

Power to the People

Rebuilding Parliament

by the Conservative Democracy Task Force

Executive summary and recommendations

This second report of the Democracy Task Force brings forward recommendations to restore and enhance the role of the House of Commons in our political life. In recent decades, the growing role of the media and the shift to a less deferential society have radically changed public expectations of the role of Parliament. In spite of some reforms and improvements, the Commons has neither kept pace with public expectations nor has it proved effective at checking and scrutinising the executive.

Parliament – and in particular the Commons - must be the focal point for rebuilding public trust in our democratic institutions. This requires a Commons that is visibly independent of the executive, controlling its own procedures, enhancing its scrutiny of government and leading rather than following public debate. This would result in:

- Greater autonomy to ensure that the Commons can lead debates, set agendas and introduce legislation to deal with issues of concern, not merely respond to public actions
- Greater independence to ensure that Parliament is seen as representing the public's interests, not just those of the executive
- Greater timeliness to ensure that MPs can act and respond to issues of the day
- Greater scrutiny to ensure that Parliament has the mechanisms and authority to scrutinise and hold government to full account
- Greater accessibility to ensure that the public have more understanding and access to Parliament and its powers

The Democracy Task Force therefore makes the following recommendations to David Cameron. Some will be for action by the next Conservative government; others will require the executive to stand back and allow the Commons itself to decide.

Independence

- The Modernisation Committee should be merged with the Procedure Committee; its chairman should come from the Opposition and should be elected by the whole House
- A Business Committee, with a Chairman elected by the whole House, should set Parliament's agenda. Government should exercise less control over the timetable than at present, restricting itself wherever possible to setting an out-date for Bills

Enhanced scrutiny

- Select Committee Chairmen should be elected for a parliament by a secret ballot of the whole House, while the

process of nomination to the Committees should be changed and the role of the Whips reduced

- The ability of Committees to call for witnesses and papers should be enhanced
- Ministers and Select Committees should agree a list of major public posts for which the relevant Committee should be able to interview the proposed appointee
- More should be made of the launch of Select Committee reports, with key reports presented by Committee chairmen on the floor of the House in statements, with opportunities for questions
- The Prime Minister should appear before the Liaison Committee on a quarterly basis
- Scrutiny of government finance should be enhanced, with Select Committees following up the work of the PAC and using the Comprehensive Spending Review process to examine departmental priorities. The PAC should, on a trial basis, examine projected costs of major projects for their realism
- The role of the European Affairs Committee should be enhanced and its meetings made public. Ministers should be summoned in advance of European Council meetings; the purpose of such hearings would be to establish the political temperature regarding proposals rather than to bind ministers' hands
- There is also merit in the 'yellow card' proposal within the European Constitution, requiring reconsideration of measures to which a third of national parliaments had objected. The measure should arguably be stronger, but at least represents a step in the right direction
- As set out in our earlier report, *An End to Sofa Government*, decisions to commit British troops to combat, and treaty ratifications, should require parliamentary approval

Timeliness and initiative

- There should be more scope for timely questions and debate, both in the Chamber and through Select Committees
- An enhanced role for Private Members Bills can achieve more non-partisan legislation, helping to revitalise Parliament's standing with the public
- Too much time in the Chamber is poorly used and our proposals will provide a better agenda. The Business Committee may also need to examine the balance of hours between committees and the Chamber

Accessibility

- Access and communications by Parliament should be improved, with enhanced links to citizenship programmes in schools. Parliamentary broadcasting should be enhanced, with a full-scale, on-line presence. There should be more

- scope to link petitions to debates in Westminster Hall
- The reasons for public disinterest in Parliament should be examined in depth by the newly merged Procedure and Modernisation Committee and proposals made for remedy

Introduction

Leaving the House of Commons chamber late in the evening at one of the darkest times of the First World War, Winston Churchill told a fellow MP, ‘This little place is what makes the difference between us and Germany ... This little room is the shrine of the world’s liberties.’¹ As late as perhaps 1960, some of that reverence carried over into a wider public for Parliament as an institution. In the succeeding decades, however, it has come to seem increasingly irrelevant, ineffective in the face of a powerful executive and outflanked by the media and judiciary as counterweights to ministers. In Bagehot’s famous definition, it is clearly not an ‘efficient’ part of the constitution; it is unlikely, however, that viewers of Prime Minister’s Question Time would consider it a ‘dignified’ body either.

