

Constitution Unit

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Normality, or revolution?

The result of December's election was decisive – Boris Johnson's Conservative government returned to power with a House of Commons working majority of 87. His election slogan of 'get Brexit done' helped cut through, including in many former Labour heartlands (although at the aggregate level [more votes](#) were cast for parties supporting a referendum than for those pledged to immediately deliver Brexit). The party's renewed parliamentary strength has now allowed Johnson to deliver on that promise. His post-election European Union (Withdrawal Agreement) Bill passed unamended, and the UK formally left the EU on 31 January.

In some respects the election result seemed to indicate a return to normality – the classic UK expectation of stable single-party majority government was fulfilled.

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After periods of coalition government between 2010 and 2015, a narrow and brittle Conservative majority between 2015 and 2017, and minority government from 2017 to 2019, 'normal service' could resume. There are 365 Conservative MPs to Labour's 202, with the smaller parties that take their seats collectively on 75 (see page 5). Not only is Johnson's parliamentary party larger than that in the previous parliament, it also seems likely to be more united – at least on the key issue of Brexit. The Conservative MPs that he stripped of the whip in September almost all either retired or were defeated. Former Conservatives running as independents or for other parties, including Dominic Grieve, David Gauke, Anna Soubry and Sarah Wollaston were all swept away.

There is hence some scope for politics to settle down, and the high-profile clashes of the last three years have probably been left behind. The government will be keen to shift the focus from Brexit to its domestic agenda. Indeed, [guidance has apparently been issued](#) in Whitehall to discourage use of the term 'Brexit' at all. Furthermore, changes to the final implementing legislation (see page 4) mean that the new parliament will have little formal control over the shape of the UK's future relationship with the EU. The transition period seems unlikely to be extended beyond the end of the year.

Image above: [Prime Minister Boris Johnson](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).



Yet it would be an overstatement to suggest that [parliament will now become boring](#). The UK–EU negotiations (see page 3) will certainly raise controversies. And discontent on the Conservative benches is already showing on matters such as the [HS2 railway line](#), the [role of Chinese tech giant Huawei](#) in the UK's 5G network, and levels of [taxation and spending](#). A desire to retain the party's expanded working class electorate may raise multiple tensions with its more traditional supporters.

At the same time, there are many big questions about the future of British politics and the constitution. The government was elected on a [manifesto](#) hinting at wide-ranging constitutional reforms. The [now famous](#) page 48 suggested a need to review 'the relationship between the Government, Parliament and the courts; the functioning of the Royal Prerogative; the role of the House of Lords; and access to justice for ordinary people', and promised a Constitution, Democracy and Rights Commission to do so. It also made various more specific commitments, including scrapping the Fixed-term Parliaments Act (the topic of the Unit's [next public seminar](#)), and changes to electoral rules (see page 9).

Whether and how fundamental questions of balance in the constitution will be addressed [remains unknown](#). As *Monitor* went to press, there had still been no formal announcement about the Commission, though [rumours](#) had emerged. Possibly, as hinted at by [then Attorney General Geoffrey Cox](#), it might in practice limit itself to a relatively narrow agenda of judicial reform (see page 12) – which may prove to be the government's key priority. Addressing the broader balance among the three branches of government – executive, legislature, and judiciary – could now look like 'fighting the last war', given the government's comfortable Commons majority. As argued [on the Unit's blog](#) by its Director and Deputy Director, wide-ranging questions such as these about the shape of our democracy cannot now plausibly be addressed without significant public input and deliberation.

Other constitutional controversies – planned and unplanned – are already hitting the headlines. The Prime Minister's chief adviser, Dominic Cummings, has long had ambitions to [radically reform the civil service](#). In the end, despite rumours to the contrary, the post-Brexit Cabinet reshuffle (see page 11) was relatively modest, and machinery of government changes were restricted to the [abolition of the Department for Exiting the European Union](#). But there are signs of significant unhappiness in Whitehall. The Chancellor of the Exchequer,

Sajid Javid, [dramatically resigned](#) over plans to shake up arrangements for special advisers (see page 11). Subsequently, and just as spectacularly, the top Home Office civil servant, Philip Rutnam, [resigned](#) and looks set to commence a constructive unfair dismissal claim – alleging a 'vicious and orchestrated briefing campaign' against him.

Meanwhile, recent events have brought the future of the Union into ever greater question. Brexit, combined with the election result, have encouraged Nicola Sturgeon to step up her demands for a second referendum on Scottish independence (see page 15). Johnson has [robustly rejected these](#) – potentially playing into the hands of the Scottish National Party (now strengthened at Westminster on 48 seats, and gearing up for the Scottish Parliament elections in May 2021). The nature of the Brexit deal, combined with the results of the Irish general election (see page 16), have also seen increasing attention focus on the possibility of a Northern Ireland border poll (see page 14).

The nature of the election campaign itself has reinforced concerns about key aspects of campaign regulation. Despite universal agreement that regulations on digital campaigning are inadequate (see page 9), no steps had been taken to change them before the election was called. The government has signalled its intention to act, but the extent of the reforms it will introduce remains unclear. It is meanwhile pushing ahead with requiring voters to show photographic ID – a change that appears much less urgent. And there are concerns – including [among Conservative backbenchers](#) – that [government hostility](#) towards the BBC and Channel 4 may harm pluralistic political discourse.

How these various dynamics play out remains to be seen. With the election behind us, the government reshuffled, and the first crucial stage of Brexit 'done', parliamentary committees have only just been re-established (see page 6), and changes on the opposition benches are yet to come. The outcome of the Labour leadership contest (see page 13) is due in early April, and the seeming front runner – Keir Starmer – is a lawyer with a keen grasp of both constitutional affairs and Brexit. As *Monitor* went to press, it appeared increasingly likely that the spread of the Covid-19 virus could substantially alter the political environment, at least in the short term.

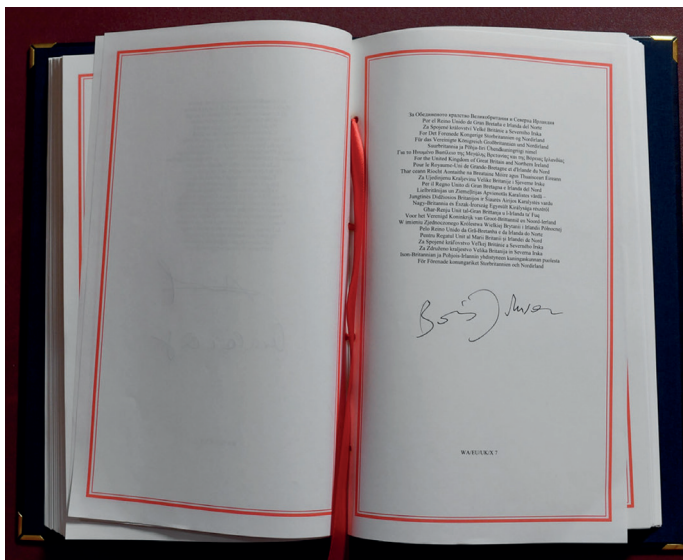
While the new Johnson government is adjusting to office, the environment in which it will operate in coming years is also yet to make itself clear.



EU-UK negotiations

Negotiations on the Future Relationship began in earnest at the beginning of March, just over a month after the UK formally exited the EU on 31 January. David Frost, the UK's chief negotiator, [arrived in Brussels](#) on 2 March, accompanied by around 100 officials and experts, to begin the task of achieving an agreement with the EU before the end of the transition period on 31 December. Despite the short timescale, Downing Street has ruled out any extension to the transition, enacting this in UK law via the [EU \(Withdrawal Agreement\) Act](#). This means [anything more than a bare-bones agreement is unlikely](#).

Both sides published opening positions at the end of February. The EU's [negotiating mandate](#) contained few surprises, emphasising the uniquely close nature of the current relationship and the consequent need for significant legal and regulatory obligations to ensure fair trade and competition. Arguably the most noteworthy element is the decision to make [Article 217](#) of the Treaty on the Functioning of the European Union the basis for the negotiations. This indicates that the EU envisages an Association Agreement-type arrangement with all elements drawn together in one overarching deal. The process requires unanimous approval of the final deal by the member states, [creating 27 potential vetoes](#). The ratification process that will follow has the potential to become even more complicated.



[The Withdrawal Agreement](#), signed on 24 January 2020 (CC BY-NC-ND 2.0) by [UK Prime Minister](#).

The UK envisages a much less ambitious 'off-the-shelf' Canada-style free trade agreement (FTA). Its ['Approach to Negotiations'](#) focuses on maximising flexibility and the potential for regulatory divergence. The government rejects outright demands for dynamic alignment and 'level playing field' rules and seeks to exclude EU institutions – such as the European Court of Justice – from governance structures. Rather than one big deal, it is pushing for a series of side agreements to regulate specific areas such as fisheries and security cooperation. The 31 December deadline creates the possibility of another 'cliff edge'; the UK government is already [threatening to abandon the talks](#) if insufficient progress has been made by June.

