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THE PRIME MINISTER

20 February 2018

Dear Norman

Thank you for your letter of 21 December and the Hansard record of the debate on 19 December on the report of the committee you set up under the chairmanship of Lord Burns to consider the size of the House of Lords. I commend Lord Burns and the rest of the committee for their thorough and carefully considered work, which in my view represents a serious attempt to tackle the challenge presented to them, including that of finding non-legislative solutions.

I have discussed the proposals contained in their report – and the points raised in the debate on it – with Baroness Evans of Bowes Park, and have noted the broad degree of support for the report from those who spoke in the House on 19 December.

As a Government, we respect the important role the House of Lords plays in scrutinising and revising legislation and debating public policy. It thereby complements the work of the House of Commons while respecting its primacy and the associated conventions between the two Houses. I have confidence in the House of Lords continuing to perform its work effectively and doing so within the framework of those conventions.

To my mind, the report's recommendations divide into two separate areas. The first includes those steps which are necessary to achieve a reduction in the size of the House of Lords. The second set of recommendations would establish mechanisms by which the House would thereafter be maintained at a steady and smaller state.

In my view the constitutional issues associated with the recommendations made by Lord Burns and the committee in this second area – maintaining the membership of the Second Chamber in a steady state – require further careful thought and wider engagement, particularly with the House of Commons, before those steps can be progressed. These proposals would have a significant impact on the composition and, therefore, the character and functions of the House of Lords, which have always been linked to its role and relationship with the elected House.

It was clear from the debate on 19 December that many members recognised that some of these proposals, for instance the introduction of fixed terms for new members, require further consideration to ensure that they do not have unintended consequences. Furthermore, as Chapter three of Lord Burns's committee's report makes clear, the non-statutory mechanism they propose raises some legal questions which will need to be carefully explored.

Nevertheless, the need for further consideration of a longer term 'steady state' should not preclude us taking actions now, in the spirit of the committee's report, to reduce the House's size. As Lord Burns and the committee say in the summary of their report, 'We recognise that there are differing views about how the House should be constituted, but it is clear to us that there is widespread agreement on the urgency of addressing its size.' I am pleased that the debate on 19 December underscored the desire on all sides of the House for progress to be made in this regard.

A key part of that progress – as Lord Burns's report makes clear, and as many peers emphasised during the debate on it – is an assurance from Prime Ministers to exercise restraint over new appointments. I would like to respond to this point in particular.

You will be aware that, since I became Prime Minister in 2016, I have not recommended a significant number of people for peerages. Indeed, other than three Ministerial appointments, I have not recommended any party-political peers at all in this Parliament or the last. Last October, I recommended five distinguished public servants – the Lord Chief Justice, the former Bishop of London, the former Commissioner of the Metropolitan Police, a former Chief of the Defence Staff, and a former Private Secretary to Her Majesty The Queen – to continue to contribute to national life as crossbench peers. One of the key strengths of the House of Lords is that it is a place where people of this calibre and experience can participate directly in our legislature.

Over the same period of time, 28 peers have taken up the opportunity introduced in the House of Lords Reform Act 2014 to retire from the House of Lords; a further two have been removed for non-attendance under the provisions of that Act, and 16 have sadly died.

Taking into account the new peers who have joined the House – 24 appointments (including my predecessor's resignation list) and two newly elected hereditary peers – the total number, including those on a Leave of Absence, has reduced by 20 members since I became Prime Minister. Like most of those who spoke in the debate on 19 December, I am keen to maintain that trajectory.

Two principal elements are needed to do this – continued restraint over new appointments, and a sustained commitment from all parties and none to reduce the size of the House through retirement. Lord Burns and his fellow committee members propose a target of 139 departures by the end of this Parliament in 2022: to date there have been 20.

I acknowledge that these two elements are connected: during the debate on 19 December a number of speakers made clear that, without an assurance of restraint by the Prime Minister, they would be reluctant to take advantage of their ability to retire.

Having nominated no political peers in the last Parliament – nor at dissolution, as is normal practice – I am planning to propose a small list of new party-political peers, which will be announced in the usual way in due course. As a number of speakers in the debate on 19 December including Lord Butler of Brockwell recognised, this is a legacy issue arising from the general election. The House of Lords Appointments Commission has also recommended a small number of independent crossbench peers.

I would like to use this letter to make a statement of intent on further appointments over the remainder of this Parliament. I intend to continue with the restraint which I have exercised to date and, when making appointments, to allocate them fairly, bearing in mind the results of the last general election and the leadership shown by each party in terms of retirements. I will also operate on the basis that there is no automatic entitlement to a peerage for any holder of high office in public life.

Of course any undertaking by me will have a limited effect on reducing the size of the House unless members themselves are willing to retire over the same period. As Baroness Evans made clear during the debate in December, peers on the Conservative benches have a strong record in embracing retirement at the appropriate time, but achieving the sort of change outlined by Lord Burns and the committee will require that peers from all sides of the House do the same. As a part of this, the House itself would of course remain free to consider whether additional mechanisms to reduce the size of the House should be put in place.

I believe that a combination of restraint on appointments and an increased, cross-party take up of retirement would represent the most effective action which could be taken immediately to address the real concerns about the size of the House. It was, therefore, encouraging to see both the Labour Leader, Baroness Smith of Basildon, and the Liberal Democrat Leader, Lord Newby, express their broad support for the Burns proposals and acknowledge that more retirements would be required from their ranks – I welcome their commitment.

After a period of evaluating the success or otherwise of this first, important step, I would hope that consideration could then be given by all parties as to whether it should be formalised and whether any of the additional mechanisms recommended in the Burns report would be necessary.

Once again, I am grateful to you, to Lord Burns and his fellow committee members, and to the many other peers and figures from beyond the House of Lords who have contributed to their work, for taking the initiative and for producing serious proposals on which I think all sides can work constructively.

I am copying this letter to Lord Burns, Baroness Evans of Bowes Park, the Leaders of the Labour and Liberal Democrat peers, to the Convenor of the Crossbench peers, and Lord Kakkar as Chairman of the House of Lords Appointments Commission.

Yours sincerely
A. J.

The Right Honourable The Lord Fowler