

# **The Harrogate Agenda**

**Demands  
for governance  
by the people for the people**

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# The Chartists revisited

“When the State calls for defenders, when it calls for money, no consideration of poverty or ignorance can be pleaded, in refusal or delay of the call. Required, as we are universally, to support and obey the laws, nature and reason entitle us to demand that in the making of the laws, the universal voice shall be implicitly listened to. We perform the duties of freemen; we must have the privileges of freemen ...”

**Extract from the original Chartist petition, 1836<sup>1</sup>**

On 14 July 2012, an invited group of 33 assembled at the Old Swan Hotel in Harrogate, the same hotel in which Agatha Christie re-appeared after she had gone missing in December 1926. The object of our conference was to frame six demands in the manner of the “People’s Charter” produced by the Chartists in 1838.<sup>2</sup>

The original aim of the Chartists was to reform the political system to make it more democratic. And, although five of their six demands were eventually conceded, their work was not done. The system, although improved, is still very far from being democratic. Thus, we seek to continue their work, with another six demands, which we intend to be the focus of a new political movement.

Originally conceived as The Old Swan Manifesto, we settled on the title “The Harrogate Agenda” (THA) for our demands. We believe their implementation will return power to those from whom it has, over centuries, been usurped – the people.

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<sup>1</sup> <http://www.chartists.net/The-six-points.htm>

<sup>2</sup> <http://en.wikipedia.org/wiki/Chartism>

# Our six demands

1. **Recognition of our sovereignty:** the peoples of England, Wales, Scotland and Northern Ireland comprise the ultimate authority of their nations and are the source of all political power. That fact shall be recognised by the Crown and the Governments of our nations, and our Parliaments and Assemblies;

2. **Real local democracy:** the foundation of our democracy shall be the counties (or other local units as may be defined), which shall become constitutional bodies exercising under the control of their peoples all powers of legislation, taxation and administration not specifically granted by the people to the national government;

3. **Separation of powers:** the executive shall be separated from the legislature. To that effect, prime ministers shall be elected by popular vote; they shall appoint their own ministers, with the approval of parliament, to assist in the exercise of such powers as may be granted to them by the sovereign people of England, Wales, Scotland and Northern Ireland; no prime ministers or their ministers shall be members of parliament or any legislative assembly;

4. **The people's consent:** no law, treaty or government decision shall take effect without the consent of the majority of the people, by positive vote if so demanded, and that none shall continue to have effect when that consent is withdrawn by the majority of the people;

5. **No taxation or spending without consent:** no tax, charge or levy shall be imposed, nor any public spending authorised, nor any sum borrowed by any national or local government except with the express approval the majority of the people, renewed annually on presentation of a budget which shall first have been approved by their respective legislatures;

6. **A constitutional convention:** Parliament, once members of the executive are excluded, must host a constitutional convention to draw up a definitive codified constitution for the peoples of England, Wales, Scotland and Northern Ireland. It shall recognise their sovereign status and their inherent, inalienable rights and which shall be subject to their approval.

# Our movement

The premise on which our movement is based is that democracy means “people power”. The word democracy stems from the Greek word, *dēmokratia*, comprising two parts: *dēmos* “people” and *kratos* “power”.<sup>3</sup> Without a demos, there is no democracy. But people without power is not democracy either.

In terms of our definition, we have never really enjoyed a fully functioning democracy. Had we had one in the recent past, Prime Minister Tony Blair would not have been able to take us to war in Iraq in 2003 nor Afghanistan in 2006. Nor could Edward Heath have led the United Kingdom into the European Economic Community (EEC) in 1973.

Our current system of government includes the vestiges of what is known as “representative democracy”. That phrase embodies a misuse of the word democracy. People do not hold power so that system cannot – by our definition – be a democracy.

Power is nominally held by elected members to a sovereign parliament (MPs), and by elected councillors at local level. Theoretically, they are held to account in periodic elections. However, general elections can turn on the sentiment of as little as four percent of the electorate, decided by floating voters in marginal constituencies. In by-elections, an MP can be returned to Parliament by less than twenty percent of the electorate. Local elections routinely engage even less of the electorate

In practice, power is diffuse. It is shared by unaccountable local administrations, by the executives (governments) based in the capitals of the United Kingdom, and their agencies, by supranational institutions and their agencies in Brussels and elsewhere in the European Union, and by obscure quasi-legislatures in Basel, Geneva and elsewhere throughout the world. As a result, MPs and councillors individually have very little power. That which they have they rarely exercise independently on behalf of the people. Mostly, they follow their party whips, the power residing in the party system.

Yet, although we seek a return of power to the people, we acknowledge that no group willingly relinquishes it. But we felt it was important to uphold certain principles and not allow ourselves to be distracted from them. We are concerned with power – who holds it and under what circumstances and controls, and how to get more of it. Above all else, we hold to the core principle that in a true democracy the people must hold the power.

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<sup>3</sup> <http://en.wikipedia.org/wiki/Democracy>

At our Harrogate conference, we had considerable difficulty identifying the roots of power and in defining how we, the people, should exercise power. As a result, we spent much time on peripheral issues which did not get to the roots of power, and failed to produce a list of six demands at our meeting.

In hindsight, some thought that gathering thirty-plus people was too large for a meaningful debate in the period available, especially as some of the attendees seemed ill-prepared for the meeting, perhaps coming to learn more than contribute. Furthermore, as is inevitable on such occasions, some arrived with their own agendas which they were intent on promoting. This also slowed down proceedings.

We thus departed with our work incomplete. There was no Harrogate declaration, as such – only an agenda which we were committed to pursue. To that effect, we invited further discussion, this time availing ourselves of the electronic media - the internet: blogs, forums and e-mails.

In this, we sought to identify whether issues were “upstream” or “downstream”. The test was whether they got to the root of power, or were incidental to it – whether we were dealing with the heart of democracy or just procedural and consequential matters.

During the debate, carried on over several months, some had difficulty fully grasping the distinction between “upstream” and “downstream”. That is understandable. It is a common problem, which plagues all manner of discussions on democracy and slows down attempts to improve our governance. There is no reason why we should have been any different.

To illustrate why there should be such difficulty, it is helpful to see how contemporary writers deal with the problem. One such, former Labour cabinet minister David Blunkett, refers to the work of his tutor and friend, the late Professor Sir Bernard Crick. Both seek to redefine democracy as “populist democracy”, which is termed “majority rule” and then rejected.<sup>4</sup>

What we see is a trait common amongst political elites: a rejection of the very idea of people holding power. The word “democracy” must always be qualified, whether it be “representative democracy” or, in this case “populist democracy”. It can never be allowed to stand on its own, afforded the purity of meaning on which we insist. In Blunkett’s view, unadorned democracy is “populism” - something which EU technocrats regard with the same horror that they have for Fascism.

Another writer, academic Hugh Atkinson, looks at local democracy and refers to referendums as a mechanism “employed by local councils to gauge public opinion”.<sup>5</sup> By this means, a process by which the people can exert power is reduced to the status of an extended opinion poll. Atkinson would also have

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<sup>4</sup> <http://davidblunkett.typepad.com/files/in-defence-of-politics-revisited.pdf>

<sup>5</sup> *Local democracy, civic engagement and community*, published in 2012 by Manchester University Press. See pp 100-101.

the involvement of people in their own governance strictly controlled and limited. In what is often termed “participatory democracy”, power is sometimes delegated, but amounts to a highly restrictive licence.

