



The Governance of Britain

Presented to Parliament
by the Secretary of State for Justice and Lord Chancellor
by Command of Her Majesty

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Foreword



**The Rt Hon
Gordon Brown MP
Prime Minister**



**The Rt Hon
Jack Straw MP
Secretary of
State for Justice
and Lord Chancellor**

Our constitutional arrangements fundamentally underpin how we function as a nation. The nature of the relationship the Government has with citizens, the credibility of our institutions, and the rights and responsibilities of citizens all determine the health of our democracy.

Without a shared national purpose, and a strong bond between people and government, we cannot meet the challenges of today's world – whether in guaranteeing security, delivering world class education and health services, building strong communities, or responding to the challenges of globalisation.

In Britain, our constitution has evolved organically to renew the relationship between government and citizen, and to respond to the challenges we have faced as a nation. It is from this constant evolution that we draw strength. In 1997 the Government embarked upon a major programme of constitutional change: power was devolved away from Westminster, fundamental rights were enshrined in the Human Rights Act, freedom of information was introduced and we completed the first stage towards a reformed House of Lords.

But today we want to go further. We want to forge a new relationship between government and citizen, and begin the journey towards a new constitutional settlement – a settlement that entrusts Parliament and the people with more power.

The proposals published in this Green Paper seek to address two fundamental questions: how should we hold power accountable, and how should we uphold and enhance the rights and responsibilities of the citizen?

The paper does not seek to set out a final blueprint for our constitutional settlement. It is the first step in a national conversation. As Prime Minister and Secretary of State for Justice, we hope that people throughout the country – and from all walks of life – will participate in this debate. We believe it is vital to our strength as a democracy.

Executive summary

The Government's vision and proposals for constitutional renewal are set out in this document. The document explores the rights and responsibilities that shape the relationships which the people of this country have with each other. It considers the relationship people have with the institutions of the state, at a local, regional and national level.

This document discusses how to modernise the role of the executive in our system of governance. It looks at options to make both the executive, and Parliament, more accountable to the people and to reinvigorate our democracy. Some of the reforms proposed will be taken forward immediately, and some in legislation in the next session of Parliament. Some represent the first step towards a final outcome of renewing trust in our democratic institutions.

As part of this, the Government wants to engage people around the country in a discussion on citizenship and British values and will be conducting a series of events around the UK to gain as much input as possible.

Limiting the powers of the executive

The Government will seek to surrender or limit powers which it considers should not, in a modern democracy, be exercised exclusively by the executive (subject to consultation with interested parties and, where necessary, legislation). These include powers to:

- deploy troops abroad;
- request the dissolution of Parliament;
- request the recall of Parliament;
- ratify international treaties without decision by Parliament;
- determine the rules governing entitlement to passports and for the granting of pardons;
- restrict parliamentary oversight of the intelligence services;
- choose bishops;
- have a say in the appointment of judges;
- direct prosecutors in individual criminal cases; and
- establish the rules governing the Civil Service.

The Government will also:

- work to increase parliamentary scrutiny of some public appointments, ensure that appointments are appropriately scrutinised more generally; and
- review the role of the Attorney General to ensure that the office retains the public's confidence.

Making the executive more accountable

The Government will act to ensure that it is answerable to Parliament and the people. The Government has published a revised Ministerial Code with new arrangements for independent advice to Ministers and more transparency around Ministers' interests and travel.

The Government will:

- consider legislation with the aim of maximising the effectiveness of the Intelligence and Security Committee and, in the interim, propose changes to improve the transparency and resourcing of the Committee;
- publish a National Security Strategy which will be overseen by a new National Security Committee, chaired by the Prime Minister;
- introduce a pre-Queen's Speech consultative process on its legislative programme;
- simplify the reporting of Government expenditure to Parliament;
- invite Parliament to hold annual parliamentary debates on the objectives and plans of major Government Departments; and
- limit the pre-release of official statistics to Ministers to 24 hours before publication.

Re-invigorating our democracy

The Government will:

- continue to develop reforms for a substantially or wholly elected second chamber;
- consider extending the duration in which parties can use all-women shortlists for the selection of electoral candidates;
- better enable local people to hold service providers to account;
- place a duty on public bodies to involve local people in major decisions;

- assess the merits of giving local communities the ability to apply for devolved or delegated budgets;
- consult on moving voting to weekends for general and local elections;
- complete and publish a review of voting systems in line with the Government's manifesto commitment; and
- review the provisions that govern the right to protest in the vicinity of Parliament.

Britain's future: the citizen and the state

The Government will:

- initiate an inclusive process of national debate to develop a British statement of values;
- work with Lord Goldsmith to conduct a review of British citizenship;
- launch a Youth Citizenship Commission, looking at citizenship education, ceremonies and the possibility of reducing the voting age; and
- consult on the current guidance on flying the Union Flag from government buildings and Westminster Parliament.

Introduction

1. In every generation of our country's life, the relationship between the individual and the state, the rights and responsibilities of each and the role of our public institutions have been the subject of review, debate and reform.
2. Sometimes that reform has been evolutionary, with the gradual development of new ways of working and new relationships. Sometimes it has required a step change through legislation. Sometimes (although not for centuries) it has taken the form of revolution. But together, these reforms have developed our country from a feudal monarchy where the King's word was law and only a tiny minority had any real influence, to a representative democracy governed through a sovereign Parliament elected by universal suffrage. Alongside the growth of Parliament, we have seen the development of our common law, which for centuries has underpinned many of our most cherished rights and freedoms.
3. The pace of change has varied, but it has always been achieved through a process of discussion, and by combining an enduring respect for the value of tradition with a determination to change when change is needed. Box 1 gives a brief history of Britain's constitutional development. This Government is proud to play a key role in continuing this process of constitutional renewal. We have a responsibility to ensure that the values of this and future generations are reflected in the constitution and fabric of British politics and society.
4. Sometimes, the evolution of the constitution has failed to keep pace with the evolution of society, or government has been unwilling to recognise the need for reform, or an institution has been stretched so far that further evolutionary reform is impossible. In those circumstances, legislative intervention has proved necessary. And it is those landmark legislative reforms of which we think when looking at previous constitutional reform programmes.
5. The 20th century saw a large amount of change in society, economy and politics, which went beyond the ability of the constitution to cope with simply through adaptation or evolution. There was a significant degree of pressing demand for constitutional change.

6. From 1997, the Labour Government began introducing the constitutional changes required in a modern democracy. These included:
 - creating a Scottish Parliament and Welsh Assembly, and making devolution a practical reality;
 - modernisation of the House of Lords, ending the right of the majority of hereditary peers to be members of the House;
 - establishing the independence of the Bank of England, allowing interest rate decisions to be made free of active political involvement;
 - embedding a modern Human Rights Act into United Kingdom law, giving the domestic courts the ability to rule on human rights issues;
 - introducing the Freedom of Information Act, increasing transparency and the ability to hold Government to account;
 - reforming the role of Lord Chancellor so that the holder of the office is no longer head of the judiciary or Speaker of the House of Lords;
 - legislating to create a new free-standing Supreme Court, separating the highest appeal court from Parliament and removing the Law Lords from the legislature;
 - establishing an independent Judicial Appointments Commission to select candidates for judicial office;
 - establishing a new system of devolved government in London with the creation of the Greater London Authority; and
 - establishing the Northern Ireland Assembly, providing the opportunity for a continued, stable settlement for the first time in generations.

7. The Government is proud of these achievements. But we must go further if we are to meet the challenges which remain:
 - power remains too centralised and too concentrated in government;
 - it is not sufficiently clear what power government should and should not have;
 - some people have become cynical about, and increasingly disengaged from, the political process;¹ and
 - Britain needs to articulate better a shared understanding of what it means to be British, and of what it means to live in the UK.

¹ Surveys consistently display very low levels of trust in politicians. In 1983 18 per cent of people trusted politicians to tell the truth. This fell to a low of just 15 per cent in 1997 before rising to 20 per cent in 2005. Source: Ipsos MORI, *Opinion of Professions*, survey of c.2000 British adults aged 15+. Available at <http://www.ipsos-mori.com/polls/trends/truth.shtml>

8. The time has come to build a consensus about the changes that we can make together to help renew trust and confidence in our democratic institutions, to make them fit for the modern world and to begin properly to articulate and celebrate what it means to be British. Renewing the fabric of our nation is not a one-off project or some meaningless side-show. The aim of the proposals in this paper should be to create a renewed bond between government and the people it serves, bringing people closer to the decision-making process at both the local and national level. By rebalancing some aspects of the way power is exercised, the Government hopes to ensure that individual citizens feel more closely engaged with those representing them; able to have their voice heard, active in their communities and bound together by common ties.
9. The Government intends to initiate an inclusive national debate through which the whole country can come together to develop a British statement of values. This national debate will provide an opportunity to begin exploring the wider issue of citizenship and the future of our constitutional arrangements which underpin everything about how we function as a nation.
10. The Government has these goals:
 - to invigorate our democracy, with people proud to participate in decision-making at every level;
 - to clarify the role of government, both central and local;
 - to rebalance power between Parliament and the Government, and give Parliament more ability to hold the Government to account; and
 - to work with the British people to achieve a stronger sense of what it means to be British, and to launch an inclusive debate on the future of the country's constitution.
11. Only a confident UK will be able to adapt to the economic challenges of globalisation. Only a country sure of its identity will be able to come together to ensure our mutual security: common, inclusive values can help us overcome the threat from extremism of all kinds. Only a nation certain of its national purpose will be able to pull together to meet the common challenges of global climate change. And only by coming together as a diverse country and debating our common values, our citizenship and our constitution can we begin to forge the sense of purpose and renew the common bonds that will allow us to meet these challenges together.

Next steps

12. This document sets out a range of proposals that the Government believes will meet its objectives. Some will be introduced through legislation in the next session of Parliament. Some represent the start of a process of consultation, and over the coming weeks and months the Government will conduct various discussions in various ways to ensure that the proposals contained here can be best effected.
13. Some of the ideas and measures proposed will apply to the whole of the United Kingdom. But the devolution settlement means that some issues are in the hands of the devolved legislatures of Scotland, Wales and Northern Ireland. The Government's proposals in those cases apply only in England but it hopes that the devolved administrations will be equally involved in the dialogue to come.

Box 1: Setting the scene – the United Kingdom's constitutional settlement

Although the bedrock of personal liberties in Britain is traditionally held to be Magna Carta, the birth of the modern British constitution is often considered to be the Glorious Revolution of 1688. The deposition of James II of England and James VII of Scotland led to the beginnings of a parliamentary democracy in which no Monarch could wield absolute power. The Parliaments of England and Scotland enacted in quick succession the legislation that still forms the basis of the relationship between Monarchy and Parliament and between Parliament and people. The English Declaration of Rights 1689 and the Scottish Claim of Right Act 1689 set out the roles of Parliament and of the Crown, and also the fundamental rights of the people – for example, to be subject to proper justice, and free from military rule or excessive fines.

The intervention of Parliament in 1688 and then in 1700 to determine the succession to the Crown was an indication of how far, by that time, power had shifted from the Monarch to Parliament. The Treaty of Union 1706, enacted by the Parliaments of England and Scotland in 1707, created Britain as a nation.

The settlement put into place at the beginning of the 18th century was sufficiently flexible and adaptable to accommodate significant further shifts in power and responsibility within the Government. The 18th century was therefore a period of constitutional consolidation and evolutionary development. Although it saw dramatic developments elsewhere, such as the loss of the American colonies, and the wars against revolutionary France, in Britain there was no further dramatic change. The Union with Ireland Act in 1800 was the only decisive constitutional statute.

It was not until the 1830s that the system came under such strain that formal legislative intervention was needed. As a result of the industrial revolution, the pattern of the electoral franchise – the law governing who can vote – had become untenable. Large centres of population had no MPs, while some deserted villages returned two. The franchise was extended by the Great Reform Act 1832, but the type of elector and the type of person who was elected changed little. This was, therefore, only the first step on a road of electoral reform which culminated in the introduction of universal adult franchise nearly a century later, in 1928.

Just as power had passed from the Crown to Parliament, and from Ministers selected by the King to Ministers endorsed by Parliament, so power also gradually passed from the House of Lords to the House of Commons. The extension of the franchise, the increasing scope of government and the consequent need for public funding, gradually consolidated the Commons' position. When the House of Lords rejected Lloyd George's budget in 1909, they were already breaching a convention of some years' standing. The result of their action was the Parliament Act 1911, which finally confirmed the superiority of the Commons. The Act, as amended in 1949, still governs the relationship between the two Houses.