The two sides must overcome [significant differences](#). There will almost certainly be a major spat over fisheries: the UK wishes to repatriate control of British waters entirely, making access much harder for EU fleets. The reliance of UK fishermen on EU markets means a compromise will be essential, but fisheries is such a politicised and totemic issue that any hint of 'surrender' will play very badly. 'Level playing field' rules will also be a major area of dispute. The proximity and size of the UK economy, plus the depth of the economic relationship that already exists, means the EU will demand that reciprocal arrangements – for example on labour and environmental standards – must be subject to dispute resolution mechanisms to be meaningful.

Finally, there is the question of trust. The EU is [watching closely](#) the extent to which the Withdrawal Agreement – and especially the Northern Ireland Protocol – is faithfully implemented. There is considerable unease that London is seeking to bypass commitments made only a few months ago and which form part of what is, after all, an international treaty. This will be a major test of how trustworthy the UK is perceived to be, not only in Brussels but in the many other countries with whom it wishes to conclude FTAs.

Brexit and parliament

The general election of 12 December resulted in a decisive Commons majority (see page 5) that might seem to spell the end of the gripping votes and procedural innovations that characterised the 2017–19 parliament. January saw the swift and smooth passage of two pieces of Brexit legislation – the [EU \(Withdrawal Agreement\) Bill](#) and the [Direct Payments to Farmers \(Legislative Continuity\) Bill](#) – both of which passed

unamended. Prior to the general election, such a prospect would have been almost inconceivable.

Undoubtedly the more significant, and controversial, of the two was the EU (Withdrawal Agreement) Bill (WAB), which implemented the Withdrawal Agreement. Spanning 100 pages and covering everything [from citizens' rights to the Northern Irish border](#), it was a complex piece of legislation with substantial constitutional implications. [Unlike the earlier version](#), which passed second reading in October but fell as a result of the general election, the new bill gave parliament no formal role in shaping or agreeing the future relationship. Nonetheless, it went smoothly through the Commons, passing its third reading by 330 votes to 231. The House of Lords raised objections to some aspects – defeating the government in five votes on the topics of citizens' rights, unaccompanied refugee children, and ministerial powers to enable deviations from EU case law. Peers however backed down on several other amendments rather than pushing them to a vote, and the five Lords defeats were easily overturned when the bill returned to the Commons.

It would be a mistake to read too much into the smooth passage of these bills. Both were urgently required in time for exit day. Under the terms of the EU (Withdrawal) Act 2018, the Withdrawal Agreement could not be ratified until the WAB had been passed. The Direct Payments to Farmers (Legislative Continuity) Bill, meanwhile, averted a 'cliff edge' for the farming community by giving ministers the powers to make CAP-style payments to farmers during the transition period. A parliament which was committed to leaving the EU on 31 January – as the new House of Commons clearly was – had little option but to pass this legislation swiftly.

Looking ahead, a raft of new legislation will be needed this year to establish post-transition regimes in numerous policy areas: [agriculture](#), [environment](#), and [fisheries](#) bills are already before parliament. Significant amounts of secondary legislation can also be expected. The new parliamentary arithmetic is undoubtedly important: major government defeats in the Commons now seem unlikely. However, it is not yet clear how far the cohesion of the new parliamentary Conservative party will extend, and upcoming legislation will touch on issues of vital importance to the constituencies of certain MPs. The intra-party negotiation and behind-the-scenes pressure [which has always been fundamental to parliamentary power](#) therefore seems set to continue.

Brexit and devolved powers

Motions refusing consent for the EU (Withdrawal Agreement) Bill were passed in the [Scottish Parliament](#), [National Assembly for Wales](#) and [Northern Ireland Assembly](#). Given that the Conservative majority at Westminster was elected with a clear mandate to ensure Brexit happened at the end of January, these votes were never likely to affect the bill's fate. In a [letter](#) to devolved ministers, then Brexit Secretary Stephen Barclay argued that 'the circumstances of our departure from the European Union are specific, singular and exceptional' enough to justify proceeding without devolved consent. With the EU (Withdrawal) Act also having passed without the consent of the Scottish Parliament in 2018 (see [Monitor 69](#), page 4), the [limits of the Sewel convention](#) in the context of the intergovernmental tensions of recent years are increasingly clear.

The [Scottish](#) and [Welsh](#) governments have made plain their strong preferences for the UK to have a future relationship with the EU that maintains much closer alignment than is envisaged by Whitehall (see page 3). This was discussed at a meeting of the Joint Ministerial Committee (EU Negotiations), which brings together UK and devolved ministers, in Cardiff on 20 January. A new [Ministerial Forum for Trade](#), to facilitate intergovernmental engagement on future trade agreements, then [met](#) for the first time on 23 January. Such forums are expected to continue to meet regularly. However, the UK government is not likely to agree to a more formal role for devolved governments in the processes of agreeing future trading relationships with the EU and non-EU countries, as proposed by [Scottish](#) and [Welsh](#) ministers.

A welcome feature of recent intergovernmental meetings has been the return of ministers representing Northern Ireland after a three-year absence (see page 14). Arlene Foster and Michelle O'Neill, the First Minister and deputy First Minister respectively, both attended the JMC(EN) meeting in Cardiff and [indicated](#) that their priority for the future relationship negotiations will be to avoid barriers to trade, either on the border or in the Irish Sea. The details of how the Northern Ireland protocol of the Withdrawal Agreement will operate are [still to be worked out](#), and will require close cooperation between the UK government and the newly restored Executive over the coming months.

It is envisaged that by the end of the 11-month implementation period under the Withdrawal Agreement

'[common frameworks](#)' will have been agreed by the UK and devolved governments. These would govern policy divergence in key areas, such as agriculture and fisheries, which are devolved but were previously subject to – and constrained by – EU law. There has already been a significant amount of intergovernmental work on this (see [Monitor 72](#), page 6) and the latest [statutory update](#), published by the UK government in October, indicated that this is now at the stage of detailed policy development. Each framework will go through a 'Review and Assessment' process involving stakeholder consultation before being considered by ministers in the Joint Ministerial Committee structure. The intergovernmental nature of these processes will pose [challenges for parliamentary scrutiny](#), which parliaments across the UK will need to be proactive to overcome.

Parliament

New parliament, new personalities

The new House of Commons elected on 12 December brought a number of key changes. In all, 155 MPs in this parliament (24%) [were newly elected](#) – these include 106 Conservatives, 26 Labour MPs and 13 for the SNP. There were also some striking results in terms of diversity. For the first time, [a majority of Labour MPs are women](#) (104 of 202), as are seven of the 11 Liberal Democrats. The Conservatives lag behind, on just 24% (87 out of 365), but the overall proportion of women in the House of Commons stands at its highest ever – 33.8%. The number of non-white MPs [also reached record levels](#) – at 65 members (10%). [Sutton Trust](#)

analysis found that 88% of MPs attended university, compared to 19% for the UK working age population.

As reported in [Monitor 73](#) (page 7), Lindsay Hoyle replaced John Bercow as Speaker prior to the election; his position was reaffirmed without a contest [on the first day](#) of the new parliament. On 9 January [the new Deputy Speakers were elected](#). Rosie Winterton was returned unopposed on the Labour side, while Eleanor Laing and Nigel Evans were elected from the Conservative side. Laing assumed the role of Chairman of Ways and Means (the most senior Deputy Speaker position, previously occupied by Hoyle).

Among those retiring at the general election was the Father of the House (or longest-serving MP), [Ken Clarke](#). He served for 49 years, from 1970, and held numerous ministerial positions as a Conservative, including at the highest Cabinet levels. However, he departed as an independent, being one of the 21 MPs stripped of the whip in September over Brexit. He took part in a valedictory 'in conversation' event organised by the Unit on 27 February (see page 19). The new Father of the House is [Peter Bottomley](#), who was first elected in June 1975.



The post-election House of Commons (CC BY-NC 2.0) by UK Parliament.

The Constitution Unit

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Conservative reform agenda: parliament

At the time of writing, the new government's priorities with respect to parliamentary reform remained unknown. The mooted Commission on the Constitution, Democracy and Human Rights (see page 2) was, according to the Conservative manifesto, due to consider 'the relationship between the Government, Parliament and the courts' and 'the role of the House of Lords'. But how these might be interpreted, and their level of priority for the government or the Commission, is unclear.

The manifesto implied some interest in rebalancing power between parliament and other branches. Ostensibly, the concern is about returning power to parliament that has been usurped by the courts. The [key cases cited](#), however, are often the two 'Miller' cases, regarding the triggering of Article 50 and the prorogation. Both in fact handed power back to parliament at the expense of the executive. During the most fractious months of 2019 proponents of Brexit at times argued against parliamentary power – for example suggesting that [royal assent might be denied](#) to legislation that lacked government support. Rebalancing in this area would therefore be controversial, and fraught with difficulties (potentially even involving the monarch). Tensions also simmered inside parliament, regarding standing orders and their interpretation by the Speaker. Yet these have now dissipated given the government's comfortable Commons majority, the new Commons Speaker and the UK's formal departure from the EU. Action in this somewhat treacherous area may thus no longer be a priority. Another potential rebalancing, equally treacherous, involves Lords reform – discussed below.