Some MPs might complain that this decline in esteem is unfair, a matter of perception rather than reality. The Power Commission has chronicled the widespread feeling that Parliament is dominated by the whips and that ‘politicians seem to have more loyalty towards their party than to their constituents’.² Yet it was in the admired parliaments of the 1950s that MPs most slavishly voted the party line; they have been getting more independent-minded ever since, with the 2001-05 Parliament the most rebellious on record. In a quieter way, Select Committees – whatever their deficiencies – provide a source of questioning that was simply not there a few decades ago. Meanwhile, the level of contact that MPs have with their constituents has been transformed.³

However, the perception of decline is not mistaken. Parliament has not adapted quickly enough to a radically changing democratic environment in which the media have supplanted much of its role, deference to the institution has sharply diminished, the public’s taste for the traditional style of parliamentary discourse has waned and yet in which, with the sharp increase in legislation and executive intrusiveness, parliamentary scrutiny has never been needed more. Ministers, especially in the current government, have been able to be openly contemptuous of the Commons. Mr Blair scarcely ever went there. And, even if it can rise to the biggest

occasions – some of the debates surrounding the decision to go to war in Iraq were electrifying – on more mundane occasions the Commons’ role as the centre of the country’s democratic life has been hollowed out. Even allowing for improvements in certain respects in recent decades, the House of Commons is falling far short: both of rising public expectations and of any satisfactory performance in its core functions of scrutinising both legislation and the overall performance of the executive.

The Democracy Task Force believes that this failure must be addressed as a matter of urgency and proposes measures to make the House of Commons a more central and effective part of political life. While this report will make occasional references to a reformed House of Lords – and reforms of the two chambers should complement each other – it focuses on the Commons. It sets out proposals for reform, which we recommend as early initiatives of the next Conservative government, albeit subject to modification by the Commons itself, which will have the final say. These proposals aim to reinforce the Commons in fulfilling its central role – that of holding government to account, and forcing ministers to explain and justify their actions – in an age of reduced partisan attachment and heightened media influence.

What are we doing here?

At present, the Commons has a mixed record on delivering its core functions, which are to:

- form and provide legitimacy for government
- legislate
- legitimise taxation and spending
- perform a representative link between individual constituents and the executive
- require the government to explain its actions by exercising powers of scrutiny⁴

The Commons performs the first function adequately, while the increase in constituency work suggests that the fourth function is well discharged. (So does polling evidence that most voters hold their own MP in high regard, even while thinking little of MPs in general). However, the other functions are performed much less well. If this is to be reversed, and the Commons’ role in national life is to be revived, improvements are needed in three critical areas.

¹ Cited in Peter Hennessy, *The Hidden Wiring: Unearthing the British Constitution*, p. 142.

² *Power to the People. The report of Power: an Independent Inquiry into Britain’s Democracy*, p. 144.

³ Philip Cowley and Mark Stuart, ‘Parliament’, in Anthony Seldon and Dennis Kavanagh (eds.), *The Blair Effect 2001-5*, pp. 22-3; Andrew Tyrie MP, *Mr Blair’s Poodle: An agenda for reviving the House of Commons* (Centre for Policy Studies, 2000), pp. 12-14.

⁴ This list is taken from Tyrie, *Mr Blair’s Poodle*, pp. 8-9.

First, *timeliness*. The Commons needs to win back some of the share of public attention ceded to the media over recent decades. The media's role cannot be supplanted, but it can to at least some degree be rivalled. This can only happen if the Commons can respond to events much more quickly than at present, and can put the questions to which the public wants urgent answers. If done properly, it can help set rather than merely chase a media agenda.

Second, *independence*. Even if, as mentioned in earlier paragraphs, the Commons is less servile to the executive than is often thought, it has lagged behind public expectations and its independence needs visible reinforcement.

Third, *scrutiny* – the ability to force explanation from government, especially (but not only) when things go wrong. When there is a major failure in public policy or public services, the Commons must be a central channel for calling ministers to account. In addition, the Commons' role in scrutinising legislation must improve.

Many of the mechanisms for this improvement exist already. Select Committees, their independence reinforced, can play an important role and can also help improve the workings of the chamber. The Liaison Committee's questioning of the Prime Minister is already a significant event, and will become yet more so when – as is surely inevitable – the day comes when it seriously wrong-foots an incumbent. However, further significant changes are needed to enable the Commons to fulfil its role.

The democratic landscape of Britain has been transformed in recent decades, making huge demands on Parliament to change. The vast majority of MPs have already, in an ad hoc fashion, worked out ways of responding to the transformation. Most are already working extremely hard on their sharply increased case loads and spend far more time on their constituency issues. They demonstrate a much higher level of accountability to their electorates.

The bread and butter of Parliamentary work for a large proportion of MPs involves a much higher level of interaction with the public and pressure groups than their predecessors. MPs are heavily engaged in scrutiny of the executive but often through avenues they have created for themselves. The rapid but haphazard growth in All Party Parliamentary Groups (APPGs) is one reflection of it. The increased use by MPs of letters direct to the ministers, rather than tabling questions or oral interventions, is another. The attention many MPs now devote to Select Committee scrutiny has also sharply increased. Only a small proportion of this consists of high profile cross-examinations of ministers. Much more of it involves the scrutiny of the myriad of quangos which now

dominate so many parts of British political life and which, without such scrutiny, would often be able to proceed without any democratic accountability at all.

