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Palace of Westminster: Vigour and decline

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Editorial

The Palace of Westminster, which hosts the British Parliament, is also the venue of a political drama of historical proportions as this issue of *British Politics Review* is published. The process of Brexit, initiated by referendum and long guided by government decree, has returned to the elected MPs where it arguably belongs. There will be no Brexit, hard or soft, before the parliamentarians have spoken – debated, negotiated and voted – on the issue.

Westminster counts among the foremost symbols of liberal democracy and of Britain itself. The majority of the building complex dates from the mid-19th century, yet its Gothic splendour also symbolises a thousand years of uninterrupted parliamentary representation. Where other palaces demonstrate executive power, Westminster's is the power of law.

Meanwhile, the Palace itself is in a deplorable state, as graphically illustrated by Charlotte Higgins in the following pages. Long live the respect for ancient buildings, but in the case of Westminster, awe – or simple inaction – has drowned necessary maintenance through the last short century. What frightens the most is the possibility that a sudden fire caused by derelict supply systems for electricity and gas will lead to the destruction of large parts of the buildings.

Ideally, the two Houses of Parliament should leave the Palace for a decade's work. But could they? What would a temporary desertion of Westminster mean to the dominant conception of British democracy? Would the legitimacy of its two-party, adversarial politics vanish as well?

The present issue of the Review takes the call for renovating the Palace of Westminster as its point of departure. We have invited a set of scholars to reflect upon different aspects of parliamentary practice today. Many of the contributions have been framed to convey the importance of the building itself or its traditions, and how they change. And in the final article, Cristina Leston-Bandeira and Louise Thompson take a step back to look at the topic at hand: If you consider Parliament as essential to British democracy, how can a book on its practices and traditions contribute to public awareness? We hope you will enjoy the read!

Øivind Bratberg & Atle L. Wold, editors

A tale of decay

by Charlotte Higgins

Britain's Parliament is broken. It is a fire risk. It is insanitary. Asbestos worms its way through the building. Many of the pipes and cables that carry heat, water, electricity and gas were installed just after the war and should have been replaced in the 1970s; some of them date from the 19th century. The older the steam pipes become, the more likely they are to crack or leak. When high-temperature, high-pressure steam enters the atmosphere, it expands at speed, generating huge, explosive energy. Such force could be fatal for anyone close; it could also disturb asbestos and send it flying through the ventilation system, to be inhaled by palace workers. The building caught fire 40 times between 2008 and 2012. Last year, a malfunctioning light on an obscure part of the roof caused an electrical fire that could have spread rapidly, had it not been detected at once. Whatever else happens in the Palace of Westminster, that great neo-Gothic pile on the Thames, one thing is constant. Every hour of every day, four or five members of the fire-safety team are patrolling the palace, hunting for flames.

Away from the grand chambers of the House of Commons and House of Lords, away from the lofty corridors, away from the imposing committee rooms with their carved doors, the palace is tatty, dirty and infested with vermin. Its lavatories stink, its drains leak. Some of the external stonework has not been cleaned since it was built in the 1840s, and is encrusted with a thick coat of tarry black that is eating away at the masonry. Inside the building, intricate fan vaulting is flaking off, damaged by seeping rainwater and leaking pipes. Its Gothic-revival artworks are decaying: in the Lords chamber, the once-golden sculptures of the barons who signed the Magna Carta are now dull grey, pitted and corroded.

Beyond its state of disrepair, the building is all too obviously a remnant of a predemocratic age. It was built not to welcome its populace in, but to impress them with its fortress-like grandeur. It was designed when women were, at best, crinoline-wearing spectators of parliamentary life, consigned to the public gallery. With its chilly colonnades of sculptures of male politicians, its heavy, ecclesiastical furnishings and gentlemen's-club atmosphere, it provides the perfect stage-set for Britain's "very aggressive, very masculine, very power-hoarding democracy", as political scientist Matthew Flinders put it.

Nevertheless, the Palace of Westminster is seductive. It wants to beguile those who encounter it with its fantasy of Britishness. The national mythology that the palace promotes from every frescoed wall is of a coun-

try where Good Queen Bess forever reigns, where the knights of the round table still quest for the Grail. Conservative backbencher Sir Edward Leigh told me that in his mind the building is inextricably linked with British freedom. "We are the only important country in Europe that has never been a police state, never had a police state imposed on us. We are the oldest functioning democracy of any major country – to me this should be valued. This is not just an office block. It's the symbolic centre of the nation."

Leigh is right that the palace is more than a just a building. It is the place – grand and tawdry, magnificent and squalid – that symbolises everything, both good and bad, about Britain and its democracy. Now it is dilapidated, ramshackle and dangerous. And no one seems willing, or able, to fix it.

"If you look back over time, there has been no shortage of people saying that something should be done," said crossbench peer Lord Lisvane who, in his previous guise as Sir Robert Rogers, clerk of the Commons, commissioned a report into the state of the palace in 2012. "And then you look at the excuses for not doing anything: too expensive, too embarrassing, too soon after the war – which gives you a very vivid impression of how long this has been going on." (The administration of the parliamentary estate, which includes a number of satellite buildings, is overseen by commissions of the Lords and Commons, akin to boards of directors, although the monarch still officially retains control over portions of the palace. There is no single chief executive figure, and a complex tangle of departments deals with the buildings' upkeep.)

Screeds of further studies, papers and parliamentary inquiries have warned, bleakly, of a "looming crisis", of a "tale of decay, disrepair and dilapidation". The Cassandras who have authored these reports (most recently a joint committee of both Houses of Parliament) warn of constant danger of flood, of the "ever-present threat" presented by asbestos, and, most urgently, "a risk of a major conflagration". With a hint of desperation, the committee, in its findings of 2016, compared the difficulty of trying to keep the palace safe, despite continual "aggressive maintenance" to "trying to fill a bathtub with a thimble while the water is draining out of the plughole at the other end".

What is needed, the report argues, is a thoroughgoing renovation programme, preferably undertaken over about six years in an empty palace. (...)

