

Constitution Unit

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Rethinking referendums

Political debate in the UK continues to be dominated by the fallout of the 2016 Brexit referendum. As discussed on pages 2-4, both government and parliament are grappling with the detail of how Brexit can, and should, be realised. Last year the [House of Commons Public Administration and Constitutional Affairs Committee](#) (PACAC) characterised the vote of June 2016 disapprovingly as a 'bluff-call' referendum, where the government puts something to the vote in the hope it would be defeated, without setting out clearly the consequences of change. As committee chair Bernard Jenkin [said on our blog at the time](#), 'there should be more clarity and planning by the government holding the referendum, so there is less of a crisis of uncertainty if they don't get the answer they want, as in the EU referendum'. That crisis of uncertainty continues. One consequence is that both MPs and peers face claims of 'betrayal' for asking awkward questions, which cannot be good for democracy.

It is in this context that the Independent Commission on Referendums, established by the Constitution Unit last year, has recently issued its [report](#). The Commission was set up following concerns about various recent referendums, in order to examine the role that such polls should play in the UK's system of representative democracy, and how they can best be conducted and regulated. It comprised 12 senior politicians, journalists, public servants, and researchers, who spanned the major dividing lines in contemporary UK politics. The Commission's report represents the most comprehensive review of referendums in the UK for 20 years. It follows a previous Commission established by the Unit, whose [1996 report](#) helped lead to the [first statutory regulation of referendums](#) in 2000.

The 2018 Commission argues that a wholesale reform of referendum practice is now needed. It makes almost 70 specific recommendations – all agreed unanimously – which fall into three areas:

- First, referendums have an important role to play within the democratic system, but how they interact with other parts of that system is crucial. They should be embedded in processes of policy-making that respect the central role of legislatures and develop mechanisms for more deliberative citizen involvement.

Continued overleaf

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- Second, referendum campaigns should be conducted in a way that is fair between the competing sides and effective in giving voters the information they want. The Commission makes detailed recommendations on the role of government and lead campaigners, the rules of campaign finance, and ways of ensuring that quality information is available.
- Third, the regulation of referendums must keep up with the changing nature of political campaigning, particularly campaigning through social media. The Commission proposes, for example, that a repository of online advertising should be developed and that a general review of the regulation of political advertising should be conducted.

The Commission argues that changes in the laws regulating referendums should happen now: this should not wait until the next referendum is called. It also calls for a culture change in how referendums are thought of. They should not be ‘quick fixes’ used by politicians to resolve a political problem. Nor should campaigners call for a referendum without carefully considering the consequences. Referendums can strengthen democracy, but also weaken it, by polarising debate and hindering careful, reasoned discussion of complex issues. While they are needed on some issues – particularly relating to sovereignty – they should be used with caution.

In considering these matters, the Commission drew on considerable evidence from both the UK and abroad, and more such evidence is emerging all the time. Notably, Ireland’s recent referendum on abortion (see page 14), like its earlier referendum on same-sex marriage, demonstrated the value of using a citizens’ assembly prior to a referendum to open up informed and thoughtful discussion of a divisive policy issue. The Commission commended such examples, and called for greater use of such processes in the UK. Very recently, two House of Commons committees established the Citizens’ Assembly on Social Care – the first ever official citizens’ assembly in the UK – to inform their investigation into the funding of adult social care (see pages 10-11). This built closely on the model developed by last year’s [Citizens’ Assembly on Brexit](#), run by the Constitution Unit; it appears to have been a resounding success.

The most recent Irish referendum also saw important developments in the debate about online political advertising. Just before *Monitor* went to press, the Electoral Commission reported on ways to improve the regulation of digital campaigning, and several

parliamentary and other inquiries are investigating related concerns (see page 9). The Independent Commission on Referendums therefore reports at a time of lively debate on these issues.

Meanwhile, the months ahead may well be marked by calls for future referendums. The Irish change sparked some demands for a referendum on abortion in Northern Ireland (see page 12). The larger question concerns the ‘[People’s Vote](#)’ campaign, which demands a referendum on the final Brexit deal, and whose demonstration in June [attracted widespread headlines](#). The Independent Commission on Referendums deliberately did not take a view on whether there should be a further referendum on Brexit.



EU–UK negotiations

After the [apparent breakthrough in December](#), the assumption was that by this stage the Brexit negotiations would be much more advanced. Barely three months before formal ratification by the UK and EU parliaments is supposed to begin – and with just nine months until exit day – things have become alarmingly bogged down.

The government has published a technical note proposing a ‘[Temporary Customs Arrangement](#)’ which elicited a decidedly [unenthusiastic response](#) from Brussels. With the June European Council having originally been identified as a deadline for settling many of these issues, Brexit found itself [relegated to fifth on the agenda](#), behind asylum policy, economic and monetary union, and defence cooperation. The Council itself yielded little of substance on Brexit. EU officials fear Britain could become a victim of ‘benign neglect’, and Council President Donald Tusk warned of the need for ‘[quick progress](#)’. Behind the scenes, officials in Brussels are claiming there is ‘[no hope](#)’ of a deal before December, although leaders of several EU countries have [reportedly told Theresa May](#) that things will move more quickly if the UK drops some of its ‘[red lines](#)’.

The Conservative Party remains divided over Brexit, leading to an ongoing lack of clarity in the government’s negotiating strategy and objectives. A Cabinet meeting on 6 July led to an [agreed final British negotiating position](#) for post-Brexit relations with the EU after the

relevant Cabinet sub-committee failed to produce one. As *Monitor* went to press, however, that agreement appeared under threat due to the resignations of both [David Davis](#) and [Boris Johnson](#) in the 72 hours that followed its announcement. A number of junior ministers have also resigned because they are unwilling to support the government's position, prompting a reshuffle that included Dominic Raab's promotion to the Cabinet as Brexit Secretary and Jeremy Hunt leaving the Department of Health to replace Johnson as Foreign Secretary. Despite the resignations, the [White Paper](#) on the post-Brexit UK–EU relationship was published as planned on 12 July, as *Monitor* went to press. Some pro-Brexit Conservative backbenchers say they will oppose Theresa May's approach, and [warn](#) that the Cabinet has too many Remain supporters. There are also divisions [in Labour](#) and in wider public discourse, business, and the media.

A key unresolved issue concerns the Irish border: the government appears to have no idea how to achieve its aim of an independent trade policy whilst simultaneously avoiding a hard border in Ireland that would compromise [the Good Friday Agreement](#). The so-called 'backstop' included in the [December agreement](#) is the EU's solution, but the Democratic Unionist Party (DUP) will not countenance the resulting regulatory (and political) divergence within the UK. There have been long debates in government about how to square this circle, including so-called '[Max Fac](#)' solutions involving untried technologies that were rejected by the EU before the Cabinet had finished its discussions.