Thus has the association with power and democracy been blurred. When we see a real example of people exerting power, as in Switzerland where the outcomes of referendums are binding on governments, this is called “direct democracy”. But there is only democracy – a system in which the people hold the ultimate power, and are able to exert it. It needs no qualification. It is just democracy.

But, if there is confusion as to the meaning of democracy and its association with power, there is also great confusion as to how power should be exerted. To illustrate this we go to Andreas Whittam Smith, founding editor of *The Independent*. Arguing (rightly) that our democracy was “desperately sick”, in September 2012 he fronted an initiative “to restore British Democracy”.<sup>6</sup>

His idea of saving democracy, though, was for a large group of like-minded citizens to stand for Parliament for one term only, with a view to gaining a majority at a general election. Their task would then be “single-mindedly to put right as many things as possible that governments formed by the traditional parties had failed to resolve”. Once their single term was finished, they would stand down.

Sadly, Whittam Smith was perpetuating the flaws already in the system. His initiative did not empower people, but simply sought to replace one group of representatives with another, in which power would then be vested. In the manner of Orwell’s *Animal Farm*, the pigs would take over from the humans. But, in office, these “non-politicians” would, by definition, become politicians and be forced into the same mould as their predecessors. Nothing fundamental would change – the “pigs” would become indistinguishable from the men.

Allowing this to happen is an error which has been repeated down the ages. All too often campaigners seek to replace one set of rulers (or representatives) with another, in the hope that things will get better. It was the basic flaw in the Communist Party of Great Britain’s “People’s Convention” held in January 1941 which framed not six but eight demands. Number seven was: “A People’s Government truly representative of the working people, and able to command the confidence of working people throughout the world”.<sup>7</sup>

So it was with many of the issues raised in our Harrogate discussions, where there was a failure to understand that the only meaningful demands could be those which addressed the roots of power. To measure the merit of suggestions, therefore, we asked people whether what they were seeking would bring about fundamental change. There was no value, we thought, in perpetuating existing systems with a different cast of characters, or in

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<sup>6</sup> <http://www.independent.co.uk/news/uk/politics/how-you-can-bring-our-ailing-democracy-back-to-life-8105024.html>

<sup>7</sup> *Daily Worker*, 13 January 1941, p.4.

imposing different or better restraints or controls over the existing cast of characters.

Our objective is to recover power. That is the “upstream” issue. Once we ourselves, the people, hold the power, direct controls over MPs, and rules to govern their conduct, are of less importance. Indeed, MPs themselves become less important.

With the focus very much on the acquisition of power, we felt we could hold true to the original strategy of the Chartists. Like them, we felt it vital to frame a very limited number of achievable demands. Eventually, we trimmed down the ideas and offered the list of six which you see at the head of this pamphlet. This was published on a number of blogs, and has since been revised several times.

Inevitably, some questioned why their favoured suggestions had been omitted. Such matters generated some heated discussion – more prolonged in some cases than the original discussions. But the question put to those who advocated the inclusion of other points was: which one of the six would you leave out? None of those who argued for their own points were able to offer a satisfactory response. That notwithstanding, there is nothing to stop more points being added, once we have attained our first six.

With that, the first of our six demands deals with the most fundamental of all issues – sovereignty. Resolution of that defines who “owns” power, which then frames our remaining five demands. Sovereignty is at the very heart of society and defines what sort of community we are.

## **1. Recognition of our sovereignty**

One consequence of Germany losing the Second World War was that the successor state to the Third Reich had imposed upon it a new constitution, in which British legal experts had a part to play. It is thus highly significant that Article 20 of that constitution (the Basic Law) declares that all state authority comes from the people. Although not specifically stated, the effect of this was to recognise that the German people are sovereign.

Despite the British effectively bequeathing this principle to a nation it had a hand in vanquishing, it does not apply to the people of the United Kingdom. Instead, we have the doctrine of “Parliamentary sovereignty”. Parliament is the supreme legal authority in the UK, which can create or end any law. Generally, the courts cannot overrule its legislation and no Parliament can pass laws that future Parliaments cannot change. Parliamentary sovereignty, says the Parliamentary website, is the most important part of the UK constitution.<sup>8</sup>

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<sup>8</sup> <http://www.parliament.uk/about/how/sovereignty/>



We believe this should change, not least because, in the name of parliamentary sovereignty, our MPs have a licence to ignore the wishes of the people and to hand power to bodies such as the European Union. This has led to a situation where UK courts recognise the supremacy of EU law in preference to our own, and can strike down laws made by Parliament.

However, we do not believe that we should make a statement along the lines of the German constitution, declaring the source of power. What can be made can be unmade. Instead, we take our guidance from the United States constitution, which starts with the words: “We the people ...”. In so doing, it signifies that the fount of all political power stems from the people, but there is no declaration of sovereignty as such. Sovereignty is regarded as inalienable. Because of that, it cannot be taken away by any body, governmental or otherwise.

In our deliberations, we thought we should make the same assumption, that the people of the United Kingdom are sovereign, from whom all power stems. Sovereignty, however, has to be more than an abstract. It needs to be given effect. Therefore, we thought it would be helpful to have a declaration of the “state of the art”, which would frame our first demand - that the sovereignty of the people be formally recognised by the Crown, by our Governments, and by our Courts, Parliaments and Assemblies.

As to the declaration, there are many forms of words, and variations which might be used. The essence is conveyed by this phrasing:

We, the Sovereign Citizens of the United Kingdom do hereby redeem and declare our Sovereignty. We assert our right, jointly and severally, to the ownership of the United Kingdom, and to the unfettered control thereof. As a sovereign people, owing no allegiance or duty to any other government or state beyond these shores, we are not bound by any statutes or laws other than those, which we ourselves approve.

The form taken by any formal recognition is not important. But, in a country where great store is laid by ceremony, it would be fitting to have a Royal Proclamation, affirmations by the Prime Minister and the First Ministers of the devolved governments, and formal declarations by both Westminster Houses of Parliament, and by the devolved Parliaments and Assemblies.

The essential effect of a declaration of sovereignty and its formal recognition is the recognition that power resides with us, the people. Governments in all their manifestations are subordinate to us. They must be our servants, not our masters, there to do our bidding in a manner of our choosing.

## **2. Real local democracy**

What applies nationally must apply locally. All politics is local, a former US Speaker of the House, Tip O’Neill, once famously said. He went on to say that

politicians must appeal to the simple, mundane and everyday concerns of those who elect them into office.<sup>9</sup> It is those personal issues, rather than big and intangible ideas, which most voters care most about, contradicting the notion that, in local elections, people are casting votes to “send a message” to the highest levels.

That may be the case in the United States, where there are still some vestiges of grass-roots democracy. But in Britain, the very idea that we have local democracy is a fiction. We have local authorities which function mainly as central government agencies. Their main task is to administer centrally-defined law at local level.

Local government units, whether counties, second-tier districts or unitary authorities, have no independent existence or powers. They are defined through Acts of Parliament and owe their existence, their boundaries and their powers to the *diktats* of central government. They are funded primarily from the centre and the nature of monies which can be collected locally is directed by the centre, as well as the amounts and terms of collection.

This, by any definition, is a top-down society. But it is also one which has become increasingly so over time. As a result, local elections are little more than opinion polls on the performance of central government, without even the benefit of random sampling techniques. There is no point in getting excited over the election of local officials when almost the entire extent of their powers is determined by national law.

In our Harrogate conference, therefore, local government “reform” featured high in our discussions, although – in retrospect – one has to acknowledge that the very idea of “reform” is absurd. How can you reform something you do not have? Since we only have agents executing directives from Whitehall and Brussels, we need to start from scratch. Centrally defined agencies must be replaced with truly local structures. We need local government in the proper sense of the word, and it must be under the control of local people.