There is every sign that these trends, towards relatively new forms of scrutiny as well as greater engagement by MPs with the public, will continue. And they should. Yet an inescapable tension is growing between the development of those functions, demanded by the public and by informed interest groups, and maintaining the current structure of parliamentary scrutiny bequeathed to MPs by their predecessors, often of a century or more ago. This is why a rebalancing between the demands of the Chamber and of other work, including Select Committees, is so important.

Scrutinising the executive: Select Committees

The role of Select Committees, especially since they were put on a more systematic basis by Norman St John Stevas' reforms in the early days of the Thatcher government, has been to provide both an alternative source of detailed questioning of the executive and a route for MPs who are not ministers to build both expertise and some prestige. While partisan differences remain between committee members, their structure reduces the scope for the point-scoring that turns so much of the public off traditional Commons debate. As they have grown in confidence and have benefited from increased financial and staffing support, the best of the committees at least have had some success in winning the media initiative. Nonetheless, continuing executive influence has left them pale counterparts of committees in the American Congress or the German Bundestag.

The most essential reform must be to make the committees more independent of the executive and by this offer an attractive, non-ministerial career path for MPs. The 2001 furore over the government's attempts to replace Donald Anderson and Gwyneth Dunwoody by more compliant committee chairmen indicated that there was an appetite among many MPs for such a role to be filled. The Democracy Task Force therefore recommends that, once Chairmanships of Select Committees have been allocated between parties, the chairmen should be elected for a parliament by a secret ballot of the whole House. By making them Parliament's spokesmen on particular issues, this change would give a dramatic boost to the prestige and authority of committee chairmen. They would have the opportunity to become spokesmen for Parliament as a whole. They would also feel a sense of duty to the people who elected them.

Secondly, the independence of ordinary members of Select Committees – and of Public Bill Committees – should be enhanced by changes to the Committee of Selection, which appoints them. The Chairman of the Committee of Selection

should be elected by the whole House – along with other Select Committee Chairmen. The dominance of the committee by the Whips should be brought to an end, with one Whip from each of the three main parties serving on the committee. While the Whips perform a useful function in putting forward names for Statutory Instrument Committees and most of the Public Bills, their current monopoly of nomination for all committees should be ended. On controversial Public Bills, where there is a division of opinion within the main parties, backbenchers should be able to write in to the Clerk of the Committee, letting the committee know of their willingness to serve. The Committee of Selection can then consider their bid along with other nominations to ensure that the Public Bill Committee accurately reflects the balance of views in the House. Likewise with appointments to Select Committees, the Committee of Selection should no longer rubberstamp the nominations from the Whips' office, but should satisfy itself that the composition is representative of the House and that those known to have independent views are not excluded.

Thirdly, there is the question of the resourcing of the Committees. Some progress has been made to enhance the attractions and prestige of the Select Committee Chairman's role by boosting salaries. More important is the level of staffing support needed for the Committees' work. Growth in this area has been incremental, but with significant cumulative effect, and we believe that this approach should be continued: huge Congressional-style staffs are neither necessary nor appropriate.

Fourthly, the ability of Committees to call for witnesses and papers should be strengthened. Where a Committee feels that it is being thwarted in calling for a witness, it should be able to appeal to the Liaison Committee, which will be able to make representations to the Leader of the House or the Prime Minister (this would build on the Memorandum of Understanding established by the Major government in March 1997). With regard to papers, the Democracy Task Force recommends that a similar appeal should be made when access is being blocked, and that if necessary a Select Committee Chairman should be able to see papers alone on Privy Council terms to assess whether or not information is being withheld. This has some similarity to the procedure under which US Congressional Committees operate. In ordinary circumstances, advice to ministers will be excluded from what is available: it is very important to ensure that officials can give full and frank advice to ministers without it later becoming part of the political battle. If necessary, documents can be redacted to separate out decisions (which

should be fully transparent) from advice (which should not normally be so). Under some circumstances, however, it is possible that an appeal could be made successfully to the Liaison Committee for a Committee Chairman to have access to documents containing advice – but this would be very unusual.

Fifthly, we believe that Select Committees should be the vehicle through which Parliament plays an increased role in public appointments. Given the need for ministers to be clearly accountable for appointments, and the negative experience in some countries of intrusive confirmation hearings, we believe in a cautious approach to change in this area. However, we believe that there should be an interview procedure to cover a small number of 'peak' appointments (the scope for this to be agreed between ministers and the relevant select committee). Ministers would inform the committee of a proposed appointee for a post; the committee would then have the right to hold a hearing before the candidate's appointment was confirmed. The committee would be able to express its reservations over an appointment that it felt to be unsuitable, but would have no right of veto. However, a minister who insisted on an appointment over the committee's reservations would bear very public responsibility for poor performance by the candidate once in post.⁵

Finally, more should be made of the launch of Select Committee reports. We see no reason why ministers should have a monopoly of statements made to the House. The Liaison Committee should have a quota of, say, twelve statements per year, which it can draw on to enable the Chairman of a Select Committee to present his report to the House and answer questions on it. Reports such as the one in March on the Rural Payments Agency by the DEFRA Select Committee or of the Foreign Affairs Committee on the Iraq War are obvious candidates. The Chairman would summarise his report, outlining the options that were open to it and the arguments that led it to its conclusions.