Meanwhile, concerns in Brussels about a chaotic, 'no deal' Brexit grow – not because of threats from London, but because of the paralysis that seems to be gripping Britain's political class. The Commission's latest Brexit preparedness guidance encourages stakeholders to '[tak\[e\] into account all possible outcomes](#)' and the statement issued at the end of the most recent European Council meeting reiterated this message. In The Netherlands, a key British trading partner, [preparations for a hard Brexit](#) are now well underway.

The resignations of Davis and Johnson led Welsh First Minister Carwyn Jones to [join calls for a general election](#). A vote of no confidence in parliament or a challenge to Theresa May's leadership of the Conservative Party are now both realistic prospects in the immediate future. With time rapidly running out, and the lifespan of the government more uncertain than ever, the UK might be left with no choice but to request that exit day be postponed.

EU (Withdrawal) Bill

The [European Union \(Withdrawal\) Bill](#) completed its parliamentary passage on 20 June and received royal assent on 26 June, becoming the European Union (Withdrawal) Act 2018. The controversy that has characterised the bill lasted into its final hours, and seems likely to dog its future interpretation. Following a long and difficult passage through the House of Commons, critical reports from respected House of Lords committees, and a marathon second reading debate in the Lords (see [Monitor 68](#), pages 3–4), the bill began its committee stage on 21 February. There followed 11 days [on the floor in committee](#), and a six-day [report stage](#), during which [793 amendments](#) were proposed. A total of [16 government defeats](#) were inflicted – 14 at report stage, one at third reading, and another during 'ping-pong', all by significant margins and all involving Conservative rebellions.



Prime Minister Theresa May and Brexit Secretary David Davis sign commemorative copies of the EU (Withdrawal) Act. (c) [Number 10](#).

Attention has, as usual, focused on defeats – fuelling allegations by some newspapers of a '[peers versus the people power grab](#)'. Meanwhile, less noticed, numerous amendments – largely sponsored by the government – were made to the bill more consensually. In total, its initial Lords stages saw 201 amendments agreed. Many of these dealt with objections raised at the earlier stages, including by committees. Changes included clarification of the legal status of retained EU law (with some categories to be treated as primary and others as secondary legislation), further restrictions on delegated powers (to prevent new public bodies being created by statutory instrument, prevent using this route

to amend the bill itself, and increase ministerial reporting requirements), and to clarify when domestic courts should refer to judgments of the European Court of Justice after Brexit.

The Lords defeats were [mostly overturned in the Commons](#), but with some further concessions – including on the Northern Ireland border, unaccompanied child refugees, the status of EU environmental principles in domestic law, and UK participation in EU agencies post-Brexit. Some were completely rejected, such as the proposal to incorporate the EU Charter of Fundamental Rights into domestic law. The final sticking point came over parliament's proposed 'meaningful vote' on the final deal, with [confusion over agreements reached](#) behind the scenes between ministers and backbenchers to quell a rebellion led by Dominic Grieve during Commons consideration of Lords amendments. A version of the rebel amendment was [reinserted](#) when the bill returned to the Lords, but Grieve himself backed down at the final Commons stage. Both sides claimed victory, based on a [written ministerial statement](#) from Brexit Secretary David Davis that the Commons Speaker will decide in the autumn whether key motions are amendable or not. Once again, it appeared that the Brexit can had been kicked down the road.

Brexit and devolved powers

Where powers repatriated from the EU should go remains controversial. Negotiations led to an [agreement](#) between the UK and Welsh governments in April. This formed the basis for [amendments](#) inserted into the EU (Withdrawal) Bill in the House of Lords and paved the way for a legislative consent motion to be [passed in the National Assembly for Wales](#). The amendments ensure that the powers in question will remain devolved by default after exit day, while enabling Whitehall ministers to use secondary legislation to suspend devolved competence in a specified area for up to five years. An [intergovernmental agreement](#) published alongside the amendments stated that the power to suspend competence should 'normally' be used only with the consent of the devolved legislatures, replicating the terminology of the [Sewel convention](#). Finally, a [memorandum](#) was issued setting out proposals for UK-wide frameworks in areas such as agriculture and environmental protection to be negotiated among the UK's governments. As Jack Sheldon and Michael Kenny have [argued](#), this takes intergovernmental relations in the UK into uncharted territory, raising questions about the suitability of existing institutional arrangements and how England will be represented in this process.

The two devolved governments had previously been [notably co-ordinated](#) in their approach to this dispute. However, Scottish ministers [rejected](#) the package agreed by their Welsh counterparts, as it potentially enables devolved competence to be unilaterally suspended by Westminster. The SNP government's position was supported in the Scottish Parliament by Labour, the Greens and the Liberal Democrats, with only the Conservatives [voting in favour of the consent motion](#). Contrary to [precedent](#), the UK government opted to press ahead with the provisions regardless, and they were [agreed](#) in the Commons on 12 June. Debate in the Commons on the consequent Lords amendments was limited to 20 minutes, as most of the allocated three-hour slot was taken up by votes. This provoked a furious response from the SNP, whose Westminster leader Ian Blackford led a [walkout](#) of his MPs at Prime Minister's Questions the following day in protest. Talk of an immediate constitutional crisis is an exaggeration, but this episode has fuelled [renewed speculation](#) about a second Scottish independence referendum.

Meanwhile, uncertainty surrounds the status of the [UK Withdrawal from the European Union \(Legal Continuity\) \(Scotland\) Bill](#). This legislation, which provides for existing EU law to be incorporated into devolved law, was fast-tracked through the Scottish Parliament in March in an attempt to pre-empt the EU (Withdrawal) Bill. However, a [legal challenge](#) from the UK government – which argues that the bill is not within devolved competence – has prevented royal assent. Following its introduction the Scottish Parliament's Presiding Officer expressed a [view](#) that the bill was outside competence because it was not compatible with EU law as required by the [Scotland Act](#); but the Scottish government's Lord Advocate [rejected this argument](#). The case is due to be heard in the Supreme Court in July.



Carwyn Jones and Nicola Sturgeon, whose two governments have taken differing positions on whether or not to consent to the EU (Withdrawal) Act. (c) [First Minister of Scotland](#).



Lords size and membership

Debate on the size and regulation of appointments to the House of Lords, following last October's report of the 'Burns Committee' (see [Monitor 67](#), pages 6–7), was reignited when Theresa May announced a [new list of political peers](#) on 18 May. It comprised 13 names (nine Conservative, three Labour and one DUP) and was greeted with relative calm by those close to the committee. The Lord Speaker [issued a statement](#) referring to the list as 'relatively modest' and as demonstrating a 'welcome commitment' to the principle of restraint that the Prime Minister had pledged [in her previous letter](#) responding to the committee's report. Indeed, these long-rumoured appointments had been indicated as pending in the letter itself. Nonetheless, some responded negatively. In an [urgent question in the Lords](#) on 21 May Labour's Lord Adonis suggested that these appointments represented a 'clear and flagrant breach'; but the minister insisted the government was 'committed to working with others in your Lordships' House to address its size'. Lord Burns himself noted that the list was small in historical terms, but urged ministers to now move on and agree to a framework similar to that set out in his committee's report. Subsequently, [a further list of three new Crossbench peers](#), proposed by the House of Lords Appointments Commission, was announced on 8 June.

