HOUSE OF COMMONS

# Public Administration and Constitutional Affairs Committee

## Oral evidence: The Government's Constitution, Democracy and Rights Commission, HC 829

Tuesday 3 November 2020

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Watch the meeting

Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; Rachel Hopkins; Mr David Jones; Navendu Mishra; David Mundell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson.

Questions 51-88

### Witnesses

I: Mason Bell, Member of the Fabian Society, Mahdi Murtaza, Third-year student, School of Life Sciences, University of Sussex, Bill Puddicombe, Executive Director, Sussex Beacon, Jacqueline Rana, artist/practitioner and interim Trustee, Bristol Estate Leaseholders and Tenants Association, and Rohaan Saleem, Nuclear Engineer in the civil and defence industry.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]

# Examination of witnesses

Mason Bell, Mahdi Murtaza, Bill Puddicombe, Jacqueline Rana and Rohaan Saleem.

Q51 **Chair:** Good morning and welcome to a hybrid public meeting of the Public Administration and Constitutional Affairs Committee. I am here in a Committee room in the Palace of Westminster this morning with staff to facilitate the meeting, suitably socially distanced from one another of course. The witnesses today and my colleagues are in their homes and offices across the country.

This week is Parliament Week, and the Committee is holding a different kind of meeting. In recent weeks, members of the public have been discussing the issues that arise from the Government's commitment to establish a Commission on Democracy, Rights and the Constitution. Some of those participants have come along today to share their discussions with the Committee, and we are very grateful to them for doing so. What I am going to ask is that they introduce themselves and also give a brief summary of what their groups discussed prior to this meeting. I am going to do that in alphabetical order by surname, so I will go to our first witness, Mason Bell, please.

***Mason Bell:*** Good morning, panel. Thank you. My meeting was on Monday 19 October, and we had a very interesting discussion when we were talking about the constitution and what that means to us. There were some very different opinions there. Some people were interested in having it written or specifically codified. They said it gives guidelines of how citizens and Government institutions work together to understand and co-operate with each other. That was the basic agreement of what we think a constitution means.

Then there were arguments that although we have it written down in different documents, it is a bit of mess. Would it be better for society if it was all written down and codified in one document? There was some disagreement about that. Some people thought that given the amount of history we have as a country, perhaps we should just build on things like the Magna Carta, the Bill of Rights, the Human Rights Act and the equalities commission.

People also made the point that its being unwritten can mean different things to different people, so it is open to interpretation, and that it is all right to go with a written constitution as long as everybody respects that. We have seen that in places like the United States that do have a constitution, it is very difficult to change anything that needs to be changed. People also mentioned that if someone despotic came in, then having a constitution would put constraints and limits on their actions.

Discussion topic 2—sorry, do you want me to go through the whole thing or just one?

**Chair:** That is a splendid summary you have given there, Mason. We will

no doubt explore the rest of it as we go through today's meeting, but thank you for that. If I could go to Mahdi Murtaza, please.

***Mahdi Murtaza:*** Thank you very much. Good morning and thank you for having me. My name is Mahdi. I am a third-year biomedical sciences student at the University of Sussex, which is right around the corner from Mr Russell-Moyle's constituency. I am also the president of the Sussex Politics Society, a student group with a view to making politics accessible and relevant.

My focus group was also on Monday 19 October, alongside Mason's. He has mentioned a number of the points that I had in my introduction, but I would just like to add that our group was particularly diverse, drawing on individuals from a number of different backgrounds and a number of different countries who brought insights to their own systems of governance and how that was similar and dissimilar to the UK.

**Chair:** Thank you very much indeed for that. If I could go to Bill Puddicombe, please.

***Bill Puddicombe:*** Morning, everybody. My name is Bill Puddicombe. I am the executive director of a charity in Brighton called the Sussex Beacon, which works with people living with HIV. One of our good friends is Mr Russell-Moyle; we are in his constituency.

Our focus group was on Friday 16 October. I will mention a few bits that have stayed with me, rather than going through it all. We had a long conversation about the pros and cons of a written constitution. Looking through the notes this morning, the phrase in there that was in a way most disturbing was "gentlemen's agreement", which apart from not being in the least woke, does not give anyone any confidence that all of those bits and pieces that are customary fit together in a way that protects us.

There was also some considerable discussion about the voting systems: lack of transparency in decision making, leading to lack of trust. There was the feeling that the Executive is not sufficiently scrutinised, so that governance is ineffective at the highest level, and there were also some issues about devolution, with a very centralised system also leading to a lack of trust or feeling that people can influence events.

**Chair:** Thank you very much. If I can go to Jacqueline Rana, please.

***Jacqueline Rana:*** Good morning. I attended a group with Bill on Friday 16 October. My name is Jacqueline Rana. I am an artist/practitioner and interim trustee at Bristol Estate Residents Association in East Brighton, currently overseeing the development of Bristol Estate Artists Studio. I am a former senior manager in enterprise development at the University of Brighton. I am interested in social learning and wellbeing developments through arts access in social housing settings. I think that informs my attendance.

I did attend the group with Bill, so I am just feeding back and emphasising some of the areas he discussed there. The group volunteered responses around the notion of trust and the role that it played in UK politics and then covered a very broad and interesting area, with participants volunteering that, as Bill was saying, the constitution seems to very much run along the lines of a gentlemen's agreement between people and Parliament. We had participants noting that it should be running between trust in the legal system and rule of law, and there were some concerns about judges being involved in political questions. Questions about how independent the judiciary are were raised. We did discuss the constitution and how we could avoid politics coming into it. People were noting difficulties around interpretation, with participants noting that the Supreme Court should never be politically motivated.

We talked also about institutional processes and the topic of trust there, use of the public purse, lack of adherence to protocols, discussions around procurement procedures, which could be slowly diminishing trust, eroding it, the notion of accountability and how that is perceived to be quite low, and that things are not timely, interventions are not timely. Examples used were perhaps apps that do not work to timelines given, costs involved and accountability there. We also had quite a bit of discussion about who should be holding the Government to account. I hope that is a fair summary of my view.

**Chair:** Thank you very much. I think we have a problem with Rohaan's connection—try again, Rohaan, if you would, please. Thank you.

***Rohaan Saleem:*** Apologies, I did not hear you then at all.

My name is Rohaan. I am a 25 year-old nuclear engineer working in the civil and defence industry. I would like to start with a direct quote from my group. It goes, "So if you don't have the people, who are you governing?" The main aspects of our discussion focused around how our democracy is in a sense broken. As the Members of Parliament on the call will know, the majority of people in your constituency do not vote for you. We felt that that presented an incredible democratic challenge, especially in terms of trust and how you can have your population trust you. This was felt even at the local level, where the consequences are not generally felt.

Another key aspect of our discussion was how we do in fact fundamentally trust in the institutions—they are run by the people, who are not infallible. We need to exploit technology more to get more and more people engaged with the system. We live in the modern era, but the implementation of tech is quite poor. We seem to have many broken sources of information. A key challenge is holding the establishment to account, and misinformation is probably the biggest challenge of our current democracy. Fundamentally we would like to reduce corruption in the electoral system, and that we think will increase trust in the institutions.

**Chair:** Thank you. We have a fine Brighton contingent on the panel, so Lloyd, the first question is with you, if you are there.

Q52 **Lloyd Russell-Moyle:** Yes, it is lovely to see so many Brightonians here, but I suspect your groups were discussing national kinds of issues. What I am interested in is the issue of the voting system that was raised in your groups. What views were expressed about our current voting system or potential other voting systems in this country?

**Chair:** Lloyd, who do you want to direct your question to, please?

**Lloyd Russell-Moyle:** Do we go through all the groups, or—

**Chair:** Whomsoever you wish.

**Lloyd Russell-Moyle:** I don't know, Mr Chairman—we have not done this before.

**Chair:** No. Who would you like to direct your question to, Lloyd? Just direct the question. It will not be possible to get everybody in at once, but if you could do that.

**Lloyd Russell-Moyle:** William, why don't you go first?

***Bill Puddicombe:*** Thank you, Lloyd. We talked about it a lot. First past the post did not feel like a good voting system to people. Certainly the absence of a voting system for the House of Lords did not seem like a good voting system. There was a general feeling that there must be an alternative. I suppose there is an underlying question about whether vested interest has prevented that change from happening so far, but I do not remember there being—

Q53 **Chair:** There was a referendum and it was rejected, I seem to recall, rather than vested interests.