The first half of the 20th century also saw the partition of Ireland (in 1921) and the transition from Empire to Commonwealth.

The second half of the 20th century saw constitutional reform across Europe which recast the relationship between the citizen and the state and the relationship between nation states and the broader international community. In Britain, the 1945 Labour Government established the welfare state, building on the reforms of the 1906 Liberal Government. British citizens gained a range of economic and social rights, like universal access to healthcare. The decision to give home rule to India in 1947 was only part of a process in which Britain changes its relationship with peoples and territories across the globe, as new nation states emerged, often in bloody struggle, from former European colonial empires. The post-war settlement also saw the growth in international organisations and international conceptions of rights. The establishment of the United Nations in 1945 led to the Universal Declaration of Human Rights (1948), which in turn inspired two major UN human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both 1966); the UK is party to each. The Treaty of London (1949) created the Council of Europe, which now has 47 member states and works to promote democracy, human rights and the rule of law. Under its auspices, the European Convention on Human Rights (1950) was drafted principally

by British lawyers. And in 1973, the UK joined the European Economic Community (now the European Union) and became a part of a multinational political structure.

Post-war electoral reforms continued the process of promoting fairness. These reforms included the abolition of plural voting in 1948, which meant that electors could vote only in their constituency, and the reduction of the voting age to 18 in 1969. The Life Peerages Act 1958 allowed the creation of many non-hereditary members of the House of Lords, and also permitted women to sit in the House of Lords for the first time. The Peerage Act 1963 allowed hereditary peers to renounce their titles to remain in the House of Commons.

Local government saw a number of reforms designed to marry democratic accountability with the most efficient delivery of public services. The Local Government Act 1972 introduced the two-tier pattern of county and district councils still used in many parts of England today; however, the metropolitan county councils that it created, along with the Greater London Council (1965), were abolished in 1986. The Local Government Act 1992 allowed the creation of single-tier unitary authorities. Following successive reforms, local government in Wales, Scotland and Northern Ireland now also follows a single-tier model, based on counties and country boroughs (Wales), council areas (Scotland) and districts (Northern Ireland).

Through the 1980s and 1990s, government power was devolved to a wide range of bodies, including executive agencies and quangos (today called non-departmental public bodies). Public services that had previously been provided only by national or local government increasingly came to be provided under contract by the private sector. Many major nationalised utilities, including electricity, water and gas, were also privatised, as was British Rail in 1995-7. Also in 1997, the Labour Party returned to power with an agenda for wide-ranging constitutional reform, outlined earlier in this document.

1. Limiting the powers of the executive

14. For centuries the executive has, in certain areas, been able to exercise authority in the name of the Monarch without the people and their elected representatives in their Parliament being consulted. This is no longer appropriate in a modern democracy. The Government believes that the executive should draw its powers from the people, through Parliament.
15. The flow of power from the people to government should be balanced by the ability of Parliament to hold government to account. However, when the executive relies on the powers of the royal prerogative – powers where government acts upon the Monarch’s authority – it is difficult for Parliament to scrutinise and challenge government’s actions. If voters do not believe that government wields its power appropriately or that it is properly accountable then public confidence in the accountability of decision-making risks being lost.
16. That is why the Government is proposing immediate and specific changes to strengthen our democracy – changes that will restrict the power of the Prime Minister and the executive.
17. It is important that the key decisions that affect the whole country – such as the decision to send troops into armed conflict – are made in the right way, and with Parliament’s consent. The same is true of treaties that the UK makes with its partners in Europe and across the world. Government’s power to deploy troops and ratify treaties stems from the royal prerogative. In a modern 21st century parliamentary democracy, the Government considers that basing these powers on the prerogative is out of date. It will therefore seek to limit its own power by placing the most important of these prerogative powers onto a more formal footing, conferring power on Parliament to determine how they are exercised in future. And where archaic powers are no longer in use – for example the right to impress people into the Royal Navy – the Government will consider options for ending them.
18. Recent years have seen increased concern about the security of the nation and additional measures to protect people and their livelihoods. Decisions about our national security affect us all and it is important to look at how the scrutiny of intelligence and security matters can become more transparent in a way that strengthens the legitimacy of, and support for, our security and intelligence Agencies without putting our collective safety at risk.

19. It is important that Parliament is strengthened to ensure that its own powers – whether ancient or more recently acquired – continue to be exercised effectively within appropriate limits and in a way that means the people whom it serves understand its work and have faith in its decisions.

Moving royal prerogative powers to Parliament

20. In most modern democracies, the government's only powers are those granted to it by a written constitution or by the legislature. A distinguishing feature of the British constitution is the extent to which government continues to exercise a number of powers which were not granted to it by a written constitution, nor by Parliament, but are, rather, ancient prerogatives of the Crown. These powers derive from arrangements which preceded the 1689 Declaration of Rights and have been accumulated by the government without Parliament or the people having a say.
21. The powers acquired by government in this way are commonly referred to as the "royal prerogative" powers but this term includes a number of powers, not all of which are exercised by the government. The prerogative powers include:
 - the *legal prerogatives* of the Crown, which the Monarch possesses as an embodiment of the Crown. These include the principle that the Crown is not bound by statute except by express words or necessary implication; that is, that the legislation does not make sense unless it applies to the Crown explicitly.
 - the Monarch's *constitutional or personal prerogatives*. Certain of these prerogative powers are, by convention, exercised on the advice of Her Ministers, for example the power to grant most honours. These powers are effectively exercised by the Government.
 - *prerogative executive powers*, which are effectively devolved from the Monarch to Her Ministers. The precise scope of the prerogative executive powers is uncertain: there is no authoritative list. Conventions exist on the exercise of prerogative executive powers but these remain uncodified.
22. The main prerogative powers exercised by the Government (or by the Monarch on Government advice) are set out in Box 2.

Box 2: Main royal prerogative powers exercised by the Government

The Government exercises prerogative powers to:

- Deploy and use the Armed Forces overseas
- Make and ratify treaties
- Issue, refuse, impound and revoke passports
- Acquire and cede territory
- Conduct diplomacy
- Send and receive ambassadors
- Organise the Civil Service

The Government makes recommendations to the Monarch to exercise her powers to:

- Grant honours or decorations
- Grant mercy
- Grant peerages
- Appoint Ministers

23. The prerogative powers of the Government cannot be exercised without restraint. The 1689 Bill of Rights formally curtailed the powers of the Crown by legislating to remove or outlaw a number of ancient rights of the Crown and subsequent statutes and conventions have limited them further. Moreover, the courts scrutinise the exercise of many of the powers through the mechanism of judicial review, whereby the actions of a Minister can be challenged on the basis that he or she did not have the power to act in such a way, or that the act was unreasonable. Ultimately Ministers are also accountable to Parliament for their actions in exercising the prerogative powers. Ministers can be required to answer questions on any decisions they take, or on any policies they introduce, regardless of whether Parliament or the prerogative has conferred on them the power to act.
24. The Government believes that in general the prerogative powers should be put onto a statutory basis and brought under stronger parliamentary scrutiny and control.² This will ensure that government is more clearly

² No changes are proposed to either the legal prerogatives of the Crown or the Monarch's constitutional or personal prerogatives, although in some areas the Government proposes to change the mechanism by which Ministers arrive at their recommendations on the Monarch's exercise of those powers.

subject to the mandate of the people's representatives. Proposals in relation to certain specific powers are set out below and these can be addressed now. The Government also intends to undertake a wider review of the remaining prerogative executive powers and will consider whether, in the longer term, all these powers should be codified or put on a statutory basis.

Deploying the Armed Forces abroad

25. There are few political decisions more important than the deployment of the Armed Forces into armed conflict. The Government can currently exercise the prerogative power to deploy the Armed Forces for armed conflict overseas without requiring any formal parliamentary agreement.
26. The Government believes that this is now an outdated state of affairs in a modern democracy. On an issue of such fundamental importance to the nation, the Government should seek the approval of the representatives of the people in the House of Commons for significant, non-routine deployments of the Armed Forces into armed conflict, to the greatest extent possible. This needs to be done without prejudicing the Government's ability to take swift action to protect our national security, or undermining operational security or effectiveness. The Government will therefore consult Parliament and the public on how best to achieve this.
27. There have been several attempts in recent years to introduce legislation which would set out the conditions under which the Government could not proceed with a deployment without the approval of the House of Commons. The House of Commons Public Administration Select Committee in its report *Taming the Prerogative*³ thought that this was an area in which the Government should consider introducing legislation. The House of Lords Constitution Committee undertook an extensive inquiry in 2005-6 into this subject.⁴ Its report concluded, conversely, that legislation is not the best route. Instead, it favoured the development of a parliamentary convention. Such a convention could be formalised by a resolution of the House of Commons with the same status as Standing Orders of the House.

³ House of Commons Public Administration Select Committee, *Taming the Prerogative: Strengthening Ministerial Accountability to Parliament*, Fourth Report of Session 2003-04, HC 422, London, The Stationery Office Limited, 16 March 2004.

⁴ House of Lords Select Committee on the Constitution, *Waging War: Parliament's role and responsibility*, HL Paper 236, London, The Stationery Office Ltd, 27 July 2006.

28. Both reports recognised that there were difficult issues which would need to be addressed to ensure that the mechanism put in place would provide sufficient flexibility for deployments which need to be made without prior parliamentary approval for reasons of urgency or necessary operational secrecy. We would want to avoid any risk that members of the Armed Forces could be subject to legal liability for actions taken in good faith while protecting the national interest in such deployments.
29. The Government will propose that the House of Commons develop a parliamentary convention that could be formalised by a resolution. In parallel, it will give further consideration to the option of legislation, taking account of the need to preserve the flexibility and security of the Armed Forces. It will be important to strike a balance between providing Parliament with enough information to make an informed decision while restricting the disclosure of information to maintain operational security.
30. As set out in the motion approved by the House of Commons when it debated this issue on 15 May 2007,⁵ the Government will undertake further consultation on this issue before bringing forward more detailed proposals for Parliament to consider.

Ratifying treaties

31. Every year, the UK becomes party to many international treaties. These result in binding obligations for the UK under international law across a wide range of domestic and foreign policy issues. It is right that Parliament should be able to scrutinise the treaty making process.
32. The Government's ability to ratify treaties is currently constrained in two ways. Treaties that require changes to UK law need the enactment of prior legislation which, of course, requires the full assent of Parliament. Examples in recent years have included the Statute of the International Criminal Court⁶ and European Union accession treaties. Many other treaties are covered by a convention, known as the Ponsonby Rule, which is explained in Box 3.
33. The Government believes that the procedure for allowing Parliament to scrutinise treaties should be formalised. The Government is of the view that Parliament may wish to hold a debate and vote on some treaties and, with a view to its doing so, will therefore consult on an appropriate means to put the Ponsonby Rule on a statutory footing.

⁵ House of Commons Hansard, Col 1201, 15 May 2007.

⁶ Rome Statute of the Criminal Court, Rome, CM 5590, 17 July 1998 [The United Kingdom instrument of Ratification was deposited on 4 October 2001 and the Statute entered into force for the United Kingdom on 1 July 2002].

Box 3: The Ponsonby Rule

The Ponsonby Rule provides that treaties which do not come into force on signature, but which instead come into force later when governments express their consent to be bound through a formal act such as ratification, must be laid before both Houses of Parliament as a Command Paper for a minimum period of 21 sitting days. In 2000, the Government undertook that it would normally provide the opportunity to debate any treaty involving major political, military or diplomatic issues, if the relevant select committee and the Liaison Committee so request.

Explanatory Memoranda are provided with each treaty laid before Parliament to keep it informed about the UK's treaty intentions. Parliamentary debates are, however, rare. There is no binding mechanism for Parliament to force a debate or which dictates the form of any debate.

Dissolving Parliament

34. The current constitutional convention is that the Prime Minister can request the Monarch to exercise her prerogative power to dissolve Parliament. Dissolution will trigger a general election. At the end of a five-year term, Parliament is automatically dissolved (under the Parliament Act 1911); and the Prime Minister will, by convention, ask the Monarch to dissolve Parliament when it has passed a motion of no confidence in the government. Otherwise, Parliament is only dissolved if the Monarch so chooses and in practice, for over a hundred years, he or she has done this whenever, and only when, the Prime Minister has requested it. This gives the Prime Minister significant control over Parliament.
35. The Government believes that the convention should be changed so that the Prime Minister is required to seek the approval of the House of Commons before asking the Monarch for a dissolution. Any new arrangements would have to provide for the situation in which it proves impossible to form a government which commands the support of the House of Commons and yet Parliament refuses to dissolve itself.
36. The Government will consult Parliament, interested bodies and the public. If it is agreed that changes should be made, the Prime Minister will announce the decision to Parliament and this will, through precedent, become a constitutional convention.