Controversy about the presence of hereditary peers in the chamber also rumbles on. A [private member's bill](#) promoted by former Labour Chief Whip Lord Grocott to end the by-elections by which these members are replaced is only the most recent of many such attempts. It reached its committee stage on 23 March, marked by bad-tempered exchanges in response to filibustering amendments from a small group of peers. This might normally have killed off the bill, but the government has indicated that it is '[prepared to allocate yet further time for the Committee stage](#)', so it is not yet wholly doomed. A [similar Commons bill](#) by Labour MP David Hanson was procedurally blocked on 11 May. In the meantime [two further by-elections are due to take place](#) in July, following retirements by hereditary peers.

Review of House of Lords committee system

[Monitor 68](#) (page 5) reported on the review of the House of Lords committee system launched by the chamber's Liaison Committee (as summarised by that committee's chair [on our blog](#)). Since then, the committee has been very energetically gathering evidence. Its first session of oral evidence (a historic occasion, being the first such session ever staged by the committee) included the Constitution Unit's Director, Professor Meg Russell, whose contributions are summarised [on our website](#). In [numerous](#) written submissions and subsequent oral evidence sessions, various common themes have emerged. One is the importance of building on the Lords' strengths, in terms of culture and expertise. Another is the need to maintain complementarity with the Commons committee system – which mirrors the government's departmental structure, whereas Lords committees are intentionally 'crosscutting' – while ensuring good coordination with the Commons. Closer working between the two Liaison Committees has, for example, been discussed. Particular ideas for future committees have included more focus on post-legislative scrutiny, on the legislative programme as a whole and on legislative standards, post-Brexit issues such as treaties and international trade, parliamentary coordination in the context of devolution, and some kind of 'committee of the future' on the Nordic model (as discussed by Graham Smith [on our blog](#)). Another common theme has been public engagement; Meg Russell suggested that the Liaison Committee's annual call to propose ad hoc committees should be extended to the wider public, to encourage national discussion. The Liaison Committee is expected to report later this year.

Commons Procedure Committee report on proxy voting

Following the House of Commons' in-principle decision to allow proxy voting for those on parental leave (see [Monitor 68](#), page 6), the Procedure Committee [published a report](#) on 15 May recommending how this could be put into effect. The proposals, including draft standing orders, allowed for a voluntary scheme of proxy voting for new parents, for six months duration for a biological mother or primary/sole adopter, and two weeks for a biological father, other partner, or secondary adopter. The proxy would be chosen by the member concerned (importantly not following practice from New Zealand

and Australia, where proxy votes are automatically handed to the Chief Whip). This arrangement would apply in all standard divisions in the chamber, including deferred divisions and elections for committee chairs, Speaker and Deputy Speakers. The exception would be votes to count the quorum, or to call a general election. These proposals require approval by the House of Commons before adoption, and a debate on them has not yet occurred.

Commons Liaison Committee reports: committee practice and diversity of witnesses

The House of Commons Liaison Committee, which oversees the select committees and is made up of their chairs, has produced two new reports on committee practice. The [first of these](#), published on 29 March, sought to encourage joint working between committees. It proposed that one committee should be able to invite a ‘guest’ representative from another to participate in questioning on a relevant inquiry (though not to vote or count towards the quorum). This would require a standing order change, which has not yet been made. The [second report](#), published on 23 May, compiles statistics on gender diversity of witnesses invited to give evidence to select committees, showing that the proportion of female witnesses is rising but in the 2017–19 session stands at only 33%. The report recommended that committees holding hearings should avoid all-male panels comprising three or more witnesses. Clear impact of academic work can be seen here: initial monitoring of diversity of witnesses was conducted by [Democratic Audit](#), and change was suggested in the [Good Parliament report](#) produced by Professor Sarah Childs in 2016. The latter also significantly influenced the proxy voting debate.

Addressing allegations of parliamentary bullying

On 28 February the House of Commons [debated the report](#) of a Working Group on an Independent Complaints and Grievance Policy, following allegations of a culture of bullying and sexual harassment at Westminster. Further work on the recommendations is occurring under an Independent Complaints and Grievance Policy Programme. Following further media reports, on 20 March the House of Commons Commission [announced the establishment](#) of an

independent inquiry into bullying of staff. This is being undertaken by Dame Laura Cox QC, who is expected to produce preliminary findings before the summer recess and a final report in the autumn.

Executive



Minister for the Constitution gives evidence to the Constitution Committee

On 14 March Chloe Smith [appeared before the Lords Constitution Committee](#) for what is now an annual evidence session with the Minister for the Constitution. She stressed from the outset that constitutional matters were just one part of her wide-ranging brief. Questions about the constitutional implications of the EU (Withdrawal) Bill (see pages 3-4) led several members – including the committee’s chair, Baroness Taylor – to express concerns over what they saw as a lack of procedure for considering the constitutional implications of government policy. They strongly urged the minister to introduce constitutional impact assessments for all legislation. She did not commit to doing so.

Concern was also expressed about the [Joint Ministerial Committee](#) apparatus. The minister said that this had been greatly improved in the past year, and that the government was operating ‘a kind of exchange programme’ involving civil servants of the different devolved administrations. Revising the Memoranda of Understanding with the devolved administrations was not, however, on her agenda.



Chloe Smith. (c) [Cabinet Office](#).

When asked more generally about constitutional policy, the minister said that now was not the time for ‘top to bottom reform’. She pointed out that the title of her job had changed in 2016 from ‘Minister for Constitutional Reform’. She suggested that the government’s role at a time when Brexit is the overwhelming constitutional concern was generally one of ‘stewardship’ – or, in the case of reform to electoral rules, ‘ambitious stewardship’. In the latter area her stated priorities were protecting the system from fraud (see page 9) and making voting more accessible for people with disabilities. She also confirmed that revision of the Cabinet Manual has been deferred until after Brexit, despite her predecessor’s assurance [at a previous evidence session](#) that the work was ongoing.

PACAC publishes report on ‘Whitehall Effectiveness’

The Public Administration and Constitutional Affairs Committee (PACAC) published [The Minister and the Official: The Fulcrum of Whitehall Effectiveness](#) on 18 June. This followed its 2017 interim report on [The Work of the Civil Service](#), resulting from an inquiry cut short by the snap general election.