***Bill Puddicombe:*** There was a referendum on a possible limited change, I recall. I think there was a general feeling that something within the current system is not working sufficiently to give people trust. I would leave it there, I guess.

Q54 **Lloyd Russell-Moyle:** Rohaan, you are from Cardiff. Because there is an experience of a different voting system of course in Wales, along with the first past the post system, I wondered if there had been discussions there or something you had reflected on.

***Rohaan Saleem:*** Yes, we had broached the topic. Similarly, we also did not really feel that the first past the post gave enough of a voice to the vast majority of people. In terms of the devolved Administrations, although the voting system used is a vast improvement on the previous one, I think in general the feeling was still that many, many people in this country do not get to make a decision with the system.

***Mason Bell:*** We had a similar set of discussions around first past the post. I think it might have been Rohaan himself who said that the majority of people do not vote for their MP. We decided that obviously it would be nice to see that change. Quite what system would be put in place would be a discussion for the Committee to put to the people, but it was also brought up that perhaps for the sake of our democracy we should go even further

and directly elect our House of Lords, our upper House, and our Head of State. There was some discussion there regarding giving the people a say on abolishing the monarchy, for instance, so that we can remove anybody that is not performing properly. Some of us thought that for the good of our democracy, let's get it all democratic, rather than just have, if you like, the limited democracy that we have at the moment.

Q55 **Lloyd Russell-Moyle:** That has worked very well in the US, hasn't it?

***Mason Bell:*** We were not specifically always going for a US-style system. Obviously we discussed what is going on in Ireland, the way they have set it up, a parliamentary republic as opposed to a United States republic. This is something that we, as republicans, get told all the time, "Look at what is going on in the States," and that is true, but there are other parliamentary republican systems that can be looked into. Then we can say, for instance, if we do manage to vote in a President and he is not doing a good job—or she is not doing a good job—just remove them.

**Lloyd Russell-Moyle:** I am sure someone will have a question more specifically about the monarchy in a bit. Jacqueline, was there anything about the voting system specifically in your group?

***Jacqueline Rana:*** I was in the same group as Bill. I think something that stood out for me within the group on this topic was that participants were saying that clearly within a democracy citizens should have equal rights to have their voices heard. Clearly nobody in the group felt that this was the case; they did not feel that the current electoral system allows for this. We were overwhelmingly in favour of proportional representation as a fairer system of politics. There was a little discussion about the direct link to an MP, but while that is attractive, it is very much an illusion for most people. In everyday practice, that does not happen. Yes, we felt within perhaps the group that the current system may cause divisive politics, if anything, and part of the electorate—

Q56 **Lloyd Russell-Moyle:** You have said that the direct contact with an MP was slightly dismissed as something that was a bit illusive, but is it a case of maybe the grass is greener on the other side? You say that is not very important because you experience it at quite a high level. If we experience some of the systems where you have almost no link with your political representative—I grant you, many constituents of Bristol Estate might not know who I am, but I do go to the café and sit in there on a weekend and they can come and speak to me. In many other systems, they would never even have the opportunity of popping in to speak to their Member of Parliament on the weekend in their estate. Is it a case that we dismiss that bit just because we are a bit too complacent and used to it?

***Jacqueline Rana:*** I just think perhaps the engagement levels are low and that perhaps there is better engagement at a more local level. How important is that direct link to an MP? Is there a different way of engaging with MPs rather than the current system? I think that was pretty much coming out from the group and from discussions that I have had, yes.

**Lloyd Russell-Moyle:** I can see Rohaan has his hand up. Chairman, please do interrupt if you need to move on, but Rohaan, you have your hand up.

***Rohaan Saleem:*** I just wanted to make the point that of course we have many routes available in this country to engage with our MPs, but I do not think the problem is necessarily apathy. I think it is more distrust in that, "What is the point of me having a discussion with my MP if they are not going to listen to me?" Yes, you might be suggesting that the grass is greener on the other side, but we have tried this system for a very long time and I think the population is hungry for change.

**Chair:** Do we have anybody with a different opinion on the call at all? No. We will move on to the next one. Thank you ever so much. John Stevenson, please.

Q57 **John Stevenson:** I think everybody accepts that we are a highly centralised state. Some people would argue that that is a sensible approach, given the fact that we are not a huge country; other people might take the view that we should have more decentralisation of power and tax-raising powers. In your groups, was there much discussion about devolution, about devolving power? I do not just mean to Wales, Scotland and Northern Ireland, but also within England itself. If I may start with Mahdi, please.

***Mahdi Murtaza:*** There was a general sense of agreement within our group that devolution is an important part of our country's governance and it is vital for both local and regional issues. There was a feeling that there is still an essential place for Westminster and the Commons, but by putting powers in regions, it stops them from feeling left behind, it gives them a voice and allows them to fight for their own issues. It was brought up that one of its purposes of the US constitution is to maintain the separation of federal and state powers, and something like that could potentially benefit devolution.

Another participant mentioned that while they felt there were positives for devolution, it could lead to the erosion of the powers of a central Government and no central Government would want to lose part of their territory. I think it is something we thought was evolving, that it is certainly a step forward in many respects, and recent discussions about local lockdowns, such as in Manchester, raises that question further.

Q58 **John Stevenson:** On that theme of local lockdowns, was the emergence of the role of Mayors a topic of discussion, whether we should have Mayors everywhere or that Mayors are not part of our system?

***Mahdi Murtaza:*** Not in explicit terms, not the role of the Mayor, but what was discussed was the idea that power—some sort of executive authority given to a local region, whether that be to an individual or a council—is something that is extremely important; maintaining that separation of power and ensuring that regions have the opportunity to govern themselves.

**John Stevenson:** Thank you. Bill, what was in your group?

***Bill Puddicombe:*** Yes, we did talk about this a bit. We talked about the UK being something of an outlier in terms of the amount of power that is held centrally, particularly when you look at the contrast between, say, Germany and the amount of revenue that is raised locally or regionally, and the amount of money that is raised nationally in this country. I think the reflection there comes back to the trust question and the feeling that all of the decisions about one's life are made remotely to us. Although in Brighton it is hard to tell, I suspect that that feeling increases the further away from London that you get.

Certainly looking at other systems that I am aware of, there is the Belgian system, for instance—I am not going to put that up as an exemplar, but in terms of the reasons why Belgium rolls along perfectly happily without a Government, it is because so many of the decisions are made regionally and locally. There are other systems different from ours, and ours seems to be a place where decisions are made very remotely from us by a single group of potentially unrepresentative people.

Q59 **John Stevenson:** Rohaan, you are from Wales. Clearly there has been quite a significant amount of devolution to Wales. What was your group's ideas or views on devolution, particularly given the context of your position as somebody who lives in a devolved area?

***Rohaan Saleem:*** Just by chance I ended up being, I believe, the only Welsh member in any of the focus groups. The main sort of person who contributed to the discussion was me, I guess. My personal feeling, and I think it was expressed in the call as well, is that devolution is great, we want more of it and we want more control over our own destiny. As you have mentioned, regionally in England I am sure it would benefit the people greatly as well, and it all comes down to the fact that populations are varied across the nation, the demographics are different, age groups are different wherever you look, so blanket rules on some of the fundamental issues that the Government deals with are not necessarily as applicable to everybody.

Having regional decision making could make a huge improvement in people's connection to Government. Rather than having a say once every five years, maybe they would feel that more of their views were being listened to on a more regular basis.

Q60 **Ronnie Cowan:** We briefly touched on something there, and I thought we were going to go into it in more depth—Bill, you mentioned it as well. We were talking about powers being devolved to regions or to countries. I think covid has highlighted the fact that if we are going to exercise those sorts of powers and responsibilities, we have to have some sort of control over the financial levers as well. Did you cover any of that? Did you come up with suggestions as to how that could possibly be handled?

***Bill Puddicombe:*** I do not recall that we did discuss that, no, but I distinctly do remember the discussion about the contrast between our

system and those in other countries. But speaking personally, it is kind of a given, isn't it? In order to do the things you need to do, you have to be able to pay for them yourself.

Q61 **Navendu Mishra:** I wanted to hear a bit more about accountability and what discussion you came up with and what you think could be done to improve accountability.

