

Public Administration and Constitutional Affairs Committee

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

Tuesday 6 October 2020

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

Questions 1 - 50

Witnesses

I: Lord Sumption, Justice of the Supreme Court 2012-18; Professor Meg Russell, Director of Constitution Unit, University College London; Lord Lisvane, Member of the Constitutional Reform Group Steering Committee and Clerk of the House of Commons 2011-14.

II: Dr Andrew Blick, Head of the Department of Political Economy King's College London and Director of the Citizens' Convention on UK Democracy; Graham Allen, Convenor of the Citizens' Convention on UK Democracy.

Examination of witnesses

Witnesses: Lord Sumption, Professor Meg Russell and Lord Lisvane.

Q1 **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 with a small number of colleagues required to facilitate the meeting, obviously suitably socially distanced from one another. Our witnesses and other colleagues are in their homes and offices across the country. There are two panels of witnesses today for the first evidence session of our inquiry on the proposed Constitution, Democracy and Rights Commission. Would our first panel introduce themselves for the record, starting with Lord Sumption, please? I remind our witnesses of the mute function.

Lord Sumption: My name is Jonathan Sumption. I was a Justice of the Supreme Court for seven years until my retirement 18 months ago.



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Professor Russell: I am Meg Russell. I am the Director of the Constitution Unit, which is in the Department of Political Science at University College London.

Lord Lisvane: Robert Lisvane. I retired as Clerk of the House of Commons in 2014 and I am a Cross-Bench Member of the Lords and on the Steering Committee of the Constitutional Reform Group.

Q2 **Chair:** Thank you all. Lord Sumption, the Government have indicated that the commission would have an extensive and far-reaching remit. What, in your view, should be the priorities for such a commission?

Lord Sumption: I think that the priority is to re-establish confidence in Parliament and in particular in the House of Commons. At the moment we have a parliamentary system that is parliamentary in the most fundamental possible sense. The only reason why we are a democracy at all is that the Government are answerable to the House of Commons for whatever it does. I think the main challenge is that Parliament is regarded as largely irrelevant by much of the public and on occasions by the present Government. This is something that requires one to address three issues, only one of which is mentioned in the Conservative Party's manifesto of December 2019. The first is the electoral system, which the Government are committed to retaining. The second is the procedures of the House of Commons, which have the disadvantage that, almost uniquely among legislatures, the House of Commons does not have control over its own agenda. The third is the implications of the Human Rights Act, which in some respects bypasses traditional lines of political responsibility by transferring some essentially political issues to the courts. I don't know whether you want me to say any more about any of those particular matters but those seem to me to be the headline points.

Q3 **Chair:** Lord Sumption, why do you think that it is important for the electoral system to be included in the consideration for a commission?

Lord Sumption: It determines the relationship between the electorate at large and the membership of the House of Commons. That is bound to be something of fairly critical importance in the eyes of electors. I think it is much more important to them than the advantages of the current system, which I agree are considerable. I regard the advantages of stability and creating a decisive majority in the House of Commons when there is not a decisive majority in the electorate at large as very substantial advantages but I think that in some respects the advantages have become outweighed by the disadvantages. The way in which the internal organisation of political parties has developed means that there is more limited choice of programmes available to the electorate than the electorate would wish.

Q4 **Chair:** On the point you made about the House of Commons controlling its own agenda, is there not a distinction between government by Parliament and parliamentary government that it is perhaps important to eke out?

Lord Sumption: Yes, there is such a distinction and I am not suggesting that we need government by Parliament. I am suggesting that Parliament



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should be able to criticise effectively Government policy if it thinks fit, and that may enable Parliament to divert Government policy. The traditional view, which is the basis of the current procedures of the House of Commons, is that the Commons is there to support the Government or, alternatively if it can't support it, to get rid of it and replace it by another that it can support.

It seems to me that confining the effective powers of the House of Commons to the nuclear option is not a very satisfactory state of affairs, as we saw in the later stages of the last Parliament. Ultimately, if ministerial responsibility to Parliament is to have any real meaning, Parliament must be entitled from time to time to take the initiative and force a change of direction. This is something that, without bringing in government by Parliament, is done in almost every other legislature in the world.

Q5 Chair: Thank you. I will pose the same open question to Professor Russell. In your view, what should be the priorities for the commission?

Professor Russell: I am very sympathetic to what Lord Sumption was saying about the role of the House of Commons and the control of the House of Commons over its own agenda. I wasn't going to say that at this point but that is a matter that has been of great interest to me ever since before I was the specialist adviser to the Wright Committee, more than 10 years ago. We are about to publish a report on the very question of the House of Commons control of agenda time. The way that the manifesto put it is that the Conservative Party was concerned about "the broader aspects of our Constitution: the relationship between the Government, Parliament and the courts". It went on to mention other things: royal prerogative, the role of the House of the Lords, access to justice, human rights. I think this is a potential opportunity to review those really big fundamental questions as addressed in the first few words there, "the relationship between Government, Parliament and the courts". Lord Sumption was speaking to that, essentially, by talking about the importance of reviewing the role of Parliament.

I think a lot of what is at stake at the moment is the fundamental questions of the extent to which there should be constraints on the central Executive. A cynical reading of the issues identified in the manifesto could be that what interests the Government is reducing the checks on their own power, which is a source of concern. But I think it is very reasonable to stop and have a think about the big questions about those core relationships at this time, post Brexit, for two reasons really. Brexit itself, by necessity, is affecting the relationships between different institutions in the Constitution. Powers are coming back. There are questions about where those powers should lie, who should control them, what should be the checks upon them.

The process running up to Brexit was a highly divisive one. Opinions in the public and in Parliament became very polarised. There were lots of challenges to the legitimacy and the role of different institutions, most



obviously Parliament itself and the courts. This is potentially an opportunity to sit down and think about the big questions, about how we want power to operate at the core of our Constitution and what the checks and balances should be. I think since the election and since Brexit there have been some very big concerns about the relationship between Government and Parliament and it would be interesting to do some proper thinking about that, take some evidence on it and take some views.

I think there is a risk. It is a bit unclear. Obviously the Covid crisis was an unexpected one and I don't know to what extent that threw the Government off their proposed timetable for some of these matters. We might have expected to see the commission earlier than now if it hadn't been for the Covid crisis. In the meantime, there are all sorts of arguments going on about detailed issues. We have seen a rather sort of scattergun set of suggestions coming out from Government sources on things like moving the House of Lords to York or abolishing certain regulators or weakening their powers. We have had the arguments about delegated legislation and so on and the Independent Review of Administrative Law. It is getting a bit messy and it is a bit unclear whether we are going to be doing piecemeal conversations about individual aspects or whether we ever are going to get back to the core questions about the relationship between Government, Parliament, the courts, the prerogative and so on.

Q6 Chair: Thank you. I think I read that you described this opportunity as refreshing and you mentioned there the extent that it could possibly go to. What do you think it is about this opportunity that previous considerations of the Constitution have missed or ignored? What is it about this that potentially makes it refreshing?

Professor Russell: We are in a new post-Brexit environment and it is entirely proper to sit down and rethink how the UK Constitution should work with the removal of the kinds of constraints that previously were upon policymaking as a result of being a member of the EU.

But on the refreshing nature, one of the criticisms that was famously levelled at the Labour Government's constitutional reform programme—indeed some people argued you couldn't really call it a programme—was that it was a very pragmatic, piecemeal approach to different institutions: the introduction of devolution, human rights, freedom of information, reform of the House of Lords. There was never a review sitting down thinking about the Constitution in the round, what the overall goal was and what the overall balance of power should be between different institutions. What was the principle guiding all of that? I think it would be rather refreshing to sit down and go through that exercise now, if indeed that is what the Government have planned. But as we might come on to later, if we are going to do that it is important that it is a really big inclusive conversation and that we are listening to what the public thinks about those matters.

Sorry, I will stop in a second. One would hope it is also an opportunity to rebuild public trust in our institutions. The Brexit arguments were so



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divisive and there were such allegations thrown left, right and centre about who was having a constitutional coup of one kind or another. I think it would be refreshing to have a coolheaded analysis where we involve the public in conversations about what we all want out of our constitutional arrangements after a time of great turmoil and disagreement.

Q7 Chair: Thank you for that. I will bring in Lord Lisvane with his view of what the priorities should be for the said commission.

Lord Lisvane: I will start by saying I think there is a glaring omission from the agenda set out in the manifesto. I call it an agenda. I think given events over the last couple of years, you might also see it as a hit list and I hope it is not. But one omission is legislation and the legislative process, which frankly is a disaster area. If the opportunity could be taken to do something about that—and of course it brings in the other themes of relations between the Executive and the Parliament and involving the public—that would be very welcome.

The daunting thing about what is proposed is the sheer size of the canvas. As soon as you start unpacking the individual elements they expand further. For example, how do you do Government and Parliament relations without looking at the devolution settlements? How do you do access to justice for—in the condescending phrase—ordinary people without looking at the structure and resourcing of the justice system and legal aid? As soon as you start looking in more detail, the sheer size of the task starts to increase. I think that that is going to be a major challenge if it is set up in the way that seems likely.

Q8 Chair: To expand on your own words—I think I quote you correctly—the legislative process is a disaster area; what do you mean by that, Lord Lisvane?