The new report highlights the importance of trust and openness between key actors within government and the significance of a minister’s first months in office for building this. It recommends that structured discussions with the Permanent Secretary be held after a new minister takes up their post to establish priorities and ways of working. It also welcomes the government’s commitment to investigate ways of establishing a Parliamentary Civil Service Scheme, which would allow MPs to learn about the functioning of the civil service and become better equipped for ministerial office.

The report makes further recommendations on reducing staff turnover and fostering a greater understanding of the skillset and responsiveness of civil servants. It suggests that productivity gains can be made through improved use of Single Departmental Plans (see page 8), and by clarifying and strengthening the role of non-executive directors, as recommended in a recent [Unit report](#), which is summarised on our [blog](#).

Finally, PACAC recommends reviews of both the experience of civil servants who are hired externally, and the development of internal talent and leadership. It urges the establishment of a body to lead on learning and development activities across the civil service, in

place of the National School of Government, [which was shut down in 2012](#).

The recommendations are [reported to have been welcomed by government](#), although no formal response had been published when *Monitor* went to press.

PACAC inquiry into pre-appointment scrutiny hearings

At the invitation of the Commons Liaison Committee, PACAC is [conducting an inquiry](#) into the effectiveness of pre-appointment scrutiny hearings by select committees. The committee is exploring the implications of [the Grimstone review](#), which weakened the rules about open competition for such appointments. It will consider whether parliamentary procedure should be strengthened by requiring ministers to account to parliament when they ignore a select committee’s recommendation, and explore whether the list of appointments subject to pre-appointment scrutiny needs expanding.

The Constitution Unit has conducted [two studies into the effectiveness of pre-appointment scrutiny](#), in 2009–10 and 2016–17. Robert Hazell, former Director of the Unit, was the first witness called to give [oral evidence](#) to PACAC, on 15 May; he had already supplied [written evidence](#) in April. He suggested that select committees could be more strategic, but also more selective in their approach. At the start of a parliament (or each session), each committee could discuss how much time it wanted to devote to pre-appointment scrutiny, and which posts were of particular interest. Committees need not be prisoners of the list produced by the Cabinet Office regarding which appointments should receive scrutiny; they could go wider, but rarely do so. Professor Hazell also provided [further written evidence](#) in June.

Committee reports on role and effectiveness of Minister for Women and Equalities

The Women and Equalities Committee has [published a report](#) on the work of the Government Equalities Office (GEO) and the Minister for Women and Equalities, to whom the GEO reports. This criticised the fact that the position of Minister is always given to someone with other duties as Secretary of State, as if it were ‘an afterthought’. It concluded that a Secretary of State’s department inevitably comes out on top when in conflict with their agenda as equalities minister. High ministerial turnover adds to the difficulty.

The government has not yet responded formally to the report, although Penny Mordaunt, who took over the ministerial brief from Amber Rudd in April, [appeared before the committee in June](#). She was keen to stress how her work as International Development Secretary complemented the equalities brief, and claimed that both roles have her 'full commitment'. She also acknowledged concerns that the GEO has no permanent home and currently resides in the Department for Education, expressing support for a move to the Cabinet Office.



Penny Mordaunt, who became Minister for Women and Equalities in April. (c) [DfID](#).

Revised Single Departmental Plans

In May the Cabinet Office Minister David Lidington [announced](#) that the government had published an updated set of Single Departmental Plans for 2018–19, covering the duration of the parliament. These set out each government department's objectives and how these will be achieved.

For the first time, the plans include equality objectives and explain how departments are contributing to the domestic delivery of the [Sustainable Development Goals](#). Departmental annual reports and accounts are then meant to show how a department has performed against the objectives in its Single Departmental Plan, at the end of the financial year. But the published plans are not explicit about the spending, staff and other resources needed to deliver a department's objectives.

Courts and the judiciary



Government introduces courts bill in the Lords

Visitors to the judiciary's website may have noticed that its address no longer includes 'gov', but is now simply [judiciary.uk](#). The move was taken in order to '[reflect the constitutionally independent position of the judiciary](#)' and does not indicate any change in policy.

The government's [Courts and Tribunals \(Judiciary and Functions of Staff\) Bill](#), which does subject the judiciary to substantive changes, was introduced in the House of Lords on 23 May. In effect, it is a reincarnation of the [Prisons and Courts Bill](#), whose passage was prevented by the snap general election in 2017. The government has said the bill will '[shift justice from slow, paper-based systems to streamlined, efficient digital services](#)'. This does not simply mean the introduction of new technology and systems: the bill will enable judges to serve flexibly across jurisdictions, whilst some judicial functions will be delegated to 'appropriately qualified and experienced' court staff.

[Concerns were raised](#) by legal commentator Joshua Rozenberg about the lack of detail in the bill; the 38 clauses and 13 schedules from the 2017 bill have been replaced with just three substantive clauses in the current version. The gaps are to be filled in by more legislation '[when parliamentary time allows](#)' which could be some time away given the demands of Brexit-related legislation.

At the second reading debate on 20 June, Rozenberg's criticisms were echoed by several peers, including [Lord Mackay of Clashfern](#), and [Lord Thomas of Cwmgiedd](#) (former Lord Chancellor and Lord Chief Justice respectively). As the National Audit Office [concluded](#) in a recent report, there is a real risk that targets for existing reform efforts will not be met.

Elections, referendums and democratic engagement



Voter ID trials

Arrangements requiring voters to bring proof of identity to the polling station were trialled during the May local elections. The trials built on recommendations made by the Electoral Commission in 2014 and 2015 and by the Pickles review into mechanisms for tackling electoral fraud, published in 2016 (see [Monitor 67](#), page 9).

The specific ID required varied between the five participating local authorities: in [Swindon](#) and [Watford](#), a polling card was sufficient; in [Bromley](#) and [Gosport](#), voters could bring either photo ID or two forms of non-photo ID; in [Woking](#), only photo ID was accepted.

Despite [lurid polling-day headlines](#) and initial [Electoral Reform Society claims](#) that over 3,000 voters (1.7% of those trying to vote across the five areas) may have been disfranchised by the trials, detailed figures from the five local authorities revealed that the vast majority of voters were untroubled: in total, only [340 people were turned away](#) and did not subsequently return with suitable ID.

Both the Cabinet Office and the Electoral Commission are reviewing the trials and were expected to report shortly after *Monitor* went to press.

Scrutiny of election and referendum expenses

Donations and spending in recent election and referendum campaigns remain under intense scrutiny.

The Electoral Commission has fined a number of political parties and campaign groups for infringing the rules. These were mostly small fines and small groups. More significant were [penalties totalling £70,000](#) against Leave.EU – the pro-Brexit campaign organisation associated with Nigel Farage and Arron Banks – which was found to have under-declared its expenses and breached its maximum spending limit. The Electoral Commission did not, however, find evidence of any undeclared relationship between Leave.EU and the data firm Cambridge Analytica. Other Electoral Commission investigations continue.