The problem is that MPs are caught in a trap. The

renovations, it was estimated in June 2015, will cost a minimum of £3.5bn. (If parliamentarians choose to stay in the building, the work could take 40 years and cost £5.7bn.) Spending vast amounts of money on their own workplace feels, to many, politically impossible. Some of them fear that moving out of the Palace of Westminster could indelibly alter parliament's culture. Flinders said: "There are those who realise that if they allow new intakes of MPs to go into a new chamber, with new atmospheres, new ways of doing things, places for everyone to sit, new procedures, new ways of talking, they may refuse to go back into what may to them feel like an antique shop."

The temptation for parliamentarians is to stall. But doing nothing is also a choice. Every year of delay increases the cost of the works by an estimated £100m. Every day that passes makes a catastrophe more likely. Tom Healey, head of restoration and renewal at the palace, told me that the palace's mechanical and engineering services – all those pipes and ducts and cables – are classified according to likelihood of failure. "By 2020, 40% of them will be at critical or high risk. By 2025, the figure will be 52%. By 2025, most of the building services in the palace will be at a very high risk of failure. It's a bit like driving a car with 40-year-old brakes: you can't say when they'll fail. But the risk is pretty high." As time grinds on – the projected date of the start of works has already slipped from 2020 to the mid-2020s – so grows the risk of "either a single, catastrophic event, or a succession of incremental failures in essential systems, which would lead to Parlia-

ment no longer being able to sit in the palace", as the 2016 report put it. And if that happens, said Healey, "we have a very big problem"

So many people are in denial about the state of the Houses of Parliament because the peril is largely invisible – both to the public and to most of its 8,000 or so workers. Most visitors see only its grandeur – enchanting still, despite the scaffolding that covers so much of the building while repairs are made to the roof and to the Elizabeth Tower, home of the great bell, Big Ben. The first thing most visitors encounter is the vast, echoing space of the medieval Westminster Hall, whose great timber ceiling is carved with 26 soaring angels. Then, passing beneath a new stained-glass window commemorating women's suffrage, one of the few markers of a female presence in the palace, you enter St Stephen's Hall. You are now in the 19th-century portion of the building: Charles Barry's masterpiece of planning, each space flowing gracefully to the next, hectically embellished with Augustus Pugin's neo-gothic detailing, from the gilded wallpaper to the ornate floor tiles. From here you reach the vaulted Central Lobby, from which radiate corridors leading to all the palace's 1,100 rooms, seven floors, 100 staircases, and 31 lifts – only one of which is fully wheelchair-compliant. (When I visited, it was out of use.)

It is two floors down, however, in the out-of-bounds expanses of the basement – the principal home of the palace's outmoded cables and ducts – that lurks the most likely source of disaster. Depending on the tides,



A Doorkeeper prepares Prayer Cards. House of Commons, State Opening of Parliament, 18 May 2016.

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Denison the Harris hawk, who is brought in to scare away pigeons and gulls from Parliament.

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you might now be beneath the level of the Thames. It is crepuscular; it is stultifyingly hot. The smell of fat is intense as kitchen waste works its way towards the drains. A layer of dust and grime coats the floor. (...)

All big buildings have their grubby, behind-the-scenes engine rooms. What makes this one exceptional, said Piper, is the sheer, bewildering complexity of it all. There is, he said, never enough time to remove defunct systems, since parliamentary recesses are too short for major works, and the chambers have to be ready for occupation at 48 hours' notice, in case parliament is suddenly recalled (as it has been 29 times since 1948). That means the ducts and cables just pile up, one on top of the other. "The number-one fire risk is all these ageing electrical services, issues with leaks, wet pipework running over old electrical systems," he said. The virtually inaccessible maze of Victorian shafts, through which these services pass, could, he said, provide routes for a conflagration to move quickly and unpredictably; there is no proper system of fire compartmentalisation. "That is my biggest fear," he said. "That's how you could lose a big proportion of the building." (...)

Some argue that the restoration and renewal programme could be a chance not just to make the building safe, but to make radical changes that could improve Britain's political culture. Among them is Sarah Childs, who, as a visiting academic to parliament, published *The Good Parliament* report last year. It is not just that

the building is deeply gendered, she argues – heavy, unwieldy doors; an overwhelming number of artworks depicting men; dark, intimidating bars; seats from which shorter, female legs dangle without reaching the ground. It is, she says, that "the building facilitates, valorises, and rewards certain kinds of behaviours and performances that are disproportionately practised by some men – and exclude others." One might glance, for example, towards the unlovely weekly spectacle of prime minister's questions, with its shouting, barking and bullying, particularly of women. When the House of Commons was bombed in the second world war, Winston Churchill insisted it was rebuilt exactly as it was before. "We shape our buildings, and afterwards our buildings shape us," he said. Some might ask: is the palace shaping the kind of politics Britain actually needs?

This is an excerpt from an article published by the Guardian on 1 Dec 2017 and available here: <https://www.theguardian.com/news/2017/dec/01/a-tale-of-decay-the-houses-of-parliament-are-falling-down> Copyright Guardian News & Media Ltd 2018



Charlotte Higgins is the chief culture writer of the Guardian. She contributes to the Long Read, culture and comment sections; and writes editorials, book reviews and essays. Higgins began her career in journalism on *Vogue* magazine in 1995 and moved to the Guardian in 1997, for which she has served as classical music editor and arts correspondent.

The Significance of St Stephen's Chapel in the Palace of Westminster

by Elizabeth Biggs

The current Palace of Westminster is a nineteenth-century landmark on the Thames which replaced a rabbit-warren of a medieval palace rebuilt and adapted over the centuries to meet changing political and governmental needs. Its most significant alteration came after c. 1512 when the palace ceased to be used as a royal residence and became solely the home of Parliament, the law-courts, and other administration.

At the heart of the medieval palace was St Stephen's Chapel, just to the south of Westminster Hall. Even today, the Welsh name for Parliament is *San Steffan*, "St Stephen", which is a reminder that from c. 1550 to 1834 the House of Commons met in the former St Stephen's Chapel. In the rebuilt Houses of Parliament from the 1850s, the site of the chapel became St Stephen's Hall, the current main route to both the Lords and the Commons chambers. After the fire in 1834 that destroyed the majority of the palace's buildings, two medieval buildings were kept as part of Charles Barry's new palace — Westminster Hall and the sixteenth-century cloister built for St Stephen's. The cloister has its own history of political adaptation and re-use because of its closeness to the Commons Chamber and to Westminster Hall. As questions are asked about the long-term future of the Palace, the history of St Stephen's offers a chance to reflect on the ways in which Parliament has conceptualised the palace it occupies and adapted to its needs over the centuries.