Recalling the House of Commons⁷

37. Under the existing Standing Orders of the House,⁸ the House of Commons is recalled during a recess only when the Government makes representations to the Speaker for a recall and the Speaker judges that the public interest requires a recall.⁹ This means that Members of Parliament who are not members of the Government can request a recall only through the Government. If the Government refuses such a request, MPs have no other course of action.
38. The Speaker has, at the request of Government, recalled the House of Commons¹⁰ during a recess several times in recent years, such as on 2/3 September 1998 (to discuss the Omagh bombings), on 14 September 2001 (to discuss the 9/11 atrocity), on 3 April 2002 (to pay respects to Her Majesty Queen Elizabeth The Queen Mother) and on 24 September 2002 (to discuss Iraq). But the Government believes that where a majority of members of Parliament request a recall, the Speaker should consider the request, including in cases where the Government itself has not sought a recall. It would remain at the Speaker's discretion to decide whether or not the House of Commons should be recalled based on his or her judgement or whether the public interest requires it, and to determine the date of the recall.
39. The Government will therefore suggest to the House of Commons that the Standing Orders of the House be amended to allow this to happen and will consult with the House of Commons Modernisation Committee on precisely what amendment should be made.

Placing the Civil Service on a statutory footing

40. Britain has been fortunate over the last century and a half to have a Civil Service governed by the key principles of impartiality, integrity, honesty and objectivity. The British Civil Service, as designed by the Northcote-Trevelyan report in 1854,¹¹ remains widely admired across the world. The Civil Service, underpinned by these values, has helped guide successive governments of different political colours through profound political, economic and social change.

⁷ Although the power to recall the House of Commons is not a prerogative power it is discussed here as it is exercised in a similar manner to the power to dissolve Parliament and many of the same issues surround its use.

⁸ House of Commons Standing Orders Relating to Public Business 2007, Standing Order Number 13, London, The Stationery Office, 2007.

⁹ The Lord Speaker has discretion to recall the House of Lords but may do so only after consultation with Her Majesty's Government.

¹⁰ At these times the House of Lords was also recalled on the request of the Lord Speaker.

¹¹ The 'Northcote-Trevelyan Report' was first published in Parliamentary Papers, 1854, volume xxvii, but it is more accessible today as Appendix B of the 'Fulton Report', Cmnd 3638, June 1968.

41. However, the role, governance and values of the Civil Service are not set out in parliamentary legislation. Instead, the Prime Minister, as Minister for the Civil Service, exercises powers in relation to the Civil Service under the royal prerogative.
42. The Northcote-Trevelyan report recommended that the core values and principles of the Civil Service be enshrined in parliamentary legislation. However no government has delivered on this recommendation. The merits of a Civil Service Bill have been the subject of considerable debate in recent years. In 2003, the House of Commons Public Administration Select Committee published a draft Civil Service Bill and a year later, building on this, the Government launched a consultation on its own bill. These consultation processes and other public debates have revealed a considerable body of opinion in favour of Civil Service legislation.
43. The Government believes that, as part of the legislation it intends to bring forward in the next Session, it is right to include measures which will enshrine the core principles and values of the Civil Service in law.
44. This legislation will place the independent Civil Service Commissioners on a statutory footing. It will also make a legal reality of the historic principle of appointment on merit following fair and open competition. As the Civil Service Commissioners themselves have pointed out, legislation will ensure that the Civil Service is not left vulnerable to change at the whim of the Government of the day without proper parliamentary debate and scrutiny. It is also important, however, that legislation in respect of the Civil Service is concise and focused, ensuring it does not hamper the Service's ability to respond flexibly and rapidly to changing circumstances.
45. Amongst other matters, the legislation will clarify the legitimate and constructive role of Special Advisers within government. Having Special Advisers allows Ministers to get the political advice they need, and reinforces the political impartiality of the permanent Civil Service by clearly distinguishing the sources of political and non-political advice.
46. It is important that the boundaries of the role of Special Advisers are made clear. Article 3(3) of the Civil Service Order in Council 1995 (as amended in 1997) allowed the Prime Minister to appoint up to three Special Advisers in 10 Downing Street who were not subject to the general restriction that their role is to provide assistance to a Minister, and are allowed to give orders to civil servants.
47. The Government believes that it is inappropriate for even a limited number of Special Advisers to have such a role and has revoked these provisions by an Order in Council. This will be made permanent in the forthcoming legislation.

48. The Government will consult on the proposed Civil Service legislation with the Scottish Executive and Welsh Assembly Government. The Northern Ireland Civil Service is a separate service.

Wider review and reforms of the prerogative executive powers

49. The proposals set out above address some of the specific concerns that have been raised about the use of the royal prerogative. The Government intends to build on the proposals of the report of the House of Commons Public Administration Select Committee in 2004,¹² and on discussions by members of all parties in recent years, and begin a modern, systematic reform of the scope and nature of the prerogative powers.¹³
50. The powers currently exercised under the royal prerogative must continue to be held by someone, with appropriate constraints on their use. The Government will consider whether all the executive prerogative powers should, in the long term, be codified or brought under statutory control. The Government will consult on whether:
- individual prerogatives, in addition to those discussed above, should be brought onto a statutory basis. Prerogatives to be examined will include the power to grant pardons and remission to prisoners and the power to issue, refuse to issue, revoke or withdraw passports. Both these prerogatives can have a profound effect on the lives of individuals and Parliament, as the representatives of the people, should be confident that it endorses the circumstances in which they are exercised;
 - certain prerogative powers which may now be considered archaic might be transferred elsewhere or even abolished; and
 - there may be a case for abolishing certain prerogative powers which are now effectively redundant (either because they have been replaced by legislation, such as the guardianship of infants, or because they are no longer applicable, such as the Crown's right to impress men into the Royal Navy).
51. The process of consultation and review will take account of areas in which prerogative powers are now exercised by the devolved administrations. For instance, in Scotland the prerogative of mercy is exercised by the Scottish Executive as it has responsibility for criminal law and prisons.

¹² House of Commons Public Administration Select Committee, *Taming the Prerogative: Strengthening Ministerial Accountability to Parliament*, Fourth Report of Session 2003–04, HC 422, London, The Stationery Office Limited, 16 March 2004.

¹³ None of the reforms raised in this paper is concerned with uses of the royal prerogative in countries and British Overseas Territories other than the UK of which The Queen is Monarch.

Role of the Attorney General

52. As the chief Law Officer of the Crown, the Attorney General is currently the Crown's principal legal adviser; has ministerial responsibility for areas of criminal and civil justice, including superintendence of the main prosecuting authorities; and is responsible for exercising certain functions as guardian of the public interest (including those functions he or she exercises in relation to individual criminal cases).
53. This set of responsibilities has evolved gradually over many centuries. The complexity of the role has attracted much public comment in recent years around several issues, most notably:
 - the position of a Government Minister as chief legal adviser; and
 - the position, often statutory, of the Attorney in the role of guardian of the public interest.
54. The Government is fully committed to enhancing public confidence and trust in the office of Attorney General and is keen to encourage public debate on how best to ensure this and will listen to the views of all those with an interest. We will therefore publish a consultation document before the summer recess which considers possible ways of alleviating these conflicts (or the appearance of them) and invites comments. The Government looks forward in particular to the report of the Constitutional Affairs Select Committee of the House of Commons, and will study the Committee's report carefully.
55. The Attorney General will continue to exercise statutory superintendence functions over the prosecution authorities throughout this consultation exercise. The trilateral arrangements for the criminal justice system involving a partnership of the Home Secretary, Secretary of State for Justice and the Attorney General will continue.
56. The position of Her Majesty's Attorney General as legal adviser to the Crown remains unchanged.

The Government's role in ecclesiastical, judicial and public appointments

Appointments in the Church of England

57. The Church of England is by law established as the Church in England and the Monarch is its Supreme Governor. The Government remains committed to this position.
58. Because The Queen acts on the advice of Ministers, the Prime Minister as her First Minister has a role in advising The Queen on certain appointments within the Church. Diocesan and Suffragan Bishops, as well as 28 Cathedral Deans, a small number of Cathedral Canons, some 200 parish priests and a number of other post-holders in the Church of England are appointed by The Queen on the advice of the Prime Minister.
59. In the case of Archbishops and Diocesan Bishops, reflecting the agreement reached between the Church and the State in 1976, the Crown Nominations Commission (formerly the Crown Appointments Commission) passes two names to the Prime Minister, usually in order of preference, who may recommend either of them to The Queen, or reject both and ask for further nominations. The Crown Nominations Commission is a Church-based body, with the Archbishop of Canterbury as Chair and the Archbishop of York as Vice-Chair. However, the Prime Minister's Secretary for Appointments is an ex-officio and non-voting member. The chair of the Crown Nominations Commission is taken by the Archbishop in whose province the vacancy has arisen.
60. For the appointment of Suffragan Bishops the relevant Diocesan Bishop is required by law to submit two names to the Crown. These are passed to the Prime Minister by the Archbishop of the Province concerned with a supportive letter. It has been the convention for more than a century that the Prime Minister advises the Monarch to nominate the person named first in the petition.
61. In the case of Deans appointed by the Crown, it is the practice for the Prime Minister to commend a name to the Queen, chosen from a shortlist provided by the Prime Minister's Secretary for Appointments and agreed with the Diocesan Bishop, and following consultations with the Cathedral, Bishop, Archbishop of the province concerned and others as appropriate. (The aim is to reach agreement with the Bishop on the preferred order of the list.) In the case of the Crown canonries and parishes, following consultations led by the Downing Street Appointments Secretariat, the Prime Minister recommends the appointment to The Queen.

62. In considering the role which the Prime Minister and the Government should play in Church appointments, the Government is guided by four principles:
- the Government reaffirms its commitment to the position of the Church of England by law established, with the Sovereign as its Supreme Governor, and the relationship between the Church and State. The Government greatly values the role played by the Church in national life in a range of spheres;
 - The Queen should continue to be advised on the exercise of her powers of appointment by one of her Ministers, which usually means the Prime Minister;
 - in choosing how best to advise The Queen on such appointments, the Government believes in principle that the Prime Minister should not play an active role in the selection of individual candidates. Therefore, the Prime Minister should not use the royal prerogative to exercise choice in recommending appointments of senior ecclesiastical posts, including diocesan bishops, to The Queen; and
 - the Church should be consulted as to how best arrangements can be put in place to select candidates for individual ecclesiastical appointments in line with the preceding principles.
63. To reflect the principle that, where possible, the Prime Minister should not have an active role in the selection of individual candidates, for diocesan bishoprics the Prime Minister proposes that from now on he should ask the Crown Nominations Commission to put only one name to him, a recommendation he would then convey to The Queen. The Government will discuss with the Church any necessary consequential changes to procedures. The current convention for appointing Suffragan Bishops will continue.
64. The Government respects and understands the different arrangements for Cathedral, parish and other Crown appointments in the Church. Developing any new arrangements for such appointments will require a process of constructive engagement between the Government and the Church, and the Government is committed to ensuring a productive dialogue. The Government is aware that a Church review of certain senior appointments, including Cathedral appointments, is to be debated by General Synod later this month; it hopes that this will be a good starting point for that dialogue. Until new arrangements are agreed, the Secretary for Appointments will continue to assist as appropriate.

65. These changes would also have implications for the Lord Chancellor's patronage of some 450 parishes and a small number of canonries. It would be sensible for any changes agreed to the procedures for Crown patronage to be also agreed for the Lord Chancellor's patronage.
66. No changes are proposed to Crown appointments to the Royal Peculiars such as Westminster Abbey and St. George's Chapel, Windsor, reflecting the personal nature of the relationship of these institutions with the Monarch. Current conventions will continue.

Other non-executive appointments

67. As well as Bishops and other senior ecclesiastical appointments, there are many other appointments that are not related to the carrying out of the executive's functions where Ministers, often the Prime Minister, have a role in advising the Monarch. These include the Poet Laureate, Regius Professors, the Masters of Trinity College and Churchill College, Cambridge, and the Astronomer Royal.
68. The Government proposes to review such appointments in conjunction with the institutions affected with a view to removing any active role for Ministers, instead asking that the Government be given only one name, which it would pass to the Monarch.

