



Government response to the report of the  
Public Administration Select Committee on the  
Draft Constitutional Renewal Bill





# **Government response to the report of the Public Administration Select Committee on the Draft Constitutional Renewal Bill**

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

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## Introduction

1. The Government would like to thank the Public Administration Select Committee for their report on the Constitutional Renewal Bill. We are very grateful to the Committee for their thorough consideration of these complex and challenging issues.
2. The Government has thought long and hard following the pre-legislative scrutiny of the Constitutional Renewal Bill. This has meant a considerable delay in responding to the reports of the Public Administration Select Committee, the Justice Committee and the Joint Committee on the Draft Constitutional Renewal Bill. However, we judged it was more important to get the responses – and the final Bill – right. The following chapters address the recommendations of the Public Administration Select Committee point by point.
3. This response to the Public Administration Select Committee is published on the same day as the Constitutional Reform and Governance Bill. This Bill is the result of the process of deliberation that started with the publication of the Draft Constitutional Renewal Bill, and adopts a number of the proposals set out there.

## Background

4. On 3 July 2007 the Prime Minister launched the *Governance of Britain* Green Paper, which set out the Government's vision and proposals for constitutional renewal and called on the public, Parliament and all interested organisations to submit their views on these matters.
5. The proposals which form the basis of the Constitutional Renewal Bill have already been subject to much detailed analysis and consultation since the publication of the *Governance of Britain* Green Paper in July 2007. This included consultations on the following.
  - Managing Protest Around Parliament
  - The Role of the Attorney General
  - Judicial Appointments
  - War Powers and Treaties: Limiting the powers of the Executive

6. The Constitutional Renewal Bill was published in draft on 25 March 2008. The draft Bill contained the following provisions:
7. *Managing Protest around Parliament:* The repeal of sections 132-138 of the Serious Organised Crime and Police Act 2005. Repeal of these sections would remove the requirement to give notice of demonstrations in the designated area around Parliament. It would also remove the offence for such demonstrations to be held without authorisation of the Metropolitan Police Commissioner.
8. *Role of the Attorney General:* The draft Bill proposed to make it clear that the Attorney General may not give a direction to the prosecuting authorities in relation to an individual case (except in certain limited cases). The requirement to obtain consent of the Attorney General to a prosecution in certain cases would, in general, have been transferred to specified prosecutors and the Attorney General's power to halt a trial on indictment by entering a *nolle prosequi* would have been abolished. The Government also proposed a requirement that the Attorney General report to Parliament on an annual basis on the exercise of the functions of the Attorney General.
9. *Judicial Appointments:* The draft Bill proposed to reduce the role played by the Lord Chancellor in judicial appointments below the High Court and to remove the need for the Lord Chief Justice to consult or obtain the concurrence of the Lord Chancellor in exercising certain functions. The Government also proposed to remove the Prime Minister from the process for appointing Supreme Court judges.
10. *Treaties:* The draft Bill proposed to formalise the procedure for Parliament to scrutinise treaties prior to ratification to ensure a treaty cannot be ratified unless a copy of it is laid before Parliament for a defined period of 21 sitting days.
11. *Civil Service:* The draft Bill proposed placing the Civil Service on a statutory footing by enshrining in statute the core values of the Civil Service and placing the Civil Service Commissioners on a statutory footing.
12. The Constitutional Renewal White Paper, published alongside the draft Bill, also contained a number of policy proposals that were not included in the draft Bill.

## Civil service provisions

13. **Recommendations 3-4: The purpose of putting the civil service on a statutory footing is to provide the service with some protection against the kind of government that might seek to undermine its core values. It is this kind of government that we have in mind when seeking to improve the draft bill. It is not enough to rely on the understandings that might exist now between civil servants, Ministers and the Civil Service Commissioner; it is important to envisage a situation in which those understandings may have broken down. This in our view is the whole purpose of civil service legislation, and the reason that is required at all.**
14. **We support the Government's intention to keep new civil service legislation focussed and limited to 'a few clauses'. As will become clear, however, our view is that a few clauses more are required to give adequate protection to the core values of the civil service. (Paragraphs 11 and 15)**
15. The Government agrees with the Committee that the purpose of the proposals should be to protect for the future the core values of the civil service. We also welcome the Committee's support for our approach to keeping the legislation focussed on the key principles. In further developing the legislation, the Government has taken into account the recommendations of both the Public Administration Select Committee and the Joint Committee, which is discussed below.
16. **Recommendation 5: The Joint Committee may wish to explore further if the draft bill would have the effect of restricting access to the Civil Service Commissioners by staff of the intelligence agencies, and if so, whether this restriction is appropriate. The Committee may also wish to explore if there is a good reason for excluding the intelligence agencies from the statutory requirement that their staff should normally be recruited on merit. (Paragraph 19)**
17. The Joint Committee investigated this further in its evidence and has expressed support for the Government's approach. We have reaffirmed in our response to the Committee that the mechanisms in place for staff of the intelligence agencies to raise concerns relating to the work of their organisation will remain and that appointments to GCHQ will, as a general rule, continue to be made on merit.