**Chair:** Who are you directing the question to, Nav, please?

**Navendu Mishra:** Mason, would you like to perhaps have a go?

***Mason Bell:*** Hello, Nav. Yes, thank you. On accountability, again, there was a lot of discussion around trust. It was obvious if people do not trust their Parliament they are not going to get so involved and it is going to make it difficult then to get accountability. For instance, yes, it is great that we can talk to our MPs and have the accountability there, but it is almost like we only get heard once every five years at general election time or at council level. Where I live in Exeter, we have elections every year for the council, which is good. It keeps the council busy, it keeps it almost fresh, if you like, sometimes. I know in the constituency where I used to live—I will not name the constituency—we did not see much of our MP and writing to your MP makes it a little bit difficult; you do not always get replies.

Again, I am going to come back to this idea of a fully elected upper House. We have been told that the House of Lords is packed with experts in their particular field, former Members of Parliament, GP doctors, soldiers, all sorts of things, but they do not have the accountability. We cannot say to them, "You are doing a terrible job. Let's get rid of you". We cannot do that to a Head of State either. I feel accountability is being eroded the further—for want of a better word—up the ladder you go. We get to the House of Commons. We could eject the Prime Minister, but we are supposed to have a constitutional monarchy, yet we have members of the royal family who are trying to lobby for their own interests. That has been documented.

**Chair:** Thank you. Moving on to the next person, please, Nav.

Q62 **Navendu Mishra:** Thank you. I appreciate the response, Mr Bell. Mahdi, you are the president of the Politics Society at your university. I read that you campaign on making politics more accessible and relevant to everyone. What do you think could be done to improve accountability?

On the previous contribution from Mr Bell and some of the points he made about some MPs, I hope everyone on this call would agree that sometimes constituents feel that perhaps MPs are not as accountable as they could be.

***Mahdi Murtaza:*** Thank you, Mr Mishra. If I could just touch on Mason's point, I think I would take it slightly further. In our discussion it was said that if the trust is not there, then what power does Government have to govern? I think it was also Mason who pointed out to our group that constituents do have the right of recall, and that is one tool that individuals have or constituents have to hold their Members of Parliament to account.

On your point about the Politics Society, in terms of its relevance to accountability I am not able to draw a link there, but what we do try to do is highlight what tools students have available to them, how they can interact with the political process, how they can speak to their MP, what they can do and what they can go to their MP for.

**Navendu Mishra:** Thank you. If the Chair will indulge me, I would like to ask Ms Rana or Mr Puddicombe a quick one.

**Chair:** Yes, sure. Go on, Nav.

**Navendu Mishra:** Thank you. Ms Rana, on the matter of accountability.

***Jacqueline Rana:*** Yes, I think comments that came up within the group were a recognition that without timely or appropriate interventions or where inconsistent measures appear to be being applied, perhaps one rule for one situation and one rule for another, public trust in institutions will inevitably be eroded. I think it is inevitable as well that people may make comparisons with the private sector, for example, where mismanagement of funds or failure to deliver or not following an agreed process or applying ineffective policy might be quickly reversed. In many cases that would result in disciplinary action or more likely dismissal, and yet we are not seeing the processes for how individuals in the Government are held to account. At what point, for example, would somebody resign in post because they have not been effective or what they are doing is not effective?

We also discussed mechanisms for accountability: who should be holding the Government to account? Should it be within Parliament or an outside body? That was quite an interesting discussion as well because the group felt quite differently here about whether it should be outside of Parliament or not, but of course then there is discussion about which group it would be. Everybody has biases and so it was a never-ending discussion, but definitely one that should be reviewed.

**Navendu Mishra:** Yes, this discussion could go on for a long time. On the point about mechanism, Mr Murtaza made the point about the right to recall, and that is quite new over the last few years. On that point we could talk for a long time, but I am afraid we do not have that. I will come to Mr Puddicombe and I think Mr Murtaza wants to make a brief point, if that is all right.

***Bill Puddicombe:*** Yes, I would endorse what the other witnesses have said. I think the issue is that the lack of accountability is structural. You look at the very top of the way in which our nation is governed and two of the three institutions there are unelected and unaccountable to anybody except themselves.

**Navendu Mishra:** Thank you. Mr Murtaza, if you could be brief, please.

***Mahdi Murtaza:*** Thank you. I will just make two very short points. First of all, an idea came up within our group that MPs, as elected individuals and representatives, need to be held to a higher standard of behaviour,

such as in an instance where an MP is charged with drink-driving, then not so much the punishment, but the repercussions for that should be sufficient and proportionate for somebody in their position.

But in addition to that, the point was raised that having the separate bodies and institutions that currently exist are almost the exceptional way of holding Governments to account. One of our participants mentioned that our Parliament is the envy of all Parliaments across the world and Committees such as this that we are presently in are an example of one of the ways in which Government is held to account.

**Navendu Mishra:** Thank you. I note that Mr Saleem has not said anything. Would you like to contribute or should we move on? No, okay. Thank you, Chair.

Q63 **Tom Randall:** We are obviously moving in a period of time when Government have a lot of power—I am thinking particularly about dealing with the coronavirus and so forth. Rohaan, in your opening remarks you talked about democracy being broken. Did you have any comments in your group about the power of Government, good or ill?

***Rohaan Saleem:*** Yes. It comes back to the previous point of accountability. I think in my group the general feeling was that when you reach a certain echelon in society, you behave as if you are above the law and that unfortunately regular people do not have access to justice systems that would hold people to account. There is a sense that we need more transparency in how the Executive exercises their power and that although—

Q64 **Chair:** That is quite a charge, if you do not mind me interrupting. Could you give me some examples of those in power acting above the law?

***Rohaan Saleem:*** If you are asking for specific examples, two in recent memory involve a political adviser who decided to break lockdown rules and additionally they—

Q65 **Chair:** My view on that is very clear. Why didn't the law therefore intervene? If the law did not intervene, how is anybody acting above that? I think making general accusations is not really appropriate.

***Rohaan Saleem:*** Okay. My statement is essentially that if a regular person had done the same behaviour, having not been a member in the media, they would potentially have suffered different consequences and that your position in your life should not affect how the law is enacted on you.

**Chair:** I quite agree. Sorry, Tom.

**Tom Randall:** That's okay. Thank you for that, Rohaan. Jacqueline, did you have any discussions in your group about Government's power?

***Jacqueline Rana:*** Yes, probably just building a little on what Rohaan has mentioned with systems appearing antiquated, if anything, and disengaging the electorate, with Government often appearing too confrontational and the nature of debates being outside of lived experience,

for example. We considered this to be hindering trust. Interactions in the House might involve hectoring, being evasive or not answering questions. In everyday life, in whatever role you are playing in your work life or within your community or society, these things are not acceptable, but somehow there do not seem to be systems effective enough to prevent that from happening. If you tune in to watch PMQs and you catch it on the news, it does not appear to reflect real life.

Q66 **Tom Randall:** Aside from Parliament, if you watch the television, would you say there is lots of robust debate and confrontation in the world in a non-parliamentary setting?

***Jacqueline Rana:*** Robust debate, absolutely. Yes, I agree, that is on television. I think the group were all for robust debate. I suppose it is about the rules of engagement within robust debate. If we think of modelling behaviour, if we watch our elected representatives not answering questions, being evasive or hectoring their colleagues, effectively, whatever your political affiliation, it does undermine trust, because in everyday society it is not really acceptable. That is not how we engage. We find methods of co-operation regardless of the stances we have. We find more co-operative means of communicating with each other. While this is very simple stuff, any teacher will tell you that we have to model behaviour as well in society; otherwise our trust in institutions is simply diminished

Q67 **Tom Randall:** On the flip side of that though, isn't there always a danger? We are talking about politicians being remote from the people, which is one of the themes that has come out of this discussion. If you have a co-operative group of politicians that is seen as remote from the population, and is not engaging in robust debate, then it might co-operatively make decisions that the people do not agree with.

***Jacqueline Rana:*** I suppose I use the term "co-operative" in the sense that you all agree, or you agree as an institution, that you will follow rules of engagement or debate. If you are in a debating society at university or at school, there are rules of engagement. In that way you are providing structures for robust debate to take place. I think few people would say robust debate can take place when questions are not answered or when clear hectoring is taking place. If you do tune into the TV or however you access or witness a debate in the Chamber, it can look very detached from everyday life.

**Tom Randall:** Thank you, Jacqueline, for that. I am going to sidestep your comments by going to William Puddicombe, who has his hand up.