As now, the Government would be obliged to reply within a fixed time; we suggest that this could be reduced from the current limit of six weeks to perhaps four weeks. If the Select Committee were not satisfied with the Government's response, it could use part of the time in the Chamber to debate Select Committee reports for a debate with a substantive vote at the end.

We accept that this approach carries risks, since it could bring a more partisan atmosphere to bear on Select Committee work.

⁵ In its report, *Government by Appointment: Opening up the Patronage State*, (Fourth Report, 2002-03, June 2003), the Public Administration Select Committee went further, arguing that the Select Committee should be able to enter a Note of Reservation on a candidate, triggering a reopening of competition for the post. We believe that this comes too close to giving the committee a veto on an appointment: responsibility for the decision should remain with ministers. Our proposal formalises and extends to other posts the approach taken by the Treasury Select Committee to candidates for the Bank of England's Monetary Policy Committee.

This could force Committee members to take a more partisan line from earlier in the process (to avoid facing a later choice of defying the whip or reversing their position); another risk is that the whips would try to pack Committees with the most compliant backbenchers. However, we believe that to accept the present arrangements is a counsel of despair. Committee work creates its own incentives to avoid narrow partisanship (at least if committee members work together for some time), obviating the first risk. If the second risk were to materialise in spite of our proposals to reduce the whips' influence, it could necessitate a further reform, the election of Select Committee members (as well as chairmen) by the whole House.

At present, the work of Select Committees is interrupted by divisions, and members of Select Committees may wish to take part in debates in the Chamber. We believe that there should be some time in the week when the Chamber does not sit, giving greater scope for uninterrupted Committee work. This may lead to a reconfiguration of the Parliamentary week. Our aim is to raise the quality and relevance of debate in the Chamber, freeing up time for work that is best carried in Select Committees. Too much time in the Chamber is poorly used and our proposals will provide a better agenda. The Business Committee may also need to examine the balance of hours between committees and the Chamber.

Scrutinising the Prime Minister: the Liaison Committee

Recent incumbents of both parties have disliked Prime Minister's Question Time, and its football crowd atmosphere is damaging to the standing of the Commons. That said, any Prime Minister who tried to end it would stand accused of evading questioning; it is hard therefore to see that it can be changed significantly. It is better to find additional ways in which the Prime Minister can come under public scrutiny. Nonetheless, PMQs should not be considered immutable. They are, after all, a relatively recent invention, dating back only to 1961 and have evolved significantly since then. Perhaps only the leaders of the major parties can take reform forward.

Since 2002, the Prime Minister has undertaken six-monthly appearances before the Liaison Committee. This has been a useful innovation, giving the scope for more in-depth questioning, and it is a precedent that we believe that no future Prime Minister could or should reverse. However, we believe that the process can be enhanced. Meetings should be more frequent, with the Prime Minister appearing quarterly (during that month, the Prime Minister's Liaison Committee appearance could substitute for his or her routine press conference).

Greater frequency would enhance opportunities for the Committee to take up topical issues that the Commons

chamber has failed to address (to take two striking recent examples, neither rendition nor the report of the Baker-Hamilton Iraq Study Group were debated, but would be obvious topics to raise with the Prime Minister). There should be some other changes to the operation of the meetings. The topics to be raised should be given greater advance publicity. The duration of meetings should be held to two hours or so; at present, questioning tends to drag. This is also linked to the composition of the Committee; we believe that a meeting of thirty or so committee Chairmen is too big and lacks focus. We recommend that the Liaison Committee should be represented by a smaller group of about a dozen chairmen of the most senior committees, retaining power of co-option in cases where another Select Committee Chairman has particular expertise.

Scrutinising the Executive: timely questions and debates

If the Commons is to win back from the mass media a central role in public debate, it will need to respond much more quickly to issues and concerns. This can be done through both the Opposition parties and through Select Committees.

Opposition Days at present have a somewhat ritualistic element to them, and do not necessarily present timely questioning and challenge to the Government. In part, this is because it is up to the Government as to when it offers the Opposition time in the Parliamentary calendar. The Democracy Task Force therefore recommends that this be changed, with the Opposition able to demand time within five working days. In addition, the Opposition must have the opportunity to trade in some of its allocated time for topical oral questions: this would be a much more effective way of putting the executive under scrutiny. An additional mechanism (the two are not exclusive alternatives) is to give a more topical focus to ministerial questions, with the Opposition spokesmen able to put down a topical question at 7 pm the previous evening.