To that effect, our aim must be to invert the entire structure of the British state. Instead of the top-down systems, we need to start locally and create structures built from the bottom-up.

This is not “localism” in the sense proposed by Prime Minister David Cameron, or anything like “The Plan” offered by Conservatives Daniel Hannan MEP and Douglas Carswell MP. We are not impressed by the idea of central government handing down some tiny fraction of its power, under carefully controlled conditions, ready to claw it back at a moment’s notice. There is not a transfer of power – it is the granting of a license.

What we are proposing is nothing short of revolution. The fundamental building blocks of our democracy should become independent local units

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<sup>9</sup> [http://en.wikipedia.org/wiki/All\\_politics\\_is\\_local](http://en.wikipedia.org/wiki/All_politics_is_local)

which owe their existence to the people who live within their boundaries. Instead of being statutory bodies – i.e., defined by statute, from which they derive their powers, under the control of central government – they become constitutional entities. Their existence, powers and revenue-raising capabilities are defined by the people via the medium of constitutions, approved by local referendums.

These local authorities – which could be counties, cities or the former county boroughs – become independent legislatures in their own right. Whereas local authorities were once permitted to make by-laws, defined and permitted by central government, true local government makes its own laws in its own name. Each district makes all the laws for matters exclusive to its area, using powers defined by its own constitution, applicable within its own boundary.

Some might think that local authorities are too small to become legislatures, but size is not an issue. Few people for instance, realise that Iceland, with a population of 313,000, boasts fewer people than the London Borough of Croydon (363,000) and very substantially less than the Metropolitan District of Bradford (501,000).

Yet Iceland is a sovereign nation. It has its own government, its own parliament, its own laws, its police and even its own fishing policy and navy to enforce it. Despite its small size, the country does tolerably well, with a GDP of \$12.57 billion (146th in the world) and a GDP per capita of \$38,500, the 24th highest in the global league (higher than the UK's \$36,600, the 33rd highest). It also has its own local government, with 59 local municipalities.

In Norway, which has approximately five million inhabitants, there are 428 municipalities and 19 county authorities. More than half the municipalities have less than 5,000 inhabitants and only 14 have more than 50,000. The largest municipality is Oslo, which is also a county. It has approximately 620,000 inhabitants. But the smallest municipality is Utsira with 209 inhabitants.

In these two countries, there is no confusion about the nature of local democracy, making a significant contrast with the UK. And here one of the most recent examples of the degradation of the idea of “local” government was in election of police commissioners in England and Wales during 2012. The tone was set by Home Secretary Teresa May who refused to set a turnout threshold, arguing that “the people elected as police commissioners will have something that the current police authorities do not have, which is a democratic mandate”.<sup>10</sup>

The candidate elected as commissioner for the former county area of West Yorkshire was Labour's Mark Burns-Williamson, a man who polled 114,736 first preference votes from an electorate of just over 1.6 million. That gave

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<sup>10</sup> *The Guardian*, 6 November 2012. <http://www.guardian.co.uk/uk/2012/nov/06/police-commissioner-elections-turnout>

him an effective mandate of 7.1 percent. But even to claim that he lacked a true mandate is to miss the point. The election was cited as an example of *local* democracy, yet West Yorkshire has a population of 2.2 million people in an area of nearly 800 square miles. There are over 100 *countries* in the United Nations with populations smaller than West Yorkshire.

The assertion that such units, larger than many countries, can be considered “local” is laughable. Furthermore, it is absurd to argue that local government units all need a beneficent central government to make their laws, to fund them and even define their boundaries. Their very existence as administrative units, subordinate to the centre, is an affront to the very idea of democracy, when Iceland, the size of an English borough, is an independent nation state in its own right.

What might be appropriate for England, therefore, are areas with populations in the order of 3-500,000, making up between 150-200 administrative units. Each could be responsible for most of their own government, with their own constitutions, sovereign legislatures, laws and revenues. Such units could also assume many of the duties currently undertaken by central government. Those might include such things as the determination and payment of social security and unemployment benefits and the provision of health services currently administered by the NHS.

It follows that all national laws applying to matters which fall within the remit of local government should become local laws. The local legislatures should be able to re-enact them if so desired, or they can repeal or revise them.

A consequence of this would be that the functions of central government would be drastically reduced. Mainly, the centre would concern itself with foreign policy and relations, including the framing of international law and making treaties. We would see central government take a hand in making maritime law, controlling deep water fisheries, and dealing with national security and defence. In what would effectively become a federal-style body, central government would also concern itself with cross-border crime (where the perpetrators operate in two or more police districts), and serious, organised crime.

There then comes the inevitable question of who pays, and more particularly how government is funded. Control of taxation is at the heart of true localism, to which effect we believe local governments, structured as constitutional bodies, should become the primary collectors of tax. We would envisage that they collect most if not all the taxes from people and enterprises resident or operating within their areas of jurisdiction.

Instead of the system where only a fraction of their income is collected locally via Council Tax and charges, with the balance made up from grants from the centre, local authorities would collect their own taxes, such as Council Tax, but also income tax, sales taxes, corporation taxes and most other taxes currently collected by the centre. After they had taken what they needed to

fund their own operations, they would remit the surplus to central government, acting as collection agents for the centre.

By this means, rather than the centre subsidising local government, the relationship would be reversed. Equity would be achieved by having poorer authorities remitting less, *per capita*, to the centre. The richer authorities, like the City of London, would pay more. The funding would be managed on the same basis as the precepts currently collected locally, from which are paid the police, fire services and transport authorities.

Only in extreme emergencies would we expect any transfers of funds from centre to local authorities, such as in the case of a major natural disaster. Norway, for instance, manages a system of wealth transfer between local authorities, without involving central government.

When local taxation prevails, allied with local democracy, there is every opportunity for variable rates and real tax competition between local authorities. That in itself could result in something we have never had in this country - downward pressure on taxation.

This is the “small government” which so many people profess to want, but even then – despite the local units being constitutional bodies - that does not guarantee freedom from central government interference. We see in the United States constant tension between federal and state governments, and the encroachment of the centre. Here, as always, the currency of power is money. The federal government, with its own vast income stream - far larger than state revenues - is able to bribe States with cash inducements or bully them by withholding cash.

The answer, therefore, must be to control the flow of money. The centre should have very limited taxation powers. It should not be allowed to borrow to finance a deficit, except in very exceptional circumstances, and only with the explicit permission of the people. It must not be able to bribe its way to power.

Taking in for the moment the idea of Referism (about which we will have more to say later), we see budgets at local and central levels controlled by annual referendums, firmly limiting the expansionary tendencies of all governments. What is more, there is an important side-effect: Westminster MPs become even less important than they are now, while democratic representation at local level becomes more relevant and more important.

In some respects, this also solves some of problems we have with MPs. One might expect seats to be apportioned on a county basis, with approximately one per 120,000 head of population. This ratio gives a House of Commons roughly the same size as it is at present. The boundaries would be fixed. As population varied, so would the number of MPs, keeping constituencies wholly within the bounds of specific local authority areas.

The reckoning should be, incidentally, based on population rather than electorate. Our MPs should be representing the interests of all of their constituents, not just those who can vote.

However, some might argue that, with a reduced workload, fewer MPs would be needed, with a ratio of perhaps 200,000 or more for each representative, possibly stretching to one per 500,000 head of population. Where the United States House of Representatives manages to make do with 435 voting members, our House of Commons might be able to reduce itself to less than 300, saving expense. We might expect numbers in the House of Lords to be proportionately reduced – with perhaps only a hundred or so working members needed.

