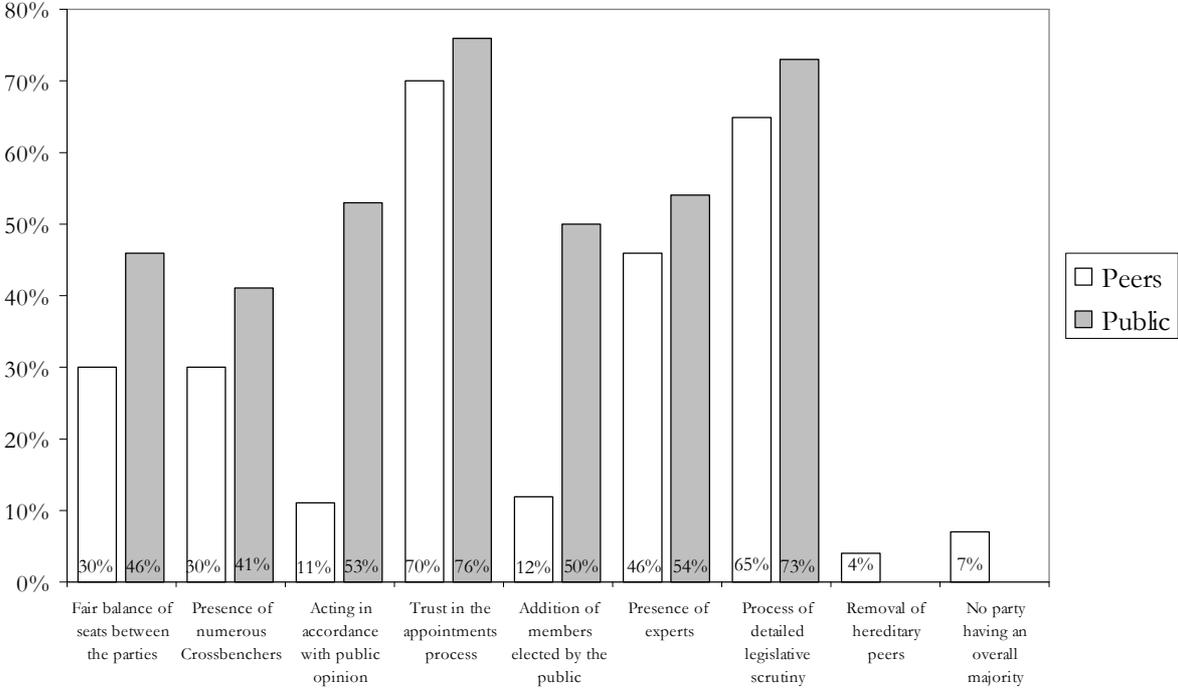
These responses might appear to demonstrate a rather insular House of Lords view, relatively familiar from debates in the chamber about its own reform. However, when this question was repeated in the public survey (with slightly different wording on some points) a remarkably similar picture emerged, as shown in Table 5.

Table 5: Public views of which factors are important to determining Lords’ legitimacy, in rank order

	<b>Very important</b>	Fairly important	Not very important	Not at all important
Trust in the appointments process	<b>76%</b>	19%	3%	2%
That the House considers legislation carefully and in detail	<b>73%</b>	23%	3%	1%
That many members are experts in their field	<b>54%</b>	36%	8%	2%
That the House acts in accordance with public opinion	<b>53%</b>	32%	11%	4%
That there are some members elected by the public	<b>50%</b>	34%	12%	4%
A fair balance of seats between the parties	<b>46%</b>	41%	9%	3%
Presence of numerous independent members	<b>41%</b>	42%	13%	4%

Note: figures in the table exclude don’t knows, which were around 10% on each question.