***Bill Puddicombe:*** A couple of brief points. Nobody that I know thinks that what goes on in Parliament is not remote. None of us in our usual lives wave Order Papers at each other or bray. Braying is basically what you hear when you listen to Parliament, and nothing could have made us feel more excluded than the farces that went on over the Brexit legislation. None of us understood what was going on, if we are being honest. It was all part of something that was archaic and very excluding.

Very briefly, coming back to your point about Government currently having a lot of power, I would go back to a point that was made in Parliament yesterday, I think by the deputy chair of the 1922 Committee. He made a direct comparison between the powers being taken by Government at the moment and the absence of a written constitution in order to guarantee citizens' rights.

**Tom Randall:** Thank you. Power of Government—Mason Bell.

***Mason Bell:*** Thank you. I wanted to go back to what Bill was saying about the Brexit referendum. It was brought up in our group that we need to tighten things up around the likes referenda and representation generally. There was a lot of debate after 2016 as to whether the referendum was legally binding or whether it was just advisory—that was the word that they were using. I personally think that held the process up quite a lot because you had obviously one side wanting to run it again. I think we need to be a little bit more—what is the word I am looking for? When we go to the people again, we need to be sure that the referendum is either in law or is representative.

Someone also brought out how we want our MPs to represent us. Do we want them to directly consult us on everything or do we want them to have the trust to make decisions on our behalf? That was quite an interesting point I wanted to raise.

**Tom Randall:** Thank you. Mahdi, did you have any comments on the power of Government, good or ill?

***Mahdi Murtaza:*** No, my comments are line with Mason's.

**Tom Randall:** Thank you very much.

Q68 **Mr David Jones:** As you know, in this country we have a bicameral parliamentary system. We have the House of Commons and we have the House of Lords. I am interested to know whether you discussed the roles and functions of these two Houses during your deliberations. I am not so much interested in the issue of how they are constituted, how they are elected or non-elected, in the case of the Lords. What I am more interested in is what they do and whether you feel that anything could be done to improve the way that they work. Can we start with Mahdi, please?

***Mahdi Murtaza:*** Thank you very much, Mr Jones. I think it is certainly an interesting discussion. I want to explore your initial term of bicameral and the idea that the legislature we have is truly bicameral. There is a former justice of the United States Supreme Court who would claim the contrary, saying that the powers within the House of Lords are very limited, they are only revisionary and in truth do not possess any meaningful substantive potency. For the House of Lords to function in such a way that we do have a bicameral legislature, one of the points that was raised in our group session was to give them more binding powers in such a way that they do have the ability to accept or reject legislation.

As was mentioned by one of my colleagues earlier, the House of Lords in theory is supposed to be filled with experts, it is supposed to be filled with individuals who over a very long career have acquired expertise and knowledge that makes them uniquely situated and uniquely qualified to speak on subjects relating to specific legislation. Without the power to make that meaningful change, one has to question what the point of having a second legislature is at all.

Q69 **Mr David Jones:** Would you not agree that having a cadre of senior people—I will not call them politicians because some of them are not politicians, some of them are, as you rightly say, experts—even if it is only for the purpose of informing debate, is a valuable thing?

***Mahdi Murtaza:*** Of course, but as you rightly said, some of them are politicians in addition to some not being politicians. I know that you have mentioned that you would rather not explore how they are elected or selected to the House of Lords, but I think that is a fundamental tenet within this discussion that does need to be—

Q70 **Mr David Jones:** Yes, I appreciate that, but I think that we have covered that to an extent. What I am more interested in is how the roles of the two Houses could be developed. William, do you have anything to add to that?

***Bill Puddicombe:*** I agree with Mahdi. I think the general impression we all have is that the House of Lords is toothless—I do not mean literally—and in the sense of a bicameral system, it is not clear what the House of Lords can do to change the course of events. There have been numerous occasions we can all look to and say revisionary powers are overridden over and over again when it suits a Government with a large majority. Effectiveness would be the issue that I would raise.

Q71 **Mr David Jones:** Do you think we need a second Chamber? If so, is it your view that it should simply be strengthened in terms of its role and functions?

***Bill Puddicombe:*** I would certainly say that we need a second Chamber because it would make governance of the country more effective than it currently is. I would not support that second Chamber not being elected.

***Jacqueline Rana:*** I would stand by what the witnesses have already said here. I was in Bill's group discussion. I know that it is not something that you want to cover in your question about how the role of the two Houses could be developed, but I think it basically did come down to the fact that it was an unelected House. Yes, absolutely, it is about its effectiveness.

**Mr David Jones:** Mason, would you like to add anything?

***Mason Bell:*** Yes, I wanted to pick up on one point that was mentioned in our group. We were discussing exactly what you just asked: do we really need the second legislature? Someone brought up the fact that there are other devolved Administrations in this country that do not have the second legislature and they are in full control, looking perhaps at Scotland, where

one party is in full control and does not necessarily get scrutiny. Yes, the House of Lords can scrutinise, but it seems like it is there purely as an advisory. If we wanted to strengthen those powers, it is not right for our democracy that they are not elected.

**Mr David Jones:** Rohaan, is there anything you would like to add to that?

***Rohaan Saleem:*** Yes, I largely agree with everything that has been said. I just wanted to present the House of Lords as a sort of metaphor. It is like a blunt sword that you would carry on your hip and when you need it, it would not be any use. Time and time again we have seen legislation pass between the Houses and the House of Lords has been ineffective in putting its view across. I think that needs to change and to have an elected body would definitely put more of the people's trust in them.

Q72 **David Mundell:** I would like to ask our panellists about their discussions on deliberative democracy. Perhaps we could start with you, Mahdi.

***Mahdi Murtaza:*** Sorry, could you expand on deliberative democracy? Are you referring to—

**Chair:** I think Mr Mundell hit the nail on the head.

**David Mundell:** In my understanding it would be things such as citizens' assemblies and other participative forms of public engagement.

***Mahdi Murtaza:*** Absolutely. If I may, I think in our group the discussion was very well informed by a number of points that Mason made specifically on citizens' assemblies, so I would like to pass over to him, if that is possible.

***Mason Bell:*** Yes, I think the whole idea of a citizens' assembly would be specifically regional—places where we can discuss regional issues. I mentioned that where I grew up in the west country we felt very much left behind, especially when I was younger, by central Government. Many other places do it. If each region could have their own people's assemblies, their own citizens' assemblies—I am not saying take power away from Westminster—they could say, "Look, this is the region, these are our issues" and then inform their Members of Parliament perhaps. They could go from there and maybe have some devolved power so that they could make decisions specifically for themselves, similar to what local councils are doing now, but perhaps with a little bit more democracy and a little bit more accountability involved. Then you could have people perhaps not so much living street by street, because that would not be ideal, but get the citizens involved, get them to discuss their local issues and then pass that up through the line and say, "This needs dealing with".

Q73 **David Mundell:** What would be the status of such people? Are they elected, are they self-selecting?

***Mason Bell:*** Yes, they would be elected. I would not specifically say they should be party political either, but perhaps people that are active in community associations, they can put themselves forward for elections. I

think it is very much important that we utilise surveys, we utilise knocking on people's doors, have that real boots on the ground democracy, "We are from" let's just say, "Exeter Community Association. This issue has arisen. What are your views?" and they collate those views and then decisions can be made how we go from there at the Exeter level.

Q74 **David Mundell:** Even through that process, which is one thing I think is worth discussing, aren't there going to be people who do not agree with the decision and therefore however deliberative, however co-operative you are, you are going to find that there are people who therefore do not feel that their view has been adequately represented, because the decision is not the decision that they want?

***Mason Bell:*** Yes; we have that throughout the country at the moment anyway, wherever you are. Just say, for instance, it is a two issue thing—you take what the majority want. I think you have to listen to people's views and perhaps adapt the needs accordingly. I cannot think of an example off the top of my head, but if you are thinking of one issue and other subsidiary issues come in, include that in the legislation. There will be people that will disagree with it, but if they feel that their views have been listened to by putting extra bits in or taking bits out, then that could probably help. But whatever democratic system you choose, you are always going to have people who are not going to agree with it. That is just the nature of democracy.

Q75 **David Mundell:** Yes, I accept that, but some of the things we have heard this morning maybe suggest that somehow we can reach views in which somehow everybody would feel that their view was accepted. Most of the issues that are generated are where people just do not agree and there is not a way around that. For example, Mr Cowan and I do not agree on whether Scotland should remain part of the United Kingdom or become independent. I am not going to make the people who think that Scotland should be independent happy and Mr Cowan is not going to make people who think that Scotland should remain in the United Kingdom happy, so we are not going to resolve that through more a deliberative approach, are we?