The medieval chapel of St Stephen was built under three kings; it was begun under Edward I in 1292 and was only completed around 1360 by his grandson, Edward III as a lavish double-storey chapel on the model of the *Sainte Chapelle* in Paris. It has been seen as a major innovative architectural force in introducing the French Rayonnant style into England. The lower chapel was dedicated to St Mary while the upper chapel retained the dedication of the previous chapel on the site to St Stephen the Protomartyr. Originally intended to be the palace chapel, in 1348 Edward III founded a secular college to maintain a permanent round of liturgy and to pray for the royal dead in St Stephen's. It was the sister-college to St George's at Windsor, the home of the Order of the Garter, and like St George's, had a dean and twelve canons aided by thirteen vicars, specialist singers, and choristers, who lived and worked in the palace. The college was dissolved in 1548 by Edward VI during the English Reformation, and then the upper chapel became the first permanent home of the House of Commons by 1550.

While the chapel was still used by the college of canons, the house of Commons had no permanent home. It met in spaces that were borrowed from other people temporarily, including the refectory and chapter house of Westminster Abbey just across Old Palace Yard. That St Stephen's was not yet a Commons venue did not mean that the college was not aware of Parliament's presence. In the fifteenth century, canons of St Stephen's were also often



St Stephen's Chapel, Palace of Westminster.

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called upon to act as receivers of petitions at the start of each new Parliament and might also serve as proctors, or proxies, for the heads of religious houses who could not themselves attend but who were summoned to join the House of Commons. As such the canons were potentially involved through their roles as royal servants in the ongoing dialogue between the king and his subjects as mediated through parliament and through the concerns of the Commons. The college also owned houses in Westminster, clustered near to the palace on King Street, on Canon Row, and in St Stephen's Alley, which they let out profitably during parliament sessions. There is a letter from Anthony, lord Rivers in 1478 worrying about acquiring one of these houses for his use "thys parlyament time".

In 1549 or 1550 the Commons met for the first time in their first permanent home, the now decommissioned St Stephen's Chapel and started to have it adapted to meet their needs. Benches were added to the existing seating in the choir to accommodate members and fairly early on scaffolding may have been set up to increase the number of seats available. The choir screen dividing the chapel into a larger choir and a smaller nave remained. The former nave became the first Commons Lobby and facilitated voting. Over time, it lost the look of a medieval chapel and the medieval stonework was hidden behind tapestries and then panelling, while galleries and committee rooms were added. Windows were filled in or altered and a sail-like blind was added to stop the sun streaming in through the east window, while the chapel's ceiling was lowered to create an attic space where women listened to debates around the openings in the ventilation system in the eighteenth century. After a series of renovations in the late eighteenth century culminating in cutting into the walls in 1801 to make extra space to accommodate the new Irish MPs, it was almost impossible to see that the elegant debating chamber sat within the shell of a medieval chapel.

For all of the work expended over the years to make the Commons Chamber more usable one distressing fact remained. It was simply too small. A chapel built for worship by the king's household could not seat all the MPs comfortably in the choir. It could not seat 379 MPs in 1550 nor could any alterations make it large enough for 658 MPs in 1834. In a debate in 1833 over whether the Commons should leave St Stephen's, one exchange summed up the absurdity of the situation. Lord Althorp, the MP for Northamptonshire, sitting on the floor because there was not enough space, thought that for normal business the chamber was "amply sufficient" even as others pointed out its many shortcomings. No alternative plan commanded much support and so MPs continued as they had until forced out by fire the following year. The new chamber after 1852 was larger, but deliberately was still not large enough to accommodate every MP and this was perpetuated by Churchill's decision after the 1941 bombing of the Commons to have it rebuilt exactly as it was in 1940. In this he was consciously echoing St Stephen's Chapel, just as the use of St Stephen's Hall as the

main entrance to the building keeps alive a sense of the space that had been formerly used by the Commons.

The spectacular fan-vaulted cloister, built for St Stephen's College in the early sixteenth century, remained important to the chapel after 1550 even as they passed into administrative use. They formed housing and office space for Exchequer officials from the sixteenth to the eighteenth centuries, and offices again after 1968. One early occupant, John Bingley, used his possession of the cloister as a reason why he should be returned as an MP for Chester in 1610. After 1794 it was refurbished into the grand Speaker's House, with a dining room located underneath the Commons Chamber. Its location next to the Commons both before 1834 and in the new palace meant that it was coveted and valued space. For the MPs who were allocated desks in the cloister walks after 1968, however, that proximity was often the only redeeming feature. Former MPs speak of the lack of privacy as their desks were lined up in rows along the walls without partitions. In the long night sittings in the early 1990s, MPs could be found napping on sofas in the cloister waiting to rush up the stairs to the Chamber to vote. After 1997, when all MPs were given offices elsewhere, the cloister was occupied by the Parliamentary Labour and Parliamentary Conservative Parties, and the closeness to the Chamber became a positive again. MPs could drop in to briefings or to pick up materials easily on their way from the Chamber. One occupant of the cloister after 1997 described it as like the "Rialto in Venice" as everyone passed through.

Since the sixteenth century, the Commons have associated themselves with their buildings and none more so than St Stephen's. It was their first home, which has shaped their subsequent chambers in their layout and in their lack of space for every MP. The medieval afterlives of a royal chapel echo through the modern life of the Commons. People who work there speak of their pride in the history of the building and its beauty as well as their strong sense of the long history of parliament itself in Westminster before its time at St Stephen's. MPs enjoy telling stories about Charles I's death warrant being signed in the cloister, although that is probably a myth. As MPs and peers begin to grapple with the conservation problems ahead and the need for extensive repair work, St Stephen's remains a symbol of pride in the institutions of parliament and a reminder of its long pre-nineteenth century history.