Figure 1: Peers’ and public views compared on factors ‘very important’ to legitimacy



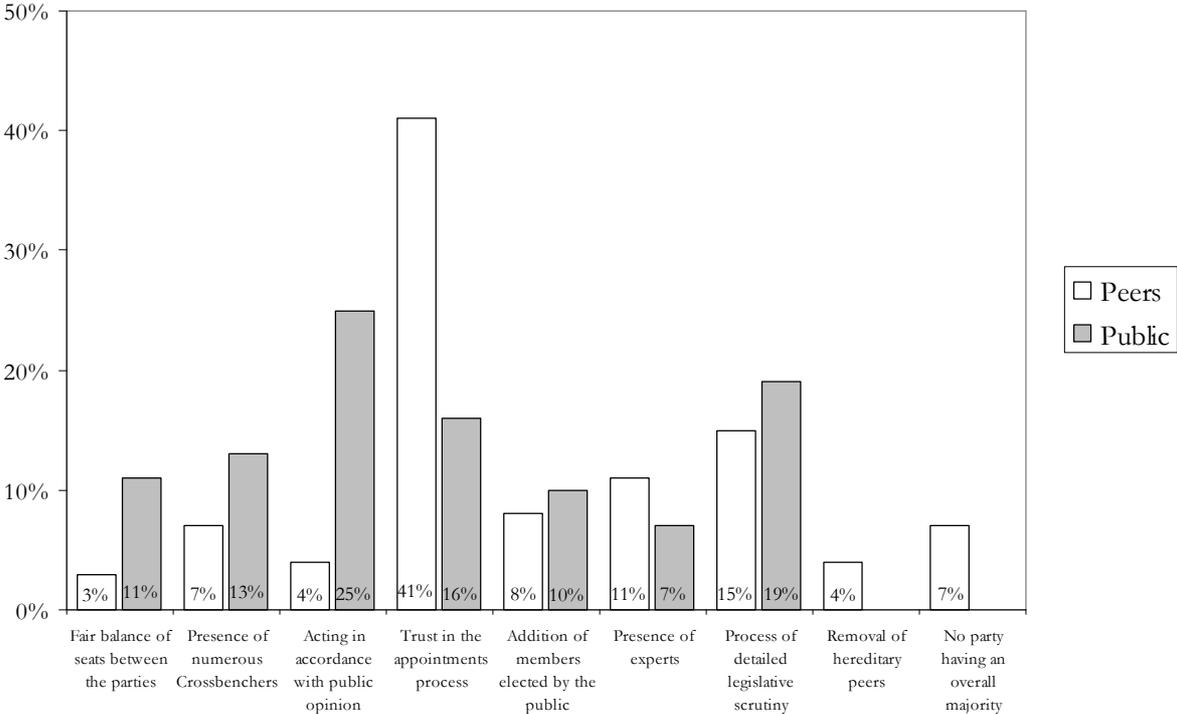
Note: As above, public survey figures exclude don’t knows, which were around 10% on each question.

The public survey included only seven options, rather than the nine offered to peers, but the same three factors were selected as ‘very important’ by the largest number of respondents.

Around three-quarters of respondents considered trust in the appointments process, and the chamber considering legislation carefully and in detail, to be ‘very important’. A majority also considered that presence of experts was very important, and (somewhat in contrast to the views of peers) that it was ‘very’ important for the chamber to act in accordance with public opinion when taking policy decisions. A bare majority of respondents considered elected members to be very important, and just short of a majority said the same about a fair balance of seats between the parties and presence of numerous independent members. A summary comparing the views of peers and the public is given in Figure 1.

Thus far our questions have allowed respondents to select several factors that they consider important to determining legitimacy. In the public survey, in particular, five out of seven factors gained majority support. These results are consistent with those from earlier surveys, which suggest that the public favour an elected second chamber, but also favour presence of independents and experts for example.<sup>1</sup> But many consider these factors to be in conflict, so what do people prioritise if they are forced to choose? To find out, we followed our question about which factors were important with a question asking which of these was the single most important. The responses from peers and the public are summarised in Figure 2.

Figure 2: Peers’ and public views compared on single most important factors to legitimacy



Note: Public survey figures exclude don't knows, which were 9%.

This demonstrates that the most important factor for peers was trust in the appointments process (supported by 41%), followed far behind by process of detailed legislative scrutiny (favoured by 16%), and presence of experts (at 11%). Amongst the public the ranking was rather different: most popular was acting in accordance with public opinion (supported by 25%), but this was then followed by process of detailed legislative scrutiny (at 19%) and trust in the appointments process (at 16%). The other factors considered ‘very important’ - presence of experts and elected members - were ranked significantly lower, and actually below presence of independent members and fair balance of seats between the parties.

