

Bircham Dyson Bell

Public Policy Briefing

Hung, Drawn or Quartered?

With the election race hotting up and the belated recognition among parts of the media and public that a credible third party exists on the national scene, a hung parliament looks ever more possible as an outcome of the General Election. The Conservatives need to win a minimum of 117 additional seats in the House of Commons to ensure they form the next government – no Conservative leader since 1931 has led the party to such a gain – and a Labour majority has looked extremely unlikely for some time.

Uncertainty surrounds the prospect of a hung parliament. David Cameron has been warning that the Barackian 'change' trumpeted by his party will only happen under a majority Conservative government while Ken Clarke, joined in chorus by rumblings from the City, has even suggested that the stability of the markets depends on a strong (Conservative) government.

What is a hung parliament?

A hung parliament, or as the Liberal Democrats and the Scottish National Party would prefer it described, a 'balanced parliament', occurs when a general election does not deliver a majority of seats in the House of Commons to one party; in other words, no party wins overall control and therefore claims the automatic right to form the government. If the Conservatives fail to win more than 116 seats and Labour lose more than 24 seats the House of Commons will be hung.

There are few established rules for hung parliaments, largely because they have occurred so infrequently. However there are three broad possibilities:

- 1 A coalition government may be formed, by one of the larger parties seeking to entice another, smaller, party or parties to form a government with it. The Liberal Democrats would be the most obvious of kingmakers in such circumstances, but this would depend on the size of the larger party – for example, if only a handful of seats were needed to make up a majority then a smattering of nationalist or independent MPs could be unexpectedly swept up into the heady heights of government. Smaller parties would most likely be courted through the offer of cabinet positions, so expect to hear cries of 'Cable for Chancellor' and 'Clegg for anything' should Labour seek a coalition with the Liberal Democrats. Conventions such as collective ministerial responsibility, under which the Cabinet is expected to accept collective accountability for government decisions and toe the party line, would be considerably more complicated for obvious reasons.



Samantha Aikenhead, Public Affairs Adviser
T +44 (0)20 7783 3749
E samanthaikenhead@bdb-law.co.uk

- 2 One of the two main parties may decide to 'go it alone' and take their chance on the formation of a minority government. This would technically function in the same way as a majority government, but without the safety net and reliability of guaranteed votes. A minority government would require the support of other parties to pass legislation, so concessions to other parties and increased debating of Bills would be required. These so-called 'confidence and supply agreements' would be necessary to pass crucial measures such as the Queen's Speech and the Budget. Minority parties might find their voice significantly, and disproportionately, enhanced in such circumstances.
- 3 The governing minority party could call another election, in a bid to gain an outright mandate from the electorate and secure a majority in the House of Commons, as Labour Prime Minister Harold Wilson just about managed in late 1974. This course would appear unattractive for a number of reasons, not least due to the political gamble it would entail. The campaign has already been a long one, with preparations for a May election effectively starting last year. Party coffers will contain dwindling funds for another campaign and in any case spending money on another expensive election might not win politicians any fans, especially in the fragile economic climate. There is also nothing to say that the result would be particularly different only a matter of months later, and a low voter turnout this May could support this assumption. Importantly, a minority government may be forced into an election through a vote of no confidence.

That the Queen would have any say in who forms the next government is a myth, as is the assumption that the leader of the largest party will become the next Prime Minister; the Prime Minister will be whoever can 'command the confidence' of the House of Commons. Should a hung parliament result from May's election then both main parties will be furiously attempting to cobble together deals to gain enough support to propel them into Number 10. Gordon Brown will remain as Prime Minister until an adequate solution is thrashed out, and his Ministers will likewise remain in their positions even if they are ousted from their parliamentary seats. Convention encourages the 'caretaker' Prime Minister to refrain from making decisions of high political importance, especially ones that might tie the hands of the next government.