Dr Elizabeth Biggs was a PhD student on the research project *The St Stephen's Chapel, Westminster: Visual and Political Culture, 1292-1941* between 2013 and 2017, led by Dr John Cooper at the University of York. The project website and reconstructions of the chapel can be found at www.virtualststephens.org.uk

"Let's have a chat..." Informal space in Parliament

Philip Norton

Parliament matters. Since its emergence in the 13th Century, it has fulfilled a range of functions. Its assent is necessary for the raising of money and for measures to be enforced as law. It pursues grievances on behalf of citizens. It calls the government to account for its actions. Each House exercises its functions through meeting, be it in the chamber or through committee. It may resolve an issue by vote. These meetings, and the outcome of any vote, are formally recorded.

Since the press was allowed to report proceedings, and a official record published, this activity has also been observable and measurable. Study of Parliament, as with other legislatures, has thus focused on what happens in formal space, principally the chamber and committee rooms. Yet attending debates, voting, and taking part in committees is only a part of the activity of parliamentarians at Westminster. It is an important and necessary part of what they do, but observing and recording it is not sufficient for making sense of what happens in Westminster and for explaining outcomes. What happens in formal space may be the culmination of what has happened in informal space, that is, where parliamentarians gather to relax and talk to one another, away from the public eye.

The Palace of Westminster has a great deal of space where members meet informally. It was designed not only to impress, but also to provide space for members beyond the debating chambers and (relatively few) committee rooms. At a time when gentlemen were used to relaxing in London clubs, the Palace proved a congenial environment for gathering and discussing issues. Shortly after the Palace was completed, political parties developed as mass-membership organisations and electoral and consequently parliamentary politics became more dominated by party. MPs were expected to be present for important votes. Gathering in Parliament became more important. Members gathered not only in the chamber, but also in the other parts of the Palace. As Rogers and Walters observed in *How Parliament Works*: "From the start the clublike rooms and common spaces of Barry's Palace have encouraged members of both Houses to congregate and meet informally. In the Commons, the Smoking Room..., the Tea Room and the Members' Lobby after a big vote (as well as the division lobbies themselves during it) are places where opinions are formed and exchanged, support is canvassed and tactics planned."

Informal space has thus been important ever since the Palace was built. Over time, the space has expanded and undergone various reconfigurations. Living quarters for various office-holders have been converted into offices for members. In the House of Lords, the offices remain shared offices, facilitating informal contact between peers. (What was originally Black Rod's living room, for example, is now office space shared by seven peers.) New buildings have been added, most recently Portcullis House, creating not only dedicated offices for MPs and staff, but also a massive

social space in the form of the atrium, enabling members to mix informally with one another and with guests.

The use of such informal space has significant consequences, not only for the institution, but also for government, for parties, and for members. The existence and use of such space has contributed to the institutionalisation of Parliament. Its use complements that of formal space in creating a bounded, complex and rule-based body. There is dedicated space, or rather spaces, for members to meet and discuss matters among themselves. It is "their" space, clearly delineated, private, and governed by well-understood norms.

The use of informal space also facilitates socialisation, information exchange, lobbying, and mobilising political support. Engaging with colleagues informally complements observation in formal space and may help members acclimatise to the informal norms as well as formal rules of the House. Those norms may differ from House to House. In the Commons, MPs dine on a party basis. In the Lords, they follow the "long table" principle (if dining alone, joining whoever is already at the long table) which is no respecter of party. Use of informal space may also facilitate the socialisation of women into the House, providing a more congenial environment than the "male", adversarial orientation of the chamber. Women MPs have their own dedicated space, a women's room being provided in 1929. Once women were enabled to sit in the Lords, they too acquired a dedicated room.

Informal space provides a valuable means for exchanging information. It is the principal arena for ministers, whips and ministers' parliamentary private secretaries (MPs who serve as unpaid assistants and act as their ministers eyes and ears in the Palace) to pick up parliamentary gossip and get a sense of the mood among backbenchers. It can also serve to facilitate more dedicated lobbying, with members targeting their colleagues as well as ministers to persuade them to support a particular cause. It may be a two-way exchange, ministers appearing when they wish to promote a particular policy or even persuade members to put pressure on them to embrace a policy resisted by their civil servants. If the whips detect problems with a particular policy, ministers may be encouraged to spend time in the tea room or smoking room to make the case for the policy.

Ministers may also utilise informal space for more personal reasons, namely to ensure that they are seen by their colleagues. Spending time joining backbench colleagues for dinner or chatting to them in tea or smoking room is a valuable investment of time by ministers keen to maintain support among colleagues. It can help build up a body of goodwill that may prove helpful if a minister encounters political difficulties. It may also assist in promoting a minister's advancement. Some ministers make a point of dining regularly in the House and being seen by members. Neglecting informal space may leave a minister



View from Victoria Tower Gardens, February 2009.

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vulnerable. The loss of the Conservative party leadership by Edward Heath and then by his successor, Margaret Thatcher, was ascribed to their neglect of such space.

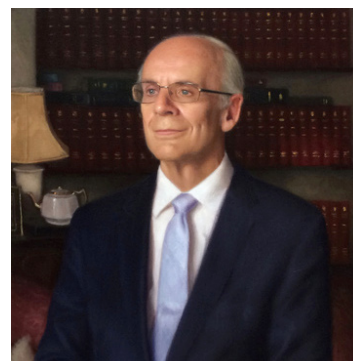
Heath essentially ignored the tea and smoking rooms for the period of his leadership and Thatcher at the end of hers, when challenged for the party leadership. Heath was not prone to mix socially with backbenchers. He was not interested in small talk and largely took his support for granted. In many respects, it was a problem when he failed to meet with colleagues informally and equally a problem when he did meet them. As John Campbell reported, 'When Heath did try to show himself he tended to alienate more good will than he engendered'.

The longer she was in office, the more Margaret Thatcher neglected informal space. When Michael Heseltine challenged her for the party leadership in 1990, he invaded informal space – as one minister observed, 'he was everywhere' – whereas Margaret Thatcher was away on official business. She failed to use the opportunity to spend time cajoling MPs in the tea and smoking rooms. In the leadership ballot, she was only four votes short of the number necessary for victory. According to one of her supporters, her neglect of informal space cost her anything between ten and thirty votes. Her successor, John Major, had assiduously courted the tea and smoking rooms prior to standing for the leadership, but he too tended to neglect it once he was in 10 Downing Street.

