

Written evidence from Unlock Democracy¹ (CDR 35)

Public Administration and Constitutional Affairs Committee The Government's Constitution, Democracy and Rights Commission

Unlock Democracy's response to PACAC's questions follows.

1. What form should the Commission take? a. How should it be composed? b. Should the Commission engage the public, and if so how? c. How should the Commission proceed in its work? Over what timescale?

What form should the Commission take?

There are various forms the Commission could take. Options could include a commission with a limited number of members (the Turner Pensions commission had three members) or a Royal Commission, such as that proposed by the present Government for the Criminal Justice system, which might have a larger membership. The former approach would guarantee a faster turnaround, but at the expense of the wider participation that would be provided by the latter.

Unlock Democracy considers that the form the Commission takes is less important than its independence, how representative it is and the flexibility of its remit.

a. How should it be composed

For Unlock Democracy the Commission appointments' process is critical. For the Commission to have the credibility it will need to undertake a review of the UK's constitution, democracy, and rights, and to secure widespread support for its recommendations, the appointments' process must be transparent and open. The recommendations of a Commission with a membership too closely aligned with government is unlikely to command overwhelming public support.

b. Should the Commission engage the public, and if so how

Unlock Democracy supports the model for public engagement which has already been submitted to government by the Citizens' Convention On UK Democracy. This model is a citizens' convention.²

¹ Submitted by Tom Brake, Director of Unlock Democracy.

I am the Director of Unlock Democracy (www.unlockdemocracy.org.uk). Unlock Democracy (UD) is an organisation which campaigns for; fair and open elections, transparency in public decision-making, power to be exercised as close to people as is practicable, empowerment of individuals and their communities to have a greater say over the decisions that affect them, democratic accountability of all elected representatives, government, and public bodies and universal rights for all. Prior to my appointment as the Director of UD, I was the MP for Carshalton and Wallington (1997 to 2019) and a Minister in the Cabinet Office from 2012 to 2015. During my term as a Minister, I had responsibility for several constitutional bills.

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https://static1.squarespace.com/static/5d31c7fcfab26d00013cca0f/t/5f7b82c409e2b5141f2e3a73/1601929948359/CCUKD+PROPOSAL+OCT+2020_FA_DIGITAL.pdf

CCUKD's proposal is in three parts; a UK-wide National Conversation, followed by Themed Assemblies which will draw up clear recommendations, concluding with a UK Citizens' Summit which will report to the Commission. The Commission and Government will have the final word on any proposals.

Prior to starting the Convention, CCUKD will agree a timetable for the Convention with the Commission and Government.

To guarantee that participants in the Convention and the wider public buy into the process and support the outcome, it is essential that the Convention is not subject to political interference.

CCUKD estimate that the Convention, from beginning to end, would require two years.

The Commission, if it wants to start work quickly on consulting the public may favour the CCUKD proposal, as this can be rolled out at short notice and the Commission may need to rely on an outside organisation to undertake public consultation if the Commission's membership is small.

c. How should the Commission proceed in its work? Over what timescale?

The Commission will need to draw up and deliver a detailed programme of activities.

This should include:

- drafting its remit and agreeing this with government
- consulting on the Commission's priorities
- mapping out in greater detail the areas the Commission is going to focus on
- pulling together a programme of interviews with key witnesses
- creating opportunities for members of the public to have input into the Committee's deliberations, independent of any Citizens' Convention activities
- building into the Commission's programme regular sessions for updates from the Citizens' Convention
- working out a comprehensive social media programme to publicise its activities
- sessions towards the end of the Commission's work programme to interview the representatives of the Citizens' Convention on their findings
- a period at the end of the Commission's programme to reconcile the Citizens' Convention proposals with its own and to compile recommendations

In parallel with the Commission's work, the Citizens' Convention would conduct public engagement for the Commission, reporting back frequently to the Commission and Government on its progress and findings.

The Commission, if it follows CCUKD's model of public engagement, will need to run for a two-year period. This period will be sufficient for any programme the Commission is likely to want to undertake.

2. What should be the main purpose and output of the commission?

The main purpose of the Commission should be to engage meaningfully with the public, to establish their concerns and priorities in relation to the constitution, democracy and rights and

to put recommendations to government, based on the recommendations put forward by the Citizens' Convention and the Commission's own work.

a. How should the Commission report its findings?