Some key parliamentary personalities of relevance to these debates have changed. Bernard Jenkin stepped down as chair of the House of Commons Public Administration and Constitutional Affairs Committee, which in the previous parliament had enquired into [the role of parliament in the constitution](#). The priorities of the successor committee, and its new chair William Wragg, remain to be seen. The priorities of the new Commons Procedure Committee and its chair, Karen Bradley, are similarly unclear.

Lords controversies and reform pressures

The House of Lords has frequently made the headlines since the general election, for various reasons. One is controversies about appointments to the chamber.

Immediately after the election, Nicky Morgan (who stepped down as an MP) and Zac Goldsmith (who was defeated) were made peers in order to continue in their roles as Secretary of State for Culture and Minister of State in the Department for Environment, Food and Rural Affairs (DEFRA) respectively. This [aroused some criticism](#). Much speculation also swirled about possible further appointments, such as [former Chancellors Philip Hammond and Ken Clarke](#), and [former Speaker John Bercow](#). The Lord Speaker, Lord (Norman) Fowler, took the unusual step of [writing an article for the House Magazine](#) expressing concerns about the potential number of coming nominations, and calling for a moratorium. Fowler had previously established the [Lord Speaker's Committee on the Size of the House](#), which recommended a new, more regulated system. In response Theresa May had promised moderation, and Fowler commented that he had hoped Boris Johnson would follow suit, but feared 'that my hopes may soon be dashed'. A moratorium on appointments was first called for in a [cross-party Constitution Unit report](#) in 2011.

Other proposals for Lords reform have abounded. During the Labour leadership election, Rebecca Long-Bailey initially appeared to champion [abolition of the Lords](#), but later suggested moving to an [elected chamber](#). Deputy leadership candidate Angela Rayner instead suggested that the party should [democratise its own system for choosing nominees](#). Simultaneously, various ideas have emerged from the government side. One [initial suggestion](#) was to move to a chamber of the 'nations and regions', building on proposals made by Lord Salisbury's [Constitutional Reform Group](#); but more modest proposals included adoption of a retirement age. The most eye-catching suggestion, which was widely derided in comments [in the Lords](#), was to [move the chamber to York](#). These various proposals, discussed in a [recent blog post](#) by the Unit's Meg Russell, offer much for the promised Commission on the Constitution, Democracy and Human Rights to consider.

New Commons select committees

The House of Commons [elected](#) select committee chairs for the new parliament on 29 January – the fourth such round of elections under the system established by the Wright reforms in 2010.

Commons select committees are [elected afresh in each new parliament](#), under rules covering the departmental committees and some key non-departmental ones such

as the Public Accounts Committee. The Exiting the EU Committee, which has been re-established for 2020 despite the disbanding of its department, also falls under this system. It has, however, been renamed the Committee on the Future Relationship with the European Union.

Each party is allocated a total number of chair positions based on its number of seats in the Commons; whips then agree the precise distribution between committees, with each chair position allocated to one party. Chairs are then elected by the whole House under Standing Order No. 122B, with all MPs eligible to vote. Committee members are subsequently elected within each parliamentary party, with the lists approved by a motion of the House. For most committees, this happened on 2 March.

Perhaps the most unexpected result on 29 January came in the election for the chair of the Digital, Culture, Media and Sport Committee, where incumbent Damian Collins was narrowly defeated by Julian Knight. Beyond this, select committee chair roles continued to be sought after by parliamentarians who were unlikely to be offered frontbench roles – with Jeremy Hunt, Boris Johnson’s [main challenger for the Conservative leadership](#), being elected as chair of the Health Select Committee, and former [Brexit rebel](#) Greg Clark becoming chair of the Science and Technology Committee. Former Cabinet ministers Stephen Crabb (Welsh Affairs Committee) and Karen Bradley (Procedure Committee) were also elected.

The need to elect Commons committee chairs and members afresh at the start of a new parliament means that it inevitably takes some time for committees to get up and running. One consequence was that Commons committees were not established in time to contribute to scrutiny of the EU (Withdrawal Agreement) Bill. Another is that the Liaison Committee, whose scrutiny Boris Johnson managed to [elude three times](#) in the last parliament, has still not been set up. Nonetheless, committees can be expected to play a key role during the remainder of the transition period.

Restoration and Renewal

Questions over the future of the Restoration and Renewal (R&R) programme for the Palace of Westminster have resurfaced, partly because of the changed political circumstances, and partly because of official reports expressing concerns. In the previous parliament [pro-Brexit MPs were more likely to oppose a full decant](#), so the new, more pro-Brexit parliament might reasonably be expected to be resistant to the programme overall.

Should MPs wish to reverse – or delay – the process of R&R, an opportunity could arise following the decision of Historic England and the National Audit Office (NAO) to register concerns about the current plans. Historic England has decided to [oppose the planning application to renovate Richmond House](#) so that it can serve as a temporary Commons chamber during decant, on the basis that this would cause ‘significant harm’ to the building. The NAO’s concern is financial rather than aesthetic: it has [announced an inquiry](#) into the overruns on the project to restore the Elizabeth Tower.

Alternative plans for decant remain a topic of discussion. An unexpected suggestion was the government’s idea that the House of Lords could be [relocated permanently to York](#) (see page 6). This would clearly reverse the commitment made by both Houses in 2018 to return to the Palace of Westminster after decant. It has also been [reported](#) that Number 10 is considering the possibility of holding Commons sessions outside of London. It remains to be seen whether either of these ideas will be pursued.

Behind the scenes, some key appointments have been made: David Goldstone was [announced](#) as chief executive of the Delivery Authority in January, and Simon Wright, who was in charge of the much maligned Crossrail project, [has been named as an adviser to the Strategic Estates team](#).



[Newly cleaned stone angel, Elizabeth Tower \(CC BY-NC 2.0\) by UK Parliament.](#)

Parliament takes further steps on harassment and bullying

Both Houses have made welcome progress on the handling of harassment and bullying complaints in

parliament. The House of Commons Commission, which is chaired by the Speaker, has [announced](#) its support for the creation of an ‘independent expert panel’ for determining complaints of sexual harassment and bullying made against MPs. If implemented, the new panel would replace the [Committee on Standards](#), which comprises equal numbers of MPs and ‘lay members’. The exclusion of MPs from the complaints process was one of the three recommendations of the 2018 [Cox report on bullying and harassment in the Commons](#). The proposals include the possibility of giving the Commons the opportunity to debate and vote on whether an MP should be suspended or expelled. This suggestion is surprising, given that the Lords deliberately abandoned this system as part of its own complaints system overhaul (see [Monitor 72](#), page 8). The [public consultation](#) on the proposals ended on 8 March, as *Monitor* went to press.

After the Cox report, [an inquiry by Gemma White QC](#) recommended the creation of a dedicated HR service for MPs and their staff. The Commission has decided to implement this recommendation by establishing a ‘[Members’ Services Team](#)’.

In the Lords, the Conduct Committee is now fully staffed, following the appointment of its first lay members, who will assist peers in overseeing the new complaints regime created in April 2019 (see [Monitor 72](#), page 8). In January, the Lords Commissioner for Standards [published](#) her first report into sexual harassment following complaints under this system. Lord Lea of Crondall was found to have sexually harassed two women and agreed to undergo ‘remedial action’ with the consent of the complainants. Whilst some of the recommendations of last July’s [Ellenbogen report](#) into harassment and bullying in the chamber (see [Monitor 73](#), page 9) are being actively explored, others do not appear to have even been discussed at the [most recent meeting](#) of the House of Lords Commission. The recommendations that have yet to be implemented include the installation of additional CCTV in certain areas and the creation of procedures to deal with members in declining health.

The different conventions and procedures of each House mean that both are making progress from different starting points and attempting to respond to different problems. As long as parliament lacks a unified complaints system, how a complaint is dealt with will very much depend on which House it relates to. A joint system, operating under a common framework, would prevent this disparity, but is not likely in the near future.

Elections, referendums and democratic engagement



General election 2019

The general election on 12 December was the first to take place on a date later than the sitting Prime Minister had originally wanted, the Commons having used its powers under the Fixed-term Parliaments Act 2011 three times in September and October to deny Boris Johnson his stated wish to go to the country (see [Monitor 73](#), page 6). It was also the first winter general election since 1974, and the first one held in December since 1923.

Detailed [election result statistics and analysis](#) have been collated by the House of Commons Library, from which the figures here are taken. Voters re-elected Boris Johnson’s government with a Commons majority of 80 seats (or 87 allowing for Sinn Féin’s abstentionism). This was the largest majority for any party since 2001, and the largest Conservative majority since 1987. Though the Conservative vote share, at 43.6%, was just 1.3 percentage points higher than in 2017, greater fragmentation among the opposition parties helped the party to gain 48 seats net, reaching a total of 365. Labour’s vote share fell by 7.9 percentage points to 32.1% – the party’s worst performance in vote terms since 1983. Its seat tally, at 202, was its lowest since 1935. The Liberal Democrats increased their vote share by over half on 2017, rising from 7.4% to 11.5%. Yet their seat haul fell, from 12 to 11, and their leader, Jo Swinson, lost her East Dunbartonshire seat. The SNP gained 13 seats net, giving it 48 of Scotland’s 59 seats on 45.0% of the vote.

