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UK politics

How effective is Parliament?

**This article is a useful companion piece to the article on the House of Lords (pages 10–13) in this issue of Politics Review**

Until recently, the story of British politics was one of executive dominance. The largest party in the Commons usually got its way on a number of fronts, from passing legislation to light-touch scrutiny by tame select committees. The Lords, less dominated by the executive, remained meek in the face of an elected government. At best, it provided cosmetic amendments to government bills. However, over the past two decades the two Houses have found a new sense of purpose and resolve, holding the government to account, scrutinising the executive with purpose and defying the will of government.

The Brexit factor

At the time of writing, a febrile atmosphere dominates the two chambers. Tory backbenchers in the Commons have openly spoken against the prime minister, and cries of ‘betrayal’ and ‘treachery’ echo around the chamber. Brexit, an issue that divides the two main parties, has wreaked havoc upon the traditional norms of party discipline.

British political parties are ‘broad churches’ and so discipline becomes mandatory if these parties are to successfully implement a legislative programme in power or oppose the government in opposition. The first past the post electoral system gives the UK a two-party system, as only the two main parties have a realistic chance of forming a government. Party managers (known as whips) have perfected the art of keeping the party together, through patronage, persuasion and pressure. Brexit has upended this control, with the Tories the most vulnerable to a core group of Brexiteers, ready to defy the party whip. With a minority government (the 2017 election led to a hung parliament, as the Conservatives won 318 seats, eight short of a majority) they require their MPs to stay loyal.

Jacob Rees-Mogg, head of the European Research Group and arch Brexiteer, also has to contend with staunch Remainers on his side, ready to undermine any deal that they feel harms Britain’s economic standing. In December 2018, the Brexiteers and Remainers within the party inflicted disarray on the government benches, defeating the party on a number of crucial Brexit motions. One motion found the government in contempt of Parliament, for the first time ever, over its refusal to release the attorney general’s legal advice on the prime minister’s Brexit deal. Another motion gave Parliament more power to decide the next steps if May’s deal were to fail. The vote against the government over contempt proceedings won by 311 votes to 293, but the government lost the later vote on handing Parliament more power by a bigger margin — 321 votes to 299.

The embarrassing defeats in December followed a Supreme Court judgement in 2017 after campaigner Gina Miller successfully argued that the decision to trigger Article 50 belonged to Parliament, not the executive. It was Parliament that took Britain into Europe and so only Parliament had the right to trigger the process that would see a reversal. In its judgement, the court supported the principle that parliamentary sovereignty trumped the prime minister’s prerogative powers. In December 2017, an amendment to the EU Withdrawal Bill stated that the House of Commons would need to ratify any final deal and that the Lords would have to debate it before the deal came into force. It is absolutely clear that Brexit has strengthened the role of parliamentarians.

Hung parliaments and slim majorities

Since 2010 the House of Commons has asserted its power over the executive. As governments struggled to secure large majorities, Parliament has become stronger. The 2010 general election led to a hung parliament, with the Tories returning only 306 MPs, which forced them into a coalition with the Liberal Democrats. The 2015 election gave the Tories a slim majority, but this was seen by Theresa May as insufficient to go into Brexit talks. May called a snap election in 2017 but squandered her small majority for another minority government of 317 seats, propped up by the Northern Irish Democratic Unionist Party’s 10 seats.

Parliamentary arithmetic has conspired to strengthen Parliament. In the space of 6 years, Cameron faced nine defeats in the Commons, including a motion authorising military action in Syria in 2013. May’s government has to date been defeated eighteen times in the Commons. Contrast this with Margaret Thatcher, who in her 11 years faced only four defeats, and Tony Blair, who in his 10 years also faced only four defeats, all in 2006 as his power waned. In hung parliaments or those with slim majorities, Parliament becomes more effective in holding the government to account and defying the executive.

Select committees

Beyond the Commons and Lords chambers, committees have also discovered a new lease of life. The implementation of the Wright reforms in 2010 gave the House of Commons the right to elect committee members and chairs. This prompted backbenchers to be elected to committees that until now were part of the prize of party leaders’ patronage. Select committees in the Commons place government departments under scrutiny in three areas: spending, policies and appointments. Since 2010 these committees have attracted feisty and independent-minded MPs such as Labour’s Margaret Hodge, chair of the Public Accounts Committee between 2010 and 2015. She tore into witnesses, harangued ministers and, according to one study, had more of a profile than the majority of government ministers. Hodge even admitted she had more power as chair than she ever did as a minister in Blair’s government.

Then there is Labour’s Keith Vaz, who as the long-running chair of the Home Affairs Select Committee (resigning in 2016 after a personal scandal), had a greater profile than the shadow Home Secretary. Conservative Dr Sarah Wollaston, chair of the Health Select Committee, has brought her experience as a GP to the task, questioning the role of powerful pharmaceutical lobbies. Frank Field, maverick Labour MP, has chaired the Work and Pensions Committee, criticising the government’s handling of the controversial universal credit programme and calling for an overhaul of the scheme. Meanwhile Amber Rudd, then home secretary, was forced to resign after she mislead the Home Affairs Select Committee over the culture of immigration targets, saying none existed, only to backtrack after a leaked e-mail suggested otherwise.

Finally, who could forget News International’s Rupert Murdoch who, at a hearing of the Culture Select Committee, said ‘this is the most humble day of my life’. Select committees have enabled parliamentarians to scrutinise in a renewed atmosphere of independence, free from party loyalism and whips.

Activity

Parliament has four main tasks: passing legislation, holding the executive to account, scrutiny and representation. Draw up a table and argue the effectiveness and ineffectiveness of all four areas. Remember you should try to give specific recent examples to back up your points. For which task is Parliament most effective?

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