By asking the public to choose the most important of seven factors, the proportion choosing any single factor was always likely to be low. In order to provide a more robust indication of those factors considered important, the public were also offered the opportunity to pick the second most important factor in their view. The results for this and the previous question are combined in Table 6, showing those factors included in the top two by members of the public. The right-hand column of this table also shows the ranking of factors by those members of the public who stated (in an earlier question) that they knew ‘a great deal’ or ‘quite a lot’ about the Westminster Parliament. These members made up approximately one third of our sample.

Table 6: Public views of the two most important factors to determining Lords’ legitimacy, in rank order

	All	Knowledgeable about Westminster parliament (ranking)
Acting in accordance with public opinion	40%	33% (3)
That the House considers legislation carefully and in detail	32%	40% (1)
Trust in the appointments process	32%	35% (2)
Presence of numerous independent members	26%	31% (4)
That there are some members elected by the public	23%	20% (6)
A fair balance of seats between the parties	22%	19% (7)
That many members are experts in their field	21%	21% (5)

Note: figures exclude don’t knows, which were around 10%.

Table 6 shows that when able to select the two most important factors, the same three factors as before show up to be most widely valued: the chamber acting in accordance with public opinion, considering legislation carefully and in detail, and the need for trust in the appointments process. The presence of numerous independent members also ranks relatively highly. The presence of elected members continues to rank third from bottom, followed by fair balance of seats between the parties and presence of experts. What is particularly surprising about this result is that respondents had the opportunity to choose both elected members and another factor which might by some be considered in conflict with this (such as careful legislative scrutiny, or presence of independent members) and yet the inclusion of elected members still was selected by fewer than one in four people. Amongst those respondents claiming to be knowledgeable about Parliament (who were in other ways relatively representative of the population as a whole), inclusion of elected members ranked lower still. These respondents considered detailed legislative scrutiny to be most important and trust in the appointments process second most important, with acting in accordance with public opinion ranking third. Presence of elected members ranked sixth out of seven.

Throughout these results from the public survey there was relatively little difference in responses between supporters of different political parties, from different age, gender or regional groups. The most notable difference was that between those knowledgeable and less knowledgeable about Parliament, which is why we have included these figures separately.

**Public views comparing Commons and Lords**

Finally we asked the public two identical questions about the House of Commons and the House of Lords. Our purpose was to gain an understanding of how positively (or otherwise) the House of Lords is viewed in terms of its policy contribution and its method of composition. But asking these questions in a vacuum would tell us little unless we knew the public’s answers to equivalent questions about the House of Commons. We therefore commissioned questions on both. The responses are shown in Table 7.

Table 7: Public views of the House of Lords and House of Commons

	Strongly agree	Tend to agree	Neither agree or disagree	Tend to disagree	Strongly disagree	Total agree	Total agree: knowledgeable only
The House of Commons generally carries out its policy role well	8%	45%	25%	17%	5%	53%	57%
The House of Lords generally carries out its policy role well	9%	48%	28%	11%	4%	57%	66%
The process for choosing members of the House of Commons is a good one	17%	46%	22%	12%	4%	62%	64%
The process for choosing members of the House of Lords is a good one	6%	30%	29%	23%	12%	36%	34%

Note: figures exclude don't knows, which were for the House of Commons 12% (policy role) and 15% (composition) and for the House of Lords 15% (policy role) and 18% (composition) for the full sample.

In terms of policy roles these figures show a relatively positive response, with the majority of members of the public who expressed a view feeling that both chambers are carrying out their role well. However it is interesting that a slightly higher proportion of the public considered that the House of Lords was carrying out its role well than said the same thing about the House of Commons. This distinction is more marked when results are restricted to those who claim to be knowledgeable about Parliament (in the terms discussed above).