Lord Lisvane: I mean the way that legislation is conceived and brought forward and the way that it is scrutinised and the very bad habits that successive Executives—but it has now reached a pretty low point—have got into in providing delegated powers for Ministers, very often with a low level of parliamentary scrutiny. I would like to see the killing off of Henry VIII powers, which are anti-democratic in the way that they are used, the temptation of skeleton Bills, which increasingly Governments cannot resist, and also the way in which legislation is scrutinised. We have this comfortable phrase “line-by-line scrutiny”. It really doesn’t exist. Even in the House of Lords it doesn’t exist. Of course the perfunctory way that the Commons often deals with legislation casts the House of Lords’ legislative process in a rather more complimentary light but there are still major improvements that could be made.

Q9 Chair: Could that be done by perhaps improving the quality of Members of Parliament?

Lord Lisvane: Well, you take me down a road that I would not wish to travel.



Q10 **Chair:** That is very diplomatic at this juncture. Meg Russell, you indicated there.

Professor Russell: I would like to echo one of the things that Lord Lisvane said, or maybe two of them. I completely agree with him about delegated legislation. It is an absolutely glaring omission from the implied terms of reference in the manifesto that the devolution settlements are not mentioned at all. That is completely inseparable from the other wider questions about balance of powers and constraints on the central Executive and obviously it is hugely controversial at the moment. Devolution is discussed in the manifesto but it is not on page 48, which I thought was quite strange because if we are looking at fundamental relationships you can't avoid discussing that.

Q11 **John Stevenson:** It is really interesting that you have all concentrated on the House of Commons as one of the priorities rather than other aspects of our Constitution. I have a lot of sympathy with what has been said, particularly regarding secondary legislation. Are you going down a route that we should be seeking a much more formal separation of powers between Executive, legislature and the judiciary? Is that the route that you would like us, as country, to go down?

Lord Sumption: No. For my part, I am not. There is already a complete separation of powers between the judiciary and the other two branches of the state. There has never been a complete separation between the Executive and Parliament and I would not for one moment recommend that there should be. I think that the fact that Ministers are Members of Parliament, and the more important Ministers of the House of Commons, is an important and valuable thing, but it accentuates the importance of enabling the House of Commons as a body to control and occasionally to limit what the Executive is doing.

Q12 **John Stevenson:** Lord Lisvane, given what you have just said about the legislation procedures that we have, what would you say about a greater separation of powers or greater independence for Parliament to do its job?

Lord Lisvane: I agree with Lord Sumption but, of course, lying behind this concept of the independence of Parliament is the party system and the Whips. It is interesting that for the shortfall that I described, and which Professor Russell has described, you do not need to develop great sophisticated structures. It can be done by behavioural change but, of course, a Government have to accept a different way of doing business if we are talking about legislation.

Professor Russell: I am inclined to agree with the other two witnesses. I tend to be a supporter of the political rather than the legal Constitution. I suppose there is a question about what you are trying to separate from what. If you are trying to separate Government from Parliament, move to something more like a presidential system, I am also not a supporter of that. I agree that Government accountability to Parliament is a core part of how our system has tended to be stable in the past but the constraints



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are often political rather than legal. I think that that has not been working very well recently. We seem to have moved, due to all the acrimony over Brexit and the coming together of that with a minority Government, to a system where I think sometimes the Government have looked resentful of the fact that they are actually accountable to Parliament.

What you need is to reach political agreement with Parliament to get your programme as Government. You should not be seeking to go to war with Parliament. I think we have seen rather too much of that recently and we would see a lot more of it if we had a separation of powers system. They are a lot more adversarial than our system but they don't necessarily function better. I think what we need to get back to is the better functioning of the system that we have already of the understanding of Government's accountability to Parliament and Parliament's role and Parliament being let back into decision-making a bit more.

I am sorry to go back to it, but the issue of the House of Commons' control of its agenda is a place perhaps where we could have a bit more separation, as in Government has too much power over that. That caused a lot of difficulties under the minority Government situation last year because the majority of MPs were not able to get what they wanted on to the agenda. Arguably, we are seeing that now even under majority Government with, for example, the Brady amendment last week.

Q13 **Lloyd Russell-Moyle:** Lord Lisvane, you mentioned about scrutiny of Bills. In the US, for example, and in other systems, select committees are also the committees that do the Bill scrutiny, so you develop members who have expertise in that area. Is that an area that we should also be looking at, the expertise you garner with your members so that they are able to hold the Government to account better, or not?

Lord Lisvane: Yes, I think only up to a point. I would not give departmental Select Committees, for example, a role in legislation. There are only so many hours in the day and days in the week and you risk diverting resource from holding the Government to account for policy audit and so on and legislation. If there is to be a Select Committee involvement in legislation, the time-honoured possibility of committing a Bill to a Select Committee or a Joint Committee, so that you don't have double handling between the two Houses, is something that I would like to see revived as a fairly regular process. That has lots of advantages because you are talking to people, you are taking evidence from people who really know about the subject or people who are going to be affected. It also re-establishes a link between Parliament and the public because it is something that is open to outside contributions in the way that proceedings on the floor of the House or in Standing Committees simply are not. It is possibly unattractive for a Government but I think it is something that ought to be front and centre of the way we look at legislation.

Following on from what Professor Russell said, the whole question of a voteable agenda has been floating around for years. It is a bit of a veil of tears. The first faltering steps towards it were with the Backbench Business



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Committee but that laid bare something that is at the heart of the relationship between the Executive and Parliament. You get the House agreeing to a motion that has been brought forward via the Backbench Business Committee and the Government say, "That is frightfully interesting but actually we're not going to do that at all". That seems to me to call into question in a rather fundamental way what is the relationship between the Executive and Parliament, particularly in this case the House of Commons.

Professor Russell: I don't want to get caught in talking about the House of Commons agenda again. I agree with Lord Lisvane on Lloyd Russell-Moyle's original question about the role of Select Committees in Bill scrutiny, but this is a real dilemma. We are quite unusual in the UK in separating out Bill scrutiny from Executive oversight in committees. Across Europe, in the US, in other countries you have specialist committees that do both Bill scrutiny and Executive oversight. I think the result of that is that we have poor quality Bill scrutiny in committees generally because they are temporary and non-specialist, but have exceptionally high quality scrutiny in the Select Committees of the Executive and the longer-term planning and so on, all of the things that Select Committees do.

I think a great deal would be lost if scrutiny of Bills was brought into Select Committee. You would begin to see whipping in Select Committee and effectively the Government would be setting the agenda of Select Committees because you would be in a responsive mode depending on what Bills they published. We published a report on this, I think it was in 2011, with the corny title "Fitting the Bill" on how we could square this circle. We made some suggestions about introducing some greater permanence and some greater expertise among Bill Committees. I think that is an agenda worth addressing but the answer is not to merge that scrutiny with the work of Select Committees for fear of spoiling one of the best things that the House of Commons has to show the world in Executive accountability.

Q14 **Lloyd Russell-Moyle:** This is a question for all the panel members. Maybe Lord Sumption would go first. Should there be a role for the public in determining priorities and, if so, how do you get the public involved and how do you get them interested?

Lord Sumption: Getting them involved and getting them interested are two different things. I think it is realistic to get them interested. I suggested three areas when I spoke first in which the proceedings of the House of Commons in particular, by becoming more important and more effective, would become more interesting. By comparison with many other countries in the world, our population is particularly interested in politics. Their relative indifference to Parliament at the moment is not a reflection of their indifference to politics in general and that is a source of real concern.

Turning to the question of how to get them involved, this essentially turns on the relationship between Members of Parliament and their constituents. I know that you are due to hear, in the second session evidence, about



citizens' assembly and I don't want to trespass too far on that area. But I think the problem about public involvement, as opposed to interest, is that it is very difficult to devise a system in which you can be sure that the members of the public who are expressing their views are representative of the public as a whole. Ultimately MPs who wish to be re-elected are probably a better guarantee of a broader level of sympathy for what Parliament is doing than citizens' assembly or any other kind of public involvement that I can envisage. There is a very important place for consultation with the public because they may have views and ideas that will not have occurred spontaneously to legislators, but I cannot see it going further than that.

Q15 **Lloyd Russell-Moyle:** You are talking about MPs and legislators and the layperson on the street. Is there a way that local councillors, other levels of governments, other people who are to some extent representative should be involved in this?

Lord Sumption: I think there are many occasions when it would be right to consult exactly that kind of person and that could happen more readily than it does now. Were you talking about the consultative process?

Q16 **Lloyd Russell-Moyle:** Yes. Thank you very much. Meg Russell?

Professor Russell: I think we have all established that we don't really know what we are talking about here with what this commission is going to be and what it is going to cover. The answer to some of these questions is very contingent on what remit it is given, but just supposing that its remit is the one that I think it ought to have, which is looking at core principles about balance of power, absolutely you have to involve the public on that. You are talking about the way that we run our democracy in a very fundamental way and I don't see how you can legitimately change those democratic structures or make recommendations for change without knowing what the public thinks.

But I also agree with some of the things that Lord Sumption has said, that that can be very difficult. It must not just be a case of who shouts loudest and special interests and so on. You have to get a representative sense of what the public thinks, and that is hard. We have thought about this quite a lot at the Constitution Unit and we are waiting on the results of an imminent funding decision for a project that we are hoping to do that is all about public involvement and getting public views on this very process. If you look at standard opinion polling you will find that the polarisation of opinion in the public drives attitudes to the role of political institutions, for example, polling on the role of referendums, whether we ought to have more referendums. After the 2016 referendum the number of people supporting holding more referendums dropped quite radically but if you look at the figures it dropped among the people who had voted "remain" and it remained very solid among those people who had voted "leave". Fast forward by a year or so when there was a lot of talk of holding a second referendum on Brexit, the overall number is fairly stable but it shot up among people who voted "remain" because they want a second referendum



and it has begun to slump among people who voted “leave” because they don’t want a second referendum.