Judicial appointments

69. Most countries have some provision for the executive to select key judges from a list of names. In England and Wales, until recently all judicial appointments were made or recommended by the Lord Chancellor.¹⁴
70. Since the Judicial Appointments Commission (JAC) began work in 2006 the Lord Chancellor has retained a residual role in appointments, either in accepting the JAC's selection or rejecting a name or asking for it to be reconsidered. The grounds on which he can reject or ask for reconsideration are strictly limited by statute and reasons must be given in writing.

¹⁴ The Constitutional Reform Act 2005 established the Judicial Appointments Commission (JAC) as an independent body to select judicial office holders in England and Wales. Scotland has had a separate JAC for a number of years.

71. The Government is willing to look at the future of its role in judicial appointments: to consider going further than the present arrangement, including conceivably a role for Parliament itself, after consultation with the judiciary, Parliament and the public, if it is felt that there is a need. In consulting on this issue the Government will also take account of the roles in judicial appointments of Ministers in the devolved administrations.

Streamlining public appointments

Improving current processes and strengthening the House of Commons' role

72. Public bodies at arm's-length from Ministers play an important role in public life across a range of areas ranging from the regulation of key utilities to health service bodies and from the boards of museums and galleries to those who can investigate complaints about the way key public services are provided. All in all there are some 21,000 such appointments and ultimately they are the responsibility of Ministers, who are accountable to Parliament for these appointments.
73. Lord Nolan's report in 1995 recommended a number of measures designed to bolster public confidence in such appointments. The independent Office of the Commissioner for Public Appointments was created, which oversees and audits a wide range of public appointments in line with core principles of appointment on merit, probity and transparency.
74. Building on these improvements, the Government believes the time is now right to go further and seek to involve Parliament in the appointment of key public officials. The role of Parliament, and specifically the issue of Committee hearings with those nominated for office, has been the subject of considerable debate over the past decade. Some, including the Commissioner for Public Appointments, have drawn attention to potential risks about deterring suitable candidates and the need for confidentiality in appointments processes, because, for example, a number of key appointments could impact on the financial markets.
75. However, there are a number of positions in which Parliament has a particularly strong interest because the officeholder exercises statutory or other powers in relation to protecting the public's rights and interests. Some of these appointments are not subject to oversight by the Commissioner for Public Appointments or other form of independent scrutiny.

76. The Government therefore believes that Parliament, through its select committees, should play this role. It therefore proposes that the Government nominee for key positions such as those listed below should be subject to a pre-appointment hearing with the relevant select committee. The hearing would be non-binding, but in the light of the report from the committee, Ministers would decide whether to proceed. The hearings would cover issues such as the candidate's suitability for the role, his or her key priorities, and the process used in selection.
77. The Government, in consultation with the Liaison Committee, will prepare a list of such appointments for which these hearings will apply. Where responsibility is devolved, it will be for the respective administration to consider the appointment. Examples might include:
- The First Civil Service Commissioner (following the announcement by the Government that it is to legislate to place the Civil Service and its independent Commissioners on a statutory footing, it is right that Parliament should have a role in this appointment);
 - The Commissioner for Public Appointments (who is responsible for ensuring public confidence in several thousand other appointments);
 - The Parliamentary Commissioner for Administration and Health Service Commissioner for England (who is responsible for investigating maladministration in central government and the NHS);
 - The Local Government Ombudsman for England; and
 - Independent inspectors such as the Chief Inspector of Prisons and the Chief Inspector of Probation for England and Wales.
78. This list will be kept under review and discussed with the Liaison Committee, and, where appropriate, the Commissioner for Public Appointments.
79. For market-sensitive and certain other appointments, including the Governor and the two Deputy Governors of the Bank of England, the Chairman of the Financial Services Authority, and some utility regulators, there is a particular set of issues around confirmation hearings. But the Government does believe that it is important to ensure greater accountability than currently exists. So, for these positions, once the appointment has been approved, the relevant select committee will be invited to convene a hearing with the nominee before he or she takes up post. The relevant department will consult with the select committee as to what such hearings might usefully cover.

80. The Statistics and Registration Service Bill, currently before Parliament, provides for the creation of an independent Statistics Board, with a non-executive Chair, appointed by the Crown. Because of the importance of this appointment in ensuring public confidence in official statistics, the Government believes that there should be a vote in the House of Commons to confirm the Government's nominee.
81. In other areas, the Government wishes to explore the scope for improving appointments processes in line with the best practice of the Commissioner for Public Appointments. There has been a separate process for NHS appointments since 2001 when the Appointments Commission was created, and this area will now be reviewed.

Limiting Ministers' involvement in the granting of honours

82. Honours are awarded at New Year and on The Queen's Official Birthday in June. While a small number of awards are the personal gift of The Queen, the remainder are made on the basis of recommendations by the Prime Minister, or the Foreign Secretary or Defence Secretary for overseas and military honours respectively.
83. It is critical to the integrity of the honours process that it operates and is seen to operate in an impartial and transparent manner. This has been the motivation behind the recent set of reforms to the honours system brought about following the two reviews of the system conducted by the Select Committee on Public Administration¹⁵ and Sir Hayden Phillips and both published in 2004¹⁶.
84. For the Prime Minister's List eight specialist committees – of which the Chairs and majority of members (selected after open advertising) are not civil servants – make recommendations to a central Honours Committee. This is chaired by the Cabinet Secretary and includes the chairs of all the specialist committees. It reviews the proposals. The final list is forwarded to the Prime Minister for submission to The Queen. Candidates come from two streams: Government Departments submit names put to them by outside organisations, or identified through departmental work; and names are proposed by members of the public.
85. In March 2006, the Prime Minister's predecessor made a statement in which he committed neither to add to nor subtract from the final list of names recommended to him by the Main Honours Committee. The Prime Minister restates this commitment and the Secretaries of State for Foreign Affairs and Defence will do likewise.

¹⁵ House of Commons Public Administration Select Committee, *A Matter of Honour: Reforming the Honours System*, Fifth Report of Session 2003-04, HC 212-I, 7 July 2004.

¹⁶ *Review of the Honours System*, Sir Hayden Phillips, Cabinet Office, 2004.

2. Making the executive more accountable

86. The Government wants to ensure that the powers that it holds are legitimately owned and fairly used. As explained above, the Government will be consulting on how best to ensure that it has appropriate authority and no more than is required. In the UK's system, the separation of powers ensures that no one institution can wield too much influence over the others: Parliament, the executive and the judiciary balance each other. It is an organic relationship which evolves and requires continual review.
87. Chapter 1 explained that the Government wishes to strengthen Parliament to ensure that its powers continue to be exercised effectively and in a way that means the people whom it serves understand its work and have confidence in its decisions. But it is also vital that in exercising the powers that it legitimately holds, it is answerable to the people who elected it. At all times the people's elected representatives play the crucial role of holding government to account, and at least every five years, the UK electorate has the opportunity to vote to elect a government. The British system affords strength to the executive, enabling it to pursue the public's wishes. But that strength must not be unfettered. If a political system is to be trusted by the public it serves, it is vital that the power of the executive is held to account.
88. This chapter discusses various methods for ensuring that the executive is appropriately accountable for its actions. As security issues rise up the political agenda, government decisions on security and intelligence must be subject to proper scrutiny. More generally, Parliament needs to be equipped to call the executive to account and proposals in this chapter seek to add to the scrutiny that Parliament can exercise over government, including over the behaviour of Ministers. The Government also believes that people within their communities should be able to hold the executive to account over local issues. In Scotland, Wales and Northern Ireland devolution has put power closer to the people and the Government has now created Regional Ministers in England. Proposals for regional select committees seek the same aim.

National security

Intelligence and Security Committee

89. Ensuring the security of the nation in the face of terrorist and other dangers is the first responsibility of government. The security and intelligence Agencies play a vital role in this and other aspects of the Government's national security policies. To ensure that these Agencies command full public support for, and confidence in, the work they do it is important that the representatives of the people hold them to account in an appropriate manner, while respecting operational sensitivities.
90. The work of the security and intelligence Agencies often, by its nature, involves highly-classified information, disclosure of which would be gravely damaging to the national interest and could put individuals at risk. This must be a fundamental consideration in determining the conduct of parliamentary scrutiny if the oversight is not to undermine the operational effectiveness of the Agencies. In order to exercise effective oversight over the expenditure, administration and policy of the Agencies, the Committee scrutinising their work needs regular access to much more highly-classified information and evidence than that normally shared with select committees of the House. The Intelligence and Security Committee (ISC) was, therefore, established – as, effectively, the Select Committee for the Agencies – under separate legislation by the Intelligence Services Act 1994.
91. The ISC has senior and well-qualified membership from both Houses, drawn from all the major parties. It has acted independently and assiduously to scrutinise the work of the Agencies and other parts of the intelligence community. Its reports are published and debated in Parliament. However, because they are prepared under separate arrangements and the Committee meets only in private, some argue that the process is insufficiently transparent.
92. So the Government proposes to consult on how the statutory basis of the Intelligence and Security Committee should be amended to bring the way in which it is appointed, operates and reports as far as possible into line with that of other select committees, while maintaining the necessary arrangements for access to, and safeguarding of, highly-classified information on which effective security depends.
93. While the consultation on the Committee's statutory basis is ongoing, a number of interim changes could be made within the existing legislation:
 - greater transparency over how Committee members are appointed, using similar processes of consultation between the major parties as those for select committee selection;

- giving the Committee the option to meet in public (including, if Parliament agrees, in the Houses of Parliament);
 - House of Commons debates on the Committee's reports, to be led by the Chair of the Committee rather than by a Government Minister, with reports also debated in the House of Lords; and
 - strengthening the Secretariat to the Committee, including through the appointment of an independent investigator, and making the Secretariat clearly separate from the staff of the Cabinet Office. (The Committee takes evidence in, and has a Secretariat based in, the Cabinet Office for security reasons).
94. There is also an overlapping agenda between the work of the Home Affairs Committee, the Foreign Affairs Select Committee and the ISC with all three touching on issues relating to counter-terrorism and security. The Government is keen that their oversight activity is, taken together, as effective as possible.
95. The Government will invite the Chair of the Committee to advise on how to maximise the effectiveness of the Committee's scrutiny role, including on the Committee's relationship to Parliament and to relevant select committees, under the existing legislation.
96. Following consultation, the Government will then bring forward proposals to take the reforms further on a revised statutory basis.

National Security Strategy

97. The Government will publish a National Security Strategy setting out our approach to the range of security challenges and opportunities we face, now and in the future and both at home and overseas. The strategy will set the framework for taking forward those issues across a range of departments and agencies, and provide the basis for deciding on changes in priorities to reflect changed circumstances.
98. To oversee the development and delivery of that strategy, and the Government's wider international, European and international development policies, the Government will establish a National Security Committee to ensure that its policies and their delivery are coordinated and appropriate to the changing nature of the risks and challenges facing us in the 21st century. The Committee will meet regularly, under the Chairmanship of the Prime Minister, and comprise senior Cabinet colleagues from relevant departments, supported by relevant senior officials and a secretariat in the Cabinet Office. It will replace the existing Ministerial Committees on Defence and Overseas Policy, Security and Terrorism, and Europe.

99. The Government will consult Parliament over how the strategy and its implementation can best be scrutinised, as it affects the interests of a number of select committees and the Intelligence and Security Committee.

Parliament's scrutiny of Government

100. Each year the Government sets out its legislative programme. This typically contains around 30 bills and is formally announced by Her Majesty The Queen in The Queen's Speech at the start of the parliamentary Session. The Government believes that, while preparing its advice to The Queen on the contents of the Speech, it should seek the views of Parliament and the public.
101. The Prime Minister will, therefore, at an appropriate time in advance of The Queen's Speech, inform Parliament of the Government's proposed legislative programme for the forthcoming year. This will be followed by a publication outlining the bills proposed. The Government will seek the views of Parliament and the public on the list of bills and the content of those bills and will consider the most appropriate use of parliamentary time.
102. The Queen's Speech will remain the only formal, final announcement of the Government's legislative programme and the principal national occasion in which The Queen outlines the programme of Her government. However, the new arrangements will ensure that Parliament and the public have an early opportunity to discuss its plans and priorities before the programme is formally announced.