- 18. Recommendation 6: Giving the Ministers the general power to appoint and dismiss civil servants does not seem in keeping with the Government's commitment to a civil service recruited on merit and able to serve administrations of different political persuasions. This is a matter that the Joint Committee may wish to investigate further. (Paragraph 22)**
19. The proposals reflect existing arrangements as set out in the Civil Service Order in Council, where the power to manage the civil service is vested in the Minister for the Civil Service by the Crown. This power is, in turn, delegated to permanent Heads of Department. The Government addresses this issue in its response to the Joint Committee.
- 20. Recommendation 7: Any code which failed to uphold the core values of the civil service as set out in the draft bill would be open to legal challenge. We would therefore insist on providing for parliamentary approval of the Civil Service Codes only if primary legislation failed to encapsulate these core values adequately. There is one area in which the draft bill is at best ambiguous in this respect. We are not convinced that the definition of "impartiality" is sufficiently clear on the fact of the draft bill. We recommend that the need for civil servants to be able to work effectively for governments of different political persuasions should be set out explicitly in primary legislation. (Paragraph 28)**
21. The Government welcomes the Committee's conclusion that parliamentary approval of the full content of the Civil Service Code would only be required if the proposals failed to encapsulate adequately the core values of the civil service – integrity, honesty, objectivity and impartiality. The Government concurs with the conclusion of the Joint Committee that the *Civil Service Code* sets out explicitly what is required of civil servants in terms of impartiality, including political impartiality.
- 22. Recommendations 8-9: Appointment on merit is central to ensuring an impartial and capable civil service. Any exceptions from this principle need to have an impeachable justification.**
- 23. Whoever is formally responsible for making civil service appointments, it strikes us as wrong that the Commissioners for Revenue and Customs (to take one example) should be appointed other than on merit. We invite the Joint Committee to explore this issue in more depth. (Paragraphs 30 and 32)**

24. The Government agrees that the principle of appointment on merit is central to an impartial and capable civil service and that exceptions to this principle should only ever be justified by the needs of the Service. To utilise the Committee's example, the Commissioners for Revenue and Customs are appointed by Her Majesty but are appointed as such by virtue of the positions they hold as senior civil servants at the department for Revenue and Customs, which are covered by the Civil Service Commissioners' Recruitment Principles.
25. **Recommendation 10: We do not understand why it should ever be appropriate for the Government to make senior diplomatic appointments other than on merit following a fair and open competition. We call on the Government to make the public interest case for this form of patronage – if there is case to be made – and we encourage the Joint Committee to consider whether this provision should remain in the draft bill. At the very least, it needs to be drawn more tightly to ensure that it could be used only very rarely. (Paragraph 35)**
26. The Government reassures the Committee that this exception has only ever been used sparingly and will continue to be so in future. The Government agrees with the conclusion of the Joint Committee that this exception should be used on an exceptional basis with the direct approval of the Prime Minister.
27. **Recommendation 11: We can see merit in the provision in the draft bill allowing the Civil Service Commissioners to exempt certain recruitments from the requirement for selection on merit on the basis of fair and open competition. We expect that they will be used sparingly. It is entirely appropriate that decision of this kind should be taken by the Commissioner, rather than by the Government. (Paragraph 36)**
28. The Government welcomes the Committee's conclusion that the Civil Service Commissioners should be able to exempt certain recruitments from the requirement for selection on merit following fair and open competition on the basis that such exceptions are justified by the needs of the Service. This is a current function of the Commissioners' role as set out in the Civil Service Order in Council. The Commissioners' new Recruitment Principles, which came into force on 1 April 2009 set out the Commissioners' agreed exceptions to fair and open competition. It is for the Commissioners to determine the final exceptions set out in the Recruitment Principles following consultation with the Government.
29. **Recommendation 12: It needs to be absolutely clear in primary legislation that no special advisers should be able to authorise expenditure, or to exercise either management functions or statutory powers. With this added protection, there would be no need for Parliament to control the number of special adviser appointments. (Paragraph 44)**