That is an illustration of how attitudes to things that ought to be principles of constitutional design get very caught up in people’s attitudes to what outcome they want. If you are asking the public what they want, you have to find ways of getting beyond that, which is difficult. We are hoping to do two things. One is to do much more sophisticated polling than that where you offer people different scenarios. It is no good saying, “Do you think that the Government ought to have more power over Parliament?” because supporters of the current Government may well say yes while opponents may well say no. You have to say, “Let’s suppose that X was in power, should they have more power over Parliament?” or “let’s suppose you don’t know who is in power” and so on. Even then in polling it is quite difficult to get at it and, therefore, the other thing that we want to do is run a citizens’ assembly on these very core questions of balance of power and checks and balances on the Executive. That allows people to begin to think in depth about these issues and place themselves in different people’s shoes and see it from the point of view of other people with whom they are having discussions who have different political opinions, come from different income brackets, live in different areas of the country.

When you are designing a constitution, it needs to have broad-based support. It needs to be a long-term, stable settlement. It can’t be about winners and losers. It needs to be about the rules of the system, which are more like the referee that everybody thinks is fair and whose decisions everybody is prepared to accept. There is a real danger, going into this question in what is quite a polarised environment still, of changes looking like they are about winners and losers rather than about something long term and stable for everyone. You need public opinion for that. It is difficult to get but I think it is not impossible and we hope to do some of that.

Q17 **Lloyd Russell-Moyle:** Is that harder if you are just talking about the very top level, the relationship between the national Government and that Parliament? Does it become easier if you start to talk about how you want principles of government to work at the devolved level, the local council or the top unit of a county or a town? Are the conversations easier when you start to talk about them closer to the actual people?

Professor Russell: I think they are. The Constitution Unit was a partner on a project about three years ago looking at devolution in two local areas and that is easier for people to get their heads around. But we have already indicated that this is a very wide agenda and there are lots of interlocking parts. There are risks in breaking it down into its component parts in not coming up with something that adds up to a coherent whole. Given the arguments over Brexit that we have had about the role of the House of Commons, the House of Lords, the Supreme Court, even the monarch, we need to look at those core relationships and everything else should flow from there.

Q18 **Lloyd Russell-Moyle:** Lord Lisvane, is there anything that you want to



add on this question of getting the public involved and getting the public interested in these issues?

Lord Lisvane: I have two things to add to what Lord Sumption and Professor Russell have said. The first is that Select Committees over some years now have been a success story in both Houses. The way in which they might be played into the relationship of involving the public to a greater extent is something that certainly should be on the table. The second thing is really a word of caution. When you consult people, they rather expect you to do what they have said in response and you risk an additional level of disengagement if consultation is not widely seen as having an effect. There is no easy way out of that but it is something one needs to keep in mind.

Q19 **John Stevenson:** Lord Lisvane, do you think the Government want the commission to be open-minded to these issues and give them consideration or do you think the Government already have an idea of what the commission wants to report on?

Lord Lisvane: I rather rudely used the term "hit list" earlier on and looking at those four elements you can see that they have a little bit of political antecedent about them. The Government have to demonstrate that this is not going to be a fix and there are four tests. The first is commissioning: what is the commission going to be asked to do and how prescriptive will those terms of reference be? The second is timescale. If the time allowed is ridiculously impractical the whole process is inevitably going to be superficial and go nowhere near the profundities that we have been exploring this morning. The third is membership. That clearly is going to be key; who is on, how independent they are likely to be. The fourth is resourcing, because if you starve it of resources it is not going to be able to do a proper job. I would want to see all four of those boxes ticked to demonstrate that it is going to be a genuinely independent exercise.

Q20 **John Stevenson:** Thank you. Professor Russell?

Professor Russell: I completely agree with that. I was just comparing Lord Lisvane's list with my list to see where I could find any points of difference. I had written down very similar things. It is essential that the membership is seen to be balanced and not a group of people who already have a fixed view.

On the top of the things that Lord Lisvane said, I think it needs to be committed to taking evidence and having a very openminded attitude to evidence. That includes on public opinion and on practice in other democracies, for example, and I agree that that takes time. It may be quite difficult, given the mood that we have had in the country, for a body set up by the Government to be broadly trusted because our politics have felt very divisive. This is a really big challenge for the Government because if they set up something that is not trusted, which is seen to be partisan or biased in some way and seen to be not listening broadly to the evidence,



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you will get an outcome that people don't accept and you won't get a stable settlement as a result.

I think there is an interesting question that is bubbling up through this conversation as to what the role of Parliament is in this. While Government might not be trusted to be neutral in these matters, Parliament is obviously a more plural place that represents many voices. Lord Lisvane has referred to the Select Committees. In many ways the Select Committees are a model of doing this kind of exercise. They are cross-party and diverse in their membership. They take evidence and they publish very high quality reports. They also, of course, are very transparent. There is a distinction between the way that Select Committees work and, for example, the Independent Review of Administrative Law recently set up, which I think is not publishing the evidence submitted to it, is not taking oral evidence; it is certainly not doing so in public.

There are lessons that could be learned from Parliament in doing this but there is a bigger question as to how Parliament itself is going to be involved and indeed if the Government do not set up a commission like this, whether Parliament might want to think about doing work on some of these big important questions about restoring trust and so on.

Q21 **John Stevenson:** Some very interesting points there. Lord Sumption?

Lord Sumption: First of all, I agree with what has been said by both the other two witnesses. More specifically, I think that a lot hangs on the identity of the chairman, because the chairman will be seen as the figurehead of the commission and it is extremely important that he or she should be a figure who is entirely non-political but not politically naïve or ignorant. I know that judges are not flavour of the month with the current Government but there is a lot to be said for a senior judicial figure presiding over this commission. I also think that it is important that it should have at least an element of elder statesman with personal experience of practical political engagement but who is out of the fray now in the sense that they are no longer of the House of Commons certainly, possibly of either House.

I make those more specific suggestions against the background that I entirely agree with what both the previous witnesses have said, which is that if this commission is not seen as working for the system rather than for particular points of view, it will fail.

Q22 **Ronnie Cowan:** I am curious, hearing that the commission came about through the Conservative manifesto prior to the 2019 general election and the idea was that it was set up in its first year. In February the Cabinet Office Minister, Michael Gove, said he would determine the remit. On 27 February, Chloe Smith, in front of this Committee, said that "full details will be announced in due course". In July an article in "Conservative Home" suggested that the commission had been abandoned. At the end of July the Government announced an independent review of administrative law. Where are we now? It is October. Do we have any idea what the remit is going to be, because we have got a couple of months to get this thing up



and running?

Lord Sumption: I wish I knew the answer to that question. The problem is that we are being told very little. For what it is worth, I also get the impression that the Government are cooling off on this particular aspect and are trying to focus on doing down the courts as potential sources of impediments for the Government's programme. I think that if they confine themselves to that they are very unlikely to achieve much.

Professor Russell: There is a lack of clarity for me over the Independent Review on Administrative Law. The short answer is call in a Minister and ask them this question, because we are not well qualified to answer it, but it seems to me that the primary driver, reading the words in the manifesto, of this commission was a desire to rebalance with the role of the courts. They now have this independent review but it is not clear to me, having read the terms of reference of that review, whether they are expecting it to cover all of the issues of concern, particularly the issues around royal prerogative, the Miller cases and so on. They are not evidently in the terms of reference—so I am genuinely unclear—wanting to express a view on those things, as to whether I should be responding to this review or whether I should be waiting for the next one, because we don't know whether it is coming and we don't know what it is going to cover.

At the same time, I think there are various issues that should be being thought about with urgency that are not being thought about, and there is a risk that the bigger review becomes a kind of cover for not dealing with some of those questions. One of the things that has greatly exercised me over the years, and indeed has greatly exercised this Committee in the past, is the size of the House of Lords. There is broad cross-party agreement that something needs doing about the size of the House of Lords but we are not seeing any action on that. We just saw a large number of peerages, which have breached the agreements proposed by Committees in the past, backed by this Committee in the past, and we are hearing talk about more appointments.

There are some urgent things that we could be getting on with and there is a danger they are being kicked into the long grass on the basis that all of this is going to be part of a big review. Meanwhile, there are small things coming out and we don't understand how they join up to that big thing. So, please ask a Minister this question.

Q23 **Ronnie Cowan:** Lord Lisvane, do you have anything to add to that?

Lord Lisvane: I think the discussions we have been having this morning have rather demonstrated that probably this assertion in the manifesto was not adequately thought about in advance. It bears all the signs, to me, of a Friday afternoon moment when somebody says, "Oh, crikey, we haven't put in anything about the Constitution", so these bits get shoehorned into the manifesto and it is only after a period of time that the reality of how big the task would be starts to bite. That may well have been and continues to be an inhibition on Ministers. There is one oddity. The review of the



criminal justice system we are told is to be by royal commission. I am not quite sure why it was not thought that this should be a royal commission or why a royal commission was appropriate for the review of the criminal justice system. As I say, it is simply an oddity.

Q24 **Ronnie Cowan:** I want to slightly hark back to the previous question, from something you said there. If we can't define the remit for this commission, we are going to go nowhere with it at all. Do you think maybe that was the initial intention, that this was simply something that was down on the page and going nowhere? In the manifesto there is the magnificent line, "As Conservatives, we stand for democracy and the rule of law". It goes on to say, "If the Brexit chaos continues, with a second referendum and a second Scottish referendum too, they", being the people, "will lose faith even further". Is the idea that this goes away and the Government are left to do what the Government have been doing for the last four or five years? Anybody?