***Mason Bell:*** Maybe not, but if we go back to the Brexit referendum that we were discussing earlier, if that had been handled differently, for instance, you would have got the yes or no, but if the debate had been more civilised perhaps and there had been more discussion around exactly what Brexit would look like, then I think there would be a better consensus. If we had that in a citizens' assembly, it would be "This is the issue. This is what we are proposing, this is what it would look like", but again, it comes back to democracy, and you are never going to please everybody. It is not possible that everybody agrees.

**David Mundell:** Yes, but people who suggest process issues tend to have wanted a different outcome, and that is my experience. I will come to you, Bill, because you have your hand up.

***Bill Puddicombe:*** Just a couple of points. I would have thought that one of the main advantages of a more deliberative democracy was the ability to give a voice to the powerless. That is also one of the problems, in my experience and as I understand it, of this kind of system—that it is very difficult to avoid people who sit in assemblies, or who are collating or trying to create a consensus, being self-selecting. If we were to look at a system that was more deliberative, then I would wish that that particularly dealt with the diversity within the country, those groups who are not generally heard or listened to.

Q76 **David Mundell:** I agree, but how do you think that that is achieved, since lots of people who do come forward to give their views are essentially self-selecting or already have views? For example, in my own constituency a group that has a significant demographic but is not well represented within the system is older women. How do you ensure a group such as that is participative?

***Bill Puddicombe:*** It is extremely difficult, without being unintentionally discriminatory in the way that people are selected to make the points. I think the overall issue is when we hear what the public says, which currently we only hear through the filter of the media, are we hearing a range of views from all of the different communities or are we simply hearing a filtered version through a group of self-selected people? Honestly, I think it is very difficult to imagine a system where we could not rule out that the latter would happen.

**David Mundell:** Does anybody else have anything to say on deliberate democracy?

***Jacqueline Rana:*** Yes, I would like to add something, if I can, which is about technology and the way that we are finding out and interpreting information about citizenship engagement; it has clearly changed the democratic process. I think it is something that does play very much into deliberative democracy. It does not appear to have been integrated in any kind of deliberative way, although technology is something that we obviously should be looking at closely. We can see, for example, its misuse in the dissemination of misinformation, but we can also see how it shapes democracy. I think that very much plays into, or comes into, the question that you are discussing about the processes.

When you are talking about older women, for example, perhaps it might be worth considering whether the current system of engagement appears intimidating, is it antiquated, is it something that you feel that you need to be versed in how to engage before engaging with it? I think in a way this question is for you to look at. It does come back to engagement, doesn't it, and understanding why people do not engage and looking at different processes for people to engage? In fact, the way we are engaging through Zoom now I think is rather interesting. It is out of necessity more than anything else, but I think it opens up a whole new way of running people's assemblies, of getting different groups involved in decision-making.

***Rohaan Saleem:*** I wanted to touch on your point on deliberative democracy. You suggested that it would potentially frustrate the process, with people feeling they were not sided with or the decision was not in their favour. What is important is that the process through which the decision was made is extremely transparent and that people feel that a fair process was applied to the decision making and that as a population we all understand that in a democracy you will sometimes win and sometimes lose. I think we can trust in the people that the more of the decision making process you give to them, the more they will cherish it, although obviously it will be open to systems of abuse, and we must try to put in place a rigorous set of rules and restrictions on how it is applied.

Q77 **Ronnie Cowan:** I have thoroughly enjoyed what I have heard so far today. Maybe I am on the wrong side of the fence and I should be one of the witnesses instead. The inclusion of democracy and citizens' assemblies where people have a voice, and are not beaten down by hard-line politicians, is very welcome. As Mr Mundell pointed out, we will not agree on everything, but if the voices of the people are heard during the discussion, that has to be a very welcome thing for all politicians.

Can I briefly clarify one thing you said, Mason? You said that Scotland has one party that is in control. Well, it is not. The voting system in Scotland, where we have constituency MSPs and list MSPs, is designed to ensure that no one party can be completely in control. Right now the SNP govern, but they do not govern for the majority. There has to be that ability to have consensus with other parties, which is a very healthy thing.

Moving on from one healthy thing to another topic of discussion, what did your groups think about the role of the monarchy in the 21st century? Anybody? I know you want to go, Mason. We will start with Mason and then go on to Bill.

***Mason Bell:*** Yes, it is an interesting point. Some people felt that with a monarchy, the monarch is the Head of State, is the living constitution and has the power to assent to the law. That was brought out. But we also did discuss the potential for exploring the abolition of the monarchy. No one is quite sure what the monarch does. Yes, the monarch has power but there is an extended family that is also, it seems, getting involved with things. You have a hereditary system that is difficult because it is the only part of—

Q78 **Ronnie Cowan:** What power do they have? What power does the monarchy actually have?

***Mason Bell:*** What powers does the monarchy have? The monarchy seems to have a lot more power than we realise. The Queen could dissolve Parliament, if she felt she needed to. She can put things into law. She has to sign off on all the laws that are passed in this country. Under the Freedom of Information Act, and things of that sort, a monarch can evade certain things that have been put in place that do not apply to them. They can circumvent some laws to suit themselves. We discussed the powers as a potential part of the monarchy. It is not entirely clear for a lot of people

exactly how the monarchy functions. There seems to be a lot of secrecy about how it functions.

Q79 **Chair:** Why is the monarchy so popular? If it is such an invidious institution, tyrannical and unaccountable, I don't understand why it is so popular. It seems odd to me.

***Mason Bell:*** I am not sure that the monarchy is as popular as people say. I talk to a lot of people about it. There is a lot of apathy. People say, "Well, it is what we have".

**Chair:** I am not going to get into an argument about it, but I do question it when people say, "Sweep everything away and start again because that will make everything better". I don't necessarily think so. But Ronnie, I interrupted you. Forgive me.

**Ronnie Cowan:** Yes, you did. Mason, continue please.

***Mason Bell:*** Sorry, I lost my train of thought when the Chair asked a question. But going on about the popularity of the monarchy, I don't think it is as popular as people say, or as it looks. A lot of people I speak to are apathetic at best.

Q80 **Ronnie Cowan:** Is there not something to be said for continuation, that it gives stability? When Governments, Parliaments and parties come and go, does the monarchy lend stability to society?

***Mason Bell:*** We did not discuss stability. Mahdi will pick me up on that if there is anything I have missed, bearing in mind that I am coming in with a particular vested interest in this.

As for stability, I don't know the answer. I don't know how the group would have seen that but from my point of view, yes they are always going to be there, but do we really need them any more? That is the question. They are always going to be there. There is that stability, that the monarchy is there, but is it necessary in the 21st century? I think that is the question, the debate we should be having, or that I would ask the Committee to consider.

***Bill Puddicombe:*** I come back to the Chair's point, which is that the monarchy is very popular but I am not entirely sure that the Queen is popular because she is the Head of State. Monarchies in other countries do not have the same constitutional powers as in this country and continue to be popular.

We did not discuss this point in very much detail beyond the fact that there was a sort of murky issue about what real powers the monarch has, but it does seem to me that in a situation where the single elected group within the rule of the country has effectively said to the Head of State, "You can continue to be the Head of State but you cannot exercise any of your powers" is quite a comfortable position to be in. A Head of State such as in Ireland, who follows through and creates some sort of stability from Government to Government, might be more beneficial to all of us.

Q81 **Ronnie Cowan:** Anybody else? Anybody want to come in? Jacqueline?

***Jaqueline Rana:*** Yes, I agree with everything that has been put forward by the other witnesses. The telling thing, and I agree with Bill, is that it hardly came up in the group; when discussing the most important elements of the UK constitution, it just did not figure as being relevant. For us, it was much more about the UK law and justice system, the people, devolved bodies, local government, and Parliament. The monarchy and the role of the Queen was seen by the group as the least important thing.

**Ronnie Cowan:** Anybody else? Are we now officially finished with the monarchy?

Q82 **Chair:** We are certainly moving on to the next question, Ronnie, one way or the other. I think it is now time for members of the panel to put questions to us. I would like to invite Mahdi Murtaza first of all to do that. I think you have a question about the constitution overall. Do you want to put that to anybody in particular? Or perhaps put your question and see who will volunteer to answer.