30. The role of special advisers and what they can and cannot do is set out clearly in the *Code of Conduct for Special Advisers*. In specifying that the sole purpose of appointing special advisers is to assist the Minister, the Government believes that it is clear that special advisers cannot exercise executive powers.
31. **Recommendation 13: We are not convinced that consultation is an adequate safeguard to the independence of the First Civil Service Commissioner, and recommend that any appointment should also require the agreement of the Leader of the Opposition. (Paragraph 48)**
32. The Government agrees with the conclusion of the Joint Committee that the Minister for the Civil Service should be required, as now, to consult the main opposition parties about the appointment of the First Civil Service Commissioner.
33. **Recommendation 14: We suggest that the Joint Committee may wish to explore with the Government the circumstances under which it might be considered “appropriate” to make an appointment to the Civil Service Commission without agreement of the First Civil Service Commissioner. Unless there is a strong justification for maintaining an exemption clause, recommend that the draft bill should be clear that appointments of the Civil Service Commissioners may only ever be made with the agreement of the First Civil Service Commissioner. (Paragraph 49)**
34. Appointments of the Civil Service Commissioners, in practice, are only ever made with the agreement of the First Civil Service Commissioner. The Government has therefore made this explicit in its proposals.
35. **Recommendation 15: Appointment to longer, non-renewable terms of office will strengthen the independence of the Commissioners, and we welcome this provision wholeheartedly. (Paragraph 50)**
36. The Government welcomes the Committee’s endorsement of this approach, a view which is also shared by the Joint Committee.
37. **Recommendations 16-17: The Civil Service Commission’s job is to regulate the Executive. It is therefore not appropriate for the Executive to have the power to control not only how much money is made available to the Commissioner, but also how that money should be spent.**
38. **Our concern is to ensure that, whatever model is used, and however that model might need to be modified, the Civil Service Commission should have complete financial and operational independence from the Government. We invite the Joint Committee to consider further how this independence might best be achieved. (Paragraph 54)**

39. The Government has addressed both of these points in its response to the Joint Committee. The Government worked closely with the Commissioners to agree upon an organisational model which would ensure the Commission could operate with a high degree of independence. We believe that the model of executive non-departmental public body strikes the right balance between independence and proportionality with a number of precedents of existing regulatory bodies operating successfully under this model.
40. **Recommendations 18-19: We remain convinced that the Civil Service Commission should have the power to conduct independent investigations into the operation of the Civil Service Codes, other than in response to specific complaints from civil servants, and without the need for Government consent.**
41. **We invite the Joint Committee to consider further how the Civil Service Commission might be enabled to conduct independent investigations at its discretion, both in terms of the draft legislation and of any additional resources that the Commission might require. (Paragraph 58)**
42. The Government considered carefully recommendations of both Committees with respect to the Commissioners' power to undertake investigations into the operation of the *Civil Service Code*. The Government continues to believe that such a provision is unnecessary and that the proposals should not place any additional, undue pressure on the resources of the Commission or risk politicising its role.
43. Civil servants can already take complaints or concerns direct to the Civil Service Commissioners who can then investigate and make recommendations. This will continue under the proposals. Commissioners can also approach the Cabinet Secretary with complaints or concerns raised from other sources. The Cabinet Secretary has always taken seriously any approach from the Commissioners if there is a concern which needs investigating. The Government continues to believe this approach strikes the right balance to deliver the correct safeguards while at the same time minimising the risk of burdening or politicising the Commission's role.
44. **Recommendation 20: The principle of promotion on merit which already exists within the civil service deserves to be placed on a statutory footing as much as the principle of appointment on merit. (Paragraph 61)**
45. The Government notes that the Committee is responding to concerns it received that it is through promotion that patronage could effectively be exercised.