Chair: That might have been slightly rhetorical, Ronnie.

Lord Lisvane: I think your Committee ought to be the Government's conscience in this respect, if I can suggest that.

Ronnie Cowan: It is an idea floated by Paul Flynn over a number of years. Thank you very much.

Q25 **Karin Smyth:** The one group that we have not really referenced is the role of political parties in this. Clearly, democracy relies on good governance within the political parties. All the political parties in recent years—without washing all our dirty linen in public—have undergone our own internal problems and I think that is across the board. What is your view about how political parties contribute to the wider commission as arbiters of political values across the country?

Professor Russell: That is an interesting question. One of the things that we have seen over the past several years is enormous division within the political parties. The divisions that we have seen over Brexit have been more within parties than between parties really. I suppose that illustrates that there is not necessarily going to be a party political view on some of these matters. There is a real diversity of views. It would make absolute sense for a commission to at least have some members who are or have been representatives of political parties. I think that is in line with what the other witnesses have said.

I have been wondering about royal commissions as well. I think the last royal commission that we held was the one chaired by Lord Wakeham on Lords reform 20 years ago, with which I was quite involved. It had party political figures on it but it also took evidence from political parties. I think the role of political parties probably is to submit evidence, as is the role of political party representatives individually. As community organisations, political parties can try to play a part in involving the public, facilitating local debates, encouraging people to write in or whatever to a constitutional commission.



That would be quite healthy, but I am not convinced the parties are going to be in a position to take strong views on some of these issues. I think it would be a bad idea if you had a Conservative view and a Labour view and one of them won out over the other, because that would rather destroy the whole sense that this needs to be a long-term settlement that works across the divide irrespective of who is in power.

Lord Sumption: I understand the question to be directed not so much at the role of political parties in the working of this commission but at the role of political parties in the function of the Constitution more generally. On that footing, I think that, if I may say so, you have put your finger on an issue that is both central and extremely sensitive. Political parties are at the moment the biggest interface between Parliament and the public. They have traditionally adjusted their offering in response to what they perceive to be changes of public values and changes of public opinion. They often get criticised for this but it is an extraordinarily valuable and important function. That is how the political market has traditionally worked.

What has happened in the last few years, mainly as a result of the polarisation of opinion on Brexit but also other matters, is that against a background of shrinking membership rolls of all the major national parties, the constituency associations are in the hands of very small groups of people that are very easily the subject of takeover bids. People who have the energy and time to take over a constituency association are likely to be people of especially firm views, not very sympathetic to compromise or broadening out of the political spectrum. For that reason, we have a problem that the way the political parties work now is obstructing the function of the political market and is diminishing the choices available to the public. If you have to go into the polling booth and say to yourself, "Which of these parties would I most hate to vote for?" it seems to me that something is wrong.

Q26 **Karin Smyth:** That is the system in which the public and the political parties operate, as you say, and I guess the lead question is: how do the parties govern themselves in a better way in the future to aid the democratic process? Perhaps we are all coming through the difficult birth pangs of something new. We are where we are with political parties, so somehow we need to marry that with a desire to look further at this commission and the Constitution. Professor Russell, I think you wanted to come back on that.

Professor Russell: Yes. I am sorry if I misunderstood the question the first time round.

Karin Smyth: I think it was a bit of both but Lord Sumption was right about my general thrust.

Professor Russell: On this point I think there is an important point that I have made before in writing. Going back to the separation of powers, the way that the Labour Party in particular has worked in recent years has been rather in line with the separation of powers. The Labour Party has moved



to a system whereby the grassroots membership can impose a leader on the parliamentary party that the parliamentary party doesn't want. I think that is a dysfunctional situation in a parliamentary democracy because it is Parliament that holds Government to account. If that party were elected into power it would need the confidence of the House of Commons and that needs to start with its own members. I think it is an untenable and very destabilising situation to have got to the point where the democratisation or the increased participation of party members in choosing leaders takes you to a parliamentary party having a leader that it does not support.

The Conservative Party has not fallen into that trap. The Conservative Members of Parliament still can vote no confidence in their leader and they have a greater role in who gets on the ballot in the Conservative Party. I think that is a rather better system. But this question of the degree of membership involvement and what that does to the stability of parliamentary Government is sufficiently important to be a constitutional question now.

Q27 Mr David Jones: Could we go back to the issue of the Independent Review of Administrative Law? Professor Russell, you pointed out your concerns about the lack of clarity in connection with its terms of reference. This was, of course, meant to be an issue that was considered by the commission as a whole. Do you think that there is some case for separating the review of administrative law from the wider inquiry, given that there are likely to be more highly technical issues at play there?

Professor Russell: I would primarily like to defer to Lord Sumption on this, but my general view is that, as I have expressed earlier, it is better to start with the high level principles and then move down to the level of detail. I am genuinely unclear whether those high level principles are in the terms of reference of this inquiry or not. It seems difficult to see how a subsequent inquiry can decide the general principles if an earlier inquiry has not already decided the detail. But I would be very interested to hear what Lord Sumption.

Q28 Mr David Jones: Certainly, but before I ask Lord Sumption, is it your view, therefore, that the wider commission will still have to consider issues of administrative law, and in particular, of course, the issue of judicial review, if it is seriously to address the relationship between Government, Parliament and the courts?

Professor Russell: One of the drivers of all of this is a feeling among at least some in Government that there are some issues around the prerogative that should be taken out of the scope of judicial review. Those are very fundamental questions, given the prorogation case, but I am unclear whether they are within the terms of reference of this review. In a way, they feel a bit too big to be within the terms of this review. It is also a very rushed review and it is very closed in the way that it is operating, so I think if it is asking questions as big as that—and perhaps even the questions it is asking deserve more time and more transparency. But I think that the questions around the Miller cases and so on are absolutely



fundamental constitutional questions that probably belong somewhere else but I am not clear what the Government's intention is.

Q29 **Mr David Jones:** Thank you. Lord Sumption?

Lord Sumption: I think that the title of the Independent Review of Administrative Law is in a sense something of a giveaway. Describing it as administrative law is not really accurate. Judicial review is concerned with administration at one level but also with constitutional issues, because in the absence of a written Constitution we have a Constitution that is in part governed by common law principles. Those principles are naturally principles that would fall to be applied by courts of common law.

I think it is a mistake to try to separate out judicial review generally from the other constitutional issues because judicial review at the moment is one of the two major ways—the other being parliamentary scrutiny—in which Governments can be kept within their proper function. I don't think that anybody is suggesting that simply because there is a large political element in a particular judicial decision it should not matter whether the Government exceeds their powers or behaves in a way that is unlawful. You have to preserve some system for ensuring that the courts are able to do that. That clearly has major constitutional implications that are very difficult to separate from the broader constitutional issues that we have been discussing to date.

The big practical problem is that there is not a single rule of law that can be amended or abolished so as to change the situation. The current differences between the judiciary and the Government really arise from a judicial culture and a series of judicial attitudes to Government that have built up in the case law over a period of 50 or 60 years and are deeply ingrained in the way that the courts operate.

For that reason, I think that the only practical way of actually dealing with this issue—and I think it is an important issue on which I have some sympathy for the Government position—is to codify and rewrite the whole of English administrative law. I don't think that that is going to be an easy thing to do and I don't suppose that is going to commend itself to the Government, but that simply underlines the difficulty of what it is trying to do. Without rewriting the whole of English administrative law, you are not going to alter attitudes that I think the Government are right in thinking have occasionally trespassed from strictly legal issues to purely political ones. There is not a neat boundary line between those two things but there is a broad band that separates the two and I think one needs to recognise that.

Mr David Jones: Clearly the review that has been launched is insufficient in time, and I would suggest also in terms of remit, to consider the wide review that you have just suggested.

Lord Lisvane: On 31 July, the Government said that the panel would report back later in the year. The opening statement by the distinguished



chair of the review said that it was going to be an examination of the need to strike a balance between the right of citizens to challenge Government through the courts and the elected Government's right to govern. That second limb demonstrates what a huge task the review has in a very short period of time. Whatever they come up with, it will be very difficult for the commission—that we have been discussing—entirely to ignore that or to contradict it and that is a recipe for unconstructive confusion.

Q30 Mr David Jones: What do you think that this Committee and other committees should be doing to monitor that review?

Lord Lisvane: I would hardly write your agenda for you but—

Q31 Mr David Jones: I am sure we would all be very willing to listen to your advice, though, Lord Lisvane.

Lord Lisvane: You are much too kind. It depends on what degree of transparency the review is actually going to involve. If it is going to do the task that quickly, having a reflective means of making progress, taking evidence, and things of that sort, is going to be much more difficult the shorter the time that is available, so your opportunities for monitoring what it is going to do are going to be pretty limited.

Lord Sumption: I agree with what has been said about the extraordinary short time. The Government has simply completely underestimated the scale of what is involved if they are going to achieve anything. If the object of this commission is—to use the phrase used earlier about a hit list—simply to knock out the courts from reviewing the lawfulness of Government Acts that have large political implications, it probably will not take very long but will be extremely controversial. If the object is to deal with the problem as a whole—and it is a complicated problem—it is going to need a lot longer than it has and a lot greater input from interested and expert parties.

Q32 Mr David Jones: Professor Russell, do you agree?