Reflecting shifting political priorities and identities since the 2016 Brexit referendum, every major party gained some seats and lost others. Conservative victories were particularly notable in places that the party had not represented for decades, including former mining constituencies such as Ashfield, Blyth Valley, and Bolsover, and manufacturing areas such as the Black Country, Stoke-on-Trent, and Burnley. Labour and the Liberal Democrats gained in some strongly pro-Remain constituencies in London and the South East, but the number of such seats – just three in total – was much lower than most activists and observers had expected at the start of the campaign. The SNP gained seats from all three unionist parties in Scotland, but also lost one to

the Liberal Democrats. In Northern Ireland, both the DUP and Sinn Féin suffered vote declines, while the Alliance Party and the SDLP made gains (see page 14).

Election campaign regulation

The debate over how to reform election campaign regulations to reflect the digital age, which recent developments have greatly intensified (see [Monitor 73](#), pages 10–11), continued through the election period and beyond. Though the governments of both [Theresa May](#) and [Boris Johnson](#) had recognised a need for reform and specifically indicated an intention to bring forward proposals to require all online political advertising to carry an ‘imprint’ stating its source, no such changes were made in time for the election. It was therefore left to the tech companies themselves to amend their rules. [Twitter](#) went furthest, banning all political advertising on its site worldwide from 22 November. Others, such as [Facebook](#) and [Google](#), required imprints and operated ‘ad libraries’ to aid transparency. These received some [journalistic coverage](#) during the campaign, enabling voters to better see the nature of the campaigning that was directed towards them.

On the other hand, the information made available by the tech companies was often limited. Notably, it provided no indication of how individual constituencies were being targeted – which is vital for meaningful transparency in a system based on single-member districts. In addition, the current campaign spending rules allow much expenditure that is targeted at particular constituencies to be counted towards national rather than local spending limits, making it impossible to know even after the election how local campaigns were conducted.

There is therefore wide agreement that further regulation, going well beyond digital imprints, is needed. In January, the [All-Party Parliamentary Group on Electoral Campaigning Transparency](#), chaired by Labour MP Stephen Kinnock, called for a range of measures, including digital imprints, a centralised ad library, reform of campaign donation and spending rules, and greater powers for the Electoral Commission. Mirroring the findings of last year’s Unit report [Doing Democracy Better](#), it also emphasised the need to promote high-quality information and better digital literacy. Similarly, the new chair of the DCMS Committee, Julian Knight, said in his [election statement](#) for that role that ‘there remains much work to be done to ensure... that social media is properly regulated during elections’.

Notwithstanding the absence of reform before the election, one significant legal development did take place during the campaign. [Section 106 of the Representation of the People Act 1983](#) makes it an illegal practice to make a false statement concerning the personal character or conduct of a candidate for the purpose of affecting the election result. This provision was applied during a general election campaign for the first time ever: on 26 November, Scotland’s Court of Session imposed an [interim interdict](#) (injunction) preventing distribution of SNP campaign material that made false claims about then Liberal Democrat leader Jo Swinson.

A [post](#) on the Unit’s blog by Alan Renwick offers further discussion of the regulatory issues raised by the campaign.

Conservative reform agenda: electoral reform

The [Conservative election manifesto](#) and the [December Queen’s Speech](#) both set out plans for a range of electoral reforms, which were analysed in detail [on the Unit’s blog](#) by Alan Renwick.

On the issue of digital campaigning (see the preceding story), the briefing notes accompanying the Queen’s Speech said, ‘The Government ... aims to launch a consultation on electoral integrity that will consider measures to strengthen the provisions that protect our democracy from foreign interference and to refresh our laws for the digital age.’ An ‘aim’ to ‘launch a consultation’ looks like a strikingly weak commitment. Yet it remains possible that the government does in fact intend to make significant changes. Some within government are known to take the issue seriously, and MPs on all sides share these concerns.

The government’s more explicit priority is to tackle voting fraud by requiring photographic ID at polling stations and tightening up procedures in relation to postal and proxy voting. During the election campaign, Labour [condemned the voter ID plan](#) as ‘clearly discriminatory and a blatant attempt by the Tories to suppress voters, deny people their democratic rights and rig the result of the next General Election’. Research conducted during pilots at the 2018 and 2019 local elections (see [Monitor 70](#), page 8, and [Monitor 73](#), page 11) suggested that such concerns, while not groundless, are often exaggerated. Yet there is also very limited evidence that voting fraud is occurring on any significant scale.

Less controversially, the government proposes measures to improve accessibility for voters with disabilities, building on recommendations made by the Electoral Commission [last May](#). The government already [changed election spending rules](#) last year, so that expenditure that is needed to accommodate a candidate's disabilities is not counted.

The Conservative manifesto pledged to 'ensure we have updated and equal Parliamentary boundaries'. Though not mentioned in the Queen's Speech, it therefore appears likely that the government will also bring forward legislation to change how Westminster parliamentary constituencies are drawn. The [current rules](#), introduced in 2011, limit the flexibility permitted in the number of electors per constituency and require the number of seats in the Commons to be reduced to 600. Two reviews have been held under those rules, in 2013 and 2018, but neither has been implemented, not least because many MPs fear that their seats would disappear. [Newspaper reports](#) suggest that the government intends to change these rules so as to retain 650 seats. There is good reason to think that it will also want to hold the next review – currently scheduled to take place by September 2023 – earlier, so that the results can readily be implemented ahead of the next election.

Election and referendum legislation in Scotland and Wales

The [Referendums \(Scotland\) Act](#) received royal assent on 29 January (for background, see [Monitor 72](#), page 12). This establishes for the first time a standing legislative framework for referendums called by the Scottish Parliament. Some of its core provisions changed significantly during parliamentary scrutiny of the bill, often reflecting recommendations made by the Unit's Alan Renwick in evidence to the responsible parliamentary committee (see [Monitor 73](#), page 21). These changes all sought to ensure that any proposal to hold a referendum will go through detailed scrutiny before it can be agreed. In particular, a provision requiring primary legislation for any future referendum was inserted, processes for scrutinising proposed referendum questions were strengthened, and ministers' powers to change referendum rules by secondary legislation were restricted. The Scottish government views the legislation in part as a preparatory step towards a second independence referendum, for which it set out plans in December (see page 15).

Meanwhile, the Scottish Parliament and Welsh Assembly have both passed legislation extending the franchise within their jurisdictions. The [Senedd and Elections \(Wales\) Act 2020](#), among other changes, extends the vote to foreign nationals resident in Wales and 16- and 17-year-olds (see page 16). The [Scottish Elections \(Franchise and Representation\) Bill](#), which will enfranchise foreign nationals and prisoners serving sentences of less than one year, passed its final parliamentary stage in February, meaning that it is likely to be sent for royal assent in March.



Alan Renwick gives evidence on the Referendums (Scotland) Bill ([Open Scottish Parliament Licence V.2](#)).

Developments in deliberative democracy

The UK's two most significant citizens' assemblies to date are now well in train. The [Citizens' Assembly of Scotland](#), established by the Scottish government with a broad remit to examine Scotland's future priorities and challenges, met for the first time in late October and convened over further weekends in November, January, and February. It is scheduled to meet twice more before publishing its report in the summer. The [Climate Assembly UK](#), commissioned by six select committees of the UK parliament, has completed three of its four meeting weekends. Its first gathering, in late January, featured a talk by [David Attenborough](#) and received wide [coverage](#) in the media. The Unit's Alan Renwick is working with both assemblies – see page 19.

Preparations are also being made for several further assemblies. The UK's first citizens' assembly to be prescribed by law will begin work later in the year, after the Scottish Parliament passed [legislation](#) mandating an assembly that will make recommendations on how

to meet targets for the reduction of greenhouse gas emissions. The assembly's report is due by February 2021, and ministers are obliged within six months of that to 'publish a statement setting out how they intend to respond'. In January, meanwhile, Henry Dimbleby, a businessman who heads the UK government's programme to establish a National Food Strategy, [laid out plans](#) for a citizens' assembly as part of the process of strategy development.

Finally, a significant step towards systematising the use of citizens' assemblies has been taken in Northern Ireland. The [agreement](#) in January that allowed devolved government to resume operation (see page 14) sets out plans for 'structured civic engagement' to assist in solving 'complex policy issues'. Within this, it is proposed that 'about 1–2 issues will be commissioned per year for civic engagement ..., including one Citizens' Assembly a year'. How this intention will be realised remains to be seen. The prominence of citizens' assemblies in the Republic of Ireland has raised the profile of this approach to democratic participation in the north too, and a [Citizens' Assembly for Northern Ireland](#) was run by civil society organisations in 2018.

Executive



Boris Johnson reshuffles his government

Immediately after his general election victory, the Prime Minister made [some changes to his ministerial team](#) that focused mainly on filling roles vacated by retiring or defeated MPs, and their knock-on effects. At Cabinet level, Simon Hart was [appointed](#) as Welsh Secretary, following the resignation of Alun Cairns during the election campaign.

The [reshuffle on 13 February](#) brought considerably more changes, with five Cabinet members and 12 other ministers losing their jobs. Chancellor of the Exchequer Sajid Javid was the biggest casualty. One key feature is the large number of ministers holding joint appointments, with seven shared between the Foreign Office and the Department for International Development. This is [expected](#) to lead in time to a full merger. Lord (Zac) Goldsmith is now a minister across three departments.