We also believe that there should be more scope for debates called at relatively short notice on topical issues; a recent example is the report of the US Iraq Study Group, which would have been worthy of a relatively rapid debate in the Commons.

Select Committees could play a further role by giving up – on the model of the Opposition parties – some of their time for debate by raising urgent questions. Nor need their urgent questioning be restricted to the chamber. Select Committees can already summon ministers, but ministerial diary commitments can defer the meeting until a point when the urgency of the issue has passed. The Democracy Task Force recommends that, under these circumstances, the Select Committee should be able to appeal to the Speaker to require

the Secretary of State's urgent appearance, on the model of the criteria already used to grant an Urgent Question in the chamber. This approach could apply also when a Select Committee, after concluding its work, is dissatisfied by the responses given by a minister when giving evidence to it: the minister could then be called back to give account of his or her earlier answers.

The final area in which the Commons can take on a more responsive role is in its use of Private Members' Bills. Public opinion looks more and more to MPs to be effective and independent-minded representatives of public concerns, not simply parts of the party machine. An enhanced role for Private Members' Bills would help meet this demand, with increased time allocated and debates taking place after 7pm on Wednesdays rather than the graveyard shift on Friday mornings.

If the Commons is to be effective and topical, it will need to improve the use that is made of time in the chamber. The time given to general debates – often of a vague, lengthy and vapid kind – in Government time offers the best prospect for change; this could give scope for the measures described above, with shorter, sharper debates and shorter speeches. There should remain scope for fuller debate (such as two-day debates) on occasional very major issues: topics already debated this year that lend themselves to this approach include House of Lords reform (provided by the government), Trident and climate change.

Scrutinising legislation: repatriating Parliament's procedures

While excessive partisanship and lagging behind the news media have weakened the Commons, so has its deference to the executive, above all over its own timetable and the passage of Government legislation.

Given the pressures on parliamentary time, there are inevitable limits to the effective scrutiny by the Commons even of primary legislation, while secondary legislation is the preserve of the aficionado. Both functions, especially the latter, make strong demands on the revising function of a reformed second chamber. Nonetheless, the Commons' job could be done better than it is at present.

The Blair Government initially claimed the mantle, of Commons reform. Ann Taylor, who served as the Government's first Leader of the House, declared that better legislation and an ability to hold the executive to account were 'Labour's true project for Parliament and awkward though it may appear to a few on our side, a more accountable government is a better government and ultimately a re-

electable government.'⁶

However, changes to the Commons were carried out under the ambiguous rubric of 'modernisation'; unsurprisingly, measures that made it easier for the executive to get its way (such as timetabling) got through the process, whereas measures that might have enhanced the independence of the Commons (notably detaching nominations to Select Committees from the control of the whips) did not. There have, it is true, been some worthwhile changes. We do not favour a return to all-night sittings. Westminster Hall sessions have been a useful addition to Commons procedures. Overall, however, 'modernisation' has failed to deliver on its promise.

Central to this failure has been the role of the Modernisation Committee, chaired since its inception in 1997 by successive Leaders of the House. Even when that Leader of the House has been a committed parliamentarian and reformer – as was certainly the case with Robin Cook in 2001-03 – there has been a fatal confusion between parliament's needs and those of the Government. The Democracy Task Force therefore recommends that the Modernisation Committee be merged with the Procedure Committee, and that its chairman should come from the Opposition and should be elected by the whole House.

Secondly, there is a need for Parliament to regain control of its timetable. The move to timetabling legislation had originally been urged by parliamentary reformers such as the Hansard Society; in practice, however, pushed through by the Government party without consensus from the Opposition, it has simply removed one of the few weapons left against the executive. The Modernisation Committee claimed that its measures would be 'more formal than the usual channels but more flexible than the guillotine'; in practice, however, they have put guillotining on a large-scale, systematic basis.⁷ The Democracy Task Force therefore recommends that the Government's control be exercised with far more discretion and where possible should limit itself to setting an out time for a bill.

Thirdly, the Democracy Task Force recommends the creation of a Business Committee of the House of Commons to set its agenda. The Business Committee would be responsible for agreeing the future business of the House of Commons and for examining the Government's planned legislative programme in advance of the Queen's Speech. We accept that the governing party would have a majority on the Committee, and that there would be a risk of its being driven by the whips.⁸ However, we believe that it offers a more open approach than that of the 'usual channels', especially when

⁶ Cited in Lucinda Maer, *Modernisation of the House of Commons 1997-2005*, House of Commons Library Research Paper 05/46, p. 7.

⁷ *Modernisation of the House of Commons*, p. 21.