Details of how and under what conditions individual MPs (and members of the upper house) are selected might be left to the electors of the county, set out in each local constitution and implemented by the local legislatures. After all, if we are to have localism, then the terms and conditions governing the employment of representatives should be decided locally.

We could also envisage a situation where MPs are no longer paid from central funds, but by their counties. It would be for the people of each county to decide how much their representatives were paid, how much should be allowed by way of expenses, and how they should be held accountable. Also, if one area wanted to introduce a method of MP recall, that would be up to them. Thus do we see democracy closer to the people, with government – local and national - under their direct control. When you think about it, anything else isn't democracy at all.

### **3. Separation of powers**

The primary concern here is that there should be a clear distinction between the legislature (Parliament) and the executive (Government).

Should the executive thus be separated, the obvious and logical outcome is that the prime minister and his ministerial team would no longer be Members of Parliament. Prime ministers would have to be elected in their own right, a process which would reflect the increasingly presidential nature of general election contests.

Direct election would correct a manifest unfairness in our current arrangements exemplified by Prime Minister David Cameron who gained office by virtue of 33,973 votes in the 2010 general election. All those votes were cast in the constituency of Witney, which boasted 78,220 electors. The rest of the nation was not allowed to vote for the man. He may have been elected as an MP, but he was not elected as prime minister through a general franchise.

By contrast, it is ironic then to see the noted commentator, Conservative MEP Daniel Hannan elsewhere complain about “the disturbing contempt for democracy at the heart of the EU”, because of its unelected commissioners and the commission president, when less than 0.2 percent of the 46 million-strong electorate in this country are allowed to vote for their prime minister.

Furthermore, when Mr Cameron holds office on the back of 10,703,654 Conservative votes, from an electorate of 45,844,691, his franchise represents only 36 percent of the votes cast and less than a quarter (23 percent) of the overall electorate, Mr Hannan is in no position to complain about lack of democracy in the EU – if our own elections are taken as the measure.

As to why the general issue of “separation of powers” is so important to us, a useful port of call is the Wikipedia entry. It tells us that this need first emerged in ancient Greece. The state was divided into branches, each with separate and independent powers and areas of responsibility so that no branch had more power than the other branches. The normal division of branches is the executive, legislature, and judiciary.<sup>11</sup>

Here, the defect in the British system is immediately evident, stemming from our transition from rule by an absolute monarch, to a system of constitutional monarchy. The executive that emerged to challenge the power of the king now comprises the prime minister and cabinet. But, in holding the power previously held by the king, it has effectively become the king. Thus, as long as Parliament is the body from which the executive is drawn, and as long as members of the executive are also Members of Parliament, there will be imperfect separation between the two bodies.

In practical terms, members of the ministerial team (including the prime minister) - the core of the executive - are appointed either from MPs in the House of Commons, from the Lords, or - not uncommonly - are appointed to the Lords for the purpose of making them ministers.

The use of the Commons as the recruitment pool for most of the ministers (and the prime minister) has a highly corrosive effect on the institution. Although the main functions of parliament should be scrutiny of the executive, and as a check on its power, all MPs who have ministerial or secretarial positions hold dual roles as members of the executive and the legislature. Inevitably, there is a conflict of interest.

Typically, there are around 140 ministers, whips and other office-holders in the Commons.<sup>12</sup> Collectively, they are known as the “payroll vote”, people who may be assumed to vote with the government, and to defend its policies and actions.<sup>13</sup> But the problem is far worse than this basic arithmetic would suggest. Add the Parliamentary Private Secretaries (PPS) and the “greasy pole climbers” who have hopes of preferment but have not yet been promoted, and

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<sup>11</sup> [http://en.wikipedia.org/wiki/Separation\\_of\\_powers](http://en.wikipedia.org/wiki/Separation_of_powers)

<sup>12</sup> <http://www.number10.gov.uk/the-coalition/the-government/>

<sup>13</sup> <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-03378.pdf>

the number climbs to 200 or so on the government benches. When it comes to holding the government to account, all these people are compromised.

Even then, this is by no means the full extent of the distortion. The fact that the Commons is the main pool for recruiting ministers - and the only prime ministerial pool – also changes the dynamics of the institution. A goodly number of people who enter parliament have no intention of remaining MPs for their entire careers. They want to join the government. For them, parliament is not an end in itself, but a means to a different end, the first step on a career path which ends up in ministerial office. This should not be the case.

During our Harrogate conference, we thus conceded the obvious: ministers and other office holders cannot be members of parliament. If members become ministers, they must resign as MPs. As a consequence, prime ministers must appoint their own ministers – from whatever source they choose – subject to parliamentary confirmation and dismissal. This has the added advantage of widening the recruitment pool.

Mention here must be made of the Monarch, who remains head of state, with roles and duties unchanged. Furthermore, the office of prime minister keeps the title. The fact that prime ministers are elected does not, *per se*, turn them into presidents.

There are then other details we need to establish. One is the period of office and the number of times an individual can stand. Arguably, the US system of four years per term and a maximum of two terms is a good model. But the detail is not important at this stage, even if it could become so later. Sufficient at the moment is the principle – that we should have elected prime ministers. They and their ministers must be separate from Parliament and held to account by it.

## **4. The people's consent**

The power to make law, and especially to reject it, is a measure of sovereignty. If the people have the power to demand that specific laws be made, or if they can refuse to accept proposals for new laws, this is known as direct democracy – the only true form of democracy. The most obvious and common mechanism for expressing such true democracy is the referendum.

At Harrogate, three applications of referendums were explored. The first was in relation to the framing of new laws, where electorates propose and then vote for specific laws, the outcomes binding on the legislatures. Switzerland and California are notable examples and the Californian system looks particularly attractive. In its so-called “ballot proposition”, a public petition under the “initiative system” can end up with a referendum on a new law.



However, compelling legislatures to frame laws in response to popular demand is problematical. It can create inconsistencies and anomalies within the legal code, and contravene treaties. To an extent, these problems can be avoided by requiring proposals to be compatible with the constitution. A greater handicap, though, is that the process is prone to abuse by well-funded or dedicated single-issue groups, and by the popular press or television. This exposes law-making to rule of the mob. Giving the public direct access to the law-making process can end up in petty tyranny. As, with official bodies, therefore, we need checks and balances to avoid the system becoming oppressive.

The point here is that there is rarely a problem in getting laws made under the current system. Largely, the public is able to raise a hue and cry sufficient to force the legislature into action when there is a perceived need for a new law, but the outcome is often bad or ill-conceived law. Contemporary examples include gun laws brought in after Dunblane and dangerous dog legislation initiated after children had been mauled.

To enable the public voice to be heard, we see no reason why a “take note” referendum should not play a part in raising issues, calling for legislatures to consider new laws. A formal requirement for referendums could even be included in a written constitution. Nevertheless, we believe that such referendums should not be binding.

The second application for referendums we considered was one which addressed a crucial deficiency in our system: the absence of restraint on legislative incontinence. Official systems make too many laws so, rather than making it easier to produce new laws, we need to make it harder. We also need a mechanism to get rid of laws that we do not want.

Support for these ideas comes from Peter Kellner, president of the *YouGov* polling company. He refers to the great jurist A V Dicey who in 1890 advocated them as a “people’s veto” to block unpopular legislation.<sup>14</sup> Kellner would revive Dicey’s idea, making it possible for the electorate - local or national depending on the issue - to say to their elected politicians: “this time you have gone too far. What you propose is utterly unacceptable”. It would apply to new laws or regulations, after they had been approved but before they had been enacted.