Hung parliaments are often painted as something that will result in a weak, unstable and short-term government, which will 'grind' the country to a halt and threaten the stability of both our society and economic recovery. However, across Europe only three other majority single-party governments exist out of thirty, these being France, Malta and Greece. Obviously each has its own political system and culture, but this is not exactly a ringing endorsement of the stability and sensibility of majority governments, particularly given the economic and social unrest taking hold in Greece. By contrast, many minority or coalition governments are stable, successful and enjoy the backing of their citizens.

So why is a hung parliament so feared?

The obvious answer might be that we simply are not used to them. The last time an election produced an 'officially' hung parliament was in February 1974. It was particularly short-lived, lasting only a matter of months. Economic instability and social unrest, as well as political indecisiveness, have imprinted the connotation of weak government in the minds of many. Of course, John Major's administration operated as a minority government for the last year of its existence in the mid-1990s and was notoriously perceived as weak. Despite this, the UK has seen effective coalition governments, notably the 1970s Lib-Lab pact and, of course, the coalitions in Scotland and Wales following devolution.

In the Scottish Parliament, the SNP has far exceeded expectations since its election in 2007, which ended fifty years of Labour administration in Scotland. After seeking to form a coalition government talks broke

down and the SNP has been successful as a minority government since with consistently high approval ratings. One reason given for their success is the tempering of public expectation undertaken by the party and their leader, Alex Salmond, after the election result. He explained that a minority government would certainly suffer defeats in Parliament and that the party would simply have to operate in a different way than was traditional to get things done. Effective communications and a good relationship with the media have played an important role in the SNP's continuing popularity.

An efficient and goal-oriented government can be effective as a minority or as a coalition. Sweden, a multi-party system with a more proportional voting system than the UK, has a history of stable and effective long-term minority and coalition governments. A focus on policy issues would need to be a priority rather than the adversarial style of politics that majority government encourages and that our politicians are used to at Westminster.

Of course, the UK has a political culture that places a premium on decisiveness (witness the reaction to Brown's 2007 election 'wobble', arguably the start of his decline), and it has an electoral system that in recent years has tended to deliver this, although disproportionately to the actual levels of popular support across the country.

Minority government would also place much greater responsibility on the opposition parties, as their support or resistance within Parliament will hold much greater sway than the 'gesture politics' which often forms the basis of opposition parties' stances. Smaller parties may also be under pressure from their traditional support base depending on the deal they strike and to what extent their policies are diluted through compromise. Importantly, the lack of a majority government does not imply the existence of a majority opposition. With a deft and well thought through policy the competing opposition factions within the House of Commons might find it hard to unite against a minority government, meaning that deals would not only be worked out between the government and other parties but across the opposition benches too.

One major shock to the system might be the time it takes to form a government in the event of a hung parliament. Normally, the UK takes only one day to form a government, which, in comparison with the European average of forty days, is exceptionally quick (although nowhere near the incredible Belgian average of almost 80 days). The parliamentary calendar has already been adjusted this year, partly to provide breathing space in the event of an uncertain outcome and partly to cater for the large number of new MPs that will be entering the Commons. Politicians will be under intense media scrutiny to produce a government ready to govern, and all the parties will be preparing in advance for negotiations that they may be forced to undertake.

The civil service has been briefed and will have a vital role to play in facilitating these discussions both in the formation of a possible coalition government or throughout a minority government administration. Minority parties have been busily preparing their list of demands should the opportunity for a coalition arise, and the larger parties may well be considering which manifesto pledges they could afford to drop if push comes to shove.

On the opposite side of the coin there are those who believe a hung parliament could be a good thing for Britain, and British democracy in particular. The SNP have endorsed the notion that a stronger parliament (as opposed to a strong government and a relatively weak parliament) will strengthen democracy. It is also worth noting that there are a number of issues that have cross-party support in

principle at least, such as the need to further the 'green' agenda in our economy and infrastructure – few could argue that balanced and thorough debate on a topic such as this would be a bad thing for the UK.