[Boris Johnson's first post-reshuffle Cabinet meeting \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

The Cabinet Office now has eight ministers, more than ever before. Michael Gove is the most senior, as Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster. Penny Mordaunt, an experienced former Cabinet minister, replaced Oliver Dowden as Paymaster General and Gove's effective deputy. Chloe Smith was promoted to Minister of State for the Constitution and Devolution, and Lord True was appointed a new Minister of State alongside Lord Agnew, who will also have duties at the Treasury.

For a full list of relevant ministerial changes see page 18.

Civil Service and Whitehall

The published list of Cabinet Committees remains the same as those announced in July 2019, when Boris Johnson became Prime Minister. There are just six, with three of them still focused on Brexit (EU Exit Strategy; EU Exit, Economy and Trade; and EU Exit Operations), and only one on Domestic Affairs and the Union. That may reflect the reality that Brexit still dominates the agenda; but it also suggests that the talk of 'levelling up', with a drive to promote economic development in the north and other regions, has yet to be reflected in ministerial priorities (see page 14).

Johnson's chief of staff Dominic Cummings' mission to strengthen Number 10 as the centre of power is causing tensions around Whitehall. Sajid Javid [resigned](#) after being told that he could no longer have his own team of special advisers (Spads) in the Treasury, and new Chancellor Rishi Sunak will have to rely on Spads from Number 10. Other Spads were sacked or moved in the reshuffle, and there have been [reports](#) of both ministers and advisers complaining of bullying and harassment coming from Number 10. On 29 February, Home Office

Permanent Secretary Philip Rutnam [resigned](#), citing ‘a vicious and orchestrated briefing campaign’ in response to his attempts to confront Home Secretary Priti Patel over her alleged bullying of staff. In his highly unusual televised resignation statement, he also said that he was issuing a claim against the Home Office for constructive unfair dismissal. Patel, however, [strenuously denied](#) the allegations. Meanwhile, former Treasury Spad Sonia Khan is [reportedly pursuing a claim for unfair dismissal](#), following her [sacking](#) in September 2019.



Conservative reform agenda: the judiciary

The proposed Constitution, Democracy and Rights Commission (see page 1) is expected to consider the pledge, made in the [Conservative manifesto](#), to ‘update the Human Rights Act (HRA) and administrative law to ensure that there is a proper balance between the rights of individuals, our vital national security and effective government’ and to ensure that judicial review is ‘not abused to conduct politics by other means or to create needless delays’. It has [been suggested](#) that the Commission will also look at increasing the degree of political control over judicial appointments, with a view to preventing the appointment and promotion of ‘activist’ judges. At an event at the Institute for Government in February, then Attorney General Geoffrey Cox [hinted](#) that there could be a move to something like the Canadian system, in which candidates for senior judicial posts are interviewed by a parliamentary committee which does not have any formal power over appointments. However, Cox was sacked in the February reshuffle (see page 11) and the new Attorney General, Suella Braverman, [has a record of criticising judges as overly involved in politics](#).

A radical reform plan could lead to confrontation within government, given the Lord Chancellor’s [statutory duty](#) to ‘uphold the continued independence of the judiciary’. The current holder of that office, Robert Buckland, has [indicated](#) that he regards parliamentary involvement as a threat to that independence. Supreme Court President Lord Reed has since told the Lords Constitution Committee that political approval of judges was ‘unacceptable’ and [refused to rule out resigning](#) should the appointments process be fundamentally altered.

Complaints from the government of the day that judges have become ‘political’ or are blocking government action are nothing new. The [Commission on a British Bill of Rights](#) that reported during the Conservative-Liberal Democrat coalition government, however, recorded that public dissatisfaction with the HRA did not extend much beyond the south of England. The devolved governments all indicated to that earlier Commission that they would oppose attempts to repeal the HRA, which is embedded in all three devolution settlements and the Belfast/Good Friday Agreement. To amend the Act and the technical rules governing access to judicial review without replicating the deep national and political divisions that have been so evident in connection with Brexit will require very sensitive handling.



[New Attorney General Suella Braverman \(CC BY-NC-ND 2.0\)](#) by [UK Prime Minister](#).

Monarchy, church and state

Slimming down the Monarchy

Since *Monitor* last went to press, the royal family has shrunk by three people, with the [announcement](#) of Prince Andrew’s ‘stepping back’ in November followed by the announcement in January that the Duke and Duchess of Sussex wished to reduce their royal duties to develop their own careers. Commentators [said at the time](#) that it was not possible to be ‘half in, and half out of the royal family’, and so it proved. In the [statement](#) from the second Sandringham meeting on 18 January it was confirmed that the Sussexes are to withdraw from all royal duties from 1 April. The new arrangements are to be reviewed after a year, leaving open the possibility that they might return to public life in the UK, or that the settlement’s terms might be tightened if they appear to be exploiting their royal status for commercial gain.

Their departure leaves a smaller royal team to carry out public duties, as discussed by former Unit Director Robert Hazell [on our blog](#). In total 15 members of the British royal family conducted almost 3,500 royal engagements last year. The departures of Prince Andrew and the Sussexes mean a significant loss of capacity. [Talk of slimming down the royal family](#) as a matter of policy implies fewer visits at home and overseas, fewer patronages and less support for civil society. On the 2019 figures, a slimmed down monarchy consisting only of the Queen, the Waleses and the Cambridges, which Prince Charles reportedly favours, would be able to undertake just under 40% of the public engagements for that year.

In a [comparative study](#) of the European monarchies to be published in July, Robert Hazell and Bob Morris argue that it should be possible for minor royals to opt out if they find the restrictions too great. But it may not be easy, or even possible, to undergo a complete change of lifestyle, as the public might still consider Harry and Meghan to be a royal couple, and the media might continue to portray them as such – keeping them in the spotlight, whether they want it or not.

Parties and politicians



Labour leadership election

Following the Labour Party's catastrophic defeat in the general election, a process was quickly set in train to elect a successor to Jeremy Corbyn as party leader. This is a [complex multi-stage process](#) with various hurdles: starting with nomination by MPs, then nomination by constituency parties and affiliated organisations, and ending with a ballot of party and affiliated members. In parallel, election for a party deputy leader is proceeding using the same system.

Initially there were six candidates for leader, but Clive Lewis fell at the first hurdle due to failing to secure the necessary 22 [nominations from MPs and MEPs](#). Emily Thornberry secured just 23, while Keir Starmer led the field with 88. The party then staged a [series of public hustings](#), and Jess Phillips [dropped out](#) soon after, judging herself to have performed poorly. The remaining four candidates continued to seek [nominations](#), with Keir Starmer securing support from several large trade unions and 369 constituency parties, Rebecca Long-Bailey also gaining several unions and 161 constituencies,

Lisa Nandy winning support from the GMB and others, plus 70 constituencies, and Emily Thornberry securing 31 constituencies. The latter fell just short of the minimum 33 constituency nominations required, leaving three candidates to contest the final round. Hustings will continue during the balloting process, and a result will be announced on 4 April.

In the [deputy leadership contest](#), the clear frontrunner was Angela Rayner, who secured 88 nominations from MPs and MEPs, and 363 from constituencies. Five candidates went forward to the member ballot, the others being Rosena Allin-Khan, Richard Burgon, Dawn Butler and Ian Murray.

Meg Russell published a critique of the Labour Party leadership election process and its effects on the UK's parliamentary system [on the Unit blog](#) on 6 February.

Liberal Democrat leadership election

Following Jo Swinson's unexpected defeat, by just 149 votes, in the general election, the Liberal Democrats are seeking a new leader. In the interim, deputy leader Ed Davey and newly elected party president Mark Pack are sharing the role of acting leader.

The new leader must be one of the party's 11 remaining MPs. [Wera Hobhouse](#) and [Christine Jardine](#) have confirmed they will run, while bids from [Daisy Cooper](#), [Ed Davey](#), and [Layla Moran](#) are widely expected. [Tim Farron](#) and [Alistair Carmichael](#) have ruled themselves out. Candidates [must secure](#) the nomination of at least one Lib Dem MP besides themselves, plus 200 party members and 20 local parties.

Nominations will open on 11 May and close on 28 May. Final results will be announced on 15 July – a lengthy [timeframe](#) intended to prevent distraction from campaigning in the May local elections and enable a more informed contest. By the time of the vote, the new Labour leader will be known, the Liberal Democrats will have released their post-mortem report on the general election, and Ed Davey will have had a trial run as leader.

[Early polling](#) put Davey ahead, but also suggested that many members remained undecided. There has been [speculation](#) that the contest could open fissures between the preferences of pre-2016 members who want to focus on liberalism and those of newer members motivated primarily by Brexit. There will also be [debate](#) over whether the party should disavow or embrace its record in coalition government between 2010 and 2015.