With respect to composition, a comfortable majority agree that 'the process for choosing members of the House of Commons is a good one'. Perhaps unsurprisingly, a significantly smaller number say the same thing about the process for selecting members of the House of Lords. Amongst those knowledgeable about Parliament the proportion giving a positive response about the selection process for the Commons is if anything slightly higher, and the proportion giving a positive response about the selection process for the Lords if anything slightly lower.

## Conclusion

The results of our survey of peers show that the House of Lords is becoming more confident and assertive following its reform in 1999. Members believe that the chamber is more widely supported, and that it is more legitimate. There is some support for an increase in its powers in limited areas, though general agreement that the powers are about right with respect to ordinary bills. Though government defeats in the House of Lords are considered by members to be important, more subtle forms of policy pressure persuading government to listen to the concerns of the now more assertive House are considered more important still.

Our results on the legitimacy of the House of Lords break new ground. While earlier surveys have asked whether the public think the House of Lords is doing a good job, and have demonstrated support for different sides of the reform argument, we have for the first time confronted members of the public with choices about what is most important to determining the legitimacy of the chamber. Contrary to expectations, given widespread support for elected members in many earlier surveys, this factor is not considered important in comparison with other factors such as careful legislative scrutiny, trust in appointments, and listening to public opinion. Even when offered two choices about what matters, relatively few members of the public pick election, with more supporting the factors already mentioned or inclusion of independent members. These results sit in an interesting way with the responses to our final question about the Commons and the Lords. This showed that a slightly higher proportion of the public believe the Lords is doing a good policy job than say the same about the Commons.

However there is concern about the way in which members of the House of Lords are chosen. One solution to this problem is clearly to introduce elections for the upper house. But our results suggest that a reform to the appointments process might actually have more widespread support.

## **Bibliography**

- Kelso, A. (2006). 'Reforming the House of Lords: Navigating Representation, Democracy and Legitimacy at Westminster', *Parliamentary Affairs*, 59, 563-81.
- Russell, M. (2000). *Reforming the House of Lords: Lessons from Overseas*, Oxford: Oxford University Press.
- Russell, M. (2005). 'Views from Peers, MPs and the Public on the Legitimacy and Powers of the House of Lords', Paper to a seminar in the Moses Room, House of Lords, London: Constitution Unit.
- Russell, M. and Sciara, M. (2006). 'Legitimacy and Bicameral Strength: A Case Study of the House of Lords', *Conference of the Political Studies Association Specialist Group on Parliaments and Legislatures*, University of Sheffield.
- Russell, M. and Sciara, M. (2007). 'Why does the Government get Defeated in the House of Lords? The Lords, the Party System and British Politics', *British Politics*, 2 : 299-322.

## **Appendix: the surveys**

The peer survey was a 12-page postal questionnaire survey comprising mostly multiple choice questions, circulated to all members of the House of Lords in April 2007 (with a reminder four weeks later). In total 381 members of the House replied before the analysis commenced. This represents a 52% response rate. Responses were broadly representative of the chamber as a whole – for example between political party groups and hereditary and non-hereditary peers.

The public survey was conducted for the Constitution Unit by Ipsos MORI, with fieldwork between 18 and 23 October 2007. The questions were included on Ipsos MORI's main face-to-face omnibus survey. Interviews were conducted with a representative sample of British adults aged 16+, and results have been weighted to match the profile of the population as a whole: in terms of age, gender, work status and region. Where respondents were offered a range of options that might impact on legitimacy, the order of options was varied to avoid bias. Respondents were also asked 'How much, if anything, do you feel you know about the Westminster Parliament?', with five options: 'a great deal', 'quite a lot', 'not very much', 'nothing at all' and 'don't know'. We have included as 'knowledgeable' those respondents choosing the first two options. This represented 721 (35%) of the total sample.

This research was funded by the Economic and Social Research Council (ESRC) under grant RES-000-23-0597.

---

<sup>1</sup> The most obvious was a Populus poll for *The Times* in April 2006 where 72% of respondents agreed that 'At least half of the members of the House of Lords should be elected so that the upper chamber of Parliament has democratic legitimacy', but 75% also agreed that 'The Lords should remain a mainly appointed house because this gives it a degree of independence from electoral politics & allows people with a broad range of experience & expertise to be involved'.