Professor Russell: Yes. It is a very difficult question that you are asking and a difficult position that you are in, but I think the key word is probably “transparency”. You can bring some transparency to the process and you can do so not only as a Committee, through calling people in, but potentially through, for example, parliamentary questions. I am not sure how much the Government will give away about who has submitted evidence, how many people have submitted evidence, the timetable and so on. There is a vast range of possibilities in terms of transparency, everything from at one end a Royal commission to at the other end, for example, the Strathclyde Review on the powers of the House of Lords, which happened a few years ago, which was a Government review and issued a report and recommendations.

I gave evidence to that review. I went to the Cabinet Office and I met Lord Strathclyde and his civil servants and we had a long conversation. My name does not appear anywhere in that report. We have no idea who the



witnesses were. That is the extreme of lack of transparency. I can imagine Lord Lisvane may well have given evidence as well. If you can make this process more transparent than that, that would be some kind of an achievement although it might not get you to exactly where you would like to be.

Q33 Tom Randall: One of the themes of the discussion so far is one of public trust in the political institutions and UK democracy, and the Government have said that the commission should try to restore trust in political institutions. Do the panel think there is significantly less trust in public institutions now than there has been in the past or is it a case that nostalgia is not what it used to be and, if so, how can the Government best set about re-establishing that trust? Perhaps Lord Sumption first.

Lord Sumption: I think that there is less trust. One should not generalise too much from the remarkable circumstances of the last three years over Brexit, but for very many years surveys, such as the extremely interesting and helpful surveys of political engagement conducted by the Hansard Society, have indicated a decline in public trust and also, it has to be said—I say this with dismay—an increasing appetite among the public for more authoritarian models of government.

My own view is that authoritarian models of government are extraordinarily inefficient. They do not get things done and you need a wider basis of deliberation. It certainly seems to me that the key to this is to have a degree of trust in parliamentary institutions, which at the moment is lacking, and the key to that is for Parliament to be seen to matter.

Professor Russell: Yes, I agree that the data that we have is not very encouraging. I would say something perhaps a little sharp here that, if the Government are interested in restoring trust, they ought to change the way that they behave and the way that they talk. I do not think you should expect to have a situation where senior Ministers are rubbishing the role of Parliament, rubbishing the role of the courts where there are briefings from unnamed sources, often in Downing Street, that are rubbishing the Civil Service, that are rubbishing regulators, and then expect to set up a commission that is somehow going to restore trust. The Government have a responsibility for maintaining trust and there has been a great deal of noises coming out of this Government that are driving things in the opposite direction to that.

There is a very worrying trend. It has been going on for a long time but it has accelerated recently—particularly, the rows over Brexit helped it to accelerate—whereby politicians, and indeed people in the media, see this data suggesting that trust in institutions is low and see that there are electoral advantages or, maybe in the case of the media, commercial advantages, in joining a chorus of voices that is saying that Parliament is rubbish, that courts are sticking their noses in, politics is broken.

Even the Conservative manifesto included words about Parliaments, suggesting that MPs had been acting undemocratically. Personally, I



thought that was pretty disgraceful. It is the role of senior politicians and of political parties to try to maintain trust in our institutions and, indeed, try to improve understanding of the way in which our institutions work, and if senior political figures are rubbishing our political institutions I do not see how they can expect trust to be restored.

Lord Lisvane: I agree with all that. I would not encourage Professor Russell to moderate her description in any way. The behaviour of the Government is going to be an absolutely key part of achieving trust but I would also say that you cannot manufacture trust. You cannot instruct people to trust things. They have to be shown to be trustworthy. Therefore, I think the focus has to be on the institutional resilience and quality of what we have and if we can improve that, and the way those institutions work, people are going to be readier to trust. But I entirely agree that the first steps in this ought to come from the Government, including the contributions that we see regularly from those who are not accountable.

Q34 **Chair:** Just before we go to John Stevenson for a concluding question on this panel, I wonder if I could be cheeky enough to ask for a one word answer if possible from the three of you as I try to draw together your thoughts. Is it more about the public trust in politics and our constitution and everything else? Is it more about the behaviour of the actors rather than it is for a yearning for institutional change? Which is more important of those propositions, do you think, Lord Sumption?

Lord Sumption: They are both equally important.

Professor Russell: I would always say culture and behaviour over structures. If you look around at other countries that have very different structures to us, they are suffering from many of the same problems. Therefore, the answer is not proportional representation, elected second chambers and so on. It is a cultural question I think.

Lord Lisvane: I would agree entirely with that. Over the years I have been involved with a great many aspirations for procedural and institutional reform but, of course, you can make those structural changes. Sometimes it is very easy to do that, but unless you have the people who are going to operate the machinery in the right spirit then it is a complete waste of time. So I would go for the actors first.

Chair: Just quickly from John Stevenson.

Q35 **John Stevenson:** Thank you. Given the delays in setting up the commission and given the fact that we are almost a year into this Parliament and time will pass and if the commission is set up it will take time to report back, do you think there is an appetite within Government, or indeed within Parliament, for this commission and for the reforms that would flow from it, Professor Russell?

Professor Russell: Again, the first part of that question is one that you would need to ask the Government not ask us. Clearly, there have been delays and clearly we are all saying that, if you are looking at fundamental



questions, you need to take your time and be careful, not rush things, and build trust in that process. I do not think that those two things are necessarily at odds because if we go back to the previous examples, the Royal Commission—the last one that we held, for example—was not seen as a creature of any one Government.

It is possible that you could have a long-term, detailed review that did not have to report in order for the results to be implemented by this Government before they leave office. If they manage to work on behalf of the whole nation and not be seen as some sort of a partisan exercise with an already decided conclusion, it should have a long shelf life and there should be possibilities for there to be action by a subsequent Government, even a subsequent Government of a different political colour because constitutional agreements should cross party boundaries.

Q36 **John Stevenson:** Lord Lisvane, given what you said at the outset, do you think there is an appetite in Government for this?

Lord Lisvane: I entirely agree with what Professor Russell has said. I fancy that, as the realities of setting up and operating this commission and the extraordinary span of what its responsibilities would be becomes more evident, that is going to be quite an inhibition on Government. In a way, the independent review of administrative law might well be the canary in the mine because the Government might want to see what sort of thing they are going to create when they do set up the commission. I do not anticipate anything happening quickly, but I absolutely endorse what Professor Russell says about the ownership being cross party and for the long term.

Lord Sumption: I agree. It has to be bipartisan.

Chair: Thank you, John, and can I thank our three witnesses, Lord Sumption, Professor Russell and Lord Lisvane from our first panel. Thank you very much indeed for your contribution this morning.

Examination of witnesses

Witnesses: Dr Andrew Blick and Graham Allen.

Q37 **Chair:** Now, by means of this modern technology, we have our second panel. I am pleased to welcome our former colleague Graham Allen and also Dr Andrew Blick, and if I could hand over to Jackie Doyle-Price.

Jackie Doyle-Price: My question to Graham Allen—welcome—your proposals for a citizens convention predates the Government's commitment for a commission. Can you tell us what concerns with the UK's constitutional arrangements and democracy led you to develop these



proposals?

Graham Allen: Our proposals, unlike the licence that was happily afforded to the previous witnesses, are very tight and very discrete. It is about how we get citizens' engagement in any process and obviously this process has now come through the manifesto process of the Government but, also, it is referred to in the manifestos of the other three UK-wide parties and their manifestos to a degree, so there is a desire for a review of democracy among the political parties.

We have adjusted our offer, which we put to the Government today. We sent our proposal through to the Prime Minister and to Michael Gove, which is to the Government and it is about how citizens themselves can get engaged in the commission. It is not about the commission. It is not about the agenda of the commission. In a sense, it is process rather than policies. I think we all have a view on policies. We could all talk forever about our favourite policies in these areas, but very few people talk about the process. We have created a process that is beginning with citizens, as anything to do with our democracy should do.

Those citizens—and we can explain about their selection and how they are facilitated and how they put their things forward—present their views as a gift to the commission. It is entirely up to the commission what it wishes to do with those views and then next in the production line up to Parliament and Government. No one is telling anybody what to do but what we have designed, we hope, is a means and a process by which citizens can be involved.

That, Jackie, is actually quite new because deliberative democracy is quite fledgling. It has been around for some time but the critical mass has developed globally in the last couple of years, where we now do have ways of engaging with people, getting proper selection, getting microcosms of a nation, for example, which we could not do two or three years ago. We can do that now and there is great experience out there that we have tapped into.

Deliberative democracy is the next iteration of democracy. If democracy is going to go forward rather than fall backwards, how do we engage citizens? We hope that our proposal, which is not a "Take it or leave it", is an opening bid to engage Government and to say, "Have a look at this. What do you think? How can we improve on it?"

Finally, the reason to do that now is because, in order for the commission to work, everyone has to work together on this. We have heard that this morning. There are lots of ways of putting it but I like to call it a four-legged chair of the commission, just one of those legs. Parliament is another leg. Government is another leg and the final leg, without which the chair falls flat on the ground and us with it, is getting the citizens meaningfully engaged. We are not saying that this thing is the be all and end all, but we hope to start a conversation and make that a reality so we can improve and maintain our democracy.



Q38 **Jackie Doyle-Price:** Thank you. At the risk of putting words into your mouth, it feels like essentially the development of democracy has been top down. We are gradually giving more and more to citizens and, implicit in what you said, is that we now have tools to engage citizens better. Is that a fair characterisation?

Graham Allen: I think so and in the modern era we should strive to make our democracy better. For 100 years we all worked away no doubt trying to extend the franchise. How do we improve democracy? We do not now have a steady state democracy. We will either improve or slip back. What is the next level? What is the next stage? That is not to do yes or no, black or white, with citizens as an enormous opinion poll. It is to engage citizens so that they can make a genuine contribution.