Despite his enthusiasm for them, Kellner felt that political life “would surely seize up if referendums became as common as citizen initiatives in California”. They could act as a deterrent against the abuse of power by, say, a government with a large majority but, on balance, they would be rare events.<sup>15</sup>

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<sup>14</sup> “The Second Superpower” Reuters Institute/BBC David Butler lecture, March 2012.  
[http://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/discussion/Second\\_superpower\\_Web\\_version.pdf](http://reutersinstitute.politics.ox.ac.uk/fileadmin/documents/discussion/Second_superpower_Web_version.pdf)

<sup>15</sup> *ibid.*

One way of ensuring this was to require the signatures of at least one tenth of the relevant electorate before a referendum could be held, within one month of Royal Assent in the case of national laws. Then, an Act might only be overturned if the majority of all *electors*, and not just of those who turned out, vote down a measure. That would identify those occasions when Parliament had truly defied the considered wish of the people. Referendums would then occupy their rightful place as a barrier to tyranny when politics fails, but not an obstacle to reasoned reform.

Kellner's idea of a "people's veto" – welcome though it is - does not address the "upstream issue" of who holds the power. At the moment, once Bills have gone through all their stages in Parliament, the Monarch gives Royal Assent and they take effect. In this context, the Monarch is nominally sovereign (even if there is no occasion when a reigning Monarch would refuse assent). The people have no say in the matter.

This lack of involvement brings in the second application for referendums. If the people are sovereign, they must be directly involved in law-making. Every law must have the consent of the people and no law should come into force without that consent. Furthermore, this should not be a rare event. It should apply to every law.

Nevertheless, it makes sense to limit the frequency of referendums: we could hardly have one for every new law. Instead, we could borrow from Statutory Instrument (SI) approval procedures. These are approved by Parliament through what are known as "positive" or "affirmative" and "negative" resolutions.<sup>16</sup> The bulk of such legislation is subject to "negative" resolution. It is "laid" before Parliament for forty sitting days and if at the end of the period, there is no motion to annul (known as a prayer), the law is automatically deemed approved.

Using this procedure as the basis of expressing popular consent, there would be an opportunity for the public to lodge objections to any Act of Parliament, before Royal Assent. Once an SI had been "laid", there would be a period during which objections could be lodged by the public. If a threshold level of signatures was reached within a requisite time, there would be a referendum. Otherwise, the law would automatically be deemed approved.

A "positive" resolution would be required for constitutional measures, or any law which had the effect of changing the constitution. On these rare occasions, new law would trigger a referendum and a "no" vote would stop it taking effect.

That leaves existing legislation, whether Acts of Parliament or SIs. One idea suggested at Harrogate was that we should adopt the "sunset clause" concept, where laws expire after a defined period unless renewed. But we felt that, if a law is needed (and why else, should it be passed?) it should remain on the

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<sup>16</sup> <http://www.parliament.uk/documents/commons-information-office/107.pdf>

statute book. Allocating an arbitrary expiry date, requiring active legislative input to keep a law going, merely adds unnecessary complications and increases workload.

Rather, there should be a specific process. A formal complaint could be raised against and law and, within a prescribed time, should that attract a set number of signatures, a referendum would be held. A majority vote against the law would secure its removal from the statute book.

What applies to national level should, of course, apply locally. Laws made by local sovereign legislatures should have their laws subject to either positive or negative referendum procedures, and there should be provision for removing existing laws. In all cases, referendums would be triggered by smaller numbers of signatures, possibly based on a proportion of the electorate. A figure of ten percent has been discussed.

Then, what applies to laws should also apply to the ratification of treaties. As experience with EU treaties demonstrates, international treaties can be back doors into the statute book, by-passing democratic systems. They become an indirect way of making rules which bind us.

Some treaties, nevertheless, are minor affairs, with little but administrative consequences. Others, such as the Lisbon Treaty, have major constitutional effects. Thus, any proposed EU treaty or treaty change which would transfer powers from the UK to the EU is now subject to a mandatory referendum via the European Union Act 2011.

All other treaties subject to ratification are laid before Parliament for 21 sitting days in accordance with the Ponsonby Rule, introduced in 1924.<sup>17</sup> During that period, a formal demand may be made for a debate and, in certain circumstances, a vote might be held. Absence of a motion to refuse ratification is taken as approval, making this very similar to the “negative” resolution procedure used for SIs.

The most logical way to secure direct democratic approval for such treaties is to adopt the same procedures used for approving new laws. Firstly, there has to be a requirement that no treaty (of any nature) can take effect until it has received popular approval. Then, those such as EU agreements which alter or add to the constitution would require positive assent, by way of a referendum, as mandated by the European Union Act.

For the rest, negative resolutions might apply. Time would be allowed to lodge a sufficient number of objections and if the requisite number was reached, a referendum would be held. If the threshold for objection is set relatively high, there should be few spurious or unnecessary calls to reject minor treaties.

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<sup>17</sup> [http://www.fco.gov.uk/resources/en/pdf/pdf4/fco\\_pdf\\_ponsonbyrule](http://www.fco.gov.uk/resources/en/pdf/pdf4/fco_pdf_ponsonbyrule)

For existing treaties, there should be provision for popular abrogation, although there are complications. Under international law, once a treaty is agreed and ratified, it remains in force unless there is specific provision for expiry. There is no way for the public intervene.

Such a system has to change. An ancient privilege, the Crown prerogative, cannot be used to bind and obligate a free people. That it can be so used is evidence that we are not a free people. Agreements with the United Kingdom should only be valid if her peoples are party to them. Nor is it sufficient that Parliament alone should have the power to decide. Obligations and expense must be borne by the people as a whole. It is, therefore, the people who should have the last word.

Finally, this brings us to the third and last element which would require public approval, permitting challenge and the possibility of rejection. This category would include certain types of decision made by government or official bodies, - by elected and appointed officials, including ministers and judges.

Clearly, there could not be a referendum for every one (or even a tiny number) of the hundreds of thousands of decisions made each day. The type of decision amenable to challenge would have to be restricted. Mainly, the “negative” resolution procedure would have to apply, where decisions are deemed to have been approved unless challenged.

With certain types of formal decisions, such as planning approvals – and even, maybe sentences handed down by judges for certain types of criminal case - one could see referendums triggered by a set number of objections, with a majority vote enabling a decision to be rejected. In effect, this would be a form of popular judicial review.

## **5. No taxation or spending without consent**

Our next milestone is the idea of Referism, the main element of which is annual referendums on government budgets, national and local. Whereas the American Revolution rejected taxation without representation, we go further and reject taxation (and spending) without consent.

This is Referism. It relies on a political philosophy which is entirely compatible with The Harrogate Agenda, holding that, in the relationship between the British people and their governments, the people should be in control. The state is the servant not the master. Control is achieved primarily by holding the purse strings, where annual budgets must be submitted to the people for approval, via referendums. The catch phrase is: “it’s our money and we decide”. Governments are thereby forced to refer to the people for their funding, hence our choice of the term “Referism”.

At the heart of any government's power is money. That is how parliament emerged as a force in the land, going as far back as 1215 when the tenants-in-chief secured the first draft of the *Magna Carta* from King John. The concession that more than anything else reduced the power of the monarchy was the principle that kings were no longer entitled to levy or collect any taxes (except the feudal taxes to which they were hitherto accustomed), save with the consent of his royal council. He who controls the money controls the Monarch.