MPs also express ongoing concerns, and Arron Banks and Leave.EU colleague Andy Wigmore were [questioned](#)

by the Commons Digital, Culture, Media and Sport Committee in June as part of its [investigation into ‘fake news’](#).

A step towards greater transparency of party finance took place in March, when the Electoral Commission [published](#) details of donations to political parties in Northern Ireland for the first time. Such publication had required a change in the law: previously, because of Northern Ireland’s sensitive political context, donations to its political parties had been reported to the Electoral Commission but not published. The matter became controversial after a [large donation](#) to fund Leave campaigning within Great Britain in the 2016 EU referendum was revealed to have been channelled through the Democratic Unionist Party (DUP). The new provisions failed to satisfy [critics](#), however, as transparency was not made retrospective.

Meanwhile, the trial of Conservative MP Craig Mackinlay over alleged spending irregularities in the 2015 election, which was due to begin in May, [has been delayed](#).

Digital campaigning

In the wake of the [Cambridge Analytica scandal](#), social media companies have come under increasing pressure to improve the transparency of targeted advertisements on their platforms. Facebook applied enhanced transparency measures to an electoral event for the first time during Ireland’s abortion referendum in May (see page 14). Irish Facebook users could see any advertisements that a page was running by clicking a ‘View Ads’ tab. The measures received [some praise](#) for allowing users to check the source of advertisements claiming to be neutral. Nonetheless, they were widely [criticised](#) for being difficult to use, lacking information, and only showing live advertisements. Since then, [Facebook has launched further transparency measures](#), including a searchable archive of US election-related advertisements on Facebook and Instagram for the coming midterm elections.

The Irish referendum put online political advertising under the spotlight again when evidence emerged that anti-abortion groups based outside Ireland were paying to [target Irish voters](#). Facebook responded by barring foreign groups from funding referendum-related advertisements, and Google banned referendum advertising altogether. Nonetheless, many raised questions as to [whether it was appropriate](#) for private

companies to have such power in deciding the parameters of the referendum debate.

In the UK, the government's tone appears to have toughened, with ministers increasingly willing to embrace legislative solutions to problems associated with the internet giants. Speaking in March 2018 amidst the Cambridge Analytica scandal, the then Culture Secretary, Matt Hancock, [said](#): 'Is it right that the important balance between privacy and the ability to use data should be struck by Mark Zuckerberg? No of course it isn't. It should be struck by legitimate authority, which in the UK is parliament.'

In June, the Electoral Commission published a [report](#) on the regulation of digital campaigning. This made a series of recommendations intended to increase transparency, clarify certain rules and strengthen processes and sanctions where the rules are broken. For example, it proposed that spending returns should contain more detail, that mechanisms for preventing the use of foreign money in UK politics should be tightened, and that the Electoral Commission's powers to conduct investigations and issue fines should be increased. It said it would seek to work further with internet companies to 'improve their policies on campaign material and advertising'.

Inquiries by the [House of Commons Digital, Culture, Media and Sport Committee](#) (into 'fake news'), the [House of Lords Constitution Committee](#) (into internet regulation) and the [Information Commissioner](#) (into the use of data analytics in political campaigning) continue.



Matt Hancock. (c) [Number 10](#)

Boundary reviews

The lengthy process of reviewing Westminster constituency boundaries is nearing its denouement: the Boundary Commissions will make their final proposals in September. As reported in [Monitor 68](#) (pp. 10–11), however, the House of Commons Public Administration and Constitutional Affairs Committee [recommended in February](#) that, in light of concerns that there is insufficient parliamentary support to implement the proposals (which would reduce the number of MPs from 650 to 600), government should consider supporting a private member's bill that would restart the review process on the basis of keeping 650 constituencies.

The government [responded](#) in May by rejecting this proposal and reaffirming its commitment to reducing the size of the House of Commons. Furthermore, though the House of Commons passed the private member's bill in question at second reading in December, the government has [blocked its further progress](#) by not bringing forward a money resolution. The responsible minister [said](#), 'The Government were elected on a manifesto commitment to continue with the boundary review and it would not, therefore, be appropriate to proceed with the Parliamentary Constituencies (Amendment) Bill'.

MPs from all sides have strongly criticised the government's stance. PACAC chair Sir Bernard Jenkin [wrote to the minister](#) in May saying that the government's reply to the committee's report 'did not provide a meaningful response'; he requested a further response 'that addresses the substance of our recommendation'. During a debate on an [urgent question on money resolutions](#) on 10 May, the sponsor of the private member's bill, Afzal Khan, said that the government was 'trying to frustrate the democratic will of Parliament' and that its approach to money resolutions was 'inconsistent and undemocratic'.

Citizens' assemblies play an increasing role in public engagement

There is increasing interest in engaging citizens in meaningful forms of political participation outside elections and referendums. Planning for the [Citizens' Assembly for Northern Ireland](#) continues. The Scottish Parliament is creating a [Committee Engagement Unit](#) to enhance public participation in committee inquiries.

Most concretely, two Commons select committees – the Health and Social Care Committee and the Housing, Communities and Local Government Committee – established a [Citizens' Assembly on Social Care](#) as part of their recent joint inquiry into the [funding of adult social care](#). This was the first ever official citizens' assembly in the UK. Modelled closely on last year's Citizens' Assembly on Brexit, run by the Constitution Unit, the Citizens' Assembly on Social Care comprised 47 people recruited to reflect the population of England. They met over two weekends, hearing from people with relevant expertise and experience, sharing their own perspectives, and deliberating in depth before reaching conclusions. The chairs of the two committees – Sarah Wollaston and Clive Betts – [commented](#), 'The process has been invaluable in gauging informed public opinion on the difficult questions facing social care and has helped us as we debated the recommendations we set out in our own report.'

Audit of Political Engagement

In May, the Hansard Society published the [Audit of Political Engagement](#), its annual 'health check' on public attitudes towards politics in Great Britain. The Audit, which was first published in 2004, assesses the changing relationship the public have with politics, elections, parties and the reporting of political information.

This year's *Audit* finds that the flurry of electoral events over the last few years have acted as 'electric shock therapy' for political engagement. Political engagement rises in the wake of a general election: in 2017, people's likelihood of voting and their political interest and knowledge all increased, although satisfaction with the way the system is working declined. But the much-reported 'youthquake' of 2017 resembles more of a 'tremor', with youth engagement rising only in line with the population as a whole.

Finally, regarding the reporting of information, the *Audit* found that traditional sources of news and information remain dominant in informing voters' decisions, and predicted that digital media will not overtake them for some time.