I have to say I started as a sceptic about this. My view was: were citizens able to do this? It is a very complicated arrangement, isn't it? Should we leave that to just other people, maybe Members of Parliament only? Then, as a former Member of Parliament for 30 years, it was often very difficult to make any impact at all when Bills were landed on us—as they still are—by the Government. Getting that engagement and finding the processes to do it has been a really big breakthrough and it is essential, if there is a Constitution, Democracy and Rights Commission, citizens have to be involved meaningfully in some way. So, yes, Jackie is the answer to your question.

Q39 **Jackie Doyle-Price:** In terms of getting citizens' engagement, is this really a failure of political parties? There was a time when political parties were mass membership organisations but they are not now. Let's be brutally frank about it. The Labour Party was a creature of the trade union movement, which was mass participation, and the Conservative Party used to have membership running to millions, where they are both lucky to get hundreds of thousands now. Is that one of the reasons why perhaps citizens are disengaged from their political class?

Graham Allen: I do not blame the political parties because I think they were a product of their time. What I would blame political parties for would be if they refused to go with the times, used new technology in a nuanced way, not a yes/no sort of way, and engage people, which is now on offer. When I was a Member three years ago—it seems a lot longer—we did not really understand what deliberation was like. We did not see it and Andrew and I will explain that if necessary as we go on, so we just need to catch up and we need to ensure that people feel that they own their democracy. Not that they tell people what to do and it has to happen just so, but that you engage in a proper debate. When that happens, people feel a part of it.

For example, a jury is a sort of metaphor very often for deliberation. People can engage in discussion. They can hear expert witnesses. They take their time. They do democracy in good conditions—which to be honest we never did in the House of Commons in my 30 years, I have to say—to listen carefully, come back again a week later, discuss things. That I think is a



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really good thing. What it does for political parties, particularly parliamentary parties, is it strengthens parliamentary parties because Parliament becomes an institution that is often the commissioner of a citizens' convention.

Your colleagues on the Housing, Communities and Local Government Select Committee have done a superb report using deliberative democracy on social care. Six of your fellow Select Committees have commissioned a report on climate change, which has produced a superb report. We can have questions later perhaps about whether that then translates into action. Translating it into action is something we should not leave behind. The deliberation is not the be all and end all. It is the beginning of the process.

Political parties are moving with the times. Parliament is moving with the times. Select Committees certainly are moving with the times, and it would be good if the Constitution, Democracy and Rights Commission moved with the times also and enabled people to express a view in a meaningful way, which was not a command but was a gift to enable rational discussion later on up the food chain.

Q40 Jackie Doyle-Price: Thank you. A quick final point. One of the simple ways that some political figures choose to go in terms of involving the public is, "Oh, let's put it through a referendum". Referendums become an unnecessarily binary choice, frankly, and it isn't the best way of making decisions. What would be your view of that, if ultimately we had a system where the commission would come up with proposals that were then put in that kind of engagement?

Graham Allen: The commission is entitled to say how proposals should be put but if you are asking me, as someone who is with the Citizens' Convention on UK Democracy, trying to engage citizens in a meaningful, nuanced and sophisticated way, clubbing issues with a "Yes" or "No" hammer I do not think is the way to go because it does not engage a lot of people sensibly. It does not allow people to listen to both sides. It does not allow them to think and discuss in small groups and come to conclusions. It does not allow them to say, "That sounds good but can you also add this issue as well? Have you thought about that?"

Throughout the planet there are now literally hundreds of deliberations going on and what they do—surprisingly perhaps—is that they come up with answers that often allow politicians to take the compromise forward. The best example of that is in Ireland on abortion, where Fianna Fáil/Fine Gael would never even raise that issue publically but enabling citizens to talk about it enabled us as politicians to say, "It looks to us as though they have come up with something pretty sensible here that we could never have done". We would have been whipped in a particular way. We would have been hit by the media for what we were saying, but a group of citizens representative of the microcosm, which in that case was Ireland, came up with sensible proposals. They have now found a resonance, not only in the Dail but through a referendum as well.



Doing it in a steady, slow cook politics rather than Mac politics way enables a more sensible answer that can do what we are trying to do now—aren't we?—in getting the whole of the country back together again and working together and healing some of the wounds, and deliberative democracy and this specific citizens' convention to feed into the commission is a good way to do that.

Q41 Chair: Thank you. If I take the next question, and Graham and Andrew do please feel free to answer in whichever order.

So, convince me, I am a fuddy-duddy in all of this. Here I am in the grand surroundings of Committee room six, perhaps under the misapprehension that Parliament was somehow a citizens' assembly of sorts. How are you going to convince the likes of me that this proposal isn't in conflict with our parliamentary democracy? How are you going to convince me?

Dr Blick: I will do my best to convince you. If that does not work I am sure Graham will continue the talk.

As Graham suggested in his previous answer, these mechanisms are not intended as an alternative or way of supplanting representative democracy. They are actually intended to be supportive of it. My personal view on this is that the best body to commission this would be Parliament. We have seen already that Select Committees have been doing that, so clearly they do not regard it as a challenge. They regard it as a supportive mechanism that enhances the capacity of Parliament to be a representative of the people. That is the way I would clearly look at it.

In Professor Russell's very interesting evidence earlier, we did hear reference to a line in the Conservative manifesto that described MPs as—the exact wording—"having devoted themselves to thwarting the democratic decision of the British people", so I am afraid this idea is already there: that somehow there is a conflict between Parliament and the democratic will of the people. This is a more sophisticated way of incorporating the people into a decision-making process in a way that is supportive of Parliament rather than creates this idea that, unfortunately, over the last few years, in some way the people are in conflict with Parliament, so this is a way of bringing people back from that situation, bringing Parliament back together with the people and then also working with Government. If Parliament, Government and the people are all supposedly in conflict with each other that seems to me a recipe for a very divisive situation. That is how I would seek to persuade you.

Q42 Chair: Thank you. Graham, how would you persuade me?

Graham Allen: If I may briefly, Chair, not forgetting that I was a fuddy-duddy in your chair for five years and, although we did many, many things on democratic reform and the constitutional reform, we never got around to doing an effective look at deliberation. That was because at that time it had not impinged upon the consciousness of Members of Parliament in the way that it has now, with Scotland, Wales, English regions, other countries doing examples of deliberation: Jim Fishkin in America, 110 different



deliberations globally. Her Majesty's Government supporting the Innovation in Democracy Programme and doing three local examples to show how this can work in specific places, in Dudley, Cambridge and Test Valley.

Things have moved on, and I hope I will be forgiven for being a fuddy-duddy in those days for having caught up a little bit now. More seriously, the key thing here is not that it erodes. As Andrew said, it does not erode Parliament. On the contrary, it will allow Parliament to spread its wings and Members of Parliament to do the job that they often thought that they were elected to do on the back of really good pre-legislative discussion that can take place.

I was one of the inventors of pre-legislative scrutiny because scrutiny was not good enough on Bills, and it is still not good enough. This is a stretch but imagine if Bills were discussed instead of lying on the table for six weeks. Let them have a public debate, perhaps a properly organised deliberative democracy debate, to inform the Bill before second reading. There are lots of possibilities, where if Members of Parliament want to grab these opportunities it need not be done and commissioned by Government. It can be commissioned by Parliament, indeed, and produce even better legislation that MPs feel that they own rather than they are just part of the sausage machine saying, "Yes" or "No" in a very unhelpful way and not facilitating genuine debate.

Chair: Thank you.

Graham Allen: Are you convinced, Chair? Are you convinced?

Chair: I may yet be redeemed. We will have to wait and see. I will keep considering it. On that note, if I can go to Lloyd Russell-Moyle, please.

Q43 Lloyd Russell-Moyle: I am genuinely a supporter of the idea but the abortion example that you gave, Graham, the social issue that was around bringing people together on social things that affect them in their day to day lives and, Andrew, the argument that you say that it seems like Parliament versus the people, the reality is the people were divided. Parliament was divided. Parliament probably was representing the people better than it has done in generations, in the sense that the country was asunder and so were Parliament. Are we trying to use a method here, in terms of a citizens' deliberation that is trying to resolve something that has now gone in the now passed Brexit and a method that was better used on social issues not on constitutional issues?

Dr Blick: On the Parliament versus people I agree. I think that was the problem that the public were divided and, in fact, remain divided. The reference in the manifesto there was from a party that not necessarily all the members of which but the leadership of which were on one side of that debate. That is the problem. If the Government we have now want with their proposal to move beyond that division, which is still there, this is the kind of thing they would be advised to look at.



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If the exercise they are doing is going to be a continuation of that division, taking a particular side in that argument and continuing to pursue it, we are going to carry on having divisions around those fundamental issues. This is a way of moving beyond this. I think those divisions are still there. Obviously we have left the European Union but the issues and the divisions that the whole Brexit issue engaged are still very much there. Therefore, it is partly a question to Parliament and also to the Government of: do they actually want to move towards a more genuine settlement that bridges some of those divides? If they genuinely want to do that, this kind of mechanism we are talking about today is a good way of getting there. It is not the whole of the answer but it is a good way of getting there.

Graham Allen: Arguably, the vote is the most divisive thing to give people because it is one person or another, but I will not go down that track because I do not believe in it. I do not believe that it is a divisive thing. Nor do I believe deliberation is a divisive thing unless it is used as a last minute, "Let's throw this in as a last gasp effort to try to solve a particular problem because it is an incendiary in the community or across the nation".