What happens away from formal space – the chamber and committee rooms – in Westminster has consequences. Pronouncements in the chamber may be the result of informal lobbying. Equally, what is not announced may be the consequence of information gleaned in the tea and smoking rooms, or the corridors or division lobbies. When a vote takes place, the division lobbies are invaluable

places for getting the ear of ministers, including the Prime Minister. Once the doors are locked during the division, there is no escape. If the whips detect from what they hear in the lobbies or tea and smoking rooms that there is widespread opposition to a proposed policy, it may result in it being delayed or not proceeded with at all. The use of informal space may thus be important for non-decision making (keeping issues off the agenda) as well as for decision-making. Some members may not be that visible in the chamber, but may be consummate lobbyists in the informal space of Westminster, waylaying ministers in the lobbies or corridors to get them to listen to their proposals.

In short, focusing on what happens in the chamber and committee rooms of the Palace of Westminster is necessary for understanding Parliament in the United Kingdom, but it is not sufficient. One has to be aware of what happens away from the public gaze – in the private, informal space of the Palace – in order to get a more rounded and nuanced picture.



Lord Norton of Louth (Philip Norton) has been described as the UK's greatest living expert on Parliament. He is Professor of Government and Director of the Centre for Legislative Studies at the University of Hull. Lord Norton was appointed to his chair in 1986, making him at the time the youngest professor of politics in the UK. He is the

author or editor of 32 books, including *The British Polity*, now in its fifth edition and *Politics UK*, with Bill Jones, now in its eighth edition. He was elevated to the peerage in 1998.

From weakness to strength: the select committees of the House of Commons

by Saskia Rombach

The chamber of the House of Commons is from a public perspective is the very symbol of Parliament, the place where one would expect that the debates unfold and decisions are made. Outside the chamber, however, committees are an essential part of parliamentary politics, and increasingly so.

Ad hoc committees were widely used in the nineteenth century and an expenditure committee, looking at government spending, existed in many iterations well into the twentieth century. But the system of permanent committees as it is known today was not set up until 1979. Before their current shape, there were multiple attempts at setting up committees to monitor the expenditure and budget of the government. At the very beginning, the drive behind their implementation was a desire to boost Parliament's position opposite the government. If the committees did not change the balance of power to the extent expected, they did create a new platform of accountability within the House of Commons.

The UK Parliament is largely dominated by the executive. Single party majorities typically result from first past the post elections, and the government formed will have robust support in the House of Commons. This means that no proposal is likely to get through without support of the government. The significance of this point stretches beyond issues of party politics. For arguably any government has an interest in sustaining executive dominance over Parliament. And MPs comply since they have a stronger sense of belonging to a party and act according to its (in this case the government's) interest than belonging to Parliament and voting to strengthen it as a whole.

Therefore, reforms that would boost Parliament's leverage against the executive are unlikely to get through, except when supported by MPs as well as by the executive. This does not make comprehensive reforms to Parliament impossible, but it does make them more complicated to put into effect. The history of the select committees of the House of Commons demonstrates this process.

In the 1960s, Richard Crossman MP, chair of the Labour party and Leader of the House of Commons, dedicated himself to reforming the House, specifically by bolstering its ability to gather information via committees. Part of this was the need for increased efficiency in government spending, but there was also some zeal for parliamentary reform that had been especially popular in the 1950s. The so-called Crossman committees, which were sub-committees

of the already existing Expenditure Committee, were set up in 1966.

On the one hand, advocates of the reform saw it as a potential shift in the balance of power between Parliament and government. From this point of view, select committees would have the ability to strengthen Parliament's position to the government by shadowing the work of specific ministries. By informing the debate in the House of Commons, committees would assist MPs in their job of scrutinising government policy. On the other hand, some MPs had reservations on the effectiveness of adding such a system to the House. There were also concerns that the committees would change the Chamber itself. The argument was that the committees resembled the American model too much, where the ambition is to challenge government throughout the legislative process. They pointed out that England's Parliament exists to sustain the government in power, and it would be wrong for committees to become involved in policy debates. Another argument was that this would distract from debate in the House, and that the discussion would be taken out of the Chamber and to committee meeting rooms.

The overall performance of these committees fell short of expectations. They were not able to report sufficiently on government expenses and their contribution to debate in the Chamber was limited. Even so, by the 1970s the general attitude from Parliament was that previous fears had not come to pass and that, even though the committees would need to be improved upon, they were destined to stay.

In the 1970s, the committees underwent reform. The Expenditure committee was again divided into sub-committees, each monitoring at least two government departments. This time, the committees were permanent, in that they would meet for the duration of a Parliament by a single Standing Order. However, slow progress had been made on the committees' ability to scrutinise the efficiency of government expenses. The committees were also somewhat overstretched, as each shadowed multiple departments. In 1976, a select committee was set up to report on possible improvements to the efficiency of the House. When it was published, a large part was dedicated to improving the select committee system. Among other recommendations, the report suggested to make the committees permanent, extend their powers, and to increase their level of specialisation.

After the 1979 elections, the select committee reforms were one of the first policies to be implemented by the Conservative government. It seems paradoxical that a government hastened through a proposal to install a permanent system of committees, whose purpose would be to make the life of government harder. However, by the time of implementation there had been adjustments to the original recommendations. Although the reforms helped make the committees more effective and more capable of scrutiny, they were not given greater powers than before. The committees could only examine matters within their terms of reference, with no other role in relation to legislation or approving estimates. Committee reports did not get formal time allocated for debate and the government did not commit to improving the speed with which it replied to committee reports, as previously suggested. These adjustments may have helped the committees seem more favourable to government, and secured their implementation.

By 1980, the committees had started work. From there, another evolution of the select committees took place, though this one was driven not by reforms but by the committees themselves seeking to expand their own remit. The official terms of reference that have been used as guidelines for the select committees' remit state that they are to examine the "expenditure, administration and policy" of a single government department. However, the select committees have not limited themselves to this area alone. Some have sought to monitor not only government but quangos and even private industry behaviour. Both of these new areas of scrutiny have given the committees a sense of accountability to Parliament.