Launch of report on Political Polling and Digital Media

On 17 April the House of Lords Political Polling and Digital Media Committee (an ad hoc investigatory committee established for 2017–18) issued its [report](#). At a Constitution Unit seminar held jointly with the committee on its day of launch, the chair Lord Lipsey and fellow member Baroness Jay spoke about the report's context and recommendations. The inquiry was prompted by a series of polling inaccuracies at recent elections – though Lord Lipsey cautioned that there is no evidence that polling accuracy is worsening internationally. The committee recommended changes in polling oversight, improvements in self-regulation, greater involvement from the Electoral Commission, and training opportunities for journalists in interpreting polling information. A more detailed summary of the discussion [appears on the Unit's blog](#).



England

Developments in devolution in England have slowed in the first half of 2018. The promised devolution framework from the Ministry of Housing, Communities and Local Government (MHCLG) has yet to appear, and there are few signs that either existing mayors or new areas are seeking to negotiate further devolution deals. They continue to pursue individual arrangements, such as the [housing deals](#) negotiated by Greater Manchester, West of England and West Midlands in March 2018. [A housing deal has also been offered to Oxfordshire](#), which has no devolution deal; this suggests that the government is continuing to view devolution as a means to deliver central priorities more than as a new form of territorial management.

The seven combined authority mayors and the Mayor of London continue to collectively lobby the government. They have come together to [demand that the government delivers on its skills devolution commitments](#); they have also proposed closer involvement in spending the apprenticeships levy. The mayors of Liverpool City Region and Greater Manchester have [proposed far stronger control over rail franchising](#) for the joint body Transport for the North (on which they

are both represented). Elsewhere, progress continues in some of the less high-profile mayoral areas. For example, Cambridgeshire and Peterborough have produced [detailed proposals for an underground/light rail system](#). Tees Valley is progressing plans to [buy Durham Tees Valley Airport](#), and to market the land to be taken over by the South Tees Development Corporation.

Dan Jarvis was [elected as mayor of the Sheffield City Region](#) in May on a platform of pursuing a ‘[One Yorkshire](#)’ deal. However, no further news has been forthcoming on the prospect of this happening any time soon, despite [occasional encouraging noises](#) from both the government and Labour. An [interim mayor for the North of Tyne](#) may be appointed in the summer, in advance of an election in May 2019; the winner would serve a five-year term.

Northern Ireland

Northern Ireland continues to operate without devolved government. There has been little appetite for any attempt to restore devolution before the summer – despite the celebration of the [twentieth anniversary of the Good Friday Agreement](#) in April, and [warnings](#) from a former leader of the Democratic Unionist Party (DUP), Peter Robinson.

The political space has been increasingly occupied by disputes between London and Brussels over Brexit, particularly over arrangements to avoid a hard border between the two parts of Ireland. Brexit seems to be influencing opinion about the issue of Northern Ireland’s future. Although the [results of polls](#) vary and they still show an overall majority in favour of remaining in the United Kingdom, potential support for the unification of Ireland seems significantly higher than a few years ago.

The legal foundation of current government arrangements in Northern Ireland is under question: in a [judgment](#) in May, the High Court found a planning approval granted by officials to be unlawful because there was no minister in charge of the department. It is now uncertain to what extent actions of the administration since January 2017 have been lawful. An appeal is under way, but the central problem of the lack of a working government in Northern Ireland remains. A spokesperson for Karen Bradley, the Secretary of State for Northern Ireland, has said that the prospect of calling an election in line with her statutory obligations is ‘[under review](#)’. However, Sinn Féin have been highly critical of her lack of action so far, and have called for the ‘immediate restoration of the political institutions’.

Abortion, severely restricted in Northern Ireland, caused controversy and policy changes following a [referendum in Ireland](#) (see page 14), where a constitutional prohibition was overturned. Sinn Féin [changed its stance](#) in June to support abortion for any reason in the early stages of pregnancy. Faced with strong opposition from the DUP – as well as Stormont’s suspension – there was [all-party pressure at Westminster](#) to legislate for Northern Ireland. This raises questions about the Sewel convention, and is being stoutly resisted by the DUP. [The UK government seems unlikely to yield](#): the DUP is an avowedly anti-abortion party, and the government depends on it for its parliamentary majority. Coincidentally, the [UK Supreme Court](#) considered the abortion issue in June, rather unsatisfactorily. A majority said in their written opinions that the Northern Ireland restrictions violated the European Convention on Human Rights. But a (different) majority held that the Northern Ireland Human Rights Commission, which had brought the case, lacked standing to do so, meaning no declaration of incompatibility was made. Fresh litigation, with a new claimant, is possible.



Michelle O'Neill, leader of Sinn Féin in Northern Ireland, has been critical of the government's approach to re-establishing self-government. (c) [Sinn Féin](#).

Scotland

Much attention in Scotland has been on Brexit (see page 4). Meanwhile, the Sustainable Growth Commission set up by Nicola Sturgeon in September 2016 published its long-awaited [report](#) in May. Chaired by former MSP Andrew Wilson, it involved a mix of academics, senior party figures, and business representatives. Its remit was to assess the fiscal and economic challenges facing Scotland, and to recommend measures to boost economic growth and improve public finances, in light of Brexit and in the context of Scottish independence.

The report is not a blueprint for independence, but it was described by Nicola Sturgeon [in her conference speech](#) in June as ‘the platform on which we will renew the case for independence’.

Its recommendations included some marked departures from the [2014 independence vision](#). In place of the commitment to a formal sterling currency union, the report recommended keeping the pound for an extended transitional period, before moving to an independent currency. The constraints on monetary autonomy this would entail were presented as an acceptable cost of stability. The report also included a blunt assessment of the fiscal gap between revenue and spending. It projected a Scottish deficit following independence of 5.9% of GDP and recommended an economic growth model combining modest spending increases with a programme aimed at reducing the deficit to more sustainable levels over 5–10 years. That would leave politicians with some difficult political choices to make on taxation and spending.

The report viewed population growth as essential to economic prosperity, and was unafraid to recommend a policy of sustained increased immigration, including tax incentives to attract high-skilled workers. While ducking the question of EU membership, it foresaw an independent Scotland in the EU single market, with ‘frictionless trade’ and full access to the UK and European markets. The ease or difficulty of that scenario would depend heavily on the UK–EU Brexit deal; a ‘hard Brexit’ could leave an independent Scotland facing a ‘hard border’ with either the UK or the EU. Politically and economically, that’s a difficult prospect.

The [SNP’s political opponents](#) were quick to claim that the report confirms that independence would herald years of austerity, a claim [largely supported by the Institute for Fiscal Studies](#). Even supporters of independence have not been entirely welcoming: [the Green Party](#), for example, has criticised the neo-liberal assumptions underpinning the Commission’s analysis. Beyond the partisans, the Commission’s sober analysis of the deficit an independent Scotland could be expected to inherit has been [broadly welcomed](#), as have many of its ideas for boosting growth, not all of which require independence to happen in order to be successful.

