



## **Unlock Democracy's Evidence to the House of Commons Reform Committee**

### **About us**

Unlock Democracy (incorporating Charter 88) is the UK's leading campaigning think-tank working on issues of constitutional reform and democratic renewal in the UK. We focus on constitutional reform, political parties and active citizenship. For more information please see [www.unlockdemocracy.org.uk](http://www.unlockdemocracy.org.uk).

### **Executive Summary**

- Unlock Democracy welcome the creation of this Committee and in particular the fact that it is examining how the public can initiate debates and proceedings in the House.
- Unlock Democracy believes that there needs to be a rebalancing of power between the Executive and the Legislature. We believe that this rebalancing of power should include the election of members and chairs of select committees by secret ballot and the creation of a Business Committee for the scheduling of business in the House.
- Unlock Democracy supports the proposal made by the Speaker of the House of Commons that the debate of Private members bills should be moved from Friday afternoon to Wednesday. We believe that this will strengthen the role of backbench MPs and encourage civic society and the public to engage with Parliament.
- Unlock Democracy urges the House of Commons to establish a Petitions Committee, along similar lines to the Public Petitions Committee in the Scottish Parliament, at the earliest level.
- Unlock Democracy proposes that the House of Commons should consider introducing a system of Agenda Initiative so that voters can propose policies that they feel should be debated by Parliament. We believe that this would be a very moderate step towards the use of direct democracy tools which would enable voters to constructively engage with Parliament but would leave the decision making with Parliament.
- Should the House of Commons choose to create a Petitions Committee or to implement Agenda Initiative we would strongly recommend that the different stages of the processes are made very clear to the public and that the petitioner or person submitting the proposal is given feedback on what has happened to their idea.

### **The appointment of members and chairs of Select Committees**

1. Unlock Democracy believes that there needs to be both a rebalancing of power and a clarification of roles between the Executive and the Legislature. All too often Parliament is seen as being the same thing as the Government

and this is not healthy for democracy or for encouraging participation in politics.

2. The scrutiny work done by select committees is a very valuable aspect of Parliament's work. Whilst we recognise the excellent work done by those currently serving on select committees, we believe that the Select Committee system would be strengthened by increased independence from the Executive. Therefore Unlock Democracy supports the introduction of secret ballots for the election of Select Committee members and chairs.

### **Scheduling business in the House**

3. As part of the rebalancing of power between the Executive and the Legislature, Unlock Democracy would be interested in the creation of a Business Committee for the House of Commons. It is of course important that the Government is able to get through its business, but we do not accept that this means they need to unilaterally control the legislative agenda. Establishing a Business Committee would also increase the openness and transparency of Parliament.
4. Unlock Democracy also supports the proposal made by the Speaker of the House of Commons made in his speech to the Hansard Society<sup>1</sup>, that the debating of private members' bills should be moved from Friday afternoon to Wednesday. We agree that this would strengthen the role of the backbench MP and encourage the public and civic society to engage with Parliament.

### **Enabling the public to initiate debates and proceedings in the House**

5. Unlock Democracy believes that it should be possible for members of the public to suggest issues for consideration by Parliament. All too often political participation is seen as nothing more than cast a vote once every four or five years. We believe that enabling the public to propose ideas for discussion in Parliament is one way to start fix the disconnect between Parliament and the public. The measures we recommend would also encourage the public to engage with the work that Parliament does outside the media set-pieces such as Prime Minister's Questions (which is far from representative of the work of the legislature).
6. There are two measures that Unlock Democracy believes Parliament should introduce to enable the public to initiate debates and proceedings in the House. Firstly there should be a formal Petitions Committee as is currently the case in the Scottish Parliament. Secondly the House of Commons should consider introducing agenda initiative which is already used successfully at a local government level.