***Mahdi Murtaza:*** Not so much a question as a discussion. I do want to want to touch on something that did not come up in response to a question from one of the members of the Committee. With regard to a constitution, we had a very lengthy discussion—*[Inaudible.]*

Q83 **Chair:** Oh, the connection dropped out there. We will come back to you. I notice that Rachel Hopkins and Karin Smyth have joined as we have gone through so I will give them first dibs on volunteering an answer. They might not thank me for it. Maybe we can go to the second on the list, Bill Puddicombe.

***Mahdi Murtaza:*** Sorry.

**Chair:** Oh, you are back now. Forgive me.

***Mahdi Murtaza:*** If anyone requires forgiveness, it is me. Would you like me to continue?

**Chair:** Please do.

***Mahdi Murtaza:*** Within our group, our discussion initially focused on what the constitution means to us, but then it transformed into more of a debate over the merits of a codified constitution versus a non-codified constitution, looking at which of those would be preferable and, indeed, why. Obviously there is the very broad question of whether members would prefer codified or non-codified, but the question that I thought was particularly interesting and that I would like to ask was that on rights, specifically that of a Bill of Rights.

One of the strong arguments for a codified constitution is that it means that we have a written structure that protects the rights of people in the event that a despot comes into power and tries to exceed the constraints of their office. But there are plenty of countries in the world that have both a constitution and a Bill of Rights. Without mentioning any names there are

a fair few that derelict what is outlined in those documents and do not adhere to them. I would ask what sort of safeguards we could put in place, in addition to a codified constitution.

Q84 **Chair:** Is there any member of the Committee who wants to give their view on that, please? If you raise your hands for me, I will bring you in.

**Lloyd Russell-Moyle:** I think you are maybe asking the wrong question. You are asking about how we can stop dictators and despots harming people. I don't think the answer is either a codified or a not codified constitution. You quite rightly put it that countries with codified constitutions can end up with despots and countries without codified constitutions can as well. I think the question is how you build political trust, how you build political accountability at local levels. Sometimes that can be through one document; sometimes it can be through a layer of many documents. In Britain we have a layer of many documents.

My view is that the convention on human rights is now a fundamental part of our constitution; that is our Bill of Rights. Someone could come along and rewrite it, redraft it, and propose an English Bill instead of the European Convention and the European Human Rights Act, but that would be just the same as someone coming along and suggesting a constitutional amendment and it would happen if they got enough support in Parliament, just like in Turkey, where if they get a supermajority they can pass constitutional amendments that discriminate against the Kurds. Countries can do those things, and we could do that in Britain as well.

The interesting bit about the codified constitution is whether it helps the public understand how things work. Does it help the public understand how things work if they are all in one place? I am not sure that it necessarily helps. When we tried to get a constitution in the European Union, which I was in favour of—I am very much pro-European; some of my colleagues will not be—the problem was that we got so bogged down with such a thick document that contained so much detail that no one could agree. There was so much detail that everyone could shoot it down for one reason or another. Modern democracies that have come about not by evolution but by revolution tend to be much more fragile than the evolutionary democracies, which is where we are. That does mean that the constitution is much more messy, much more layered, and I do think we have slowly started to clean it up. We recently did an inquiry on the Fixed-term Parliaments Act. None of us recommended that we necessarily go back to the Royal Prerogative system that we had before. Some of us did not even believe it would be legally possible. We believe that it should be enshrined in some kind of law in a new system going forward, that it should be changed but there should be a system that is enshrined in law. We are to make sure we codify a lot of those things, such as royal prerogatives, that are not written down. Maybe there needs to be a book that brings all those things together, but I am not sure that you necessarily need it to be titled "Constitution"—these are the thresholds to pass, these are not. I am not sure that helps your issue, which is about how do you stop despots and dictators coming in and manipulating things, because I think they can do

it either way.

Q85 **Chair:** Thank you very much, Lloyd. That was a reassuring, Burkean exposition of a constitutional principle, which I very much enjoyed hearing from you. Bill Puddicombe please, for the next question.

***Bill Puddicombe:*** This is a question about the way in which the Union is constructed. I was asked to look at the issue of what democracy means for an individual citizen, and I looked at it from the point of view of whether an individual citizen will consider that they have the chance to affect the course of events, a chance to feel that actions taken by their representatives have some connection to their lives. I would be very interested to hear what Mr Cowan and Mr Mundell have to say about this. Can it be right that were the House of Commons constituted differently from the way it is at the moment, the emergency powers for England that Government are putting forward on Wednesday could be carried by MPs whose constituencies are not covered? Do you see what I mean? The 47 SNP MPs presumably could carry that vote.

**Chair:** I think I will put that, if I can, first to Ronnie Cowan, and we will go to David Mundell of course. Ronnie first.

**Ronnie Cowan:** There is a thing called English votes for English laws, which David Cameron brought in on the back of the referendum in 2014. It is not just the 47 SNP MPs. It is the 59 MPs in Scottish constituencies. Should they have a say in the vote to say if these emergency powers be enacted in England? I am not vexed by that. I think the people of England are more than capable of running their own country. The English MPs are more than capable of representing what is good for England.

But there is a slight anomaly here, as David will remind us. We are all part of the United Kingdom, and there is a border between Scotland and England, but this virus will not respect that border, so there is an issue of where people can travel from and to. What we are trying to do, what all Parliament is trying to do, is protect our NHS and all the services that hang around it. If we are not careful, and we do not take the actions required, there is a danger that the virus will overwhelm the NHS. The fact of the matter is that because of that, I do have a vested interest in what England and other countries do, because this virus will travel. So if push came to shove and there was a strong voice from England saying to me, "You should not have a voice in this" then I would be more than happy to back off and say, "Okay, you decide for England", but that is not the constitutional situation we currently have. This will not be deemed as English votes for English laws because it is a UK-wide issue, as was highlighted time and time again yesterday by the Prime Minister during Question Time when he said furlough was a UK scheme.

**David Mundell:** It is very hard to escape politics here, but I am not going to get into a political row with Ronnie Cowan on this occasion, other than that I will assert my position.

What I have found over a long period of time is that the SNP picks and chooses what to vote on in relation to matters in England, depending on

what is expedient for their political purposes at the time. If they deem it expedient, they will be voting on Wednesday's regulations; if they don't, they won't, and I am afraid that is part of politics. I will not be voting for these regulations and I will not be voting against them either because we have determined in Scotland, through the Scottish Parliament, what regulations will apply in Scotland, and I think therefore it is inappropriate for me as a Scottish MP to potentially impose measures on people in other parts of the United Kingdom that would not apply in Scotland. But it is a complicated issue and it comes and goes. It was much more prevalent, if you recall, in the Tony Blair Government, because there were a number of very significant measures in relation to tuition fees and foundation hospitals that only got through Parliament based on Scottish Labour MPs voting for them and there was disquiet at that time.

It is an issue. I don't think we quite have it right in the balance at the moment with English votes for English laws, but I think we will. I do think that in the wider context, and perhaps as part of the inquiry on English devolution that this Committee is carrying out, we do have to reflect on that issue.

**Karin Smyth:** I also think it will probably be subject to English votes for English laws—I assume so, but I am happy to express my ignorance in this area now because we have to wait for that judgment, which I think perhaps does show some of the problem and, indeed, the problem with this legislation, which we have also talked about in this Committee, and whether it should have been part of the Civil Contingencies Act. I think the way regulations that determine so much of our lives are brought in in this way by the Government is hugely problematic to us on this Committee. Many of us have been saying that for some months, and other colleagues in the House of Commons are also saying so. That will be something to watch in coming months.

I apologise for being late but I was chairing a session by a group that I co-chair with Andrew Mitchell MP on dignity in dying, a subject that has 84% support throughout the country but does not currently command the support of all MPs in Parliament. For those of you who are interested in getting public views and how that happens—deliberative democracy, citizens' assemblies, whatever—and how it works to influence and inform parliamentarians, who are rightly sceptical about changing a law and need to be well informed, that is a good issue to follow.

On this issue, I am with Lloyd on the evolving Burkean model. I think we have done pretty well, historically, as a country, though not always as fast as someone like me in the Labour party would like. The wider issues around the Union are the ones to watch in the next few years. I am the vice-chair of something called the British Irish Parliamentary Assembly. Before coronavirus, I spent much time in Dublin, Belfast, Cardiff, Edinburgh, and, indeed, throughout the Channel Islands, talking to parliamentarians across the family of the United Kingdom about the very different ways in which we operate. There are some fascinating lessons from democracies and ways of working across all our devolved countries and regions, and we

should take heart from that.