Departmental debates in the House of Commons

103. At present, the annual objectives of some Government Departments, and the Departments' plans for achieving those objectives, although often scrutinised by select committees of the House of Commons, are only rarely scrutinised on the floor of the House.
104. There are some exceptions. Every year, the House scrutinises the objectives and plans of HM Treasury in its debates following the publication of the Budget and the Pre-Budget Report; there is a debate on the Defence Estimates, which scrutinises the plans of the Ministry of Defence; and, by tradition, there is a debate on Welsh issues on or around St David's Day. In addition, there is a five-day debate in both Houses following The Queen's Speech, which includes discussion of the bills which Departments intend to take through Parliament during that session. From now on, there will also be the opportunity to debate the legislative programme in advance of The Queen's Speech.

105. Each Department is scrutinised by Departmental questions in the Commons and by a Departmental select committee, which can investigate any subject that falls within the remit of the Department, seek evidence from experts and Ministers as part of its inquiry and produce a report to which the Government is obliged to respond within two months. But if the Government's response is unfavourable to the committee's recommendations, the select committee has little opportunity to press its case. Select committee reports can currently be debated in a three hour slot in Westminster Hall. The subjects are chosen by the Liaison Committee.¹⁷ There are typically around 20 such debates each year. But there is rarely a full debate on the floor of the House on a select committee report and such reports more usually deal with an individual topic rather than the generality of a Department's responsibilities.
106. Departments are also subject to parliamentary scrutiny and accountability through debates in Westminster Hall, where concerned backbench MPs can raise topics. Although these debates give a valuable opportunity to probe government policy, they all take place technically on a motion for adjournment and hence Parliament's opportunity to challenge Government policy is limited.
107. Consequently, except for HM Treasury, the Ministry of Defence and Welsh affairs, scrutiny of Departmental objectives and plans on the floor of the House is conducted only on an *ad hoc* basis, and, as a result, a year can pass with the objectives and plans of some Departments having never been properly discussed.
108. The Government believes that the House of Commons should be guaranteed an opportunity to debate, on the floor of the House, the annual objectives and plans of the major Government Departments in order to strengthen further Parliament's scrutiny of the executive. The Government will therefore ask the House of Commons Modernisation Committee to consider ways to provide for this.

Transparency of Government expenditure

109. A key role of Parliament, and of the House of Commons in particular, is to hold the Government to account for expenditure. The Government intends to make it easier for Parliament to do so by improving the transparency and accountability of Government expenditure, in line with recommendations from the House of Commons Treasury Committee.¹⁸

¹⁷ The Liaison Committee is chaired by Rt Hon Alan Williams (Labour, Swansea West) and includes the 30 Chairmen of select committees.

¹⁸ The House of Commons Treasury Committee's Sixth Report Session 2006-07 on the Comprehensive Spending Review 2007 (HC279 – published on 25 June).

110. At present there are three different systems for presenting Government expenditure. The Government uses budgets to plan what it will spend; then it presents Estimates to Parliament for approval; and finally, after the year-end, it publishes resource accounts. There are some important differences between these three systems. Although there are good historic reasons for the evolution of different systems, the current state of affairs can be confusing for users and consumers; restricts good financial management in Departments; is costly and inefficient for Government; and makes it difficult for the House of Commons to track how resources are being used.
111. The Government will therefore simplify its reporting to Parliament, ensuring that it reports in a more consistent fashion, in line with the fiscal rules, at all three stages in the process; on plans, Estimates and actual expenditure outturns. This will make it easier for Parliament to understand how the Government has used the resources voted to it, and thus to hold the Government to account. It will also mean greater administrative efficiency. The Government will consult on how best to effect this simplification.

Independence of the Office for National Statistics

112. Impartial information is vital to an open and democratic society. The official statistics produced across Government are used to make decisions about society and the economy, and by people to better understand their country and how it is changing. In order to enhance the quality and integrity of official statistics, the Government has laid the Statistics and Registration Services Bill before Parliament.
113. The Bill provides for the creation of a new body, the Statistics Board, with statutory responsibility for ensuring the quality and comprehensiveness of official statistics. The Board will oversee what is currently the Office for National Statistics (ONS), and providing independent scrutiny of official statistics wherever produced. The Board will be a Non-Ministerial Department, acting at arm's length from Ministers. Its responsibilities will cover the whole UK statistical system, including England, Scotland, Wales and Northern Ireland. The Board will replace the current role of ministers with respect to the ONS, with an executive office, headed by the national statistician, acting as the ONS's successor body. As explained in Chapter 1, the Government believes that appointments to the Chair of the Board should be subject to confirmation by Parliament.

114. The Government has also announced further changes to help improve trust in statistics. The British public expect, and the British media demands, that Ministers are able to account immediately for the implications of statistics about policy areas for which they are democratically responsible. Some have suggested, however, that the existing arrangements for giving Ministers advance sight of National Statistics are overly generous and contribute to a perception of Ministerial interference in statistics, which in turn has an impact on trust in statistics. The Government therefore previously announced its intention to reduce pre-release such access from up to five days (as now) to 40.5 hours for all statistics. Recognising the continuing concern about pre-release arrangements, the Government will go even further, reducing pre-release access to National Statistics to a maximum of 24 hours. This tightening of current arrangements will be set out in secondary legislation, alongside rules and principles to guide departments in reducing the number of people that receive pre-release access, and to which statistics.

Regions and responsibility

Regional Ministers

115. There are nine regional Government Offices in England providing "central government in the regions", implementing a wide range of policies on behalf of 11 Whitehall Departments. There are also nine Regional Development Agencies (RDAs). RDAs drive and co-ordinate regional economic development and regeneration. Their aim is to improve their relative competitiveness and reduce imbalances within and between regions.
116. The Prime Minister appointed Ministers for the English regions on 28 June 2007. Regional Ministers are responsible for providing a clear sense of strategic direction for their region. Regional Ministers also give citizens a voice in central government, ensuring that government policy takes account of the differing needs of the nine English regions. Regional Ministers will make central government more visible in the regions, helping to raise its profile and generate awareness of the political system.
117. There are a range of functions that Regional Ministers will undertake. These are mostly clustered around the responsibilities of the Government Offices and the RDAs, particularly in relation to economic development. Regional Ministers will be able to take questions in Parliament on the work of regional bodies, and on regional strategies. Regional Ministers

will be a visible representative of their area – they will take a key role in bringing together local services and different arms of government at important times for the region, whether in bidding for or hosting major sporting occasions (eg the Commonwealth Games); or when a region faces difficult challenges (eg the severe flooding afflicting Yorkshire and the Humber, and the East and West Midlands in June 2007).

118. The role of Regional Ministers is to:

- advise the Secretary of State for Business, Enterprise and Regulatory Reform on the approval of regional strategies and appointment of RDA Chairs and Boards;
- represent regional interests in the formulation of central government policy relevant to economic growth and sustainable development in areas that have not been devolved to the RDAs;
- facilitate a joined up approach across government departments and agencies to enable the effective delivery of the single regional strategy;
- champion the region at high level events and with regard to high profile projects (including through a programme of regional visits); and
- represent the Government with regard to central government policy at regional select committee hearings and at parliamentary debates focused specifically on the region.

Regional select committees

119. The Government believes that Regional Ministers should be accountable to Parliament. Both they and the Government's regional policy should be subject to formal and consistent parliamentary scrutiny. In common with the Communities and Local Government Select Committee the Government believes that one means of achieving this scrutiny could be the establishment of nine regional select committees. The Committee highlighted the possible need for specific provisions governing how such committees might operate, such as limitations on the number of meetings. The Communities and Local Government Select Committee's report¹⁹ highlighted the potential benefits such arrangements could bring, including effective examination of the work of regional bodies and calling Ministers to account.

¹⁹ House of Commons ODPM, Housing, Planning, Local Government and the Regions Committee, *Is there a future for Regional Government?* Fourth Report of Session 2006-7, HC352-I.

120. Consideration of changes to the way the House of Commons operates is ultimately a matter for the House itself, informed as appropriate by relevant committees including the Procedure and Modernisation Select Committees. The Government looks forward to consideration of these proposals within the House and believes that they would offer an important step forward in democratic accountability and scrutiny of the delivery of public services in the English regions.

Reforming the Ministerial Code

121. The Ministerial Code outlines the behaviour that is expected of Ministers. Until now, it has developed over decades as an amalgam of good practice, but it has become outdated and unwieldy. The Prime Minister has therefore tightened the Code. There are a number of key changes to it:

- a new Independent Adviser will be appointed to advise on Ministers' interests. He or she will be able, at the Prime Minister's request, to investigate alleged breaches of the Ministerial Code;
- the Independent Adviser on Ministers' Interests will publish an Annual Report and List of Ministers' Interests. Subsequent lists will be published with the Independent Adviser's Annual Report;
- the Annual Report will be laid before Parliament to ensure proper scrutiny of ministerial conduct;
- Ministers wishing to take up an outside appointment on leaving office will be required to seek the advice of the Advisory Committee on Business Appointment Rules. Former Ministers will be expected to follow the advice of the Committee. This has, until now, been voluntary.

3. Re-invigorating our democracy

122. Parliament stands at the apex of the political system, the supreme legislative body of the United Kingdom. It is a major symbol of what it means to be British. Looking beyond Parliament, it is vital that our institutions more widely are legitimate, trusted, and responsive to the people they serve.
123. As has been discussed throughout this paper, action is needed across the breadth of the political system to promote and restore trust in politics and in our political institutions: Parliament is at the core of this effort. Low levels of public confidence, concentrated power in the executive and the growth of alternative centres of political power mean that further reforms are required to help Parliament reassert itself and establish a clearer identity.
124. The way to overcome these fundamental challenges is to strengthen Parliament and renew its accountability.
125. The devolution settlement across the United Kingdom reflects the Government's wish to ensure that decision-making is done at the right level: whether national, regional or in the local community. Britain is now more diverse than it has ever been. In some London boroughs there are over 190 community languages spoken. Such diversity has had great benefits for the UK, not just economically, but also culturally, with recent surveys showing that foreign-born residents feel a strong attachment to this country. There is growing recognition of the need to ensure that Britain remains a cohesive society, confident in its shared identity and secure in the face of the challenges it faces both at home and abroad.
126. There has been increased disengagement from formal political processes in recent years. This is particularly marked among young people: only 37 per cent of 18-24 year olds voted in the 2005 general election. The UK is also experiencing low levels of public trust in politics and politicians. It is therefore a priority to introduce measures to revive trust in political decision-making and to facilitate popular engagement with political processes.
127. This chapter sets out a number of proposals to revitalise Parliament and increase its accountability – by further reform of the House of Lords and by introducing measures for facilitating popular engagement with the political process.

128. It also sets out proposals to re-invigorate our democracy by making sure that decisions are made as close as possible to the people they will affect and are responsive to the needs of local communities. The Government is committed to finding new ways for citizens and communities to influence decisions, and the best ways to enable people to participate in the political process. Participation can take the form of voting, of course, but we must also consider other ways in which individuals and groups can influence the decisions that affect their lives. This might range from providing new ways for individuals to raise issues of concern in their local area to supporting citizens who want to take a more direct role in the running of local services.

Renewing the accountability of Parliament

House of Lords reform

129. In 1999 the Government enacted a historic and long overdue reform to Parliament's second chamber. The House of Lords Act 1999 provided for the removal of the sitting and voting rights of the majority of hereditary peers and established a mechanism for retaining 90 hereditary peers through a process of election (75 elected by hereditary peers in their party groups and 15 by the whole House. There are two other hereditary peers who are the hereditary office holders, the Earl Marshal and the Lord Great Chamberlain).
130. These reforms were a fundamental step towards a more legitimate and assertive second chamber which has scrutinised the work of the Government more effectively, thereby improving British democracy overall.
131. The Government remains committed to further reform of the House of Lords, to increase its legitimacy, to make it more representative and ensure that it is effective in the face of the challenges of this century.
132. In May 2006 the Government supported the establishment of a Joint Committee to examine the conventions governing the relationship between the two Houses of Parliament. The Committee's report, published in November 2006, provides clarity on those conventions and is an invaluable baseline for the debate on the future of the House of Lords.
133. Over the past year, the Secretary of State for Justice and Lord Chancellor, in his previous role as Leader of the House of Commons, has been chairing cross-party talks on House of Lords reform. These talks have been successful in building up a significant degree of consensus on a range of issues, which was reflected in the White Paper on Lords reform of February 2007²⁰ and

²⁰ The House of Lords: Reform, Cm 7027, London, The Stationery Office, 2007.

which provided the foundations for the free votes held in Parliament on the future composition of the House of Lords in March 2007.