As for the voters, they do not seem to have been influenced by the report. 62% of respondents to a [YouGov poll](#) said it would not affect their vote should a

second independence referendum be held, whilst a further 20% were unsure of how it would affect their decision.

Wales

The [reserved powers model](#) of devolution under the [Wales Act 2017](#) came into force on 1 April 2018. But it has been the future Labour Party leadership that has dominated Welsh politics of late. Carwyn Jones, who has served as First Minister since 2009, surprised the Welsh Labour Conference by [announcing that he would resign in the autumn](#), although he is now expected to stay on until the Christmas recess. So far there are four candidates to succeed him, including Mark Drakeford, the Economy and Local Government Secretary, and Vaughan Gething, the Health and Social Services Secretary (potentially the first non-white leader of any government in the UK). The electoral system is currently not the ‘One Member, One Vote’ system that elected Jeremy Corbyn but the older system of three ‘colleges’, although the party will [now hold a special conference](#) to decide whether or not this should change. The decision may have been prompted by the recent deputy leadership election, in which the winner, Carolyn Harris, received considerably less support from the party membership than her opponent.

Away from party politics, Counsel General Jeremy Miles (another potential leadership candidate) [announced in March](#) that he intends to create a codified corpus of law for Wales that would be the first of its kind in the UK. He said that the [Draft Legislation \(Wales\) Bill](#), also known as the Codification Bill, would remedy the problem of a statute book he sees as ‘inaccessible and in a bit of a mess’. The proposal has the backing of the Law Commission, which [recommended such a step in 2016](#). Supreme Court Justice Lord Lloyd-Jones has also [expressed strong support](#).

Consultation on the [report](#) of the Expert Panel on Assembly Electoral Reform (see [Monitor 68](#)) closed in April; analysis of the responses has not yet been published. It remains the Assembly Commission’s [stated intention](#) to introduce legislation (which will also formally change the Assembly’s name to Senedd Cymru, or Welsh Parliament) in 2018. The [Commission for Justice in Wales](#) is also continuing its work, but is not expected to report until 2019.

International



Referendum in Ireland

On 25 May, Irish voters decided by 66.4% to 33.6% to remove the country's constitutional bar on abortion in all but the most extreme circumstances. It will now be for the Oireachtas – Ireland's parliament – to legislate on the matter.

The referendum is enormously important for women's rights in Ireland. In addition, alongside the referendum on same-sex marriage in 2015, it confirms a marked cultural shift in the space of a generation and a collapse in the power of the church. A further referendum [is expected](#) in October on removing blasphemy from the constitution and possibly also on eliminating references to women's place 'in the home'. The vote in May, meanwhile, has also significantly affected debate in Northern Ireland, where abortion remains almost entirely outlawed (see page 12).

Ireland's abortion referendum also has important lessons for those interested in the democratic process. Some [commentators](#) compared the tenor of debate favourably to that seen in the UK's Brexit referendum – though it was certainly not free of mendacious claims. As described elsewhere, (pages 9–10), the campaign saw innovations in online advertising transparency.

Most notably, the role of a citizens' assembly in preparing the way for the referendum has been widely praised. The Irish [Citizens' Assembly](#) operated between October 2016 and April 2018, examining five areas of possible constitutional reform.



The 'Yes' campaign won a resounding victory in Ireland's May referendum on abortion. (c) [A.A.O'Carroll](#).

Its [report on abortion](#), published in June 2017, was a major step on the way to the referendum. Following the referendum, [one commentator](#) described the Citizens' Assembly as 'a portent of shifting public attitudes on abortion'. [Another](#), noting the similarity in voting results between the assembly and the referendum, said the assembly 'was set up to be representative of the Irish people and it proved to be'. [A third](#) observed that 'the process has proven, with both same sex marriage and abortion, that it is an effective way of preparing the ground for wider public debate on contentious issues'.

Italian government takes office following March election

A new Italian government was [sworn in](#) on 1 June, nearly three months after the 4 March election. The new Prime Minister, [Giuseppe Conte](#), is a professor of economics with no past political experience and his government is supported by the populist Five Star Movement and the Northern League (now known simply as the League).

The country's tripolar party system, together with the [new mixed-member electoral system](#), resulted in a [hung parliament](#) with no obvious coalition to be formed. The centre-right coalition of Forza Italia and the League won 37% of the vote, whilst the Five Star Movement came second with 32%. The centre-left Democratic Party, on the other hand, collapsed to 19%. While parts of the Democratic Party favoured an agreement with the Five Star Movement, leader [Matteo Renzi](#) was fiercely opposed, and negotiations went nowhere. Initial talks between the centre-right coalition and the Five Star Movement also failed due to the latter's [refusal to support a government that included Silvio Berlusconi](#).

On 7 May, President Sergio Mattarella [invited the parties to find a compromise](#), stating that, if they could not, he would appoint a technocratic government to guide the country on an interim basis. The prospect of another election in the autumn enabled the League to obtain Forza Italia's blessing to form a government without them, and so the League and the Five Star Movement proposed a cabinet led by Giuseppe Conte. However, President [Mattarella vetoed their proposed finance minister](#), Paolo Savona, because of alleged 'secret plots' to leave the eurozone. While there are [precedents](#) for the President to block ministerial appointees (as permitted by the Constitution), this time it proved controversial, leading to [calls for Mattarella's impeachment](#).

Mattarella himself proposed a new Prime Minister, Carlo Cottarelli, who was always unlikely to secure enough support to win the parliamentary investiture vote. Eventually, [Cottarelli renounced his mandate](#) and Conte's team was brought back with a new finance minister, who [publicly ruled out leaving the euro](#). League leader [Matteo Salvini](#) became Interior Minister, and Five Star Leader Luigi Di Maio was given the Labour ministry. The likely fate and endurance of this populist government, made up of very uneasy bedfellows, is impossible to predict.

British Columbia announces referendums on electoral reform

Following [recommendations from its Attorney General](#), the government of British Columbia (BC) in Canada has [decided](#) on the proposals and process for a referendum on the voting system used in elections to the province's Legislative Assembly.

The referendum will ask two questions. The first offers a choice between the existing First Past the Post (FPTP) system or one of proportional representation (PR). The second question asks which version of PR to use: [Dual Member Proportional](#), [Mixed Member Proportional](#), or [Rural-Urban PR](#). [The questions have been criticised as confusing, with too many options on the ballot](#), and are yet to be approved by the electoral authorities.