Nations and regions



England

There has been evidence of renewed interest in devolution since the December election. The government has [promised the publication](#) of a white paper on devolution 'later this year', in line with its manifesto 'ambition' of 'full devolution across England'. Its contents have been closely guarded, but it seems possible that it will include a route to 'level up' powers between the different devolution deals in England. The white paper is also likely to include provisions for reorganisation of local government into unitary authorities, though it is not clear whether this will mean compulsory change or whether individual councils will be able to decide their fate for themselves. This subject already showed its customary power to inflame passions when Jake Berry, then Minister for the Northern Powerhouse, suggested [the creation of two unitary councils in Cumbria](#).

Berry has [since left the government](#), to be replaced by Simon Clarke. The role that Clarke accepted no longer comes with the right to attend Cabinet – a significant downgrade in status. It has been [suggested](#) that this is an indication that the government's commitment to 'level up' in the north might not be fulfilled.

One advocate of 'levelling up' has been the [UK 2070 Commission](#), which published its third and final report, [Make No Little Plans – Acting at Scale for a Fairer and Stronger Future](#), on 27 February. The Commission, chaired by former Head of the Home Civil Service Lord (Bob) Kerslake, urged the government to 'go big or go home' if it is to remedy the UK's regional inequalities – attributing these to 'an overly centralised system'. Its report called for the funding provided through the Shared Prosperity Fund to be tripled, and the creation of a £300 billion, 20-year UK investment fund. It also called for the creation of a 'powerful cross-government ministerially-led committee', supported by a team dedicated to 'levelling up'.

May 2020 will also see the second elections for a number of metro-mayors – Greater Manchester, Liverpool, West Midlands and Tees Valley – as well as for the Mayor of London. This will nudge their profile upwards. Meanwhile, the Sheffield City Region has [agreed to progress its](#)

[devolution deal](#), originally agreed in 2015: this should be implemented during 2020. There have also been repeated rumours of a [mayorality for West Yorkshire](#), which would sit alongside agreed changes to Local Enterprise Partnership boundaries there.

Debate also continues over funding for local authorities. In 2020 decisions will be made on the outcomes of the [Fair Funding Review](#), to take effect from April 2021. This has the potential, in the short term, to substantially alter the funds available to some local authorities. The *Local Government Chronicle* [reported in January](#) on research commissioned by the County Councils Network, which suggested that, based on the limited information available at that point, London boroughs were likely to lose substantial amounts of funding. Nevertheless, 2021 will also see an increase in the percentage of business rates retained at local level, which may help some areas increase their income in the medium term. How this impacts on devolution within England remains unclear. A number of councils have called for greater control over local sources of revenue, with a 'tourist tax' being [one of the leading demands](#); but, at the time of writing, the government's position on this remains unclear.

Northern Ireland

The past four months [have seen significant change](#) in Northern Ireland. Serious failings in public services after a thousand days without ministers contributed to the DUP and Sinn Féin [losing significant vote share](#) – and in the DUP's case its deputy leader – in the general election. The cross-community (and pro-Remain) Alliance Party doubled its vote, and the nationalist SDLP now has two MPs, after [losing all its seats](#) in the 2017 general election.

The restoration of the Executive soon followed, under the terms of a [deal put forward by the UK and Irish governments](#) and brokered by then Northern Ireland Secretary Julian Smith and Irish Foreign Affairs Minister Simon Coveney. It provides for a formula to resolve the conflict over Irish language that has underlain much of the dispute of the last three years; measures to address abuses exposed by the RHI affair (see [Monitor 72](#) page 16); mechanisms to prevent the institutions being abruptly pulled down as in 2017; and a substantial catalogue of priorities, to feed into a new Programme for Government. London and Dublin have promised funds to support this, which some in the Executive have already [claimed](#) to be insufficient.

The Executive is likely to function in the short term, because that is what the electorate expects. However the political underpinnings of the new deal are not strong, and it remains unclear if the will exists to do government more seriously. The inquiry into the RHI affair, [due to report on 13 March](#), may claim political casualties and cause instability. Also of concern is the removal of Julian Smith, [widely regarded as the most successful Secretary of State in a decade](#), in the Cabinet reshuffle (see page 11).

In the Irish general election on 8 February, Sinn Féin surprised many by [securing more first preference votes](#) than Fine Gael and Fianna Fáil (see page 16). The composition of the government that follows will have consequences for the North, especially if it contains Sinn Féin ministers – not least because of Dublin’s role in power sharing talks. Sinn Féin’s [manifesto](#) committed it to planning for unification should it enter government, including through a Citizens’ Assembly or similar forum, and [a minister for unity](#).

An exit poll after the Irish election showed that 57% of respondents favoured a border poll on Irish unity within five years. This is obviously of interest to Belfast, but even if Dublin follows the voters, the decision to trigger any vote in the North remains formally with the UK government’s Secretary of State for Northern Ireland.



[Boris Johnson and Julian Smith meet Arlene Foster and Michelle O'Neill](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).

Scotland

Support for independence in Scotland [edged up to just over 50% in polls](#) conducted during the days just before Brexit. In December, the Scottish government set out

[its policy](#) towards another independence referendum, including a demand for control over its timing. It hopes the UK government’s [flat refusal](#) to grant that request will boost support. Nicola Sturgeon has continued to promote Scottish independence and self-governance, announcing support for a new Claim of Right (as discussed [on the Unit blog](#)), before calling for Scotland to have [more immigration powers](#).

At the same time, the SNP has struggled with scandals, both personal and political. Finance Secretary Derek Mackay [resigned dramatically on the day of his Budget](#), leaving his deputy, Kate Forbes, to announce a cautious programme. The key announcement was that there will be no increases in tax rates despite the weak performance of the Scottish economy and [tax income falling short](#) of the forecasts of earlier budgets. Rather than make spending reductions now, the reckoning has been postponed until after the 2021 Scottish Parliament elections.

The government is fighting fires on several other fronts domestically: Education Secretary John Swinney has launched – and then widened the scope of – [a major review of education policy](#), and there have been [significant delays](#) in opening flagship new hospitals. Nicola Sturgeon [has been implicated](#) in the mishandling of government ferry contracts, which resulted in half-built ships and the shipbuilder’s nationalisation. Meanwhile, Mackay’s resignation and former First Minister Alex Salmond’s [forthcoming criminal trial](#) hang over a party divided on ideological and personal lines.

None of this seems to have affected the SNP’s electoral dominance: [it secured 45% of the Scottish vote](#) in December’s general election. The Conservatives’ [new leader, Jackson Carlaw](#), may lack Ruth Davidson’s wider appeal, and will likely have to engage in a difficult balancing act of both supporting and distancing himself from Boris Johnson. Labour’s Leslie Laird lost her seat, prompting [her resignation](#) – and [an election](#) to replace her – as deputy leader of Scottish Labour. The party’s sole remaining Scottish MP, Ian Murray, is running for the same position at national level (see page 13). He has [come out firmly against](#) the idea of splitting Scottish Labour from its UK parent party, despite being [critical](#) of their relationship. The Liberal Democrats fared little better in December, with UK leader Jo Swinson losing her seat (see page 13). Despite its problems, the SNP therefore remains the dominant force.

Wales

The [results](#) of the general election saw the best night for the Conservatives in Wales since 1983, while Plaid Cymru kept its four existing seats. Labour secured the most seats overall but has some reflecting to do: its loss in [vote share](#) was higher in valleys constituencies, where it kept seats, than in the north, where seats were lost. Parties in Wales will now shift their focus to the 2021 Senedd elections, with recent [polling](#) showing support for Welsh independence at 21% and abolition of the Assembly favoured by 24%.

Brexit, which the election result made inevitable, continues to strain relations between Cardiff Bay and Westminster. Along with the Scottish Parliament and Northern Ireland Assembly, the Senedd [refused](#) legislative consent for the EU (Withdrawal Agreement) Bill (see page 4). First Minister Mark Drakeford [argued](#) that the legislation enables ‘unilateral rewriting by UK Ministers of the devolution settlement’. Wales Secretary Simon Hart said the vote outcome was ‘a pity’ but would not lead to a breakdown in relations with the devolved government, [telling Politics Wales](#) that details would ‘emerge literally in weeks rather than months’ on a Shared Prosperity Fund to replace EU economic aid programmes after Brexit.

Institutional and electoral reforms continue. The [Senedd and Elections \(Wales\) Act](#) became law on 15 January. From 6 May, the Assembly shall formally be known as Senedd Cymru (Welsh Parliament) and AMs will be known as Aelod o’r Senedd (AS), or Members of the Senedd (MS). The Act also extends the franchise for Senedd elections to foreign nationals and 16- and 17-year olds from May 2021. A new [Committee on Assembly Electoral Reform](#) has also been established to explore further issues relating to the Senedd’s size and electoral arrangements. This builds on the work of the Expert Panel on Assembly Electoral Reform, of which the Unit’s Alan Renwick was a member (see [Monitor 68](#), page 11).

The landmark [report](#) of the Commission on Justice in Wales continues to reverberate through Welsh politics. The Commission last year concluded that the single, ‘England and Wales’ justice system was failing the people of Wales and recommended the legislative devolution of justice. The UK government has [dismissed](#) the idea, but the issue shows no signs of abating. On 4 February, the Senedd passed a Welsh government [motion](#) supporting the Commission’s conclusions. The Constitutional and Legislative Affairs Committee has also seen its remit expanded to include justice matters and its name changed to the Legislation, Justice and Constitution Committee.