Over the past twenty years, government has increasingly chosen to delegate certain responsibilities to regulators. As modern policies have become more complex, it is logical that specialised organisation can increase efficiency by delivering services. Governments also enjoy the distance between themselves and the making of difficult decisions. Previous chair of the Treasury Committee, Andrew Tyrie, stated that "the scrutiny of Select Committees may be all that there is to protect the wider public interest from poor decisions or low standards of quangos' behaviour". In 2016, the Business Energy and Industry Select Committee (then the Business Innovations and Skills) tackled two major business scandals in the UK. The committee took extensive evidence sessions with the leadership of Sports Direct, a company accused of paying workers below the minimum wage. Together with the Public Accounts Committee, it also reported on the pensions fraud committed by the chain store BHS. The

hearings gained a lot of media attention and further cemented the select committees' role in scrutinising private industry.

Membership popularity among backbench MPs has grown as well. Committee elections, which were introduced in 2010, have contributed to this fact. Where before the Whips would appoint an MP to chair a committee, the position is now decided by a vote by the whole House. The chance of taking up leadership of an influential Parliamentary committee, should a ministerial job not be in the pipeline, is now a valuable option for MPs, and the position of chair on popular committees can be hotly contested.

At this point there are few sceptics of the select committees' benefit to Parliament, and the committees have been accepted as an effective part in the routine of policy formation and implementation. There are still options for reform. The committees still do not have a manner of putting a stricter deadline on government replies to their reports. A House Business Committee, which would put together a draft agenda for debate in the House on a weekly basis, is still waiting to be established. Overall, the select committees have taken an interesting path ever since the idea of a comprehensive system was seriously debated, back in the 1960s. Firstly, there has been the evolution of the committees driven by practical reforms, come as they have in starts and stops when an opportunity of government support arose. And secondly, select committees have sought their own way to expand their remit and influence policy making, creating leverage through their specialisation and the platform of accountability they created on the way.



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The legislative supremacy of Government

by Stephen Tierney

At the same time as Parliament prepares to “take back control” from Brussels, the executive is in fact accruing to itself further control over the legislative process. In this post I address a number of trends - only some of which are a direct consequence of the unique circumstances of Brexit - which suggest a deeper realignment of institutional power within the constitution and a consequent diminution of Parliament’s legislative power.

The executive in the United Kingdom of course governs through Parliament and, as a result, has always played a leading role in, and held significant control over, the making of law. Nonetheless, the executive branch’s legislative role appears to be growing in two main ways. One concerns the power over when and how to introduce bills which, in the current extended parliamentary session, is being exercised so as not to introduce a number of anticipated measures, to introduce relatively trivial bills at a time when more important matters should arguably be considered by Parliament, and to hollow-out potentially important bills, narrowing their scope to minor matters. The second issue relates to the content of legislation. This is increasingly skewed to enhance executive law-making powers through the use of framework legislation, the granting of wide delegated powers including Henry VIII powers, and application of the innovative and constitutionally problematic “made affirmative” procedure.

One of the remarkable features of the current parliamentary session is that, the European Union (Withdrawal) Bill (EUWB) aside, Parliament has had relatively little legislative work to do. This is of course partly a consequence of the time spent upon the EUWB (estimated at 272 hours), but it is still notable that significant legislation relating to Brexit has either stalled (e.g. the Trade Bill) or has simply not been introduced to Parliament. Major Brexit-related initiatives relating for example to agriculture, fisheries and migration have been parked while the Government prepares for further negotiations with the EU.

It is of course the constitutional prerogative of government to decide what legislation to introduce to Parliament. And indeed, there may be good reasons not to legislate at this point on a number of these matters given the unpredictability of the terms of Brexit. But we cannot ignore the fact that these and other measures proposed in the Queen’s Speech in June 2017 still wait in the pre-legislative pipeline. Constitutional problems could well flow in due course if a series of detailed and controversial measures require to be rushed through Parliament. In this context Government may well attempt to pass framework or skeletal bills, stacked with delegated powers, presenting Parliament with a series of *faits accomplis*. Against this relief, the passage of the EUWB, for all its faults, appears ever more to be a paragon of parliamentary deliberation.

It is also notable that most of those bills which have been introduced during the current session are of fairly minor significance. It is difficult to generate much excitement for the Automated and Electric Vehicles Bill, the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill or the Domestic Gas and Electricity (Tariff Cap) Bill. Indeed these can barely be classified as bills at all, since each is very short and pursues a very narrow purpose. It may be cynical to suggest that these bills have been allotted parliamentary time precisely because they are brief and uncontroversial. Certainly the demands which the EUWB has imposed upon legislative time should not be underestimated, but the dearth of important legislation also seems to be a political calculation. So distracted is the Government by internal party disagreements relating to Brexit that there is simply no appetite for introducing other major bills which may create more political headaches.

It is also the case that the Government is “under-legislating” not only in relation to Brexit. The Courts and Tribunals (Judiciary and Functions of Staff) Bill is a far more limited measure than was expected. This Bill replaces the Prisons and Courts Bill 2016-17 which fell before the last election. The latter measure was a very significant bill that contained extensive innovations geared towards modernisation of the courts system. It aimed to speed up procedures in civil, family and criminal matters, allowing for more proceedings to be conducted in writing, providing for the enhanced use of modern technology and introducing a new online procedure in civil and family matters. The new Courts and Tribunals Bill shelves most of these important measures, instead making provision only in relation to fairly minor name changes and reallocation of certain judicial functions. During questions in the House of Lords, Lord Beith described it as “a little mouse of a Bill”, and asked the Advocate General: “How is it that halfway through a two-year parliamentary Session the Government have not found time for urgently needed and relatively uncontroversial provisions to enable the courts to modernise and speed up processes which cause delay and distress to court users, and which cost money that could be better spent improving access to justice?” A similar question might well apply to many measures proposed in the 2017 Queen’s Speech.

Another dimension of the executive’s grip over legislation concerns the powers accorded to the government by a number of those measures which have made it into Parliament. Despite this session’s very modest legislative programme we are seeing several ways in which legislation is bolstering delegated powers. Indeed, as well as under-legislating on important substantive matters, the executive can be accused of over-legislating in relation to government power. One recent feature is the growth in framework bills which are light in content but heavy in delegated powers. The Taxation (Cross-border Trade) Bill which covers customs matters in relation to Brexit is such a measure, con-

taining over 150 separate powers to make tax law for individuals and businesses, not to mention a power to make law by “public notice” which the House of Lords Delegated Powers and Regulatory Reform Committee described acerbically as a “limited revival” of the Statute of Proclamations 1539. The Haulage Permits and Trailer Registration Bill is also such a measure, prompting the Constitution Committee to assert bluntly: “Bills that grant broad powers to ministers, on the basis of no clear policy, are difficult for Parliament to scrutinise and present a fundamental challenge to the balance of power between Parliament and the executive.”