That may have been the problem on the referenda when Mr Cameron decided a referendum might be the way to find a way out of a difficult political position. I will fight very hard to stop deliberative democracy being used as that panacea. It is democracy in good conditions, not in panic and desperation. It can be used, nonetheless, to solve some very difficult issues that, as I say, the political and the media structure prevent us as politicians from sorting out.

For example, nuclear power in Australia but also in South Korea has been very divisive but in South Korea's case was adopted as a new policy ultimately by the Government. With issues like abortion you cannot get anything more difficult as a social policy. Time after time there is now clocking up smart politics as a way of using deliberation to find out what people think we could do and we should do and then handing back the gift to people.

Someone said earlier that people's expectations are raised and if they deliberate they are going to demand that what they say is implemented, but only if you do not get the groundwork and the terms of reference right. If you say to people, "We are going to consider, seriously and respectfully, your hard work" people will look at this in a very different way. Rather like Members of Parliament. If you say, "We are going to let you do some hard work and then take no notice of you", you will get a little annoyed. If people say, "We may not do everything you want but it will be a contribution to the debate and we will pick out the gems as we see them".

Somebody has to start that somewhere, and on an issue of democracy, which the commission is looking at, why not start with citizens? They are meant to own this democracy. Let them have their view and then let it go through the sausage machine, but if you have made a good case, if as we have offered in this proposal to Her Majesty's Government it is beginning



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with a national conversation where everybody is involved, you set the ambition of 10 million founding mothers and fathers of a new settlement on democracy in the UK.

If you can engage lots and lots of people and then distil it down into the theme assemblies—maybe five thematic assemblies—properly selected, properly briefed and properly facilitated, where the individuals enjoy the process, properly fed and watered as well, they can come up with stuff that often in the hothouse of the House of Commons is the very last thing that we are going to do. Give people space and they can help us get to some answers on these very, very tricky questions.

Dr Blick: On the particular point of whether it is good only for social issues of the type you refer to, it is potentially good for a range of issues that the existing structures are finding it difficult to deal with. It is not necessarily confined to a particular area.

I would like to also add that I would not want to see it used around a debate that could lead to people having rights taken away from them. I would like to see it used in circumstances where rights could be added to. I would not want to see the abortion issue reopened. This is not necessarily on the agenda, but I would not want to see it reopened in a way that could lead to restriction of rights through one of these processes. I can see that it could potentially be applied in some of those areas and in other areas as well.

Graham Allen: May I just add, Chair, if I may, a brief point. Someone raised the role of the Select Committees. As well as commissioning they have done some excellent deliberations. In Ireland they did not just cover abortion. They did a lot of other issues too. The Dail set up a committee that would receive the first package from the various assemblies. They had a sort of filter. They had a way of looking at this in advance. I would suggest it is not beyond the realms of possibility that the Public Administration and Constitutional Affairs Select Committee may be the perfect vehicle for that, or there could be a specially built thing for a special Select Committee to do that but I do not see why PACAC could not do that job. I do not want to give the Chair anymore work to do. I just looked at the agenda, which is enormous.

That interface between the citizens' convention and Members of Parliament is really important. We have taken that very seriously. We have a small liaison committee of senior politicians and leaders of parties. We also work very closely with the All-Party Parliamentary Group on Deliberative Democracy. This is something that will strengthen Members of Parliament and will enable them to find a way to process.

Our colleague on our board—Iain Walker in Australia—uses the phrase, "Give us your hardest problems, the ones where your processes cannot work. Just run them through a citizens' assembly and see what they can come up with". They can break log jams that because of our parliamentary dysfunction sometimes are seemingly impassable.



Chair: Thank you, and thank you for the confidence you are placing in this Committee. It is shared between all the members. It does not just lie on my shoulders, I can assure that. On that note, could I bring in Ronnie, please, again?

Q44 **Ronnie Cowan:** For the record, I am a big fan of citizens' assemblies. Any vehicle that allows citizens to adopt a power has to be welcomed. The key to that is listening to what citizens are actually saying. But I am confused now, I am genuinely confused between what would they will do at citizens' assemblies and what the commission is going to be doing. Is there a buffer between this, a controlling factor? I am wondering what the panellists think. What should the relationship be between citizens' assemblies and a commission and even beyond that? I know we do not have a remit yet. What should the makeup of a commission actually be as well?

Graham Allen: Andrew, should I have a go at that first?

Dr Blick: You go first, Graham. Why not?

Graham Allen: The relationship of the citizens' convention to the commission set up by Government is a wholly subordinate one. It is not taking over the functions of the commission. It is not demanding that the following things must be done for it to be valid. It is citizens gathered together looking at some of the difficult issues on an agenda to be decided. We have some ideas about an agenda but that is to be negotiated. That must lie with Government. This is their commission. Then discussing those issues and coming up with ideas and recommendations and then handing them over to the commission. That is, in effect, the end of the process, which involves the citizens' convention but, of course, people will maintain an interest.

By that point we hope that there will have been a national conversation. We would hope that the proceedings of the assemblies, the five or six themes that are selected for ultimate discussion—let's say, who pays for politics if that happens to be one—that people will follow that through and because of that interest and excitement in the country they will hope and be reassured at the beginning of negotiations that they are going to be taken seriously and that their proposals will be treated in a meaningful way. Otherwise, if we were not to do it that way, Ronnie, it would be subverting the whole process. It would be subverting the right of an incoming party with a big majority to set something up on the lines that it wanted and it would be taking away the role of parliamentarians.

Therefore, we are the beginning of that sausage machine, but we hope that the content that we come forward with will be so well put together that we would hope the commission would say yes to virtually everything that we would put forward. There may be things taken out at a later point by Parliament or by Government. That is your role. That is your right. Also, if you are prepared to set up a citizens' element, it is the right of citizens to discuss things openly, transparently on TV and come forward with some



ideas that they thing would be helpful to rebuild or evolve our democracy in the UK.

Chair: Thank you, Ronnie. Have you done with that, Ronnie, or is there more?

Ronnie Cowan: I thought Dr Blick was going to answer as well.

Chair: Of course. Dr Blick?

Dr Blick: Just to underscore what Graham said there that the assembly would feed in to the commission; the commission would have to be set up along the lines ultimately that the Government wanted to set it up. I am sure there were lots of views in the earlier session. We could offer views on the kind of things to be taken into account with regards to composition and terms of reference, but ultimately that is a decision for the Government.

The commission, once set up, would take a contribution from the Assembly and it would then be up to the commission what to do with it. In all of those decisions, the first question the Government and then the commission will have to answer is, "How legitimate do we want to be?" The more inclusive we are and the more considered process we allow to take place the more likely it is that coming out the other end are going to be proposals that command legitimacy and cross-party and cross-UK support, which makes it more likely they are going to work in the long term. What it comes down to is how inclusive do the Government, and then the commission they set up, want to be and the extent to which they allow the assembly, the convention, to influence what it does. Having a genuine role will go some way towards shaping how inclusive it is and, therefore, how legitimate its outcomes are likely to be.

On the other hand, if they would rather pursue a more divisive partisan approach to these issues, that is an option for them. They are in Government. It is possible, but that would have consequences for the outcomes. It is partly a decision for the Government now and in future as to what kind of a process they want to run. In the end, the process we are proposing specifically here will not be the final say. It will be an influence, but if it is set up properly and taken into account it could be a very important influence.

Q45 **Ronnie Cowan:** The remit for the commission becomes even more important now because it is about how it takes information from assemblies. We are not trying to water down what the people are saying, at least we are not putting obstacles in their way, but they have to have a conduit in some way, formally the argument that they can inform the Government.

Graham Allen: Yes, and that has to be the case because the legislature and the Executive will dispose of the recommendations in the parliamentary sense of the word. They will make them real, so that has to be the process by which it happens. I am afraid some of the early efforts



of deliberation were wish lists. Even Monsieur Macron, who I congratulate on raising the grand débat in France, made the mistake very early on of saying, "Whatever you come up with, we are definitely going to do that". Of course things occur that just are not practical for one reason or another or because some people are taking advantage of the fact that he said that. Some things were not done in France. That is not the way to do it.

The way we are suggesting it be done is the citizens say what they think, they organise themselves in ways to come up with good recommendations that are practical and they give that gift to the legislature and the Executive, with the commission obviously as the intermediary. If that happens, I think you will find that there will be a lot of consensus maintained throughout the process. As Andrew says, what is the point of engaging citizens? Please do not engage the citizens at all if it is just to sort of go through the motions, because that will lead to more distrust and more unhappiness. Ronnie, I know that is something that you have tried to avoid with the Government in Scotland creating the citizens' assembly on the constitutional arrangements in Scotland.

Q46 Navendu Mishra: The commission's remit is to restore trust in our institutions and how a democracy operates. How do you think the commission could achieve this? Dr Blick?

Dr Blick: As a historian, the first point I would like to make is that we have had some discussion today about the idea of a decline in trust in institutions, collapsing trust in institutions. That has been said many times before. You can go back to even before we properly had democracy and people were saying, "Democracy is on the way out" before it had even really been introduced. You can find Oscar Wilde saying it. We have to be slightly careful about making generalisations. That kind of terminology about restoring trust assumes that there has been a loss in trust. Obviously that wording came out of a particular interpretation, which was saying the trust that has been lost is the trust in those MPs who voted a certain way in certain divisions over a certain issue, which we do not need to go into today. But first you have to be careful about that, manufacturing a crisis and then using that as a basis for action that is being motivated by other means, so I would like to insert that.