International



Irish general election

The Irish general election was held on 8 February, the first Saturday election in the country’s history. Prior to the campaign, the government’s performance during the Brexit negotiations took centre stage and many commentators speculated that the fragmented Irish system would once again return both Fine Gael and Fianna Fáil as the two largest parties, albeit with no overall majority for either. A confidence and supply arrangement seemed likely, as both parties had categorically ruled out a coalition with Sinn Féin.

This issue of a coalition with Sinn Féin soon became dominant in the campaign as a [series of opinion polls](#) showed the party’s rising support among younger and urban voters, in response to its policies on healthcare and affordable housing. On election day, Sinn Féin’s polling figures were borne out in the [final results](#). The party gained 15 seats in the 160-member Dáil – bringing it to a total of 37 – and had the largest vote share (24.5%). Its surprise surge in votes [could have translated](#) into even more seat gains had it run more candidates under Ireland’s system of [proportional representation by Single Transferable Vote](#).

Fianna Fáil ultimately returned as the largest party with one more seat than Sinn Féin, though this includes the automatically returned Ceann Comhairle (Speaker). Both Fine Gael and Fianna Fáil lost seats. Gains were made by small centre-left parties, including a resurgent Green Party (last in government in 2011) and the Social Democrat Party, formed in 2015 as a breakaway from the Irish Labour Party, which itself had a disappointing election, winning just six seats.



[Sinn Féin President Mary Lou McDonald \(CC BY 2.0\) by Sinn Féin.](#)

[Coalition talks](#) have already begun between Sinn Féin and these smaller parties, but any combination of parties without Fianna Fáil or Fine Gael will fall short of a majority. Following the 2016 general election, it took nearly [three months](#) for the confidence and supply arrangement to emerge, and Ireland could now be in for a similar period of interim government. Leo Varadkar resigned as Taoiseach on 20 February after a Dáil vote failed to secure a majority for any one candidate. Sinn Féin's Mary Lou McDonald [topped the poll](#), whereas Varadkar only came third. He will remain in post until his successor is confirmed.

An innovation worth noting is the [‘Fair Play Pledge’](#) for online campaigns, which was signed by most parties. Leading Irish academics and electoral experts led this initiative, which asked politicians to promise ‘respectful, transparent online campaigning’ and also committed candidates to reforming Ireland’s electoral process. There were [complaints](#) that this pledge was broken during the campaign and the organisers will no doubt be evaluating its success in the coming weeks.

Imperial succession in Japan

In April 2019, the Emperor of Japan, Akihito, abdicated in favour of his son, Naruhito – [the country’s first abdication in over 200 years](#). Since then, debate has increased in Japan about the rules applying to the line of succession to the country’s imperial throne due to concerns about the age and number of the current Emperor’s heirs. Although he has a daughter, Aiko, the current rules do not allow women a place in the line of succession. Since Aiko is his only child, the succession is currently assured only by the Emperor’s brother, Crown Prince Akishino, his 13-year old nephew, Hisahito, and Hitachi, 84, who is the Emperor’s uncle.

Although Japan has historically had female monarchs, after the Meiji restoration in 1868 the rules of succession were changed to prioritise males absolutely, accompanied by the abandoning of polygamy and adoption as means of procuring suitable heirs. The law was further changed in 1947 to reduce the size of the royal family by abolishing some of its collateral branches and removing royal status from princesses marrying commoners. As the Imperial Household Authority has [warned](#), the shortage of active members of the royal family that resulted imposes heavier burdens on the shrinking number who undertake public duties. Similar concerns have been expressed about plans to reduce the size of the UK royal family (see page 12).

Government-sponsored public discussion of the options has yielded nothing, as no politician has wanted to take responsibility for restoring either female eligibility, adoption or collateral eligibility. Surveys have continued to [show strong majority support](#) for including women, such as the current Emperor’s daughter, in the line of succession, but influential factions have held out for male preference, [making proposals](#) to restore abolished collateral branches to the succession. The government [has committed to renewing discussions](#) later this year.

People on the move

Simon Hart was made Secretary of State for Wales in December after **Alun Cairns** resigned during the election campaign.

Stephen Barclay left his role as Brexit Secretary following the closure of his department on 31 January. The reshuffle that followed (see page 11) saw **Oliver Dowden** move from his Minister of State role at the Cabinet Office to replace **Baroness (Nicky) Morgan** as Culture Secretary. **Julian Smith** was replaced as Northern Ireland Secretary by **Brandon Lewis**. **Suella Braverman** became the new Attorney General; **Geoffrey Cox** returned to the backbenches.

The Cabinet Office has seen significant change and an expansion of its ministerial team: **Penny Mordaunt** became the new Paymaster General and **Lord True** and **Lord Agnew** were appointed as Ministers of State. **Jeremy Quin** briefly served as a Parliamentary Secretary at the Cabinet Office from December to February: **Julia Lopez** replaced him.

Deputy chair of the Conservative Party **Paul Scully** became Minister for London in February: his predecessor **Chris Philp** had only been in post since December, when he had replaced retiring MP **Nick Hurd**. **Robin Walker**, who had been a minister covering both the Scotland and Northern Ireland offices, has handed his Scottish responsibilities to **Douglas Ross** and been promoted to Minister of State for Northern Ireland.

Eleanor Laing was elected as the new Chairman of Ways and Means (principal Deputy Speaker in the House of Commons) in January. **Rosie Winterton** and **Nigel Evans** are the other two Deputy Speakers (see page 5).

Select committee chair elections also took place in January (see page 6). **Bernard Jenkin** stood down as Chair of the Public Administration and Constitutional Affairs Committee; **William Wragg** is his successor. In the contest for the DCMS Committee, **Damian Collins** was defeated by fellow Conservative **Julian Knight**. **David TC Davies** has joined the government as Parliamentary Under-Secretary of State at the Wales Office: the Welsh Affairs Committee he previously chaired will now be led by former Welsh Secretary **Stephen Crabb**. Another former Cabinet minister, **Karen Bradley**, took over from **Charles Walker**, who stood down as Chair of the Procedure Committee. **Catherine McKinnell** became Chair of the Petitions Committee, replacing **Helen Jones**, who stood down as an MP in December.

The shadow front benches also experienced significant change following the election. For Labour, the headline change was the resignation of **Tom Watson** as deputy leader and shadow Culture Secretary. **Tracy Brabin** took over in the latter role (while the former is up for election – see page 13). **Tony Lloyd** is now combining his existing role as shadow Northern Ireland Secretary with that of shadow Scotland Secretary after **Lesley Laird** lost her seat at the election. Laird also stepped down as deputy leader of Scottish Labour (see page 15).

The SNP moved **Pete Wishart** to shadow the Chancellor of the Duchy of Lancaster; **Tommy Sheppard** replaced him shadowing the Leader of the Commons. **Mhairi Black** will shadow the Scotland Office, and **Stuart Macdonald** will cover the Attorney General's brief.

Nigel Dodds lost his seat at the election; **Jeffrey Donaldson** has replaced him as the DUP's leader at Westminster.

The Northern Ireland Executive was restored in January (see page 14). DUP leader **Arlene Foster** is once again First Minister; **Michelle O'Neill** of Sinn Féin is deputy First Minister.

Jackson Carlaw was elected as Leader of the Scottish Conservatives following the resignation of **Ruth Davidson**, who departed before the general election.

Jo Swinson resigned as Leader of the Liberal Democrats after losing her seat at the general election. **Ed Davey** is serving alongside newly elected party president **Mark Pack** as acting co-leader. **Pack** replaced **Baroness (Sal) Brinton** in both roles.

Madeleine Alessandri is the new Permanent Secretary at the Northern Ireland Office, replacing **Jonathan Stephens**.

Simon Wright was appointed as an adviser to parliament's Strategic Estates team.

Lord Reed became the new President of the Supreme Court, following the retirement of **Lady Hale**, who has joined UCL as an Honorary Professor at the Faculty of Laws. **Lord Hodge** replaced Reed as Deputy President.

Roger Awan-Scully and **Claire Dunlop** replaced **Angie Wilson** and **Feargal Cochrane** as Chair and Vice-Chair of the Political Studies Association, respectively.

Alex Thomas joined the Institute for Government as a programme director, leading its work on policy-making and the civil service.

Constitution Unit news

Working Group on Reunification Referendums on the Island of Ireland

The [Working Group on Reunification Referendums on the Island of Ireland](#) has now met three times: in Belfast, Dublin, and London. The group was established by the Unit last year to examine the mechanics of any future

referendum on whether Northern Ireland should remain part of the UK or become part of the Republic of Ireland (see [Monitor 73](#), page 20). In both Belfast and Dublin, the group heard evidence from representatives of political parties and civil society organisations, academics, former civil servants, and others with relevant expertise.

The project's core funding comes from the British Academy, and it has now secured additional support from the Joseph Rowntree Charitable Trust. This will be used to enable further consultations with community groups and the wider public over the coming months.



The Working Group on Unification Referendums on the Island of Ireland.

