

‘The Referendum Fiasco & House of Lords Reform’

by Francis Bennion

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Transcript of FB video on YouTube

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Third talk on AV by Francis Bennion

FB YouTube video – May 2011

My name is Francis Bennion. I am a retired parliamentary counsel and draftsman of government legislation.

My first talk on the 2011 Referendum was called ‘Dishonesty of the Alternative Vote (AV) System’. I said the system was dishonest because its supporters falsely claim it ensures that a candidate would not be successful unless he or she received at least half the votes cast. It works by giving second and subsequent preferences an equal value with first preferences, which clearly they don’t have. The first preference is the candidate whom the voter wants to be successful. The second and subsequent preferences are candidates whom the voter wants to be unsuccessful. To say the latter ‘support’ the candidate is an obvious lie. All the later preferences do is indicate the degree of lack of support for the candidate.

My charge of dishonesty was supported by *The Times*, which said that to make up the difference by treating second and subsequent preferences as equal in value to first preferences when they are plainly not is ‘entirely dishonest’.¹

The dishonesty of AV supporters was also shown by the way they constantly stressed that AV would give us ‘fair voting’ when it plainly would not.

I pressed home this central point of dishonesty in my second video talk, which I called ‘Expert Exposes Dangers of AV’. I am an expert on parliamentary voting, having been a government parliamentary counsel for many years.

I might have added as an objection that AV can do serious harm by getting the wrong candidate elected. People were surprised when the new leader of the Labour Party Ed Miliband supported AV in the recent Referendum when most of his party were against it. It may be that this was out of gratitude to AV for getting him elected as Leader in 2010. If first past the post had been used, Ed’s brother David, whom many considered the better candidate, would have won.

[The full figures for the Labour leadership election may be seen by visiting <http://www.guardian.co.uk/news/datablog/2010/sep/26/labour-leadership-results-election?intcmp=239#data>]

Under the electoral college system employed by the Labour Party, voting power is divided equally between three sections: MPs and MEPs, affiliated organisations including trade unions, and ordinary party members. The Alternative Vote (AV) system is then applied, using second preferences.

¹ See ‘Drawbacks of the Alternative Vote’, *The Times* 20 Apr (Letters) 2011, <http://www.francisbennion.com/2011/006.htm>.

There were originally five candidates for the Labour leadership. Here are their names in alphabetical order, with their percentage of first preferences in the first round of voting: Diane Abbott 7.4%, Ed Balls 11.8%, Andy Burnham 8.7%, David Miliband 37.8%, Ed Miliband 34.3%. This would have been the end of it on first past the post: David Miliband would have won. But as no candidate received 50% or more of first preferences Diane Abbott was eliminated and her second preferences were added to the first preferences of the remaining candidates. In the end there were four rounds, finally leaving only the Miliband brothers. The final figures were: David Miliband 49.4%, Ed Miliband 50.6%. In terms of votes the final figures were: David Miliband 147,220 votes - 49.4%, Ed Miliband 175,519 votes – 50.6%. Many of these were not real votes at all. They were second preferences. If only the real votes had been counted David Miliband would have won.

Now I turn back to the Referendum.

I call this third talk on the AV topic 'The Referendum Fiasco' because that is exactly what it was. The *Oxford English Dictionary* defines a fiasco as 'an ignominious failure'. The Referendum question was: *At present, the UK uses the 'first past the post' system to elect MPs to the House of Commons. Should the 'alternative vote' system be used instead?* The official final UK figures for the referendum are:

Just over six million voted 'Yes'
The exact figure is 6,152,607
Total 'Yes' votes were 32.1%

Just over thirteen million voted 'No'
The exact figure is 13,013,123
Total 'No' votes were 67.9%

These are ignominious figures. The *Oxford English Dictionary* defines ignominy as 'dishonour, disgrace, shame; infamy'. It was ignominious to call a referendum on a dishonest premise. It was ignominious to call a referendum for which there was little public demand on a proposition which more than two thirds of the respondents rejected. Those responsible for wasting the nation's time and money in this way should be ashamed.

Oh, but you might object, it was the price for the Liberal Democrats joining in coalition with the Conservatives. In that Downing Street Rose Garden, when Cameron met Clegg to hammer out the coalition agreement, Clegg made that price very clear. My own view is that Cameron should have rejected this shabby deal. We must preserve decent standards in our politics.

One thing remains clear. We British dislike referendums because we pay MPs to represent us and expect them to take the important decisions on our behalf. It is 36 years since we last held a national referendum. After this fiasco it is likely to be at least as long before we have another one.

Oh, but wait a minute. I had forgotten something. Mr Clegg, Leader of the LibDems, was behind the recent referendum which was such a fiasco and Mr Clegg has not finished. According to *The Times* (9 May 2011) Mr Clegg says he plans to push ahead with plans for the direct election of the House of Lords by proportional representation. This is a bad idea, for two reasons.

The first reason is that by an overwhelming majority in a referendum the British people have just affirmed their wish to retain the first past the post (FPTP) system for elections to the House of Commons. The obvious conclusion is that they would also want FPTP to apply to elections to a reformed House of Lords (if we must have one).

The second reason is that such a fundamental change to the composition of the House of Lords would need approval in a second referendum. Mr Clegg's plan is most unlikely to gain this approval because the people are devoted to the House of Commons as the great national forum. An elected House of Lords would cut across this. It would lead to disputes between the Houses and muddy the difference between their constitutional roles.

The massive vote for FPTP in the recent referendum speaks for the people in any form of parliamentary voting. Are we really to be troubled, at the instigation of Mr Clegg, by a second unnecessary, expensive referendum in the parliamentary area?

References

None