There are many of us here who do not bray, as someone said earlier—I think braying is a particularly old-fashioned, male term that people perhaps hear over the microphone, but behind the scenes there is not much braying. There is a lot of information sharing, learning and travelling between the different Parliaments and functions across the United Kingdom that should inform us and a Committee like this one, and indeed this interaction with you and others is part of that informing of parliamentarians to be more deliberative. On Union issues, there has been a lot of fracturing, and I think we have another couple of months of that to go, but we have to come back together very quickly and learn from each other, and I am optimistic about that or I would not be doing this.

**Chair:** Thank you, and, Karin, I echo what you say. Behind the bawdy behaviour you might see at PMQs, there is a great deal of cross-party work and co-operation, and indeed friendly co-operation, that goes on and I would hope that this Committee is doing its bit to give that impression.

**Mr David Jones:** I would like to give a Welsh perspective on this question. What it has done is highlight the very unsophisticated and poorly thought out devolution settlement that we have in the United Kingdom.

I represent a constituency in north Wales. We rely very heavily upon the north-west of England for a wide variety of public services, most particularly specialist medical services. The north-west of England is probably the most important market for our hospitality industry. Let me give you an example. The local hospital for many parts of Flintshire on the border is the Countess of Chester hospital, over the border in Chester. The problem that we have at the moment is that we are having this vote tomorrow and it is suggested in some quarters that Welsh Members of Parliament should not be able to vote in it. As far as my constituency is concerned, what happens tomorrow is of prime importance. We see that hospitals in Liverpool are possibly unable to cope with the impact of the virus, so what happens there is very important to my constituents because they will be looking to Liverpool for specialist services and if they cannot get them, they will be concerned.

Hoteliers and restaurant proprietors in north Wales will be extremely concerned, because their market will dry up as a consequence of the lockdown in England, but will they be able to access the sort of financial support that businesses in England that are shut down as a consequence will be able to access?

The idea of devolution was to bring government closer to the people. I have to say that for a lot of my constituents, Cardiff does not look that close. Cardiff is a four-and-a-half-hour journey by train from north Wales, whereas Westminster is two and three quarters. Frankly, I will be far more concerned on behalf of my constituents tomorrow about what is going to happen in the north-west of England than I am about what happens in Cardiff.

To sum up, I think that devolution was instituted without sufficient thought

to matters such as these. Perhaps one of the things that we need to do now, as devolution develops, is look at focusing it more closely on genuine communities that have that community of interest, which is not served by the broad-brush model we have now.

Q86 **Chair:** Thank you, David. I go next to Jacqueline Rana for her question.

***Jaqueline Rana:*** Do you feel that outside the institutions, the inquiry you are undertaking should prioritise a review of standards and conduct in public office to restore a level of trust in democracy and rights, recognising that trust underpins democracy and rights, in particular, obviously, of the elected representatives and government officials, but also non-elected officials? Could that be part of the inquiry, the use of parliamentary processes? Should we be making comparisons with the private sector where accountability is more timely, using the examples, perhaps, of mismanagement of funds or failure to deliver, or not following agreed processes, where the impact can be very negative, applying policies that need to be reversed very quickly? How would you suggest that individuals are held to account when these things happen in Government?

**Chair:** Perhaps I may respond on that, Jacqueline.

I have always viewed it as the case that it is the actors, as it were, if I can call politicians or officials actors, on the political stage, who have often required reform rather than institutions, but that reform of individuals is often a great deal more difficult than it is to talk of reform of institutions. That is the fundamental concept I have in my mind about how those actors behave and are seen to behave, and that kind of reform is a great deal more difficult because it requires to be inculcated within our fellow citizens. I have always seen that as a greater cause for concern when compared with institutional reform. I don't know if any colleague wants to speak to that question. Can I go to John Stevenson?

**John Stevenson:** Can I add a comment? I sometimes think we beat ourselves up too much in this country, because I don't think that our political system is particularly corrupt. If you look around the world, there are other places where I think there are many more corrupt activities going on within political systems. I sometimes look back—and it is to before my time—to the expenses scandal. Yes, a lot of wrong things went on then, but it was not on any massive, substantial scale, so I do think we have to be a little bit careful that we do not start to beat up our political system when actually it is quite robust.

I think that overall, our political system is relatively fair. It is clean. Our media make it remarkably transparent. Sometimes I think politicians would like the media to be curtailed more than they are, but when it comes to the crunch, I think our media help make us a better, or cleaner, democracy. I also think that having a degree of cynicism and a degree of questioning of politicians is healthy for our political system.

**Lloyd Russell-Moyle:** Of course there have been scandals, and I think basing our work on things like the Nolan principles that were introduced to help guide roles in public life is generally quite successful. I think

accountability in the private sector is far worse than in the public sector. The private sector is far more corrupt, generally, than the public sector. I think the public sector excels in those things. I would have a completely different approach. My researcher is Australian and he says, "My God, you love to bash your politicians—you send your politicians to court; you lock them up—like no one else". The accountability level, he says, is so bonkers and extreme here—if a politician sneezes in the wrong direction, they get it in the neck—compared to most other countries.

I think sometimes what happens is that our media highlights every single little flaw of a politician, and that undermines public trust in them when they are humans and they are flawed people. All humans are flawed people. We do not have unflawed humans. That does not exist.

I do think that there is a danger that we over-talk some of the failures and accountability of politicians. Of course, there are some recent egregious examples that we can think of. Dido Harding is not accountable in terms of the Nolan principles and is leading a whole section of Government. That is something that we have asked questions in this Committee about, but the very fact that this Committee is asking questions about that, saying, "Hang on a second, what principles of public life are applicable to this person?", the fact that you are now in Parliament and have people raising these questions, means I believe in time she and others will be held to account when the dust has settled.

Sometimes examples of breaches that are then held to account are examples of a system working. If you think about the private sector, very often it takes far longer and bigger investigations. Goldman Sachs has just had to pay millions out in terms of fraud investigations and it took over 10 years to investigate those financial crimes. They take years and years to ever get to, whereas the accountability in our system is pretty quick and it is pretty brutal. If we mess up enough, we lose our seats. Yes, some of our Members are in safe seats, but most of us are not in so safe a seat that if we mess up enough we do not lose. We lose our jobs and many of us lose our reputations. Many MPs struggle to go on and do other things if that happens.

It is actually quite brutal, the accountability, I think for MPs, and it is quite right that it is as well. We are taking on responsibility over people's lives and over the country. I am not saying it is wrong, but I just do not think the premise of the question is correct.

Q87 **Chair:** I appreciate that, Lloyd, and of course we are all quickly institutionalised and deskilled in this place, are we not? In fairness, the Clerk has passed me a useful note, Jacqueline, particularly on what can be done after this session. I know the Committee on Standards in Public Life is undertaking an inquiry at the moment. Indeed, the Standards Committee of the House of Commons is also looking at the MPs' code of conduct. It is only fair that I mention those opportunities. Can I go next to Mason, please?

***Mason Bell:*** I was asked to discuss what the most important elements of the EU constitution are, and we had quite a robust discussion on this. One thing that came out a lot was the idea of devolution. We discussed the fact that three of the four nations of the UK have their own settlement and whether there should be, instead of English votes for English laws, a devolved settlement for England, or could there be for the regions something like the London Assembly, where it helps and gets more people involved in the democratic process. So it would be England and then the regions—that is what we were wondering about.

**Chair:** I do not know who wants to take that. One of the things I would say on that is it is my understanding that voter turnout is often lower for those devolved Administrations and also local government. I would just bear that in mind as something of interest, perhaps. Ronnie, did you have your hand up there to come in?

**Ronnie Cowan:** I did, yes. I think anything that brings democracy closer to the people is a good thing. You have to be careful because if you are just putting on layer upon layer upon layer, then the whole process of democracy gets lost within that. As the Chair just said, sometimes turnouts for council elections are very low because people do not really understand the power that councils have. I think if people really understood just how important the local councils are and the control they have over budgets and what they can and cannot do, then more people would vote in council elections.