The Commission should report both its interim findings and its conclusions to Government, to PACAC and any other relevant select committees (in the Commons or the Lords) and to the participants in the Citizens' Convention. Opportunities should be provided to debate the interim findings and final recommendations in Parliament.

3. Given the remit of the Commission to look at "the broader aspects of our constitution" and "come up with proposals to restore trust in our institutions and in how our democracy operates" are there issues not on the Government's list that need to be examined?

Unlock Democracy believes there are a number of significant aspects of our constitution, democracy and rights omitted from the Government's list, as well as one aspect that is included in the list but with what appears to be a restricted remit.

The UK is one of the most centralised countries in Europe. According to a recent report by IPPR North, 95p in every £1 paid in tax is taken by Whitehall; in Germany it is 69p in every £1 raised by central Government. Just 1% of GDP is spent by local government on economic affairs, half as much as is spent locally and regionally in France or Germany.³ The Commission may want to consider how devolution impacts on people's trust in politicians and democracy. This is particularly relevant in relation to the response to Covid19.

The way power is shared between Scotland, Wales, Northern Ireland, and the UK Government is not mentioned in the Government's list. Yet this is a fundamental aspect of both our constitution and our democracy. The Commission could consider how a federal system of Government, embedded in a new constitution might resolve some of the tensions between nations that have been exacerbated by the Government's response to Covid.

There is no reference to the UK's electoral system in the government's list. The UK is the only country in Europe that uses the FPTP electoral system for parliamentary elections. This system regularly grants governments sizeable majorities on a minority of the vote. This disenfranchises millions of voters in safe seats, as well as millions of voters who support minority parties. This fosters disillusionment amongst voters and could explain why the Hansard Society's latest annual Audit of Political Engagement (2019) found that 47% of respondents felt they had no influence at all over national decision-making, a new high in the Audit series.⁴ The Commission may want to include the UK's voting system in its remit.

A further omission from the Government's list is the impact that a lack of political accountability has on the trust people hold in democracy. It may be appropriate for the Commission to consider reviewing the Ministerial Code. The Commission may want to consider whether the establishment of an independent body to enforce the Ministerial code could provide a way forward. This body might provide a solution to an existing anomaly: the

³ <https://www.placenorthwest.co.uk/news/ippr-uk-power-more-centralised-than-any-other-country/>

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https://assets.ctfassets.net/rdwvqctnt75b/7iQEHTrkIbLcrUkduGmo9b/cb429a657e97cad61e61853c05c8c4d1/Hansard-Society__Audit-of-Political-Engagement-16__2019-report.pdf

absence of any mechanism for enforcing the Ministerial code against a Prime Minister in breach of that code.

Also missing from the Government's list is the impact that the perception of cronyism has on the trust people place in democracy. A belief in widespread political cronyism corrodes public trust. The Commission may want to consider what further action could be taken to maintain public trust and protect government from allegations of cronyism in relation to, for instance, the award of PPE contracts or the allocation of government funding.

Social media and its bearing on democracy is also omitted from the Government's suggested areas of review. Yet it is indisputable that, in the latest US presidential elections, the disinformation propagated through social media channels had a severely detrimental effect on US democracy and the perceived integrity of US elections. The UK is just as vulnerable as the US to the impact of such disinformation. This is a matter the Commission may want to inquire into.

The Commission could look at the role Civil Society can play in providing impartial information on democracy and elections and whether initiatives such as the Democratic Dashboard are ones that Government should support financially. The Democratic Dashboard website pulls together factual election-related information from different sources in one location. It received a million visitors during the 2019 General Election.⁵

The Government is encouraging the Commission to consider 'the broader aspects of the constitution'. Unlock Democracy believes the Commission should consider the role a codified constitution could play in strengthening democracy and safeguarding individual rights in the UK.

On the subject of rights, some countries have included or are debating including in their constitutions, social rights such as the right to food or shelter. The Commission may also want to consider whether rights of this nature should be included in a new written constitution.

Finally, the government's list includes the role of the House of Lords. The UK is the only country in Europe with a fully-unelected revising chamber. The Commission should consider the reform of the House of Lords, as well as its role.

4. What areas should be a priority for the Commission and why?

These areas will need to be identified by the Commission during the initial phase of the Commission's work as they should be based on both the Commission's and the public's priorities.

Unlock Democracy believes that constitutional reform, devolution, social rights, transparency and accountability may emerge as priority areas for the Commission and the public. These are all areas central to Unlock Democracy's campaign objectives.

November 2020

⁵ <https://democraticdashboard.com/>