134. Following the Joint Committee's report, the Government undertook to look further at whether the current conventions would ensure the desired relationship in a differently constituted House, once the free votes had been held.
135. The Government believes, as many reports on House of Lords reform have advocated, that the current relationship between the two Houses of Parliament is the right one, however the second chamber is composed. It accepts, however, that this relationship may well need to be more explicitly defined than now if the balance of power between the two chambers is to survive major reform of the second chamber.
136. On 7 March 2007 the House of Commons, in its free votes, came out in favour by a large majority of a wholly elected House of Lords. The Commons also supported a reformed second chamber based on an 80 per cent elected, 20 per cent appointed composition but rejected the other hybrid options. The Government welcomes the results of the free vote and is committed to enacting the will of the Commons.²¹ The Conservative and Liberal Democrat parties are also committed, in their 2005 manifestos, to a substantially elected House of Lords.
137. The Secretary of State for Justice and Lord Chancellor will continue to lead cross-party discussions with a view to bringing forward a comprehensive package to complete House of Lords reform. The Government will develop reforms for a substantially or wholly elected second chamber and will explore how the existing powers of the chamber should apply to the reformed chamber.
138. As part of this package, the Government is committed to removing the anomaly of the remaining hereditary peers. This will be in line with the wishes of the House of Commons, which voted by a majority of 280 to remove the hereditary peers in the free votes in March 2007.

Revitalising the House of Commons

139. The Government welcomes the recent report of the House of Commons Modernisation Committee, *Revitalising the Chamber: the role of the back bench Member*,²² which aims to build on past reforms by improving the topicality of the Chamber, the engagement of Members and the use of

²¹ House of Commons Hansard, Col 1601-1633, 7 March 2007.

²² House of Commons Select Committee on Modernisation of the House of Commons, *Revitalising the Chamber: the role of the back bench Member*, First Report of Session 2006-07, HC 337, London, The Stationery Office Limited, 20 June 2007.

non-legislative time. It is for Parliament to decide whether to implement the report's recommendations and the Government will support Parliament's wishes.

140. In 2000 the Government introduced the Freedom of Information Act, which was fully implemented in 2005. It has opened up the public sector to unprecedented scrutiny. Over 110,000 public bodies are covered by the Act, and importantly the House of Commons and House of Lords are among them. It is right that Parliament should be covered by the Act. The Government welcomes the recent debate about the confidentiality of MPs' correspondence with their constituents. The Secretary of State for Justice and Lord Chancellor will be working with the Information Commissioner in the coming weeks to produce guidance to public authorities to ensure that they apply the Act in a way that balances openness with the need to protect the privacy of constituents.

Westminster and devolution

141. Parliament at Westminster remains at the heart of our system of governance. There can be no doubt that the creation of the United Kingdom Parliament through the Acts of Union was an essential precondition for Britain's economic, social and democratic development, and for Britain's rise as a world power. It was also one of the important factors in the growth of a British way of life based on active citizenship, a volunteering spirit and a strong civic society.
142. Links between the nations of the Union have been forged over centuries of intermarriage, friendship and migration. All parts of the UK have made an enormous contribution over the years to our economy and our culture. The Union represents our values and gives them expression to the world. Our constituent nations have retained their separate identity, but at the same time have drawn from and influenced each other.
143. Devolution does not cede ultimate sovereignty. The decisions Parliament takes have consequences for all the people of our nation. The great strength of our constitution is its effectiveness. It can accommodate difference and rough edges in support of wider goals of national unity, affiliation to the institutions of the state and the service of those institutions to the public.
144. Different laws and special legislation for Scotland did not begin in 1999. Indeed, it was a fundamental part of the early 18th century settlement, which led to and was enshrined in the Act of Union 1707, that the separate and distinct institutions of Scotland – its legal system, criminal and civil law, its church, its education system and much else – would continue to be respected. So for nearly three centuries – until 1999 – there was separate legislation for Scotland, and separate executive

decisions affecting Scotland. The difference was that these were made by the Westminster Parliament, often without controversy, but sometimes, as with the introduction of the poll tax in Scotland in 1989, in highly controversial circumstances. The separate expenditure decisions were made by a single Minister, the Secretary of State for Scotland.

Making Parliament more representative

145. The Sex Discrimination (Electoral Candidates) Act 2002 provides that arrangements made by a registered political party which regulate the selection of candidates for election, and are adopted for the purpose of reducing inequality in the numbers of men and women elected to be members of Parliament, are lawful. The Act provides for this arrangement to end in 2015 unless a statutory instrument is passed, by affirmative resolution, to extend that date.
146. The recent Equalities Review, chaired by Trevor Phillips and published in February 2007,²³ recognised the decision to allow political parties to adopt all-women shortlists for a temporary period had a “substantial, and beneficial, impact on the gender balance of the House of Commons, which would not otherwise have occurred”. It noted that there was some way to go in balancing the gender mix.
147. The Government is committed to reducing gender inequality in the representation of the people. As stated in the recent consultation document from *A Framework for Fairness*,²⁴ it wants to keep the law under review, and will if necessary extend the provisions in the Sex Discrimination (Electoral Candidates) Act 2002 beyond 2015 (as the Act allows) to allow all-women shortlists to continue to be used.
148. Representation of minority ethnic communities in the Houses of Parliament remains very low. Just 2.3 per cent of MPs returned at the 2005 general election came from a non-white background, and the Government is anxious to see this increase. *A Framework for Fairness* also invites views on whether to allow wider scope for positive action than is currently allowed in this area to target the selection of candidates from minority ethnic communities.

²³ *The Equalities Review, Fairness and Freedom: The Final Report of the Equalities Review*, Cabinet Office, February 2007.

²⁴ *Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain – A consultation paper*, Department for Communities and Local Government, June 2007.

Election day

149. In a modern world, where people are leading busier lives and rightly expect convenience and a range of choice in how they access services from both public and private sector, voting needs to be convenient. In research conducted by MORI for the Electoral Commission in 2001,²⁵ 21 per cent of non-voters said 'I couldn't get to the polling station because it was too inconvenient'. Female voters are more likely to give this reason, perhaps because they most often have to juggle work and childcare commitments alongside voting.
150. The Government has extended the use of postal voting with appropriate safeguards and continues to pilot a range of measures to make voting more convenient. As part of the electoral modernisation programme the Government has piloted advance voting at the weekend. However, under current legislation advance voting can only be in addition to the normal polling day. In the longer term, the Government is investigating the potential benefits of remote electronic voting (using the internet and telephone systems), taking advantage of developing communications technologies to provide increased flexibility and choice in the way people vote.
151. The Government wishes to consider further measures to make voting more convenient and therefore proposes to examine the case for moving the voting to the weekend for both general and, potentially, local elections.²⁶ The last time local authorities were comprehensively surveyed in 2002, 57 per cent were in favour of pilots testing the effect of weekend voting on turnout.
152. Holding general elections on a working weekday puts the UK in a minority among Western democracies. While the Netherlands, Denmark, Ireland, the US and Canada have elections on weekdays, the great majority of other European countries hold elections either at the weekend or on a public holiday.
153. Every general election in England since 1945 has taken place on a Thursday, but the statutory requirement is only that a general election must be held on a week day. Prior to 1945, general elections took place on a variety of days; the last UK general election to take place on a weekend was on Saturday, December 14th 1918. Local elections are now required by law to be held on a Thursday but for a time elections to certain Urban District Councils were held on Saturdays.

²⁵ Survey Of Attitudes During The 2001 General Election Campaign, MORI Social Research Institute, Politico's, 24 July 2001.

²⁶ Empirical studies are not conclusive, but one study has shown a potential 5-6 per cent increase in turnout by moving elections to the weekend, holding other factors constant.

154. The Government will therefore consult local authorities and others on the merits of moving the voting day for general and/or local elections from Thursday to the weekend, and on the best way to do this. Moving to weekends for either general or local elections would require legislation. The consultation will take into account the needs of religious groups, to ensure that those with religious objections to voting on a Saturday or Sunday have an opportunity to vote in a way that is consistent with their beliefs. It will also consider whether weekend voting would be more costly than the current arrangements or if there might be a negative impact on turnout for local elections. This might be a particular issue if local and general elections were held close together but on separate days. These proposals would not affect elections to the devolved legislatures.

Voting systems

155. Britain has a variety of proportional and plural electoral systems in place – since 1997 the Government has introduced new voting systems for the Scottish Parliament, the Welsh Assembly, and the London Mayoral and Assembly elections as well as elections to the European Parliament.

156. In line with the Government's manifesto, it is carrying out a review of the experience of the new voting systems established since 1997 to contribute to the debate. The review will include information on the elections for the Northern Ireland Assembly in March 2007 and for the National Assembly for Wales and the Scottish Parliament in May 2007. It is anticipated that the review will be completed by the end of this year.

Improving direct democracy

Petitions

157. The public petition is a historic and fundamental right and an ancient tradition of Parliament. It allows people to unite around a common issue and demonstrate their strength of feeling and resoluteness.

158. The House of Commons Procedure Committee has made recommendations about the way the Government and the House of Commons in particular should deal with petitions.²⁷ The Government welcomes these suggestions. The Government believes that, as the primary representative and law-making institution in the United Kingdom, the Commons should have up-to-date procedures for considering petitions. Currently, there is no

²⁷ House of Commons Procedure Committee, *Public Petitions and Early Day Motions*, First Report of Session 2006-07, HC 513, London, The Stationery Office Ltd., 22 May 2007.

formal mechanism for the Commons to be required to consider a petition, however many petitioners it represents, and there is no mechanism for the Commons to receive an electronic petition.

159. If a paper petition is submitted to the House of Commons, it is presented and placed in a bag attached to the back of the chair of the Speaker of the House of Commons, printed within the Vote Bundle (the daily working papers of the House of Commons, printed daily, including the agenda for business in the Commons that day) and forwarded to the relevant select committee and to the relevant Government Department, where it may or may not receive a response.
160. The current process of e-petitioning the 10 Downing Street website²⁸, introduced in November 2006, has attracted a large number of signatories. Over 22,300 petitions have been set up by users, of which over 7,500 are currently live and available for signing, more than 2,600 have finished and more than 10,500 have been rejected outright – most often because of duplication. There have been over 4,400,000 signatures. Once petitions have closed, they are passed to officials who work for the Prime Minister in Downing Street, or sent to the relevant Government Department for a response. Every person who signs such a petition receives an email detailing the Government's response to the issues raised.
161. The Government believes that people should be able to petition the House of Commons with as much ease as they are currently able to petition the Prime Minister, and that there should be a procedure for handling petitions which considers whether each merits a debate in Parliament.
162. The Government therefore looks forward to the further work of the House of Commons Procedure Committee on how to ensure more formal parliamentary consideration of petitions from members of the public.
163. A revised parliamentary petitions procedure which included an e-petitions process would provide a modern mechanism for the public to engage with Parliament and would allow Parliament to demonstrate that it actively listens to the views of those it serves. It would not necessarily be a substitute for petitioning the Government and the Prime Minister but would create a formal conduit for members of the public to refer their concerns directly to Parliament as a whole, with the knowledge that petitions will be considered.

²⁸ <http://petitions.pm.gov.uk/>

Restrictions on protests around Parliament

164. The ability of citizens to campaign and protest is essential to a democracy. No government should place unnecessary restrictions on this right. For decades the Commons sessional orders effectively prohibited demonstrations in an area around Westminster when Parliament was sitting. However, the Government is aware of the strong views expressed in reaction to the provisions on protests around Parliament introduced in sections 132-138 of the Serious Organised Crime and Police Act 2005, both in terms of the principle behind these restrictions and how they have operated in practice. The current restrictions require protesters to obtain authorisation from the police before demonstrating in the vicinity of Parliament and to abide by any conditions imposed by the police on a demonstration.
165. Freedom of expression is a fundamental British value, and the right to peaceful protest has long been regarded as an important component of the liberties of British citizens. This right is also protected by Articles 10 and 11 of the European Convention on Human Rights,²⁹ incorporated into UK law by the Human Rights Act 1998.
166. The Government will therefore consult widely on the provisions in the Serious Organised Crime and Police Act with a view to ensuring that people's right to protest is not subject to unnecessary restrictions. This review will need to reflect the security situation and allow the business of Parliament to proceed unhindered, but will be conducted with a presumption in favour of freedom of expression. In return, protesters will of course need to obey the law and relevant bylaws.