Broad delegated powers extend beyond framework legislation. The European Union (Withdrawal) Act 2018 (EUW Act) is of course now notorious for its Henry VIII powers; the published Bill included a head-spinning power to amend the EUW Act itself (subsequently removed by amendment). But the EUW Act is only one example; Henry VIII powers are now so common as to be almost a banality of modern legislation. Another recent instance is the seemingly innocuous Smart Meters Act 2018 which in fact contains a broad power to amend primary legislation, exercisable by way of negative resolution procedure.

An innovation of the EUW Act is the “made affirmative” procedure, which allows Government to make law by delegated powers without any initial parliamentary process whatsoever. This power could well become a regular feature of legislation. The Taxation (Cross-border Trade) Bill also provides for such a procedure in a potentially wider range of circumstances than those permitted by the EUW Act. In reporting on this Bill, the House of Lords Constitution Committee commented: “We are concerned that the ‘made affirmative’ procedure, which may be justified in a limited number of urgent situations, is being sought for non-urgent reasons as a convenient means of executive law-making.”

There are of course a number of objections to this argument which do offer important points of qualification. One is that desperate times require desperate measures. It is certainly the case that we are in a unique period where law will have to change quickly. This inevitably means that government will require legislative discretion to respond to as yet unforeseeable circumstances. Nonetheless, the powers as originally framed in the EUWB as well as those in the Taxation (Cross-border Trade) Bill and the Sanctions and Anti-Money Laundering Bill (now Act), point to a development in legislative drafting – which goes beyond the Brexit context – that takes open-ended executive discretion as a default position.

Another counter-argument points to Parliament’s robustness. Recent work highlights the ways in which government is constrained both by established parliamentary avenues of scrutiny and in more subtle ways by political constraints within party, Parliament and civil society. Certainly, the passage of the EUW Act itself testifies to the power of Parliament

to rein in the more egregious attempts to inflate executive discretion, while testifying to the robustness of the Clerk to the House of Commons and parliamentary committees in identifying key provisions for debate and scrutiny. One feature of the EUWB’s passage is that the Government itself engaged well with the process and produced its own amendments following constructive deliberation with Parliament, sometimes behind closed committee room doors. Changes to the Sanctions and Anti-Money Laundering Bill also bear out the influence Parliament can still have.

There are other considerations which suggest that Parliament has the infrastructure to push back against the accretion of executive power. These include a second chamber which is not government controlled, a still robust committee system in each House, recent improvements in the content of explanatory notes, an excellent library service which keeps members well-informed, and the engagement of outside expertise in the scrutiny of draft legislation. These factors do support rigorous scrutiny, but in practice this remains sporadic and dependent upon the interest to parliamentarians and external stakeholders of the issues at stake in each Bill. We also must not lose sight of political control. In addition to the party whip system, statute permits 109 parliamentarians to hold paid ministerial posts (in fact, the total number of ministers in June 2017 was 118), the price of which is automatic loyalty in the voting lobbies. Thus the bigger picture is that the executive, through its control over members’ voting behaviour, the initiation of legislation and parliamentary time, has an institutional hegemony in relation to the legislative process which it now deploys in ever more creative ways. In this session alone it has shown itself prepared to hold up the introduction of promised legislation, to strip potentially important bills of their real salience and to set out legislation in skeletal form while according to itself extraordinary secondary powers.

The House of Lords Constitution Committee is currently engaged in an inquiry into the legislative process. Far from being an arcane distraction from pressing matters relating to Brexit, it is increasingly clear that these two issues are closely intertwined, and that without a vigorous review of Parliament’s procedures, and effective and speedy action to correct their inadequacies, Brexit may serve to affirm not the return of control to Parliament but a further shift in power towards the legislative dominance of the executive.

I am grateful to Mark Elliott, Ailsa Henderson and Alison Young for helpful comments.



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Working with academics and practitioners to enhance public understanding of Parliament

by Cristina Leston-Bandeira and Louise Thompson

The eyes of political commentators and analysts have been even more focused on the Palace of Westminster for the last few months than usual, as the UK Government has struggled to pass legislation to facilitate the UK's withdrawal from the European Union. MPs and Peers have shaped the terms of the withdrawal process with the House of Commons and House of Lords chambers engaging in a very visible conflict, both between each other and with the government, as the passage of the EU Withdrawal Bill has been completed. These pieces of legislation will be fundamental to the future of UK politics and the everyday lives of UK citizens, but parliamentary business can be clouded by institutional language, procedures and processes which may seem inaccessible and opaque to the general public.

For those actively following Parliament's debates of its scrutiny of the EU Withdrawal Bill, it may have been unclear what MPs or Peers were discussing or voting on at a given point. For instance, as the battle between the Commons, Lords and the Government came to a crescendo in June, a House of Lords clerk read a message from the Commons which included the line "they agree to the amendments made by the Lords to their amendments made in lieu of the amendment made by the Lords to which they disagreed, with amendments, to which they desire the agreement of the Lords". The full speech was widely quoted in the media, where it was described as a "mind boggling message" or "tongue twister". Although few non-experts would understand what was being said, or the difference between an "amendment" and an "amendment in lieu", it had a very serious parliamentary purpose, showing where the House of Commons had agreed to accept revisions to the bill made by the House of Lords. Most of the negotiations on the bill were carried out informally behind the scenes, in meetings between parliamentarians and government ministers, but the results were played out formally in the two chambers. Although the reporting of Parliament's scrutiny of Brexit has focused almost exclusively on the Commons and Lords chambers, MPs and Peers have spent huge amounts of time conducting inquiries and pressing government ministers for relevant information, documents and impact assessments through cross party parliamentary select committees. However most of this is not necessarily visible to the wider public.