However, I would agree that it is important to promote and maintain trust in institutions, absolutely. I think this is a good way of doing it. The kind of process we are talking about is showing that we engage with people in between voting. It is widely established that we engage people in between voting and elections. This is a way in which we can do it; we can put some trust in the people. Also I think it is a two-way thing, that it is important to do an expectation management job here. By this kind of process, by taking people through the stages of what are the issues and having proper briefings, getting experts, doing evidence sessions, you can show them, "These are the kind of considerations that are at play. It is not a simple issue. There are not straightforward yes/no answers, as sometimes might



be presented in a referendum” and show people these are difficult decisions to be made.

Hopefully you can build trust, not just by Government and Parliament listening to people through this kind of process, but also showing to the people and the people observing the process, the wider audience, that these are complex issues and, therefore, part of the trust we have in Government is a trust that recognises that Government is not easy and being Parliament is not easy. That is the kind of process I would like to see. Mutual education would be a useful part of the task and also a willingness at the end of it all, because it has been a good process, to seriously take into account the proposals that are made and to respond to them in a reasoned way. If a Government or Parliament is not adopting everything that comes out of it, say why, explain why. That is the kind of trust building. I am all in favour of building trust and I think that is the kind of way in which this process could contribute to that.

Q47 Navendu Mishra: Thank you, Dr Blick. I think your point about engaging people between election cycles is very important, among other things you said. Mr Allen, would you like to contribute?

Graham Allen: This should be win-win for everybody. I mentioned the sort of four-legged chair and that everybody in there has to support each other as part of building a new democracy. One of the things about trust—and Andrew put the citizens’ position there—I would also like to say to Members of Parliament, and I have found this very difficult, if you trust a group of people to go away on behalf of the country, on behalf of this process and they come up with stuff, I can guarantee you that they will not come up with, in this case, Graham Allen’s favourite 20 reforms or even, Andrew, your own.

They will come up with stuff, having had a serious discussion, compromising, working stuff out, seeing how this bit fits to the other bit. We, if I may say “we”, as a former colleague, will also have to trust, providing we are confident in the system, and it is up to us to make clear that you should be. They will have to trust those outcomes and say, “We see that this was done seriously. We see that they spent more time than we have on that issue, that they have greater expertise, they have consulted more widely, they have had a bigger conversation and they have done it in good faith, and that we trust to a greater extent that they are coming up with something interesting and helpful that we can work into a piece of legislation”.

Even people who have spent a lifetime writing up the ideal answers on whatever it is, the second Chamber or this, that and the other—I have had the revelation of no longer being a policy person but just being a process person. Getting the process right is what enables the policy decisions to be made but the downside is that they are not always going to be the policy decision that you personally would want. That is part of having faith and trust in the whole process. Trust begets trust. We will have more faith in MPs, we will have more faith in Government and they will have more faith



in people, and it just goes round and round and builds up. My word, I think that is what we need at the moment for pulling the country together again on some of these issues.

Q48 Mr David Jones: Graham, the Citizen's Convention proposals rely significantly on the public's engagement with the process. We are talking about constitutional issues, which to many might be regarded as rather dry and not particularly interesting. Why would this process generate more interest in constitutional issues than might otherwise be the case?

Graham Allen: David, you are asking the question that was always my favourite question when I began this journey, in a way. But looking around at all the work that has happened and has been done across the planet, people surprise you—they certainly surprise me. If you are part of the process where you have put your name forward, you are picked out because you happen to be a person of the right age, gender, geography and you are one of the people representing the microcosm of the UK, you tend to be someone who has a great sense of civic duty and you will take your job seriously, rather like on a jury.

Even with very complex cases in the legal system on juries, people listen, they ask the right questions, they want to hear the expert witnesses, but they want to be able to make up their minds and they have that discussion internally in the jury room, let's say. This is done even to a higher standard of probity in order to get the people who will form your theme assemblies as part of this greater citizens' assembly. Those people become very proud of what they have done, they own what they have done and they will have an interest in making sure that they see it through to the end.

Wider than that though, David, if you see the little graphic that we have in our proposal to Government—which I think by now should have been circulated to all Members—you will see that the Citizens' Convention proper sits in this sea of a national conversation, where if we are given enough time—as Andrew says, the more time you give a convention to do its job, the better the outcome. If we are allowed to engage with media partners using the parliamentary channel, with engaging people through, for example, automated mediation, where it is possible now to have literally thousands and thousands of people—it is one of the less frightening aspects of artificial intelligence—engaged on particular nuances of particular questions, you are engaging people in a wider sense.

It is proven elsewhere, David. I think there is nothing wrong with the water in the UK that would mean that people in the UK could not do this job just as well as they have done in certain states in America, Australia, Germany, Italy, France and indeed in China.

Q49 Mr David Jones: You compared the role of the convention to the role of the jury. The jury, of course, is not a self-selecting body; you are summoned to do jury service. In the case of the convention, you put your name forward. Isn't the danger that the individuals who put their names forward are people who have an axe to grind about the issue that they are



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being asked to deliberate on? Is that not a bit of a problem with the process? Before you answer, the other point you made earlier was the need for the convention to be—you used the expression—properly selected. Who does the selecting?

Graham Allen: It is, rightly, a complicated process. It is laid out on pages 16 and 17 in the proposal to the Government and still needs further refinement. Government need to be happy with this process, David, as well as ourselves, but to simplify it—and with all the things that arise from oversimplification—if this is taking place, if there is interest in the country, if people are inspired by the debates that are going on that we will have, that people will do on TV and online, there will be people who say, “Oh, that sounds quite interesting”. Then a seductive invitation arrives. There are people who make money from doing this sort of stuff in this field, believe it or not, not selling soap powder but about deliberation and democracy, engaging people and saying, “We can’t promise that you will be in the final selection because there may only be up to 400 or 500 people covering the whole thing and there are millions of people interested, but would you be interested? We are seeking to make this a representative microcosm of the UK” and then people can say yes or no.

They think probably they will not get drawn out of the hat, but then there is another complicated process that makes sure that every nation and region, age group and gender of the UK is properly represented in the final group and then there is a number of substitutes should anybody drop out because of births, deaths and marriages. It is done with the utmost propriety; it is done openly and with integrity by people who are expert in this field. It is much more rigorous, in my opinion, than jury selection. You will get people who are quite surprised to be drawn out, maybe a little bit taken aback. There is a wonderful video from the Irish example, where people arrive on the first day and are saying to the camera, “Oh, what on earth am I doing here? I bet they are all professors and people with master’s degrees and stuff” and, no, they are people like you. You get to know people at your table; you get to know about them and their history. Apparently they form strong friendships thereafter, which outlast the actual process.

It is done very carefully. If it weren’t, we would be wasting our time if that was not a process of high integrity. But the final check of reassurance is that none of this will move unless Government, who will commission a Citizens’ Convention through the commission, are happy that the standard is the highest possible standard to select the people to help us through some of these very difficult questions.

Dr Blick: While it is obviously the case that we would not be able to make people take part, so it would be people who wanted to take part, we would be seeking people from a range of groups, including social groups that do not normally take part as much as other social groups. We would have a range of measures in place, for instance childcare support and things like that, for those people who might otherwise not be able to take part, so



that would clearly be an objective. I suppose any political process involves people who want to take part, so in that sense it would be no different. I know in Australia they have compulsory voting. We do not have things like that here, other than for jury service, so it would not be any different to any of those other processes, only we would be paying special attention to the fact that we wanted a balance of different groups that was representative of society as a whole.

Graham Allen: Parliament itself did this process, David, on the social care question with the two Select Committees and it has also done it to a very high standard, engaging Involve, the organisation that did a superb job on the Climate Change Assembly. There are very high standards already set and they must go even higher and not slip.

Q50 **Mr David Jones:** You mentioned President Macron's faux pas, where he promised to deliver whatever the convention recommended and then realised that that was not a particularly wise thing to do. But isn't this the problem? If there were—as there would be—wide public engagement in the process but the recommendations were not seen to be implemented, might this not act as a discouragement to people or to the public, who are already alienated very much from that political process?

Graham Allen: If it was done that way, yes, and that would be destructive of the whole move towards deliberative democracy. It must be done at the outset with complete honesty, saying to people, "Your representatives in this microcosm will produce some excellent ideas but they will be hard won. They will be the result of discussion, of compromise, and as a result of that, looking over our shoulder, lots of good friends in Parliament making sure, as observers, that the process is done in absolutely the best way, but we are telling you now you do not have the right to change the law even if you put a recommendation forward". Equally saying to Government and the commission, "You do not have the right to destroy deliberative democracy by just totally ignoring and steamrolling over something that has been out there on television, everybody has been trying to get engaged online, lots of people have been tuning in to see how the convention is working. You have a responsibility to look after that newfound interest in our democracy that we are protecting and blowing gently on that candle so that it can grow and develop".

David, as I said earlier to Navendu, this is something where we hope these are trust-building measures that, bit by bit, they are doing their part, they are being fine with us, they are treating our thing seriously and everybody starts to get better and get more out of this process. It should be, if we are all fair with each other, win-win for the institutions like Parliament and Government, but also for the citizens as a whole, who will see that their ideas are being taken seriously. Many of them, if done properly, will be hopefully incorporated into the law, ultimately.

Chair: Thank you very much. With that, I thank Graham and Andrew for your contribution, and pledge to approach it with a fairer mind than perhaps my initial questioning. Thank you both very much indeed, and also



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for circulating the document with members of the Committee. That is extremely useful. I will conclude by thanking all members of the Committee and the team here for facilitating the meeting.