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<sup>1</sup> *Parliamentary Reform: The Route from Here to There*. 24<sup>th</sup> September 2009  
[http://www.hansardsociety.org.uk/blogs/recent\\_events/archive/2009/09/25/parliamentary-reform-the-route-from-here-to-there.aspx](http://www.hansardsociety.org.uk/blogs/recent_events/archive/2009/09/25/parliamentary-reform-the-route-from-here-to-there.aspx)

## *Petitions*

7. Petitioning is one of the oldest forms of political participation in the UK and is very successfully used as a means of citizen engagement in the devolved administrations, as well as around the world. Submitting a petition is one of the most basic ways in which a voter can seek to raise a policy issue with the Legislature and not just their constituency MP. It allows individuals, community groups and organisations to participate in the policy scrutiny process by raising issues of concern with their Parliament. In the Scottish Parliament the public petitions process is seen as a key part of the Parliament's commitment to participation, openness and accessibility. Unlock Democracy believes that the House of Commons should establish a Public Petitions Committee, on a similar basis to that which exists in the Scottish Parliament, as a matter of urgency.
8. While the current system for dealing with petitions to the House of Commons may have a historic and symbolic value, it does not serve the needs of a modern democracy. It is unclear for members of the public who wish to petition Parliament what happens to a petition once it has been submitted, and there is no formal mechanism for the petitioner to receive any feedback.
9. We note that the Procedure Committee<sup>2</sup> has previously proposed that the House of Commons should use an e-petitioning system. However we have some concerns about the proposals being put forward for e-petitions. Firstly any petitioning mechanism should be as widely accessible as possible and so anything that is available in terms of online participation should have an equivalent offline process. The internet provides a quick and easy way for people with the skills and technology to participate, but these are by no means universal among the UK electorate.
10. Secondly, the key aspect of any petitioning system is how flexible and responsive it is. Where petitioning works well it is not so much that petitions are frequently adopted but that the institution or legislature responds to the issues raised by popular petitions and acts of its own accord. This has been the case with the petitioning system in New Zealand, where if a petition reaches a significant number of signatures Parliament acts pre-emptively and engages with the issue rather than waiting to be forced to do so. The emphasis on the e-petitioning proposals seems to be the petitioner 'getting her day in court' rather than Parliament engaging with the issue and deciding whether to respond. As the day in court in this instance would be a reference in Hansard we don't think this is a satisfactory outcome for either party.
11. Thirdly, the focus on e-petitions does not encourage engagement between citizens and parliamentarians. An individual fills in a form online, if the issue is popular and meets the regulations, then their MP is expected to take it forward. If the individual has requested feedback then they will get a response at the end of the process. Politics is all too often seen as something that is remote, incomprehensible and only conducted in Westminster. This

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<sup>2</sup> *E-petitions: a call for government action* Procedure Committee Second Report 2008/2009 HC 493

mechanism will do nothing to change this perception. Nor does it engage people meaningfully in the legislative process.

12. While under the Procedure Committee's proposals it would be possible for the petition to be referred to an existing Select Committee we are concerned that they would not have the time or resources to undertake additional investigations. The workload of departmental Select Committees is increasing, particularly with moves towards pre-appointment hearings for public appointments. We are concerned that petitions from the public would simply be lost in the system.
13. Fourthly we are concerned that in the proposed mechanism MPs could become gatekeepers rather than facilitators. Unlock Democracy recognises the need for MPs to have a key role in the petitioning process, but we do not believe this proposal is practicable, particularly as there is no filtering mechanism. In theory each MP will present their constituent's petition regardless of whether or not they agree with it. Most petitioning committees use some kind of trigger system, so that they only consider petitions that reach a certain number of signatures for example. Under the current proposals MPs would be sent, and assuming they fell within Parliament's remit, be expected to present every single petition received from a constituent. In the nearly two years that the Downing Street e-petitions system has been in place there over 29,000 petitions have been submitted. It would be all too easy therefore for MPs to be forced to become the filter and decide which of the many petitions they have received should be presented to Parliament.
14. The advantage of a Petitions Committee is that it gives the process a human face but also that the Committee can go beyond Westminster. For example the Scottish Petitions Committee has gone outside Holyrood to take evidence on a number of occasions including going into schools to take evidence from pupils on the public health impact of cheap alcohol<sup>3</sup>.
15. The Public Petitions Committee (PPC) in Scotland accepts petitions from any individual who is not an MSP, and there is no threshold in relation to the number of signatures. An individual can submit a petition with one signature and as long as it is a devolved matter it will be considered by the Committee. We recognise that the House of Commons may be concerned about the number of petitions that any equivalent committee may receive. Therefore the House may wish to consider setting a threshold of a certain number of signatures that a petition has to receive before it can be considered.
16. The PPC meets fortnightly when the Parliament is sitting and all its meetings are held in public. Its membership broadly reflects the balance of the various political groupings in the Parliament. About eight new petitions are normally considered at each meeting as well as a number of current petitions. Should the PPC consider it necessary, in order to broaden its understanding of a petition, it may invite a petitioner to give oral evidence before it. This may be