There is also the possibility of some measure of electoral reform. Labour's belated interest in the Alternative Vote System now that the pendulum of first-past-the-post is swinging back against them has been seen as a cynical first move for the support of the Liberal Democrats by some, despite the electoral reform Labour has introduced in devolved administrations in Scotland, Wales and London. It is inconceivable that any Lib-Lab coalition would not include some commitment to electoral reform which would obviously increase the chances of more minority and coalition governments in the future.

How might a hung parliament work in Westminster?

Rather than passing legislation through the chambers with conveyor belt-like regularity and predictability, a minority government would be forced to pick and choose its battles. This would nominally result in parliament enacting a great deal less legislation, something that would undoubtedly be welcomed in some quarters of the population. The government would need to set a clear strategy as to exactly what they want to achieve, and how to bring this about by garnering support from the various factions in parliament. Negotiation, compromise and good relations with other parties in a more consensual style of government would be key.

Of course, in the House of Lords there already is a hung chamber. Since the number of hereditary peers in the second chamber was reduced by ninety percent, the government has been defeated over 500 times on legislative votes, requiring the government to negotiate and compromise with opposition peers in a similar way to minority governments.

A minority government rather than a coalition is perhaps the more likely option in Westminster; as Disraeli said, 'England does not love coalitions', although previous coalitions in both Scotland and Wales have proved effective. The governing party should find it easier to maintain unity than under a coalition arrangement, as less dilution of policy would be necessary to win support. Going back on manifesto pledges or matters of principle would be likely to upset the traditional party support base.

Is a hung parliament really likely, and who would form the next government?

If current polls were translated directly into votes a hung parliament looks to be a real possibility. The bookmakers also have a parliament under no overall control as the most likely outcome, a prediction made by those who 'put their money where their mouth is'.

The Conservatives would have to gain 117 seats in order to secure a majority of one. Around a third of these are likely to be achieved in London and the South East. As a rule, in recent times the Conservatives have tended to win their seats with more votes to spare, meaning that a vote for the Conservatives is less 'efficient' than a vote for Labour. Safe Labour seats are often over-represented in Westminster, for example Wales enjoys more seats per head than England, as does Scotland. The Conservatives' intention to cut the number of MPs rather than look at electoral reform could hit Labour hard and may appear vindictive.

The Conservatives also suffer from a relatively efficient divide between anti-Tory votes, with very few genuinely three-way battles being fought out within constituency boundaries.

The electoral articulation of anger over the parliamentary expenses scandals is uncertain. It is likely to have a disproportionate impact on Labour as the incumbent government but may also manifest itself in terms of reduced voter turnout. Turnout may prove to be an issue, with many pundits pointing to the low

numbers they expect to be making the effort on polling day. This could affect Labour the most, as their supporters during the last thirteen years might not want to endorse a fourth term with Brown at the helm, but equally might not be able to bring themselves to vote Conservative. However, with many voters it may simply be a case of 'better the devil you know' which flummoxed political pundits back in 1992.

While there is no constitutional diktat requiring the leader of the largest party to form the next government, that would in all likelihood be the route taken, although an extremely close result may complicate matters, especially if the party with the greatest number of seats and highest percentage of the vote are not one and the same. With a Labour government on the back foot it may be that the Conservatives will take the upper hand in either of these arguments.

However, this is largely speculation. While polling techniques have improved since the last close election in 1992 they are not reliable enough to be taken completely at face value, and the way politicians position themselves during an election campaign might be contrary to how they might act when thrust into the situation of a hung parliament. For example, Nick Clegg has publicly resisted allegations that he would assume the role of 'kingmaker' but the situation may require his party to make more weighty decisions than they are used to making.

The election could represent one of the biggest turning points in UK electoral politics in living memory, or it may be a damp squib returning the process of governing to business as usual with the current jittery polls viewed as a slight hiccup.

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