46. The Government does not agree that this is the case. However, in order to address any such concerns, the Head of the Civil Service invited the Civil Service Commissioners to be involved in appointments to and within the very senior civil service posts (the 'Top 200'), a role that will continue under the proposals.
47. The principle of promotion on merit is a mandatory requirement set out very clearly in the *Civil Service Management Code*, which forms part of terms and conditions of employment. The Government believes that below the most senior civil service posts, it is important that departments are able to manage their staff in the most efficient and effective way which is appropriate and proportionate to their business needs in accordance with the requirements set out in the *Civil Service Management Code*. The Government does not consider that it is proportionate to widen the scope of the Commissioners to cover the whole civil service by placing the principle of promotion on merit onto a statutory footing.
48. **Recommendation 21: We agree with the Government that the question of whether a minister is failing to respect the political neutrality of the civil service is better addressed as a political issue than a legal issue. However, this is an issue the Joint Committee may wish to consider further. (Paragraph 65)**
49. The Government welcomes the Committee's conclusion in this respect, a view that was also shared by the Joint Committee.
50. **Recommendation 22: We recommend again that the draft Constitutional Renewal Bill should include measures to change fundamentally the way that Government is structured, by giving statutory functions to Government Departments, rather than to interchangeable Secretaries of State. (Paragraph 67)**
51. The Government has responded fully on this issue in its response to the Committee's Report on Machinery of Government Changes.
52. The Joint Committee on the Constitutional Renewal Bill concluded that 'there should be better Parliamentary scrutiny of such changes but this is a matter for the appropriate select committees rather than through legislation'. The Government agrees with this approach.

## War-making powers

53. **Recommendations 24-25: A Prime Minister should not be able to choose whether or not to seek the support of Parliament based on political expediency; nor should he be able to present information to Parliament in a way which is partial or subjective, leading Members of the Commons perhaps to support a conflict which they might not support if more information was available to them.**
54. **We are concerned that the terms of the resolution as drafted leave too much discretion in the hands of the Prime Minister. We would be more reassured if there were independent endorsement of information provided by the Prime Minister on a conflict, and of any decision that a conflict was too urgent or too secret to allow a prior debate and vote in the Commons. One option might be for this endorsement to come from the cross-party Intelligence and Security Committee. (Paragraphs 73-74)**
55. The Government believes it is essential that any new Parliamentary approval process for war powers should be sufficiently adaptable to be able to respond quickly and flexibly to the variety of situations that could arise. The Prime Minister is in a good position to decide what evidence is relevant to the situation in question and the best treatment for relevant yet sensitive information. For similar reasons flexibility is of the utmost importance when deciding the timing of the vote. The involvement of existing committees in the approval process once the Government has announced that it intends to seek Parliamentary authority for engagement in armed conflict will be for the House of Commons to determine.
56. The Government notes that the committee's recommendations were also intended to inform the deliberations of the Joint Committee on the draft Bill. PASC will have noted that the Joint Committee concluded that the Government's proposals in this area were acceptable.
57. **Recommendations 26-27: The Government is concerned that "there could be some very serious and undesirable consequences of a failure to gain parliamentary approval for an operation which was underway", namely "to call into question the credibility of the UK's use of force, our international relations and crucially, the safety and morale of the UK Forces". This is the price of democracy, and is a risk that Prime Ministers should have to weigh up before taking the extraordinary step of entering into a conflict without a prior mandate from the House of Commons.**

**58. An explicit vote on retrospective approval of a conflict decision would have at least the advantage of enabling the Prime Minister to secure a clear democratic mandate for his decision. (Paragraphs 75-76)**

59. We are strongly of the opinion that the Government should, wherever possible, ensure Parliament has the opportunity to debate whether we should engage in a proposed conflict via the approval process. However, there will be situations where this is not possible either because the deployment is too urgent or the release of information about it would have security implications. In these cases the Government believe that the potential dangers of either a retrospective approval process or a detailed debate on the merits of a conflict already underway outweighs the benefits in terms of democratic accountability. It may call into question the credibility of the UK's use of force, damage international relations and threaten the security and morale of the UK armed forces. The Government envisages that these types of operations will be rare. Operations that are likely to fall under the security consideration are generally small scale and of short duration. It is unlikely we would be entering into an urgent operation unless it was a response to a grave and immediate threat. The usual methods of parliamentary scrutiny and ministerial accountability will, of course, continue to be available in relation to those operations which are announced to Parliament after commencement, without advance approval.