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<sup>3</sup> See the following links for just two examples [http://news.bbc.co.uk/1/hi/scotland/south\\_of\\_scotland/5116898.stm](http://news.bbc.co.uk/1/hi/scotland/south_of_scotland/5116898.stm)  
<http://news.bbc.co.uk/1/hi/scotland/5404808.stm>

where a petition raises a new issue. Petitioners may also provide written evidence in support of their petition.

17. The role of the PPC is to ensure that appropriate action is taken in respect of each admissible petition. In fulfilling this function, it takes responsibility for the initial consideration of the issues raised.
18. This may involve hearing oral evidence from the petitioners or seeking written evidence from organisations with an interest in the issues raised e.g. the Scottish Government. Following consideration of the written and any oral evidence, a decision will be taken as to whether the issues raised merit further consideration. The PPC may also refer a petition to the relevant subject committee of the Parliament for further investigation. It can also bid for parliamentary time for a petition to be debated by the whole Parliament. Having considered a petition the PPC (or the relevant subject committee) may agree that no further action is required and close it. In all cases, the petitioner will be notified of any action.
19. Unlock Democracy believes that it is the involvement of the petitioner in the process and the fact that they are kept informed at each stage that makes the PPC a particularly valuable example of how petitioning can be used to enable the public to initiate debates and proceedings in the House of Commons.

#### *Agenda Initiative*

20. Agenda initiative is a direct democracy tool but it does not lead to a referendum and decision-making rests firmly with the legislature, rather than being held jointly with citizens. Generally speaking an agenda initiative leads to either a committee of the Legislature, or the Legislature as a whole examining the issue, deciding whether it has merit and how if at all it should be taken forward.
21. An agenda initiative procedure is the right of a group of voters, meeting predetermined requirements, to initiate a process for the revision of a law, the introduction of a new law or an amendment to the constitution. While it is voters who make the proposal, the Legislature retains full decision-making power.
22. Agenda initiative procedures first began to be used in Europe in the aftermath of the First World War and are now used in 22 countries across Europe with a further seven countries allowing agenda initiatives (though only at a sub-national level). The types of issues that have been raised include proposals to improve the teacher training programme in Poland and the introduction of a 40-hour week in Austria. It should be noted that if the Lisbon Treaty is ratified, as now looks likely, EU citizens will be able to petition the EU Commission to bring forward proposals.
23. The predetermined requirements that have to be met can include the subjects on which proposals can be made, the number of signatures required for a

proposal to be considered, the amount of time allowed to collect the signatures and how the signatures can be collected.

24. These requirements determine how easy or difficult it is to use this tool and how likely it is that the public will engage with it. For example, the requirement to collect a high number of signatures, in a short period of time, and with those signatures required to have been collected in specific places means that very few proposals will be successful. This may discourage people from trying to use the tool. However those that are successful are guaranteed to have widespread support. An agenda initiative system which requires a low number of signatures which can be collected over a long period of time means that many more proposals are likely to reach the threshold and be considered by the Legislature. This makes it more likely that the public will use the tool but may create more work for the legislature. Unlock Democracy believes that it should be difficult to submit a proposal under an agenda initiative system but that it should be possible. We would therefore support high thresholds.
25. Some countries restrict the subjects on which an agenda initiative can be proposed. For example Austria, Brazil, Cape Verde and Thailand do not allow agenda initiative to be used for amendments to the constitution while Niger does not allow agenda initiative on devolution.
26. Although petitions and agenda initiatives are different mechanisms they are both tools designed to make Parliament more responsive to voters in between elections. These tools enable voters to raise issues, demonstrate that there is a significant level of public support and provide a formal mechanism for Parliament to respond. We believe that these mechanisms will help to address the dis-connect between Parliament and the public.

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