Right of charities to campaign

167. It is frequently noted that while public engagement with the formal political process in terms of membership of political parties and voting in elections has reduced, other forms of engagement have increased. In particular, levels of membership of pressure groups have grown, while citizens are more likely than ever to sign a petition or boycott a product. Third sector campaigning organisations, such as Make Poverty History, play an ever more important role in driving social, economic and environmental change.
168. In this context, it is important to ensure that the regulatory framework for the third sector, together with the Government's consultation mechanisms and investments in strengthening the organisational capacity of the sector, help it to foster and harness community voices on important issues of public policy. The Government will therefore work with the Charity

²⁹ European Convention on Human Rights, 1950.

Commission, *Capacitybuilders* and sector leaders to explore the options for enabling charities and other sector organisations to better campaign on issues that are likely to advance the cause of the purposes for which they have been established. As part of this process, the Government will consider the recommendations of the recent report of the independent Advisory Group on Campaigning and the Voluntary Sector, chaired by Baroness Helena Kennedy QC (23 May 2007).

Local communities

169. Much of this paper focuses on how government and Parliament interact, and how power should be shared between them. But power should not just be devolved from the national government to the national Parliament: power must also rest with local communities. In the past individuals and communities have tended to be seen as passive recipients of services provided by the state. However, in recent years people have demonstrated that they are willing to take a more active role, and that this can help improve services and create stronger communities. The Government believes it must find new ways to enable people to become active citizens, empowered and fully engaged in local decision-making. The Government will enhance democracy by devolving more power directly to the people. It will consult on the following areas:

- extending the right of people to intervene with their elected representatives through community rights to call for action;
- duties to consult on major decisions through mechanisms such as citizens' juries;
- powers of redress to scrutinise and improve the delivery of local services; and
- powers to ballot on spending decisions.

170. *Strong and Prosperous Communities – The Local Government White Paper*, published last autumn set out a range of proposals for empowering local communities in England (see Box 4).³⁰ The new Community Call for Action enables local people to raise issues of concern in their area and demand a response from their local council. Issues raised might range from the quality of local youth services to a request for the transfer of a local asset into community ownership. The transfer of assets to community control creates a catalyst for active citizenship, as people come forward to run and direct a local facility or service. The evidence suggests that if people feel their efforts will be rewarded by real change in their communities, they will be willing to step forward.

³⁰ Following the consultation the Department for Communities and Local Government published a White Paper – *Strong and Prosperous Communities – The Local Government White Paper*, Cm 6939-I, London, The Stationery Office, October 2006.

Box 4: Empowering local communities

Strong and Prosperous Communities – The Local Government White Paper, sets out a range of proposals for devolving power to citizens and revitalising local democracy including:

- giving people a new right to an answer from their local authorities when they demand action on any issue they want to raise through a new Community Call for Action;
- increasing opportunities for communities to take on the management and ownership of local assets and facilities such as under-used community centres or empty schools;
- simplifying and extending the scope of tenant management of housing;
- encouraging local charters between communities and service providers which set out what local people can expect from their services and how they can take action if standards are not being met;
- providing a new power of well-being for the best parish councils to improve the development and coordination of support for citizens, communities groups and local authorities; and
- changing the “Best Value” Duty to ensure that authorities inform, consult, involve and devolve to all citizens and communities.

171. Communities in Northern Ireland, Scotland and Wales also have measures to hold service providers to account. The Government will soon publish its Sub- National Review of Economic Development which will signal a shift of focus to local authorities, open up the possibility of powerful city regions and give a clearer role for the regions of England.
172. To ensure that citizens have the opportunity to express their needs and concerns to those who are providing public services, the White Paper set out the new duty that the Government is placing on local authorities in England to consult and involve local people in the major decisions which affect them. This means that local authorities must take the views of their communities into account and will make services more responsive to their needs.
173. In recent years the Government has introduced Local Area Agreements, which are individual agreements signed by central government with every local authority. They set out the priorities in the local area and how the local authority and other public service providers such as health and the police will respond to them. The *Strong and Prosperous Communities* paper

also set out how the Government will strengthen these agreements, ensuring that English local authorities have the flexibility to respond to the needs and priorities expressed by the community.

174. The *Strong and Prosperous Communities* paper was an important first step in setting out how the Government will empower local communities. Building on those proposals, the Government will also examine new ways in which to strengthen the ability of citizens to influence local decisions and hold service providers to account.
175. Petitions can provide an important way for local communities to express collectively their views about an issue and generate local debate. They can also improve the connection between residents and local authorities, especially when they are taken seriously by local authorities. However there is evidence that major petitions are often not fully analysed and responded to. Introducing a more formal petitioning system would provide another way to strengthen the ability of communities to have a legitimate voice in, and direct influence on, local authority decision-making. It would also help ensure that local authorities are aware of, and respond to, the issues, concerns and aspirations of most importance to local people. The Government is considering introducing a duty that requires local authorities to consider and investigate petitions from local communities, and guarantees petitioners and the wider community a response on the issues which have been raised.
176. Enabling communities to take decisions about how to use local funds can also help ensure that local priorities are being met. The Government will explore the possibility of a new provision for local communities to apply for devolved or delegated budgets to fund projects which will benefit the local community. These might range from the creation of a new park or playground to the provision of new services for the elderly.
177. To help make local services more accountable to local people, the Government will also work with local authorities and public service providers in England to ensure that there is widespread use of local real-time data. This will provide communities with regular and accessible information on their local services, helping citizens judge the effectiveness of those services and giving them evidence on the performance of service providers. In vital services which really affect peoples lives and the way that they feel about their local community, we must explore further opportunities for citizens to contribute to services in their area and ensure that services feel more accountable to them. The Government will look in particular to take further steps in policing and in health services.

178. The Government currently supports the recruitment of thousands of citizens to take on a wide range of lay governance and scrutiny roles (eg, school governors, health trust members and tenant representatives). Once recruited, however, they receive little support and there is no overall co-ordination of the contribution that they make. The Government will explore how citizens who have the potential and willingness to contribute to public decision making can be better encouraged and supported to realise that potential, in a much more systematic and cost effective way.

179. Creating a more participatory democracy requires a healthy representative democracy at local level. It also requires citizens to understand the roles of central and local government, and who can be held responsible for the decisions and services which affect their lives. The performance of local authorities, as measured through the Comprehensive Performance Assessment, has improved greatly in recent years. The Secretary of State for Communities and Local Government will now work with the Local Government Association to establish a concordat to govern the relations between central and local government. This will establish for the first time an agreement on the rights and responsibilities of local government, including its responsibilities to provide effective leadership of the local area and to empower local communities where possible.

4. Britain's future: the citizen and the state

Citizenship and national identity

180. The concept of citizenship is a complex one, but it is ever more important in our diverse and globalised world. The right to citizenship in law comes from the rules on British nationality. In the UK our feeling of citizenship is tied to our democratic process, a democracy that operates at several levels, from the national and international to regional and local. So far, we have explored how the key institutions of our democracy, Government and Parliament, should be renewed to invigorate them. From the UK and its institutions we draw our national identity: a far less tangible – yet equally important – element of our society.
181. Identity is important because it shapes people's sense of self. Some components of our identity are given to us and are matters of fact. But others are the subject of at least a degree of choice: faith, political affiliations, occupation, for some, nationality. Yet even those elements that are 'chosen' are not the result of a completely free choice. The influence on identity of family, geography, education, ethnic background and origin, and how we are perceived by others, is huge.
182. Each of us possesses multiple identities because we define ourselves in different ways depending on the factors that matter most to us. Factors such as gender, race, ethnicity, age, disability, class and faith are shared with some and different from others. But in addition to these there is a national identity that we can all hold in common: the overarching factor – British citizenship – that brings the nation together.
183. We can look to history to help us to define citizenship. We can learn much from countries that have a more clearly defined sense of citizenship, and what goes with it: notably from the United States, Canada, Australia and South Africa, and from those parts of Western Europe who have had to develop the idea of citizenship to survive as nations or, indeed, simply to be nations.
184. The United States is perhaps the best example, where two relatively recent wars, of independence and then the civil war, have demanded clarity in the very concept of America and its people. By contrast, Britain has in recent centuries largely avoided the upheavals that have led other countries to define the rights, responsibilities and values that bind their people and communities. A large part of what we describe as Britishness

traces straight back to our own civil war, its ultimate resolution in the Declaration of Rights of 1689 and the Acts of Union. Our relative stability as a nation is reflected in a relative lack of precision about what we mean to be British.

185. However, there is common ground between British citizens, and many cultural traits and traditions that we can all recognise as distinctively British. The Government believes that a clearer definition of citizenship would give people a better sense of their British identity in a globalised world. British citizenship – and the rights and responsibilities that accompany it – needs to be valued and meaningful, not only for recent arrivals looking to become British but also for young British people themselves.
186. The Government believes that everyone in the UK should be offered an easily understood set of rights and responsibilities when they receive citizenship. This might serve to make citizenship more attractive but also to make it clearer to potential citizens what it is to be a member of Britain's democratic society. There might also be a case for extending this to those who have the right to permanent residence in the UK. An approach which offered genuine benefits to permanent residents could offer greater transparency and credibility and encourage new citizens to integrate into wider British society, helping them participate in our democracy. Many permanent residents go on to become citizens, so this could also be an important step towards citizenship for those that want it. The Government has already improved a considerable range of measures aimed at raising the profile and meaning of citizenship, introducing language and Knowledge of Life tests for new applicants and starting the highly successful citizenship ceremonies which are organised in Town Halls across the country. But more could be done to create a simpler, fairer and more meaningful system, ensuring that the benefits and rights of citizenship are valued and offered to those prepared to make a contribution to the UK's future.
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188. The Government will consider how to ensure that new arrivals are well integrated into their local communities, helping local authorities to create positive strategies for building cohesive communities where rights and responsibilities are clearly understood and protected and where positive

relations between new arrivals and long-term residents are supported. The Government will consider the recommendations of the recent report of the Commission on Integration and Cohesion in this light.³¹

189. The engagement of young people in society and their understanding of what it is to be a citizen is central to creating a diverse but cohesive country. Over the last ten years the Government has made significant achievements in citizenship engagement, most notably through education with the introduction of Citizenship Studies as part of the curriculum (see Box 5). However, there has in recent times been a considerable decrease in the level of involvement among young people in formal political processes. For instance, just 39 per cent of 18-24 year olds cast a vote in the 2001 election compared to 68 per cent in 1997, a decline nearly three times greater than that in overall turnout.³² This shows a lack of appreciation of the importance of the democratic process and of the need for active citizenship.
190. The Government will now launch a Youth Citizenship Commission which will examine ways to invigorate young people's understanding of the historical narrative of our country and of what it means to be a British citizen, and to increase their participation in the political sphere. The Commission will examine what support schools in England need to improve the ways that they prepare young people for their life as an adult citizen. It will look at how citizenship education can be connected to both a possible citizenship ceremony when young people reach adulthood and to the acquisition of voting rights. In that context, the Commission will also examine, including in debate with young people, whether reducing the voting age would increase participation in the political process.

Box 5: Citizenship education

Citizenship education has been a compulsory part of the school curriculum for all 11-16 year olds since 2002 and has had an impact on those young people who have studied it. It has also been a non-statutory part of the primary curriculum since 2000. Citizenship education ensures young people become informed citizens and develops their skills of participation and responsible action. Since the introduction of citizenship education, real progress has been made. Ofsted reports show that provision in schools is improving year on year and this academic year over 90,000 students in England will take the short course GCSE in Citizenship Studies – the fastest growing GCSE subject.

³¹ Commission on Integration and Cohesion, *Our shared future*, 2007.

³² The Electoral Commission and the Hansard Society, *An Audit of Political Engagement 4*, Research report, March 2007.

Following Sir Keith Ajegbo's review of the curriculum *Diversity and Citizenship* in 2007,³³ the theme of *Identity and Diversity: Living Together in the UK* has been added to the existing themes of citizenship education. From 2008 all schools will teach:

- *Social and Moral Responsibility*: learning self-confidence and socially and morally responsible behaviour both in and beyond the classroom, both towards those in authority and each other;
- *Community Involvement*: learning about and becoming helpfully involved in the life and concerns of their communities, including learning through community involvement and service;
- *Political Literacy*: learning about the institutions, problems and practices of our democracy and how to make themselves effective in the life of the nation, locally, regionally and nationally through skills and values as well as knowledge; and
- *Identity and Diversity: Living Together in the UK*: learning about the diverse ethnic, religious and cultural nature of the UK.

Education is at the heart of building a cohesive society and understanding between different communities. The Government wants schools to be at the forefront of this and has brought in a new statutory duty for schools in England to promote community cohesion. The community cohesion duty will build on the excellent work many schools are already doing to promote greater unity and understanding across different communities. Meaningful interaction between young people from different groups will reduce fear and foster cooperation.