The more power we can bring back closer to the people, absolutely. To devolve powers throughout England to these massive cities, absolutely. It is something I think we are slowly nudging our way towards. Nothing happens that quickly in Westminster. Sometimes that can be a good thing so we do not do a kneejerk reaction and get it wrong. I think it is a process and we are on the path, but it will not happen from within Westminster. It has to happen outwith Westminster, with people like you kicking down the doors saying, "Our voices have to be heard".

While I have the mic, can I very quickly clarify a point I made earlier on? EVEL was suspended during the covid crisis. The vote about lockdown does not include aspects of furlough. I will be very surprised if the Scottish National Party does not abstain from this vote that is coming along later this week.

**Chair:** Thanks for clarifying that, Ronnie. It is appreciated. Does anybody else want to come in?

**Karin Smyth:** I would agree that this is a really important issue. We had a very good session last week or the week before with several academics about the English constitution, with some really good evidence. If you have not seen that, I would recommend it.

Just to highlight what a mess we are in now, I am an MP in Bristol. We have a city mayor, a lord mayor and a regional mayor currently, as well as an unclear position with regards governance arrangements around the role of local councillors. As Ronnie has said, it is a very live issue. Although co-

operation is pretty good most of the time, there are political differences in those situations as well, Labour and Tory. It is not sustainable, and obviously most of England, geography wise, is not near or close to a city. The Conservative model of moving more around cities as a wider combined authority, which we in the Labour Party have also fallen into—I am not a fan of the mayoral system at all—is a live debate within both political parties. I am not sure where the Liberal Democrats are now on this, to my shame.

That is live, but I am also neighbouring to Wales. David and I do not always agree, but I do agree that the differences across our border are not always helpful to our industries and our businesses. We are looking at something called the western gateway, the M4 corridor. I am only 40 miles from Cardiff, I can get there in less than 50 minutes, so that is clearly an important economic as well as social and cultural offer for us across Bristol.

How we navigate the size of England in relation to the others has always been a moot point, but I believed in being part of the United Kingdom and being part of the European Union. I think we are better doing all that together and then having our own individual bits, but I have lost some of that argument so we have to move on to the next phase. I genuinely think it is a real point and for those of us who believe in democracy and being part of history, which is what we now really are, there is a chance to shape that and to come up with the ideas and learn, as I said earlier, from what is happening across the United Kingdom. I am very positive about that. I do not know what the answer is, but I am positive about getting there.

Q88 **Chair:** Karin, that positivity is infectious. Thank you for that. The final question from our panel is from Rohaan.

***Rohaan Saleem:*** We have heard many different views from the witnesses, and I would like to thank the Committee for allowing us the opportunity to be here. We have covered many topics under the broad title of UK democracy, constitution and the rights of the people. I would like to put it back on the Committee members and ask what you feel is the most important change that is required as a result of this Committee—

**Chair:** I think that is quite a good quick-fire question to end on, because it gives us each a chance to say what it is.

You might have gathered that, being a Conservative, change is something that perhaps is more difficult for me than most, but I am very open to change where there is a just and proven cause for doing so. I pay particular interest at the moment to the review into administrative law. That would be my one pet area of interest.

I am going to go around the Committee members. John Stevenson is in the room. What is your area of interest, John?

**John Stevenson:** Reform of the House of Lords.

**Chair:** There we go. David Mundell?

**David Mundell:** Yes, I agree with John. I think it was a huge missed

opportunity when about seven or eight years ago, for political expediency again at the time, the proposals to have changes to the House of Lords were voted down in the Commons. That was a huge missed opportunity. I support a fully elected House of Lords that has a greater connection with the other constitutional arrangements, but unfortunately if you miss those opportunities it is very hard to see that being at the top of the political agenda in the immediate future.

**Chair:** Thanks. I am going to go to Rachel Hopkins. Rachel, do you want to give a more expansive answer? Because you have not had a question, you are more than welcome.

**Rachel Hopkins:** Thank you, Chair, and apologies to the group. I was in another meeting so I joined late, but I caught some fantastic contributions.

Thinking around democracy and constitutional stuff, first, a functioning democracy is reliant on the people being educated. I am very passionate about education in schools around civic responsibility. I had the benefit of studying politics at A-level, so I understand—as much as you can, because we have an unwritten constitution—how our democracy works. I also think sometimes people disengage from getting involved in democracy because they are fearful. They do not understand how to. So there is that angle.

In terms of techy constitutional stuff, I agree with other colleagues around reform of the House of Lords and around unelected representatives, and that includes religious representatives, too.

**Chair:** Thanks, Rachel. David Jones, please.

**Mr David Jones:** This session is showing disturbing signs of agreement. We have to abolish the House of Lords in its current form and reconstitute it as a democratic body. It has at the moment got power, despite what some of our witnesses have said today, without any responsibility, which is not a good thing.

Having said that, just as a gloss on it, I still think that it is quite a good thing that the House of Lords should have the benefit of the advice of Nobel laureates, which it has at the moment. Finding a way of perpetuating that I think is quite important.

**Chair:** Thank you, David. Ronnie Cowan?

**Ronnie Cowan:** I have a list. Very briefly, I would abolish the monarchy. I would abolish the House of Lords. I would bring in a new voting system. We have to look at proportional representation—everybody is going to have a voice they have to be heard. I would also, strangely, want to move us out of Westminster into a new, modern, vibrant building. I think that would change the mindset of people who work in this place. These old green Benches and old red Benches and the way we go about our business is so out of date. I think physically moving to a modern building would allow people to change their mindset as well. Of course, none of this is my problem in the long term, because my fundamental raison d'être is that Scotland becomes an independent nation, and that is basically how I want to change the constitution of the United Kingdom.

**Chair:** There we go, Ronnie, a modest manifesto there for incremental change if ever there were one.

**Ronnie Cowan:** This list may take some time.

**Chair:** I will go to Lloyd now.

**Lloyd Russell-Moyle:** I agree on the House of Lords. It needs change and reform and to be elected. Interestingly, the House of Lords itself has proposed a two-thirds rotating, indirectly elected system with a party list that would be based on the last election. It would mean that you would have a proportional Chamber but a slower one that would take 15 years to fully rotate, so it would not be the immediacy of sweeps of change. It would have the overview powers and it would be one term only. You would not be able to be re-elected after you had done your one term. You would never be looking over your shoulder. You would be there for 15 years to do the right thing on a thirds system, so every five years there would be a new third. That is what the House of Lords suggested itself, and it is the Commons that has dragged its heels. That might not be the model that we go for, but if you have the Lords itself saying, "We want to move towards a model like this", we should be grabbing that mantle and saying, "Okay, we will make these tweaks to it but we agree in principle", but we have not.

The other thing that I would want to change is the relationship of how our UK is made up in terms of governance, so regions and nations and how they feed into the centre. I think separation of powers completely between Westminster and local councils, where it is a one-way flow, is not helpful. I think we need a more integrated approach where councils and regional governments can hold Westminster to account and Westminster can hold them to account.

I do think that we need to rebalance England. We need to have England but we also need to have regions within England that are strong and cultural. We need to create some of those regions where they do not exist as strong cultural units. That means constructing cultural identities in some of those areas. We need to do that quickly because otherwise Ronnie will get his way and the UK will disintegrate, and I do not think that is a positive thing. I want us to be a confederation, a federation of equals, where we can all work together in these islands. I do not want us to be just small, little states competing against each other.

**Chair:** Lloyd, you are saying many reassuring things this morning. Thank you for that. Karin Smyth, please, finally.

**Karin Smyth:** I would agree with many of my colleagues, but mine is around the English devolution issue, as I think I have said earlier, our link back into communities and trust, and understanding—of which this is the sort of thing—how our constitution does work quite flexibly, getting that back out to people and placing our current discussions in their historical context to make that clear to future generations, to get rid of the cynicism that is dominant in some of the media presentations and public display, shall we say, of what actually goes on. We need to move away from that

because I think cynicism is really damaging, and I have thought that for some time.

I guess I was cynical at one point. I have to say I became much less cynical in the late 1990s in politics watching the Good Friday Agreement negotiation in Ireland unfold—my family are from Ireland—and how people can come together from the most tremendous differences to forge a way ahead. We are in different times now, but that evolution is something that I have witnessed in my short time on this earth so far, and I think we should all take real heart from that but recognise how we need to proceed.

**Chair:** Thank you very much, Karin. Can I on behalf of all members of the Committee thank our panel for their time this morning and for taking part in this discussion? I am very grateful for your time and also, of course, to the Committee team for their efforts in putting it together. Thank you, everybody.