**60. Recommendation 28: We suggest that the Joint Committee on the draft bill may wish to explore further if and how it might be possible to ensure that a genuinely full and frank statement of the legal basis for a conflict decision can be published without revealing the Attorney General's full legal advice to the Government. The publication of the advice could well be the most straightforward solution. (Paragraph 78)**

61. The Government understands that this recommendation is addressed to the Joint Committee. The Government's response to the Joint Committee deals with this issue there.

**62. Recommendation 29: A parliamentary resolution may, for the moment at least, be the pragmatic way forward, as a first step towards establishing a legal principle for parliamentary involvement in conflict decisions. (Paragraph 79)**

63. The Government agrees with PASC's assessment of the role of the resolution. Whilst we do not rule out legislation in the future, for the moment the resolution approach allows us to define a clear role for Parliament with no loss of flexibility.

**64. Recommendation 30: It would be instructive to test the Government's proposed procedure and the alternatives by using some recent conflict decisions as case studies and imagining how the Prime Minister of the day might have involved Parliament if the Government's draft resolution had been in existence at the time. (Paragraph 80)**

65. The Government believes analysis of past conflicts can contribute to our understanding of how any new mechanism should work and in particular the issues which would need to be considered. With this in mind we have looked at how Parliament has been involved in deployments abroad in the past. A summary of this can be found in our consultation paper *War powers and treaties: limiting executive powers*. However, the precise circumstances of any particular engagement are difficult to replicate and the Government is not convinced that a detailed reconstruction would add anything to the work they have already undertaken. The Government notes, however, that it did seek approval from Parliament on a substantive motion before the commencement of the second Iraq war.

## Treaties

66. **Recommendation 31: A safeguard that can be ignored at will is no safeguard at all. Other leading democracies do not allow their Governments to avoid their obligations to Parliament at their sole discretion. At the very least, the bill should either (a) define the circumstances in which a treaty might need to be ratified without giving Parliament 21 days in which to consider it, or (b) make it for Parliament (not the Secretary of State) to waive the 21-day requirement. We also invite the Joint Committee to consider whether 21 days offers adequate opportunity for proper parliamentary scrutiny of complex treaties. (Paragraph 87)**
67. The Government agrees with the Committee that there are very few circumstances indeed in which it might be necessary to do without this period of 21 sitting days for parliamentary consideration. However, exceptional circumstances may very occasionally arise when it is necessary to shorten this period or to consult and inform Parliament in some other way, for example during a long recess.
68. The Government has no intention of invoking exceptional procedures in any kinds of situation for which it would not currently consider alternative procedures under the Ponsonby Rule. It is however very difficult to predict in advance what those circumstances might be – by their nature they tend to arise through one-off combinations of factors. These cannot be described in general terms other than that they are exceptional.
69. The Constitutional Reform and Governance Bill has been drafted to include a clause which provides that a Minister may extend the period in relation to a particular treaty up to a further 21 sitting days. Such an extension may be granted more than once.
70. This new clause means that Government would be legally prevented from ratifying the treaty before the end of the extended scrutiny period. This is important, given that a treaty ratification cannot be undone.
71. The new clause also means that any vote against ratification during an extended period would have the same legal effect as during the first 21 sitting days.

- 72. Recommendation 32: If the House of Commons votes that a treaty should not be ratified, the Secretary of State should respect this view, and the House should not be asked to consider the same question again before the next parliamentary session. Clause 21 of the draft bill should be amended accordingly. (Paragraph 89)**
73. The Government notes that the Joint Committee agreed that the Secretary of State should be able to re-submit for Parliamentary approval a treaty which either House has resolved should not be ratified.
74. The Government considers it unlikely that a treaty would be re-presented to Parliament following a vote against ratification by the House of Commons in the same session, but does not agree that a statutory prohibition should be imposed. Treaties operate in an international context which may change rapidly due to external factors – in unusual cases Parliament may have good reason to change its view in a short space of time.
75. The House of Commons would always be able to block the ratification of a treaty, no matter how many times it is proposed.

## Passports

**76. Recommendation 33: We recommend that the Government should announce the timetable for a consultation on passport legislation before the summer recess. (Paragraph 91)**

77. The Government has decided in principle that it will introduce comprehensive legislation on the procedures for issuing passports and that draft legislation should be published for consultation before it is introduced in Parliament. However, the timetable for this has yet to be decided and it is now unlikely to be until the next Parliament.