⁸ For these worries, and the case for additional reforms to buttress a Business Committee, see Meg Russell and Akash Paun (eds.), *Managing Parliament Better? A Business Committee for the House of Commons* (Constitution Unit, August 2006).

the latter have been eroded in recent years by Government willingness to force through parliamentary change on a partisan basis.

In addition, we believe that the independence of the Business Committee could be reinforced by its Chairman's election by the whole House, making him or her a representative of Parliamentary interest. We also propose that, while the Government can set a date for a bill, only the Opposition parties would have the right to propose the detailed time allocations for its different sections. Thus the decision as to which of these to accept would fall to government backbenchers on the Business Committee – but they would have to choose between Opposition proposals. In any case, as explained in our earlier report, *An End to Sofa Government*, we believe that open manipulation or overriding of the Business Committee's recommendations by the Government would leave its legislation open to more searching scrutiny by a reformed House of Lords.

The Democracy Task Force also believes that there is no reason why procedural committees – as opposed to those concerned with policy or legislation – should have government majorities: they are there to serve Parliament rather than the executive. The Standards and Privileges Committee already has a balance of Government and opposition members. We believe that this approach could be applied to the Business Committee, the Committee of Selection and the merged Procedure and Modernisation Committee, although we accept that the governing party should hold the Chairmanship (and thus a majority through a casting vote) of the first two.

There have been some modest improvements in the Commons' legislative process. The shift from Standing Committees to Public Bill Committees, with their ability to call expert witnesses, has only started to take effect, but in principle it is a welcome development. This should complement the increasing use of pre-legislative scrutiny. Many Standing Committees were dead on their feet.

In principle, Select Committees have the power to undertake pre-legislative scrutiny, though other demands on their time will inevitably limit the amount of this work that they undertake. We believe that the nature of the scrutiny to which a bill is subjected should be a matter for the House and not the executive; the Business Committee, in consultation with the appropriate Select Committee, should decide how each Public Bill should be processed by the House, subject to an out-date set by the Government.

Acceptance of these measures, and a move away from the unilateral executive dominance of recent years, will require a spirit of restraint on the part of an incoming Conservative Government. The Democracy Task Force believes that this would be realistic and in the new Government's own interests. The present approach has been counter-productive, not only in terms of producing bad legislation but also in laying the Government open to challenge from the Lords, even in its present, semi-reformed state.

Filling the big gaps: finance, Europe, treaties and war

All of the measures described so far offer important enhancements to the role of the Commons. Nonetheless, their impact will be limited if they are not accompanied by measures to tackle three huge deficiencies: the scrutiny of finance, that of EU legislation and Parliament's role in the Prerogative areas of treaty ratification and decisions to commit British troops to actual or potential combat.

Even though financial control was at the heart of Parliament's seventeenth century battles with the Crown, in recent times that power has long been ceded to the executive. Though few contemporary parliaments have the powers of the US Congress in financial matters, the British legislature is among the weakest in terms of budgetary powers in contemporary advanced democracies.⁹ There are few matters that exercise voters more than the taxes they pay and the value that they get for the money that is spent on their behalf: if Parliament, and particularly the Commons, is to recapture centre stage in the public conception of politics, it must enhance its role, and be seen to do so.

At the same time, proposals for change should be realistic: they have to work with MPs who are full-time politicians, not technical and fiscal experts. They must also avoid the risk that greater involvement in the budget process would lead groups such as Select Committees to become departmental cheerleaders for indiscriminate increases in spending.

The work of the Public Accounts Committee, supported by the National Audit Office, is probably the most effective aspect of Commons scrutiny of expenditure. However, it is questionable as to how thoroughly its work is followed up. The Democracy Task Force expects that strengthened, more independent Select Committees should take on this work, in particular following up the NAO's more technical process (which is restricted to interviewing civil servants) with a political one, calling ministers to account.

The PAC/NAO process, even if strengthened in this way, is however retrospective: we also believe that it is important that

⁹ Alex Brazier and Vidya Ram, *The Fiscal Maze: Parliament, Government and Public Money*, Hansard Society (2006), p. 34.

the Commons should enhance its role in forward-looking assessments. We believe that Select Committees should use the Comprehensive Spending Review process to question ministers as to their priorities. If Select Committee scrutiny results in a report expressing major concerns, this could be brought to Westminster Hall or the floor of the House. This matches our aim of linking more closely the work of the Committees with what happens in the Chamber. Secondly, we believe that scrutiny of major projects should be enhanced in their early stages to reduce the risk of unrealistic projections resulting in the overspending seen currently with respect to the Olympics. The Democracy Task Force recommends that the PAC, assisted by the NAO, be asked on a trial basis to select some major initiatives for an assessment of the realism of their projected costs.