The principle of financial control survives to this day. In place of the Monarch, the executive must refer to parliament each year for approval of its budget. Without that, it runs out of money. Our problem – and the nub of all our problems – is that this process has become a ritual. No parliament has rejected a budget in living memory, and none is likely to do so.

Each year we see the government of the day going through the routine of asking parliament for money, and we have to watch the charade of approval being given – only then to see vast amounts being spent on things of which the majority of us do not approve. Overseas aid is a classic example, where public approval would doubtless be withheld.

There must, therefore, be real control over budgets. The politicians cannot be trusted on this – it is not their money. The power must go to the people who pay the bills - us. Every annual budget must be submitted to the people for approval, by means of a referendum. The politicians must put their arguments, and the people must agree, before any government can levy any tax or spend any money in the relevant period. We, the people, decide. We, the people, have the power to say no.

In discussions about this demand, however, concern is often expressed that people would simply vote themselves more money. Fortunately, limited experience of referendums on taxation suggests otherwise.

This stems from experiments to assess the effect of referendums on increases in Council Tax, all in the context, incidentally, where the Department for Communities and Local Government acknowledged such referendums would take power away from central government and giving it to local people.<sup>18</sup>

The first experiment was a referendum in 1999, in Milton Keynes, where the council offered three levels of increased Council Tax: five; 9.8 and 15 percent. Residents were able to vote by post or telephone for their chosen option. The 9.8 percent rise would have kept core spending at the same level, while the five percent increase would have meant cuts. A 15 percent increase would have provided extra revenue. Forty-six percent of those who voted opted for the 9.8 percent rise, 30 percent for the five percent increase and 24 percent for the 15 percent hike. The turnout was 45 percent.

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<sup>18</sup> <http://www.parliament.uk/documents/impact-assessments/IA11-010BA.pdf>

At the time, council leader Kevin Wilson told the BBC: “The referendum gave the people an opportunity to be masters rather than servants”. The referendum, he said, had succeeded in its aim of reconnecting people with local government and giving public backing for council tax rises.

In February 2001, Labour-controlled Bristol City Council then announced that the public would get a chance to vote on their Council Tax levels, “under plans drawn up to tackle voter apathy”. The scheme had the backing of government ministers and, if the public had responded “positively”, the plan was to repeat referendums across the country.

Voters were asked whether they preferred to increase Council Tax by two, four or six percent, or to freeze it at then current levels. Of more than 115,000 people taking part in this referendum - the turnout significantly higher than at local elections - 61,664 voted for no rise, 11,962 for a two percent rise, 20,829 for a four and 19,841 for a six percent rise. Thus, the total of those voting for raised taxation, at 51,732, was outnumbered by those who wanted to freeze the budget.<sup>19</sup>

Clearly, the response was not “positive” enough. At the time, *The Independent* newspaper was to lament that, “in a victory for the maxim that people vote with their wallets, the results showed few people in favour of extra spending”. “Voters of Bristol pick school cuts over taxes”, it reported.

Nor was Bristol on its own. The London Borough of Croydon on 14 February 2001 asked its 235,000 registered electors to decide whether Council Tax should be increased by two percent (in real terms, an effective freeze), 3.5 percent, or five percent. Council tenants were also asked whether their rents should be increased, in return for additional services.<sup>20</sup>

Then, 56 percent of the voters opted for the lowest possible rise. A total of 80,383 voted - a 34.2 percent turnout. Thirty-two percent voted for the 3.5 percent increase and a mere five percent went for the five percent hike. Of the 4,190 council tenants responding to the rents referendum, representing a 24.1 percent turnout, just over 58 percent voted for a rent freeze, keeping average rents at £65 a week. On offer to the tenants had been a community patrol service, community grants, money advice and debt counselling services – all of which had been rejected.

Croydon was to repeat the experiment the following year, with 74 percent of the taxpayers who voted opting for the lowest rise on offer, at 3.65 percent, on a 35 percent turnout.

These experiments suggested that people were most likely to reject extra spending, even when more services were offered. They also demonstrated that that there was some enthusiasm for voting on budgets – despite limited local

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<sup>19</sup> <http://www.guardian.co.uk/society/2001/feb/14/localgovernment2>

<sup>20</sup> [http://news.bbc.co.uk/1/hi/uk\\_politics/1831959.stm](http://news.bbc.co.uk/1/hi/uk_politics/1831959.stm)

and national media exposure. In Croydon, voters were not deterred by votes in successive years. Turnout increased marginally in the second year. And crucially, fears that electorates would necessarily vote for more spending did not materialise.

Also demonstrated was the ability of electorates to handle multi-choice votes, a capability that gives much more flexibility than having to stick to a straight “yes-no” plebiscite.

Following the Labour defeat in the 2010 election, the idea of Council Tax referendums was taken up by the Conservatives. Communities Secretary Eric Pickles. He declared that by 2012, he wanted people to be able to reject Council Tax levels “if they exceed a ceiling agreed annually by MPs”, by voting on them in referendums.<sup>21</sup>

This was based on a promise made in 2007, whence Mr Pickles called the plan a “radical extension of direct democracy”. In actuality, though, it was a considerably watered-down version of the earlier referendums – which themselves did not allow for outright vetoes. Nor was there any suggestion that they should apply to central government spending. Pickles averred that he was “in favour of local people making local decisions”, and also said he wanted to reverse the presumption that central government knew best when it came to deciding local priorities. “Let the people decide”, he went on to say – but only on local issues.<sup>22</sup>

Eventually, in the Localism Act, the referendum principle was adopted, requiring local authorities to put any increase of two or more percent in core Council Tax to the people. Unfortunately, precepts – such as charges for Police and Fire Services – and other levies were not limited, permitting overall rises above the two percent level.

Illustrative of the commitment of most local authorities to democracy, for the financial year 2013-4, none increased their taxes in a way that would have triggered a referendum. Some cut public services. A number increased core taxes only by 1.99 percent, keeping them under the referendum threshold, while also increasing precepts and levies.

In an attempt to block the precepts loophole, Communities Secretary Eric Pickles tightened the “referendum lock” in a clause in the Local Audit and Accountability Bill. This attracted considerable opposition from the Local Government Association (LGA), which claimed it to be, “a significant threat to both local government’s financial stability and infrastructure investment”. It would leave authorities unable to invest in major infrastructure schemes such as transport systems, putting jobs and investment at risk.<sup>23</sup>

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<sup>21</sup> <http://www.bbc.co.uk/news/uk-politics-10806200>

<sup>22</sup> <http://www.dailymail.co.uk/news/article-493296/Voters-block-council-tax-increases-Cameron-promises-big-devolution-power.html>

<sup>23</sup> LGA briefing note: [http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=4eca2017-af52-420f-8036-2a896c1a8c8d&groupId=10171](http://www.local.gov.uk/c/document_library/get_file?uuid=4eca2017-af52-420f-8036-2a896c1a8c8d&groupId=10171)

A Department of Communities spokesman responded, saying: “There is no reason that the Bill will affect infrastructure projects. If local authorities want to raise Council Tax because of levying bodies then they should be prepared to argue their case to local people in a referendum”.<sup>24</sup> But the attitude of the LGA illustrated quite how far we have to go, and the degree of opposition to democratic controls over taxation.

While the principle of these referendums was a welcome development, therefore, its advent has not seen any great increase in accountability. In any case, Referism goes much further than a simple veto on increases in Council Tax and – even at local authority level – it needs to. As we have seen, when local authorities have been prevented from increasing Council Tax, they have simply developed alternative ways of increasing their revenues.<sup>25</sup>

Crucially, though, Referism also applies nationally as well as locally, giving voters the power to reduce central government taxation. It also enables voters to control spending. A weak block on a pre-set level of increase is merely a sop, and does nothing to redress the power deficit.