Alan Renwick speaks at Queen's University Belfast

On 6 January, Unit Deputy Director Alan Renwick gave the first public lecture to be organised by the new [Democracy Unit](#) at Queen's University Belfast. Established in 2019 and led by Professor John Garry, the Democracy Unit seeks to provide 'a vibrant intellectual space for academics who conduct research on the subject of democracy and wish to discuss their work with other researchers, the public and the policy community'.

Alan's talk, '[Brexit, Citizens' Assemblies and the Future of Democracy in the UK](#)', presented two contrasting visions of democracy: a 'plebiscitarian' vision, according to which there is such a thing as the 'will of the people', which it is the purpose of the political system to implement; and a 'deliberative' vision, which highlights the contingency and variety of people's views and emphasises the importance of discussion, scrutiny,

and checks and balances in the democratic process. He set out the case for the second vision, and then drew out implications for how politics is best conducted. In particular, he argued for the importance of avoiding undue concentration of power in the hands of the executive, and for the value of developing the use of citizens' assemblies.

Alan Renwick works with citizens' assemblies

Alan Renwick has been appointed to serve on the advisory boards for both the Citizens' Assembly of Scotland and the Climate Assembly UK (see page 10). In this role, he advises on the design of these deliberative processes, drawing on his expertise from the [Citizens' Assembly on Brexit](#) and other research.

He has also given presentations to both assemblies. On 19 January, [he spoke to the Scottish assembly](#) about ways of strengthening the democratic system by enabling cross-party working, bringing members of the public into policy-making processes, and improving the quality of information available to citizens about major policy debates. On 7 February, he [addressed](#) the Climate Assembly on how to listen effectively to presentations, focusing on critical thinking skills and raising awareness of the cognitive biases that affect how we respond to evidence.

In conversation with Ken Clarke

On 27 February, the Constitution Unit and the Study of Parliament Group jointly ran an event featuring recently-retired Father of the House of Commons Ken Clarke – hosted in the Lord Speaker's apartments in the House of Lords.

In conversation with Unit Director Meg Russell, Clarke reflected on his eventful 49 years in parliament. A lifelong Europhile, his career was almost bookended by the UK's key decisions on Europe: Clarke entered the Commons shortly before the UK joined the EEC, and left just weeks before we departed the EU. This gave him a front-row view of the battles over Europe that raged in parliament and within the Conservative Party.

Clarke focused in greatest detail on his experience of the Brexit debates of the past three years. Having opposed holding the 2016 referendum, he was the only Conservative to vote against the triggering of Article 50.

But he nonetheless went on to support Theresa May's Brexit deal, and later to try and broker an alternative compromise. Despite having served most of his Commons career on the frontbench, he ended it having been stripped of the Conservative whip for blocking 'no deal'. He noted that some Brexit hardliners now in government had been far less willing to meet their opponents half way.

A video of the event is available on the Unit's [website](#) and [YouTube channel](#).

Congratulations to Dr Ruxandra Serban

In January, Unit PhD student [Ruxandra Serban](#) was awarded her doctorate by UCL. Ruxandra's PhD presents the first comprehensive mapping of the mechanisms through which parliamentary actors may question prime ministers in 31 parliamentary democracies. The research draws on an examination of parliamentary rules of procedure, followed by a consultation with practitioners and officials in each country to uncover aspects of convention and practice. By also including four case studies, of Canada, Australia, Ireland and the UK, her thesis examined the functions performed by parliamentary questioning mechanisms that include prime ministers: whether they facilitate accountability, or whether such mechanisms also contribute to other functions that parliaments perform in different political systems, such as conflict, support and territorial representation.

Ruxandra was supervised by Professor Meg Russell and Dr Alan Renwick, Director and Deputy Director of the Constitution Unit respectively. In autumn 2019, she was appointed as a Fellow in Qualitative Methodology at the London School of Economics.

Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers. A big thank you to former volunteers Nathan Cooper, Steven Mitchell, Elspeth Nicholson, Harrison Shaylor and Alex Walker.

Bulletin Board

Events

To sign up for our events, please visit the Constitution Unit [events page](#). Seminars are free and open to all, but please arrive early to avoid disappointment.

You can view previous events on the Unit's [YouTube page](#).

The Fixed-term Parliaments Act: Repeal or Reform?

Carl Gardner, legal commentator and former government lawyer, **David Howarth**, Professor of Law and Public Policy at the University of Cambridge, and **Petra Schleiter**, Professor of Comparative Politics at St Hilda's College, Oxford.

Chair: **Meg Russell**, Director of the Constitution Unit.

24 March at 6pm

Book your place [here](#).

Before Memories Fade: Learning Lessons from Minority Government

Lord (Gavin) Barwell, former Downing Street Chief of Staff, **David Natzler**, former Clerk of the House of Commons, **Dr Catherine Haddon**, Senior Fellow at the Institute for Government.

Chair: **Meg Russell**, Director of the Constitution Unit.

28 April at 6pm

Book your place [here](#).

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Unit in the news

A letter by Alan Renwick about a citizens' assembly on climate change was published in [Prospect](#) (11 November).

Robert Hazell appeared on Radio 4's *Today* (27 November) ahead of the general election to discuss the potential constitutional consequences of Boris Johnson losing his seat. Meg Russell was quoted on this subject in the [Metro](#), [World News](#) (both 11 December), [Washington Post](#) (12 December) and [Stuff](#) (13 December).

Alan Renwick is quoted in [iNews](#) about the prospect of a further referendum on Brexit (1 December).

Meg Russell was quoted in the [Times](#) and the [Mirror](#) (both 14 December) on the Conservative proposal to repeal the Fixed-term Parliaments Act.

Meg Russell appeared in a video by the [UCL European Institute](#) to discuss the immediate aftermath of the general election (17 December) and on Sky News (21 December) to comment on the passage of the EU (Withdrawal Agreement) Bill.

The Unit was mentioned in articles in the [Daily Express](#) (4 January) and *New Idea* (4 January) about Prince Charles' right to choose his own regnal title. Robert Hazell appeared on ABC Australia's [Nightlife](#) (9 January) to discuss the role and function of monarchies around the world. Bob Morris discussed the role of monarchies in Europe on the [Europeans](#) podcast (15 January).

Robert Hazell appeared on BBC's [Newsnight](#) to discuss the decision of the Duke and Duchess of Sussex to retire from royal life (10 January). His comments were then quoted in the [South China Morning Post](#) (12 January) and the [Daily Mail](#) (13 January). Robert also appeared on BBC's *Newsline* (9 January) to discuss the same subject. He and Bob Morris wrote an opinion piece for the [Conversation](#) on the same subject (10 January). This was later quoted in [Mercury News](#) (13 January), on [YahooFinance](#) (13 January), in the [Jakarta Post](#) (18 January) and on the [Province](#) blog (18 January). Bob Morris appeared in an [Associated Press](#) video to

discuss the subject, and was also quoted in the [Times](#), [Associated Press](#), and [Global and Mail](#) (all 13 January).

Alan Renwick was mentioned in an article about the Climate Assembly UK on [Network](#) (10 January).

The Unit was mentioned in an [Irish Times](#) article (15 January) on preconditions for a border poll on Irish unification.



Meg Russell (pictured above) appeared on UK in a Changing Europe's [Brexit Breakdown](#) podcast (16 January) to discuss the implications of a strong Conservative majority on parliament.

Robert Hazell appeared on *News at 10* to discuss the Sandringham settlement (20 January). He was later quoted in the [Washington Post](#) (21 January) on the same subject.

Robert's [blog](#) on Prince Andrew's retirement from public life was quoted in [Mercury News](#) (8 January). Bob Morris was quoted in an [Indy100](#) article (28 January) about Prince Andrew and sovereign immunity.

The [Daily Express](#) quoted from the Unit's website in an article on the process of altering the coronation oaths (20 January). The same page was also quoted in the [Daily Express](#) (23 January) on the role of the Duchess of Cornwall once Prince Charles becomes monarch.

Robert Hazell was quoted in a [Daily Express](#) article (20 January) on the SNP proposal to remain in the Commonwealth in the event of an independent Scotland.

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Alan Renwick's appearance at the Citizen's Assembly of Scotland was mentioned in the [Scotsman](#) (28 January).

Alan Renwick was quoted in an article about Scottish independence in the [Smithsonian Magazine](#) (30 January).

Meg Russell wrote an article on the role of members in party leadership elections for the [Conversation](#) (5 February). It was reposted by [Reaction](#) the same day, and by the [New European](#) (20 February).

Meg Russell appeared on LBC's *Nick Ferrari* show (24 February) to discuss the options for House of Lords reform.

Publications to note

David Landau and Hannah Lerner (editors), [Comparative Constitution Making](#) (Edward Elgar, October).

Marc Geddes, [Dramas at Westminster: Select Committees and the Quest for Accountability](#) (Manchester University Press, November).

Patrick Birkinshaw, [European Public Law: The Achievement and the Brexit Challenge](#) (Wolters Kluwer, January).

The Centre for Constitutional Change, [Brexit and the Union](#) (Centre for Constitutional Change, February).

The UK in a Changing Europe, [Brexit: What Next?](#) (UK in a Changing Europe, February).

Contributors to Monitor 74

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The issue was edited by Dave Busfield-Birch.

The Constitution Unit

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