The Commons' failure to provide adequate scrutiny of European legislation has long been a subject of criticism, even if in this respect it is arguably better than most legislatures within the EU. The work of the House of Lords European Union Committee is highly respected, but is more oriented towards policy rather than detailed scrutiny. The core of the problem has been the sheer scale of EU legislation, much of it of a highly technical nature, and the consequent need to sift it for politically significant and contentious items. In addition, there are difficult timing issues: examination of issues prior to a European Council could limit ministers' negotiating flexibility, but examination afterwards is ineffective. There is a need for timely Parliamentary scrutiny without weakening ministers.

The Democracy Task Force recommends that the staffing support for the European Affairs Select Committee should be enhanced. If the Chairman of the Committee was notified of a significant issue due to be debated at a forthcoming Council of Ministers, he or she should be able, with the agreement of their Committee, to summon the relevant Secretary of State. Meetings of the Committee should be held in public, not in private as at present, and with the option (as with our other proposals on Select Committee work) to go to the floor of the House if the outcome was judged unsatisfactory. We believe that these changes would enhance the standing and value of the Committee's work, both to MPs and to the public. Standing Orders would make clear that the Committee's deliberations could not be binding on the Secretary of State; however, he or she would have the opportunity to test the political temperature in advance of negotiating in the European Council. The Democracy Task Force believes that these proposals, carefully implemented, would strengthen ministers' ability to defend key British interests in European negotiations without turning them into delegates.

There is a bigger picture of failure of democratic

accountability within the EU, one that cannot be resolved solely by mechanisms of the British House of Commons. The Democracy Task Force believes that, whatever the other deficiencies of the proposed European Constitution, there was considerable merit in its proposal for a 'yellow card': if a third of national parliaments raised an objection to a proposal on subsidiarity grounds, then the EU Commission would be forced to reconsider. Arguably, some features of the proposal should be strengthened, but it is hard to argue that it would not be an improvement on the current position. It would also increase the relevance of post-negotiation examination by parliaments, since rejection of a proposed measure could now have effect at a European level.

The third glaring area of Commons weakness relates to the use of the Royal Prerogative, notably over treaty-making and decisions of war and peace. Our report, *An End to Sofa Government*, has already set out our proposal to strengthen Parliament's role on critical decisions to commit British troops to any war, international armed conflict or peace-keeping activity. We believe that it is no longer acceptable for decisions of war and peace to be a matter solely for the Royal Prerogative. The Democracy Task Force therefore recommends that a Parliamentary convention should be established that Parliamentary assent – for example, the laying of a resolution in the House of Commons – should be required in timely fashion before any commitment of troops. Under conditions of dire emergency, this requirement could be waived with the proviso that the Prime Minister must secure retrospective Parliamentary approval.

With regard to treaties, we reaffirm our belief that ratification should be removed from the Prerogative and made subject to Parliamentary consent. Those with significant implications – essentially those with financial, legal or territorial implications for the United Kingdom or its citizens – would require full Parliamentary approval, while the remainder would simply be laid before the Houses of Parliament with automatic approval if they were not challenged within twenty-one business days.

Parliament and the Public

We believe that the reforms we have outlined will make Parliament more open, topical and independent of the executive. A House of Commons reformed along these lines will be better placed to re-engage public attention and revive public respect. But it would be a mistake to underestimate how opaque and inaccessible Parliament has become in the eyes of the general public. The level of disconnection is serious and growing, and additional reforms will be necessary if a strengthened House is to reconnect with the public.

The public face of Parliament

At present, the House of Commons, no less than the House of Lords, seems an inward-facing institution governed according to arcane rules and presided over by officials with titles such as the Serjeant-at-Arms. The House has intermittently been uneasy about this image and has, for example, set up a well-resourced Education Unit, while the House of Commons Library has provided some valuable services too. But until now there has been no sustained and visible effort to communicate with the public. Much of this task rightly falls to MPs, who should offer the principal line of communication between voter and Parliament; but the House of Commons should see whether more could be done collectively to communicate its existence and role to the outside world, for example reinforcing with appropriate material citizenship classes in our schools. At present, this is a woefully weak element (the Power Commission found that quite a few schools taught their pupils nothing at all about British politics). The Group on Information for the Public, chaired by the Commons Librarian, offers a valuable starting point, but it needs to raise its profile, both in and outside Parliament.¹⁰ It might make a greater impact if it were chaired by the Leader of the House, with the Leader of the Lords as his deputy.

We are convinced too that more could be done to improve access and information for visitors to Parliament without prejudicing security or the conduct of business. Instead of queuing, often fruitlessly, for hours outside St Stephen's entrance on Wednesdays for scarce tickets for Prime Minister's questions, why should not visitors to Parliament be taken straight into a room offering TV coverage of the proceedings in the Chamber, with commentary from a well-informed guide?