As for costs of local referendums, in the 1999 experiment Bristol spent £120,000 on each poll, while Milton Keynes estimated £150,000. Tower Hamlets Council has estimated that a standalone referendum might cost up to £250,000 but, if combined with council elections, it would cost around £70,000 extra. Translated nationally, the total cost of local budget referendums would be between £30-60 million.

The late Sandy Rham, an IT expert and founder of the *EU Referendum* blog forum, suggested that the software on current lottery terminals could be adapted to allow their use for voting. A system that handles £6.5 billion in annual ticket sales could very easily handle around 40 million votes in a referendum. Add an online facility and you have a quick, cheap system of conducting referendums. Such a system is not only desirable but also necessary to minimise costs and disruption. Furthermore, they lie within the realms of possibility. E-voting has been successfully trialled in Norway.

To bring down costs even more, Swiss and Californian practises could be adopted, where – if need be - voting on two or more issues is combined, perhaps to fall in the same period as the annual budget referendum. With that, there is no reason why referendums should be time-consuming, disruptive or expensive.

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<sup>24</sup> <http://www.lgcplus.com/briefings/corporate-core/finance/dclg-urged-to-publish-evidence-on-impact-of-referendum-trigger/5061613.article?blocktitle=Latest-Local-Government-News&contentID=2249>

<sup>25</sup> Christopher Booker, *Daily Mail*, 9 February 2013.  
<http://www.dailymail.co.uk/news/article-2275882/They-squeal-cuts-truth-town-halls-spending--fleecing-you.html?ito=feeds-newsxml#axzz2JstZuFdy>



What then concerns doubters is that, should the people fully exert their power, government might be deprived of funds altogether. But there is nothing to stop safeguards being adopted to avoid this – in the short-term, at least. There should be no problem in having a fixed date for a referendum, with the vote held well before the financial year for which each budget applied. If a budget was then rejected, there should be enough time for governments to resubmit, and again seek approval.

If a budget was again rejected, and it was too late to resubmit before the start of a financial year, there could, for example, be a system where permitted income stood at a proportion of the previous year's figure, with adjustments made once a budget was approved.

In the USA, however, if Congress does not eventually approve the budget, the administration can no longer pay its bills. That tends to concentrate minds. In the case of Referism, the people could stop the money, giving them a continuous power. By contrast, a one-off referendum, offered by the government for its own tactical advantage, is to concede power to the centre. Power resides with the body which decides whether there will be a referendum, and determines the questions. When there are annual referendums, as of right, power resides with the people.

Without people power, the politicians decide how much they are going to spend, and demand that we pay them. Consultation is meaningless as we have no means directly of refusing their decisions. After the event, we are then graciously allowed to hold our elected representatives to account at elections. But can anyone really assert that the current election processes change anything, or indeed are capable of changing anything?

## **6. A constitutional convention**

The idea of a codified constitution was a popular one during our conference. Then and subsequently, reference was made to the Swiss constitution, which enshrines limited direct democracy. However, that document, which runs to 76 pages, does not necessarily provide a model for us. It is a composite document that comprises only in part a constitution. Mainly, it is a Bill of Rights.

A constitution should be directed primarily at governments and state agencies. Strictly speaking, it should be limited to defining the extent of their powers and the manner in which they shall be exercised. It can read alongside a Bill of Rights, and individual rights can be enshrined in a constitution, although separate documents might be preferable.

From the outset, though, it was clearly evident that the task of codifying every part of our constitution (or even starting from scratch) was not one which our group could or should manage. Even to attempt to do so would change the tenor of our demands.

Nevertheless, if we are to have our own constitution, it must be produced by “we the people”. This is not something government can do for us. Those who frame a constitution – or who commission the task to be done - have to be the sovereign entity. And the very fact that the people lay down the rules under which governments must operate is *de facto* recognition of that sovereignty.

The constitution then necessarily begets certain safeguards, such as restrictions on the ability to amend it, ensuring that it retains its original purpose. It must have its protector, in the form of a constitutional court, which must have the power to strike down any law or action of government (and any other impost, for that matter), which is unconstitutional.

However, the experience of the US Supreme Court, and its tinkering with the US constitution, does not inspire confidence. Arguably, the ultimate court should be the people, who should be able to strike out any law or impost – such as a treaty – which they deem to be unconstitutional. If a law with constitutional effect is accepted by the people, it becomes part of, and thereby changes, the constitution. The same should also apply to court judgements.

As to the problem of how to frame a demand in the context of our Harrogate Agenda, we could not call for a constitution, as such. This would be a demand addressed to ourselves, as the people. On reflection, we thought that the best option would be to address a separate demand to a reformed Parliament, one from which the executive had been excluded. It would be required to convene and then host a convention with a view to framing our document. A draft constitution should then be published, discussed, modified as necessary and ratified by referendum.

As to the content of this constitution, its shape or form, we do not offer any opinions as to its final shape. We note only that our demands involve very substantial amendments to the existing constitution. We would expect these to be incorporated in any new constitution. For the rest, we merely call for a properly constituted convention, one that is capable of deliberating relevant issues in an inclusive manner, and which will put the fruits of its deliberations to the people for approval.

## **A change of relationship**

While each of our demands stand alone and are capable of being implemented separately, there is also an overarching objective. We are seeking to change the relationship between the government and ourselves. In so doing the Harrogate Agenda should be read as a whole. It is very much greater than the sum of its parts.

The relationship we are looking for is of one between servant and master – the government being the servant. We do not believe our salvation, or even

prosperity, lies in the actions of government, and in many instances, where action is necessary, the people should take the initiative. Government should conform to our wishes and needs, rather than the other way around. It is a poor master but can be an adequate servant, if forced to be so.

Implementing our six demands would firmly lodge the people as masters. With that, the whole dynamics of government would change, as there would have been a real transfer of power.

This can be illustrated by the troublesome matter of freedom of information, which was raised at our Harrogate conference, the right to which some wanted as one of our six demands. Here, we would agree with the aphorism that “information is power”, so there is good sense in that. But information also follows power. Like money, information flows to those in power, and institutions like the media often make a habit of speaking to power. Thus, where the people have power, we can expect a stronger emphasis from all quarters on keeping them informed.

Thus, governments which seek to have their legislation accepted would take more time and care to inform the people of their intentions. They would be at pains to explain what they are seeking to do, and achieve. Rather than the sterile – and some would say cynical – process of “consultation”, where the government often seeks views to endorse what it intended to do anyway, we get closer to the situation aimed for in medical practice, where not only consent is required for some procedures, but *informed* consent.

Similarly, when the government presents its budget proposals, these really would take the form of proposals rather than demands. As long as the people have the genuine power to reject them, the government must take care to explain why they want the money and what they want it for. They also have to prove, by dint of continuing good management, they are good custodians of the sums collected.

Nor is this the full extent of the transformation which we could expect. A government and Parliament which is aware that its legislation can be voted down by the people might be less cavalier in framing it in the first place. Where a new law might be highly contentious and unpopular, the institutions might be dissuaded from, respectively, making and approving a law if they judged that their work would be rejected by the people.

Under all these circumstances, there can be genuine dialogue and real engagement. People take an interest in proposed legislation and government expenditure when they know they can affect its course. We could thus see the annual budget referendum becoming an important public event, with the outcome eagerly awaited. Strong interest from the media would be certain, whence the popular interest and discussion would re-energise politics in a way not seen in any other initiative.