Informed observers can play a key role in helping the wider public to understand the role being performed by Parliament and to interpret the work being carried out by its members. In this sense, increasingly there is an important duty for academics to act as mediators, translating the work of Parliament and enhancing public understanding of its role. This was in great part our

motivation to produce the book *Exploring Parliament*. We began in 2015 to put together this edited book with Oxford University Press to make the institution of Parliament more accessible to students and the wider public. We wanted the book to cover a wide range of issues and to encourage readers to explore parliamentary resources and other scholarly work about the institution, in order to show the more informal workings of the institution, but also address issues often neglected in traditional books on parliament, such as the meaning of rituals. In doing so we learnt some important lessons about how best to convey Parliament's work in an accessible and engaging way.

The first of these lessons was about the need to provide a more comprehensive window into Parliament. The more formal and visible aspects of the institution, such as Prime Minister's Questions, are important, but these must be combined with an exploration of the informal and less visible elements. As such we covered a wide range of parliamentary processes such as public engagement, petitions, urgent questions and constituency work. All are less well studied, but crucial in understanding how the institution interacts with people and events beyond its walls. Where more well-known topics such as legislation or scrutiny were covered, we approached them from different angles, considering for instance the role of representation in the House of Lords and the meaning and significance of highly televised proceedings such as the State Opening of Parliament.

As academics ourselves we understood the value of asking some of the most active parliamentary studies scholars to contribute to the collection. Academic research can provide detailed and comprehensive analysis of historical and contemporary events in Parliament contextualised in broader theoretical or academic debates about the role and power of the institution. However, we were also aware that, as outsiders, we can bring a somewhat detached and narrow perspective of the Parliament. To counter this and to provide a more immediate, first-hand view, we encouraged contributions from parliamentary practitioners. As individuals who walk the corridors of Westminster and interact with parliamentarians on a daily basis, they are well placed to offer an insider view of the institution which stems from lengthy professional practice. In order to capture these two perspectives and enhance their complementarity, we paired academics and practitioners to co-author chapters. In addition, we strove to include a mix of more senior or well established academics and officials, with their more junior colleagues. Inevitably, the writing and editing processes between these two perspectives was not always that smooth as different opinions,

expectations, writing and working practices came together, though it ultimately made for stronger and more considered chapters. These partnerships between academics and practitioners performed another unanticipated function, bringing together two communities of individuals which are often very separate. Friendships forged during the writing process have led to new collaborations, projects and working relationships which will endure beyond the lifespan of the book itself.

Conveying a comprehensive account of the work of such a large and complex institution, while retaining its accessibility to the public was challenging. We chose a different approach to standard textbooks on Parliament, breaking the institution up into small subsections, within five broad themes (parliamentary organisation; law-making; scrutiny and accountability; representation; challenges and reform). In order to maintain the accessibility of the book we asked our contributors to deliver chapters of no more than 3,000 words and to ensure that both common assumptions and contemporary developments in the area were covered in an engaging style. Each chapter was complemented with a very short 1,000 word case study written by the same author/(s). These case studies covered recent events, proceedings or reforms and served to illustrate the points being outlined in the main chapters. They played therefore a key role in our approach to facilitate an engaging view on Parliament, by providing specific examples of how processes and behaviour may be applied in actual parliamentary politics. Each case study listed also a set of key primary resources. These ranged from parliamentary debates, committee reports and library briefing papers to video clips and radio extracts. Students using the online version of the book would be able to follow the links provided to quickly and easily access these resources and we hoped that they would go on to explore further the range of public facing parliamentary resources.

Political institutions can be very fluid and this was particularly apparent through the editing of this book. The UK Parliament has not stood still. Indeed, from the initial period of writing the textbook proposal in 2014 through to its publication in February of this year, there have been huge changes in the institution and the broader political landscape. This includes two general elections, two prime ministers, two referendums, one coalition government, one majority government and one minority government. Contributors began writing their chapters



Detail from the hammer-beam roof of Westminster Hall, the oldest building on the Parliamentary Estate. Parliamentary copyright images are reproduced with the permission of Parliament.

during a period of majority government, but delivered their final edits to us during the beginnings of a minority government, following the 2017 General Election. The uncertainties of Brexit also proved a challenge for several of our chapters and we strived to find a balance between analysis of present and possible future working practices within Parliament. For some chapters we were able to update key facts and figures after the General Election to ensure that they were as up to date as possible. Further institutional and political change was inevitable once the book went into production. However, given the structure of the book and the use of case studies, readers should have the tools to interpret and understand and contextualise these and other future changes to the institution.

Producing this book, which brings together nearly 60 different authors, combining different perspectives on the institution of Parliament, has undoubtedly been a challenge. However, the very positive feedback received since its publication has demonstrated the value of the approach we adopted to explore this very multi-faceted and ever-changing institution that is the UK Parliament.

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Invitation to seminar: A woman's place in the House

British Politics Society, Norway invites its members and friends to a seminar to mark the centenary of "Votes for Women", the introduction of a female franchise in the UK through the Representation of the People Act of 1918.

Our speaker is **Caroline Flint (Labour)**, Member of Parliament for Don Valley in Yorkshire. Ms Flint (b. 1961) was first elected to Parliament in 1997 and has held her seat through five general elections. During Labour's last tenure in Government, she served as the Minister for Public Health (2005-07), the Minister for Employment (2007-08), the Minister for Housing and Planning in 2008, and the Minister for Europe (2008-09). In Labour's Shadow Cabinet from 2010 to 2015 she was Shadow Secretary of State for Communities and Local Government (2010), and for Energy and Climate Change (2011-15).



Title for her lecture:
'A woman's place in "the House"'

Time and place:
Tuesday 18 September at 14:15-16:00

Auditorium 6, Eilert Sundts hus, Blindern, University of Oslo

Please register in advance at: mail@britishpoliticssociety.no

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Forthcoming issue of British Politics Review

While the Conservatives are struggling with Brexit, the Labour Party is trying to find its way in opposition under the leadership of Jeremy Corbyn. Recent speculation that the party might be heading towards a split – just as it did under another left-wing leader in 1983 – is the latest in a series of difficulties the party has faced since Corbyn was elected leader in 2015. In the forthcoming issue of British Politics Review we ask the question: what happened to the party which dominated British politics for a decade under Tony Blair, and where is Labour heading now?

The autumn edition of British Politics Review is due to arrive in December 2018.