The broadcasting of politics Coverage of Parliament in the print media is diminishing relentlessly. It is no use blaming the media. This decline reflects the lack of public interest in the type of politics offered by Parliament at present. We believe that this decline can be countered only by modernising and reforming Parliament along the lines discussed above. No doubt other reforms are also necessary. The reasons for public disinterest in Parliament should be examined in depth by the newly merged Procedure and Modernisation Committee and proposals made for remedy. Reform must be accompanied by a re-energising of the coverage on radio and TV and a full-blooded entry into on-line activities.

The present arrangements between Parliament and the BBC were drawn up in a tense atmosphere in which the principal concern of MPs was that their activities should not be travestied or distorted. The result is a service which relays proceedings reliably and fairly but somewhat stiffly,

contributing little to 'the mission to explain' and rarely figuring on the mainstream channels. So, for the most part, viewers and listeners have to choose between the truncated and gladiatorial confrontations with Jeremy Paxman and John Humphrys and the unabridged debates which are too indigestible for all but the political obsessive. Even admirable programmes like *The Week at Westminster* and *The Daily Politics* feel pressure to be jokey and fast-moving instead of exploring subjects at length and in depth.

We can imagine a new type of service which would offer 'Radio Three politics', offering a minister a good ten minutes to explain his proposals, followed by ample responses from opponents, professionals in the field and members of the public. There is nothing unbearably highbrow about such an approach. It is, after all, the staple fare in any decent conference or seminar; in an amended form some of it could be of use for schools in citizenship and other courses. At present the case for Parliamentary debate is going by default because the media are terrified of being thought boring. In fact intense and prolonged discussion can be much more absorbing than the routine trading of soundbites.

Some of this could be accomplished by reviewing current arrangements to improve the use of existing channels. However, the cheapest and easiest of all would be to establish a full-scale on-line presence for Parliament: interspersing clips from speeches in the Chamber or from Select Committees with round-table discussion and a suitably monitored chat-room. *The Daily Politics* often comes alive when Andrew Neill reads out a sheaf of emails from viewers whose instant responses often vary quite markedly from those of his studio guests or of the original audience in the Chamber.

A serious role for public petitions

The public petition is an ancient tradition of Parliament but one which has fallen into abject decrepitude. The Scottish Parliament, by contrast, has included in its procedures a modest but useful role for public petitions. Other parliaments, across Northern Europe especially, are exploring public petitions and initiatives as a way of remedying their perceived remoteness and inaccessibility. This is not a question of letting in the mob but rather of channelling public clamour towards its proper destination: a debate in the nation's forum. The present alternative, of a petition on the Downing Street website, tends to end in anger and frustration. Several million people sign a petition on road pricing which is answered only by a couple of offhand, temporising comments from ministers. A satisfactory procedure needs to be devised for the collection and assessment of petitions on subjects worthy of debate, with a view to finding time to debate them in Westminster Hall.

¹⁰ See *Engaging the Public: Business Plan 2007/08, A Rough Guide* (Group on Information for the Public, Houses of Parliament, May 2007)

Conclusion

During the last ten years, the House of Commons has been made weaker as the Government has taken more control over its agenda and its timetable. Government business managers now determine most of what the House debates, when it debates it, how long it takes over controversial issues and which issues are not debated at all. The Chairmanships of potentially powerful Select Committees are within the patronage of the Government whips, who give most of them to reward faithful backbenchers or loyal ex-ministers. The watchdog that should protect our liberties is becoming a lapdog which protects ministers from in-depth scrutiny. The Labour Government has been guided in its policies more by fear of the media than by respect for Parliamentary democracy.

Our proposed reforms would create new powerful roles in British democracy for the Chairmen and members of Commons Select Committees elected by secret ballot of all their fellow MPs. A new Business Committee would give the House more control over its agenda. Opposition Parties and all-party Select Committees would be able to obtain quick debates on topical issues and full discussion of critical reports.

Any elected government is entitled to get its legislative programme passed by the Commons but only after full scrutiny and debate. Only the government of the day can propose to raise taxes or spend public money, but it should expect to face a strong challenge on fairness, affordability and value for money. Electors are entitled to send an MP to an institution which is organised to be able to make a difference to the way that they are governed.

If the Conservative Party accepts our recommendations, it can create a House of Commons with significant new powers to deal with the vast size and complexity of government in the Twenty-First Century. A Conservative government would be subject to stronger Parliamentary scrutiny than modern government has faced for decades. It would enable future governments of any party to be more democratic and accountable to the higher expectations of the modern electorate.

Task Force membership:

- Rt Hon Kenneth Clarke QC MP (Chairman)
- Ferdinand Mount
- Laura Sandys
- Andrew Tyrie MP
- Rt Hon Sir George Young Bt MP
- Roger Gough (editor and rapporteur)

Rt Hon Lord Butler of Brockwell and Sir Christopher Foster are members of the Task Force and have given expert advice on a non-party basis. They support its recommendations but are not signatories to party political statements expressed in this report.