# Progressing the Agenda

As with any new ideas, we anticipate resistance. We also expect a considerable level of indifference. That is natural, especially given the prevalence of the “not invented here” syndrome amongst political communities. Then there is the “ego” problem. Many people who profess to be interested in change, or in actively pursuing it, are actually more concerned with self aggrandisement. They will not support our ideas because they cannot take personal credit for them.

Another main centre of resistance will be those with tribal affiliations - into which group many politicians and their supporters will fall. They will not support anything unless it has been endorsed by the tribe and which presents no risk to their ambitions. Clearly, ceding power to the people is not going to be welcome.

Woven into these groups will be power brokers and agenda-mongers, those who instinctively recognise that this is a system that will work, and is therefore dangerous because it would limit their power. Would, for instance, the Climate Act have survived if the government had to justify the costs to us each year, and its continued existence was conditional on our approval? Special interest groups would, perforce, reject The Harrogate Agenda.

Then, of course, there are the reactionaries, who we can lump in with those who feel that The Harrogate Agenda has not gone far enough. The one group will hate anything new and different, the other will complain that there are more and better things we should demand. With these people, we can never win. But win the wider argument we must, and will. The power of good ideas is unstoppable.

Good ideas are the currency of our movement. We have not sought to start a new political party and have no ambitions in that direction. We are not competing with elected politicians. We will support any politicians who agree with our ideas and who share our objectives.

One of those objectives, not explicitly stated, is the withdrawal of the UK from membership of the European Union. As it stands, the direct democracy embodied in THA is not compatible with membership of the EU. It confronts one of the core principles of the EU, as specified in Article 10. This states that: “The functioning of the Union shall be founded on representative democracy” and that: “Citizens are directly represented at Union level in the European Parliament”. Direct democracy – real democracy - and the EU cannot exist side-by-side.

Further, the Treaty of the European Union states that, “Every citizen shall have the right to participate in the democratic life of the Union”, requiring that: “Decisions shall be taken as openly and as closely as possible to the citizen”. What this does not allow for is that decisions should be taken *by*

citizens, bottom-up rather than top-down governance. And where decisions are taken by the Union, there is no scope for them to be countermanded by the people.

The important issue here is that the European Union is a collective. It is a series of institutions whose governance is shared by several bodies, not least the European Council which is made up from the heads of states and governments of the EU member states. Crucially, the essence of a nation state is a territorial entity, stemming from its occupation and legitimate ownership of land, making it a geographical as well as a political entity.

The European Union lacking any territorial possessions that could remotely be called a state, and having no ambitions in that direction, cannot be considered a nation state. Like the Vatican of old, which it increasingly resembles, the EU is a supra-national government - a government without ownership of the territories it commands. It exercises its power over and via the governments of the territories over which it is supreme.

Such a super-government cannot, by its very nature, be democratic. The people cannot be allowed to have any over-riding power, or any direct say in the law-making process. It depends for its continued existence on the parliaments and, in particular, the governments of those individual member states – which themselves are not functioning democracies. Effectively, the EU is a mechanism for by-passing or neutralising democracy. Vesting their powers in this supra-national body makes national governments democracy-proof, insulating them from the people.

Therein lies the relevance of the European Union to THA. We see little value in withdrawing from the EU if it only means returning reclaimed powers to the political elites who held them previously. This just perpetuates systems which are no more democratic than the EU. Whether our government is in Whitehall or Brussels – or in any other location - actually makes very little practical difference if there is no democracy.

What matters, therefore, is that power is transferred from the political elites to the people. It is the distribution and exercise of power that makes for democracy, not its location. Power is the “upstream” issue, and we must see power exercised at the lowest level possible, by the people who are most affected by it.

## **Conclusion**

This brings us back to our aim – to return power to where it belongs, the people. At the heart of the debate is the conflict between representative and direct democracy, the latter being the only true form of democracy.

In considering the former, radio, television and the vast range of modern communications, together with the interactive web and social networks, now mean that many of the original justifications for representative democracy no longer exist. The residual arguments thus seem to depend on the view that elected representatives are somehow better qualified to tell us how to run our own lives, and how our money should be spent.

No more glaring an example of the weakness of this argument can be seen than in the way local government is funded. In theory, the amounts charged each year are decided by elected councillors. In practice, the bulk of local authority income is supplied by central government. The balance, that the authorities are permitted to collect locally, is also largely determined by central government, and imposed without even the pretext of consultation. The outcome is the same, irrespective of the political colour of the administration, unchanged by successive elections. If we, the taxpayers – sickened by the charade - refuse to pay, we are jailed by magistrates who are not permitted to take account of our views and circumstances.

In no way is this democratic. Far from being free men and women, if we have the misfortune to be householders, our continued freedom is conditional on paying what amounts to an annual license fee. The only real choice offered is the way we make such payments to our masters. Nowhere in the system is there any recognition that the state has no money of its own, that it creates no wealth and that it exists only by compelling us to give it some of our money.

Our premise, as previously stated, is that before we should be required to pay taxes or any levies to the state, it should justify its demands, telling us why it wants our money, how much is needed, and how it plans to spend it. It should then ask us for that money – as opposed to peremptorily demanding it. That is the basis of Referism.

When tax is properly requested and honestly justified, when it is to be wisely spent to good purpose, most citizens will agree to it. And the state, when fulfilling a democratic mandate, has a right to the finances needed to discharge its functions. But we the people must have the power to say “no”. Likewise, we must have the power to accept, reject or remove laws, to refuse or overturn decisions. Anything short of that is not democracy, whatever name its champions might chose to give it.

Furthermore, we the people have the right to have some of their funds used to provide a body such as Parliament, but only one which truly represents our interests and does what it is told. Parliamentary representation, we feel, is compatible with THA and we also feel that governments, within the constraints set by the people, must be allowed to govern. They should be given the facilities so to do. We do not seek to govern, only to control those who do.

As to Parliament, we do not see its function as being to provide a distressingly shallow gene pool from which ministers are recruited. The antidote to the contempt with which politicians are regarded is for Parliament to do its job as

the protector of the people, rather than the supporter of governments and the provider of its management personnel.

Its main tasks should be preparing legislation for public approval, the scrutiny of government, and then the representation of the people to government. For that to happen, the institution has to attract the right people and be properly structured. As long as its main function is to provide ambitious politicians with the means to enter government, it can never properly perform those duties.

As to The Harrogate Agenda, it is often said that the great changes that have occurred in the world and within individual countries have often been the result of the endeavours of a small number of visionaries. We see a difference between the likes of John Stuart Mill, the British 19<sup>th</sup> Century philosopher, political economist and civil servant, and their present day counterparts. The former did not attempt to impose his ideology through the imposition of law, while the latter use political office to do just that.

Those subscribing to the ideology of THA are, in our view, visionaries in the traditional sense. They are creating something that is completely at variance with current thinking. It is one which, incidentally, is based on a belief of John Stuart Mill - the extensive participation of the people in the governance of their country.

People have been led to believe that representative democracy is the only way our country can be governed. This is no longer true – if it ever was. But in spreading that message, it is our belief that THA should not progress to becoming a political party. It must remain a movement to spread the idea of change, at the heart of which is people power.

That said, THA offers something that we rarely get when politicians offer change – real power, the ability to make real choices, permitting people to accept or reject proposals made by our governments, their institutions and servants – at national and local levels. When sufficient people accept our ideas, we will regain the power that is truly ours – power which should never have been taken from us in the first place.