## **Wider review of the royal prerogative**

78. **Recommendations 34-35:** we are delighted that the Government has now decided to conduct a scoping exercise of the prerogative powers, to consider the outcome of this work, and to launch a consultation on next steps.
79. **Recommendation 35:** We trust that the results of the scoping exercise of the executive prerogative powers will be completed and published as soon as possible. The exercise may well reveal areas of the prerogative which would benefit from further statutory provision. (Paragraph 92)
80. We have completed our survey of prerogative powers and will publish the results shortly. The Government intends to explore some of these issues when it reports fully on the survey of prerogative powers.

## More power or status quo?

81. **Recommendations 36-8: What is very welcome is the Government's acknowledgment that it is inappropriate for the Executive to wield power which it has never been given by Parliament, but which it has retained from the time when monarchs wielded absolute power. The Government's proposals would effectively seek Parliament's permission to continue with something akin to the status quo. (Paragraph 93)**
82. **We have identified loopholes in the proposals, which would allow the Executive to bypass at their discretion even prior parliamentary scrutiny of their decisions. These loopholes need to be removed or, at the very least, tightened so that it is not for the Government alone to decide when it can use them. (Paragraph 93)**
83. **Rather than the status quo, however, we would have preferred to see Parliament and the people entrusted with real power, as promised by the Prime Minister. A perhaps unintended effect of placing prerogative power on the statute book without giving Parliament a role in how it is exercised is that it will become subject to scrutiny and decision, not by Parliament or by the people, but by the courts. (Paragraphs 93-94)**
84. We agree with the Committee that the prerogative powers should be placed on a statutory footing where possible. We do not, however, agree that the proposals in the Draft Bill effectively seek to continue with the status quo. The repeal of the SOCPA provisions, for example, represents a clear move towards entrusting the people with more power, just as the placing of the management and core principles of the civil service on a statutory footing prevents the executive from effecting significant changes without the approval of Parliament.
85. Nor do we share the concerns of the Committee about the role of the courts. The roles of the various arms of the state are well understood, and the judiciary have no desire to trespass on the role of Parliament. The Government does not accept that a necessary corollary of placing matters on a statutory footing is that that subject matter becomes justiciable. Rather, it is the nature of the subject matter that will determine whether that matter is properly something for the courts.
86. **Recommendation 39: It is difficult if not impossible to pursue a coherent agenda of constitutional renewal in a landscape where the form and role of one of the main features—the House of Lords—remains undecided. (Paragraph 95)**

87. The Government remains committed to comprehensive reform of the House of Lords. The Constitutional Reform and Governance Bill contains provisions making significant reforms, and further reform will be taken forward in due course.

## Conclusion

88. **Recommendation 40: Overcoming disengagement from our political processes and institutions is one of the greatest challenges faced by politicians today. We hope that all sides of the House will engage constructively with this agenda: this is not a matter for partisan politics. (Paragraph 96)**
89. We welcome the Committee's comments.
90. **Recommendation 41: We also welcome the decision to legislate in those important areas of power held by the executive without Parliament's approval. The clauses on the civil service—although they could be improved—are a major step towards meeting a long-standing gap in the legislative framework. There are disappointingly limited measures proposed for the other prerogative powers in which we have taken an interest. (Paragraph 97)**
91. We welcome the Committee's assessment of the civil service proposals. We disagree with the Committee's assessment of the Government's approach to other prerogative powers. The Government has taken the steps to reform the prerogative power where it considers that it is necessary to do so.
92. **Recommendation 42: We welcome the Prime Minister's announcement that the Government will consult on "a major shift of power directly to citizens themselves" and will bring forward measures on community empowerment, "to give people greater power to influence local decisions". Measures of this kind were notably lacking in the draft bill, and we look forward to seeing the detail of the proposals. (Paragraph 98)**
93. The Government remains fully committed to community empowerment. The Department for Communities and Local Government has taken a strong lead on giving people greater power to influence local decisions. The Draft Constitutional Renewal Bill and the final Constitutional Reform and Governance Bill, however, were not focused on such local empowerment, but rather aim to effect changes to national roles and institutions.
94. **Recommendation 43: The Constitutional Renewal Bill, when it is finally presented to Parliament, should be a seminal piece of legislation, reshaping the relationship between Government, Parliament, the courts and the people. Our recommendations are designed to help ensure that this is the case. (Paragraph 99)**

95. We welcome the Committee's report, and have paid careful attention to each recommendation while formulating the provisions in the Constitutional Reform and Governance Bill.

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