Next year will see the introduction of 'Who do we think we are?' week involving all schools in an exploration of identities, diversity and citizenship. This will give all young people the chance to foster a stronger sense of their own identity and what it means to be a British citizen.

191. But if there has been considerable advance in recent years in terms of the legal process of applying for citizenship, less attention has been paid to the nature of what it means to be a British citizen. There is a general lack of clarity about the rights and responsibilities that come with being granted British citizenship. The current entitlements and responsibilities are complex and confusing, and offer weak incentives to become British for long-term residents of other nationalities.

³³ *Curriculum Review – Diversity & Citizenship*, Nottingham, DFES Publication, 2007.

192. Under current arrangements there are many areas where the entitlement to rights is not aligned with citizenship. For example British citizens forfeit their voting rights after a prolonged period of absence from the UK, while qualifying Commonwealth and Irish nationals are able to vote in all elections and EU citizens may vote in local and European elections. The basis on which rights are conferred varies, some depending on residence and others on contribution. A number of rights stem from EU citizenship but few if any are available uniquely to British citizens. Similarly, the position in relation to responsibilities is not clear-cut.
193. The Government believes that in order to ensure that there is a common bond between all types of citizen in the UK, whether born in the country or naturalised, it is important that there is more widespread agreement and understanding around the nature of the rights and responsibilities that come with citizenship. A clearer understanding of the common core of rights and responsibilities that go with British citizenship will help build our sense of shared identity and social cohesion. The Government has therefore asked Lord Goldsmith to carry out a review of citizenship, looking both at legal aspects and other issues including civic participation and social responsibility.

Our common British values

194. French citizens have a clear understanding of their values of liberty, equality and fraternity. America has a strong national perception of itself as the "land of the free". But there is a less clear sense among British citizens of the values that bind the groups and communities who make up the body of the British people. The principles of liberty, democracy, tolerance, free speech, pluralism, fair play and civic duty may be widely felt, but they are not fully articulated in way that helps to define who we are and how we should behave.
195. It is important to be clearer about what it means to be British, what it means to be part of British society and, crucially, to be resolute in making the point that what comes with that is a set of values which have not just to be shared but also accepted. There is room to celebrate multiple and different identities, but none of these identities should take precedence over the core democratic values that define what it means to be British. A British citizen, fully playing a part in British society, must act in accordance with these values.
196. Shared values are the bedrock on which the elements of our nation are built. Our values are given shape and meaning by the institutions that people know and trust, from the NHS to Parliament. The symbols of the UK, and our rights, are among the most recognisable in the world. There are currently restrictions on flying the Union Flag. Box 6 describes the Government's new measure to change this.

Box 6: Flying the Union Flag and other national flags

Symbols can help to embody a national culture and citizenship. The Union Flag is one of the most recognisable symbols of the UK. But while in other countries, such as France and the United States, the national flag is regarded as source of pride, in recent years the Union Flag has all too often become the preserve of political extremists, a symbol of discord rather than harmony. It is critical that this symbol is not hijacked by those who seek to work against the fundamental British values of tolerance and mutual respect.

While there are a number of reasons why the Union Flag may not be as widely flown in the UK as other national flags are abroad, regulations on the use of the flag may be playing some role. The Government has already removed many of the previous restrictions on flag flying by private citizens. But at present there are only 18 fixed days each year on which the Union Flag may be flown on Government buildings³⁴ in England. These restrictions are clearly tighter than those used in many other countries.

The Government will therefore consult on altering the current guidance that prohibits the flying of the Union Flag from Government buildings for more than 18 set days in the year.

There are particular sensitivities in Northern Ireland. The flying of flags there is governed by the Flags Regulations (Northern Ireland) 2000. The Government believes that this is the most appropriate way to deal with the matter.

197. This paper has already explained how the Government intends to reform the institutions central to our political system – government and Parliament. Citizens value the right to choose the people that make the law. To support our renewal of the institutions that form our constitution, we must decide how best to foster the common values that underpin the citizen's relationship with the state.

Developing a British statement of values

198. The Government believes that there is considerable merit in a fuller articulation of British values. Through an inclusive process of national debate it will work with the public to develop a British statement of values that will set out the ideals and principles that bind us together as a nation.

³⁴ A building owned or used by the Crown and predominantly occupied or used by civil servants or her Majesty's Armed Forces).

199. These issues are of great importance and the Government believes it is right that they should be discussed widely. An inclusive debate is fundamental to restoring trust in politics and for ensuring that the values of this and future generations are reflected in the constitution and fabric of British politics and society. The debate will allow people throughout England, Wales, Scotland and Northern Ireland to have a direct voice in the way our values are articulated.
200. As a starting point, over the next few months the Government will release a series of discussion documents and materials to inform this national debate. This will include tapping into the wealth of knowledge amongst expert and representative groups in this country. There is a range of advisory bodies, think tanks and academic experts that have a keen interest in constitutional issues, and who can provide suitable material and expertise to ensure this will be an informed and lively debate. The Government wishes to build on the current and ongoing work of these groups and individuals to include their contributions to the national debate.
201. The process of developing a British statement of values will involve local, regional and national level events and opportunities for deliberation and debate. The Government will engage with a wide range of people and groups, from individual members of the public to community groups, schools, academics, local authorities and other interested parties.
202. The Government will use a range of engagement methods to support a national conversation and debate, suitable to the level of knowledge, interest, needs and characteristics of different groups. These might range from citizens' juries to deliberative polling and electronic and media-based outreach. The Government will draw on local experience in designing and running events to inform the process of debate, as well as learning from the more limited experiences of engagement and consultation at national levels such as the *Your Health, Your Care, Your Say* consultation process run by the Department of Health in 2005.
203. Above all, this process will be a dialogue with the people of Britain and between the people of Britain. This will require time, careful coordination and planning to ensure the nation feels genuinely engaged in the debate on Britain's values. The end point will be a British statement of values that reflects the voices of citizens across the country. The debate will also provide valuable insights into national views on citizenship and Britishness, which may be published after a period of dialogue and feedback.

British Bill of Rights and Duties

204. At the heart of British citizenship is the idea of a society based on laws which are made in a way that reflects the rights of citizens regardless of ethnicity, gender, class or religion. Alongside this sits the right to participate, in some way, in their making; the idea that all citizens are equal before the law and are entitled to justice and the protection of the law; the right of all citizens to associate freely; the right to free expression of opinion; the right to live without fear of oppression and discrimination; the idea that there is an appropriate balance to be drawn between the individual's right to freedom and the collective good of all and that, in the final analysis, the Government is accountable for its actions to the will of the people expressed in Parliament and through elections.
205. These guiding principles and ideals represent the starting point from which further debates may take place. One such debate centres on whether these rights should be codified. One of the Government's first actions on coming to power was the introduction of the Human Rights Act which was intended to be a first, but substantial step towards a formal statement of rights, articulating the relationship between individuals and between the state and the citizen.
206. The Human Rights Act provides a contemporary set of common values to which all our communities can subscribe. The rights and freedoms set out in the Act (see Box 7) are not tied to any particular faith or other belief system but enunciate principles of decency, respect, dignity of the individual and the balance of rights and responsibilities that are now common to most of the democratic world. They represent protection of the individual from the state by guaranteeing our basic freedoms, such as freedom of speech, freedom of assembly, the right to private and family life, freedom from torture, inhuman and degrading treatment and freedom from enslavement. At the same time most of the individual rights in the Human Rights Act are balanced with the need to protect the rights of others and the common good.
207. These are rights which build on British values as old as Magna Carta. The European Convention on Human Rights (ECHR) was drafted principally by British lawyers, and reflects the development over centuries of common law of the rights of British citizens and a realisation after the Second World War of the importance of establishing the values that all democracies would share. In broadly incorporating the Convention rights and freedoms into our domestic law, the Human Rights Act for the first time provides everyone in the UK with a set of basic civil and political rights and freedoms guaranteed by statute and justiciable in our courts and tribunals. Unless we withdrew from the ECHR, its provisions would continue to apply.

Therefore, the effect of repealing the Human Rights Act would be to prevent British citizens from exercising their fundamental rights in British courts and lead to lengthy delays for British citizens who would need to appeal to Strasbourg to assert their rights. In addition, the European Court of Human Rights would be less likely to take into account the specific British context in making its decisions.

208. But the Human Rights Act should not necessarily be regarded as the last word on the subject. During the parliamentary debates in 1997 and 1998, incorporating the Convention rights and freedoms into UK law was described as the first step in a journey.
209. Over many years there has been debate about the idea of developing a list of the rights and obligations that go with being a member of our society. A Bill of Rights and Duties could give people a clear idea of what we can expect from public authorities, and from each other, and a framework for giving practical effect to our common values. However, if specifically British rights were to be added to those we already enjoy by virtue of the European Convention, we would need to be certain that their addition would be of real benefit to the country as a whole and not restrict the ability of the democratically elected Government to decide upon the way resources are to be deployed in the national interest. For example, some have argued for the incorporation of economic and social rights into British law. But this would involve a significant shift from Parliament to the judiciary in making decisions about public spending and, at least implicitly, levels of taxation.
210. A Bill of Rights and Duties could provide explicit recognition that human rights come with responsibilities and must be exercised in a way that respects the human rights of others. It would build on the basic principles of the Human Rights Act, but make explicit the way in which a democratic society's rights have to be balanced by obligations. The Government itself recognised, in its review last year of the implementation of the Human Rights Act,³⁵ the importance which must attach to public safety and ensuring that Government Agencies accord appropriate priority to protection of the public when balancing rights. A Bill of Rights and Duties might provide a means of giving greater clarity and legislative force to this commitment. However, a framework of civic responsibilities – were it to be given legislative force – would need to avoid encroaching upon personal freedoms and civil liberties which have been hard won over centuries of our history.

³⁵ *Review of the Implementation of the Human Rights Act*, DCA, July 2006.

Box 7: Rights protected by the European Convention on Human Rights and enshrined in the Human Rights Act 1998

Article 2	Right to life
Article 3	Prohibition of torture
Article 4	Prohibition of slavery and forced labour
Article 5	Right to liberty and security
Article 6	Right to a fair trial
Article 7	No punishment without law
Article 8	Right to respect for private and family life
Article 9	Freedom of thought, conscience and religion
Article 10	Freedom of expression
Article 11	Freedom of assembly and association
Article 12	Right to marry
Article 14	Prohibition of discrimination
Protocol 1, Article 1	Protection of property
Protocol 1, Article 2	Right to education
Protocol 1, Article 3	Right to free elections

Constitution

211. In parallel to consideration of the articulation of the rights of each citizen is the articulation of our constitution. Constitutions should allow the citizen to understand and fully engage with the state and state institutions. The vast majority of countries have codified, written and embedded constitutions. The UK has not. Instead, the British constitution has four principal sources – statute law, common law, conventions and works of authority, such as those of Walter Bagehot and A.V. Dicey – among which, under the doctrine of parliamentary sovereignty, statute law is pre-eminent. Partly by virtue of the political stability since the end of the 17th century, there has been no key event that has led to the need for one document setting out the rules on issues such as the length of parliamentary terms, the method of election to the House of Commons and appointment to the House of Lords, the powers of the judiciary, the powers of the devolved authorities, and the method whereby bills become law.

212. Today, we have to ensure that our country remains a cohesive, confident society in dealing with the challenges of the 21st century. Previous sections of this document have discussed the need to provide a clearer articulation of British values, and greater clarity about the nature of British citizenship. But there is now a growing recognition of the need to clarify not just what it means to be British, but what it means to be the United Kingdom. This might in time lead to a concordat between the executive and Parliament or a written constitution.

213. It is clear that neither a Bill of Rights and Duties nor a written constitution could come into being except over an extended period of time, through extensive and wide consultation, and not without broad consensus upon the values upon which they were based and the rights and responsibilities which derived from them. The process of national debate through which the Government proposes to develop a British statement of values provides an opportunity to begin exploring the issues that would need to be considered. But this can only be considered as the start of a much longer process. The fundamental and constitutional nature of the guarantees provided in such instruments – as fifty years' experience of the European Convention on Human Rights has demonstrated – require both government and Parliament to proceed with caution.
214. Our national identity is founded in the values we hold in common, manifest through our history and our institutions. If we are to forge the shared sense of national purpose we need to meet the economic and social challenges ahead, our institutions must reflect those values.
215. The programme of constitutional reform set out in this document seeks to meet that objective by renewing our democracy. This task does not fall to government alone, but to all the people of these islands – and the discussion now begins.