Two elements of the referendum proposals are of particular interest. The first is the prospect of voters choosing Rural-Urban PR, which is a hybrid system. In rural regions, the province would use the Mixed Member system, with a mix of locally elected members and additional members elected using PR. In urban areas, however, elections would be run using the single transferable vote system, which was supported by a majority in a referendum in 2005 but [defeated due to a supermajority requirement](#).

The second interesting procedural feature is that, should the current system be replaced as a result of the referendum, the provincial government has already committed to a second referendum that would offer the electorate the chance to revert to FPTP. Voting will be by postal ballot only, and will run from mid-October to the end of November.

People on the move

Amber Rudd [resigned as Home Secretary](#) and Minister for Women and Equalities following allegations that she misled parliament in relation to the existence of targets for the deportation of migrants. **Sajid Javid** is the new Home Secretary and is replaced as Communities Secretary by former Northern Ireland Secretary **James Brokenshire**.

Penny Mordaunt becomes Minister for Women and Equalities (see pages 7-8) and will combine her duties with those of her existing role as International Development Secretary.

Three new Justices have been [appointed to the UK Supreme Court](#). **Lady Justice Arden** is just the third woman to be named to the court, and will replace her husband, **Lord Mance**, when she joins it formally in October. **Lord Justice Kitchin**, who replaces **Lord Hughes**, will take office at the same time. **Lord Justice Sales** will replace **Lord Sumption** in January 2019.



Lady Justice Arden. (c) [Foreign and Commonwealth Office](#).

In London, **Heidi Alexander** is the [new Deputy Mayor for Transport](#) following the retirement of **Val Shawcross**.

Dan Jarvis has been [elected Mayor of Sheffield City Region](#) (see page 12). He will continue to serve as MP for Barnsley Central.

Gerard Batten MEP is the new leader of UKIP, following the [sudden departure of Henry Bolton](#), but has [already announced](#) he will resign in April 2019.

Continued overleaf

There has also been a change of leadership in Wales, where **Caroline Jones** has [replaced Neil Hamilton](#) as the party's leader in the Welsh Assembly, although a fresh election is already underway.

Sarah Chambers has been appointed to the Electoral Commission after the nomination of **Sir Ian Kennedy** was [rejected by parliament](#) (see [Monitor 68](#), page 9).

Simon Case has left the Department for Exiting the European Union three months after becoming Director General for Northern Ireland and Ireland. He will now serve as [Private Secretary to Prince William](#). Case's former deputy, Brendan Threlfall, has replaced him.

Constitution Unit news

Events in Rome on legislation and parliamentary reform

On 11 and 12 June Unit Director Meg Russell co-organised two events with Nicola Lupo of Rome LUISS university, focused on parliaments and parliamentary reform. The first event, held at LUISS, discussed the challenges of reforming bicameral parliaments. Like the House of Lords, the Italian Senate (which is wholly elected) has long been subject to reform pressures, with the most recent reform failure [bringing down Prime Minister Matteo Renzi](#) in December 2016. Meg Russell spoke alongside Professor Carlo Fusaro of University of Florence, a leading figure in the 'Yes' campaign for Renzi's reform, and several other Italian academic and practitioner speakers.

The second event was held in the historic room in the Chamber of Deputies where the Italian post-war constitution was signed. Meg Russell was again the first main speaker, and introduced findings from her recent book [Legislation at Westminster](#) to spark off a debate about influence in the legislative process and how it can best be understood and assessed. Other speakers included Francesco Zucchini and Andrea Pedrazzani from University of Milan, several senior Italian parliamentary officials and Constitution Unit

PhD student Roberta Damiani, whose focus is Italian bicameralism. A mixed audience of 50–60 academics and practitioners heard interesting comparisons, and ideas for future research. Both events were funded by the [UCL Rome partnership fund](#), and a fuller summary, alongside detailed blog posts exploring some of the topics discussed, can be found on our [website](#).



Director Meg Russell listens to the debate at the LUISS conference on bicameralism.

Accession and coronation oaths

In May the Unit published two new reports – [Swearing in the New King](#), and [Inaugurating a New Reign](#). In them Robert Hazell and Bob Morris consider how to update the ceremonies – the Accession Council and the Coronation – that usher in the reign of a new monarch.

Their project began by considering the three statutory oaths which must be sworn by the new monarch. Instead of swearing the ancient oaths to be a true and faithful Protestant and to uphold the Church of England and the Church of Scotland, the authors believe the new sovereign could make promises in tune with a more secular and diverse society and a more decentralised Union state. The Scottish oath could become an oath about the Union; the Accession Declaration, traditionally made before parliament, could become an oath to uphold the constitution and our laws; and the coronation oath, in a ceremony watched by millions, could be an oath made to the people. *Swearing in the new King* offers three different reformulations of each oath, depending on how radical the government wishes to be.

Inaugurating a new Reign explains how the UK no longer has the capacity, even if it had the wish, to mount anything like [the spectacle of the 1953 coronation](#). The Anglican service would remain at the heart of the coronation, but with other denominations and faiths

in attendance. Instead of featuring peers in ermine and coronets, a modern version of the mediaeval act of homage could involve the participation of certain sections of civil society. In the view of the reports' authors, the coronation should, like the oaths, reflect the contemporary UK's diverse, pluralist and secular society: the event will define not just the monarchy, but the whole nation that the monarch is to represent. A summary of the reports can be found on our [blog](#).

Report of the Independent Commission on Referendums

The Independent Commission on Referendums published its report on 10 July. Its work and conclusions are discussed in more detail on page 1. A summary of the [report](#) and its recommendations also appears on our [blog](#).

Staff news

The Unit has experienced several staff changes. We were sad to say farewell to Michela Palese at the end of her term as McDougall Research Fellow. We wish her well in her new post at the Electoral Reform Society. Meanwhile Unit Associate Christine Reh is departing UCL to take up a professorship in Berlin. Our Office Manager Rachel Cronkshaw will shortly depart on maternity leave, and we are very pleased that Edd Rowe, previously administrator to the Citizens' Assembly on Brexit and Independent Commission on Referendums, will stay on and cover her duties. In addition, Rebecca McKee, formerly Research Associate on the Citizens' Assembly on Brexit, will be returning to the Unit in the autumn having won a prestigious three-year postdoctoral fellowship funded by the British Academy. Lotte Hargrave, former UCL Masters student and Unit volunteer, has been serving as a Research Assistant and in the autumn will begin work as a PhD student supervised by Meg Russell and Jennifer Hudson.

Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers. A big thank you to departed volunteers Aman Bharti, Lotte Hargrave, James Moore, Michael Palmer, and Kathryn Sturgeon.

Bulletin Board

Events

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

Citizen's Assemblies: Lessons from Ireland

Professor David Farrell, Chair of Politics at University College Dublin; **Dr Jane Suiter**, Director of the Institute for Future Media and Journalism; and **Dr Alan Renwick**, Deputy Director of the Constitution Unit (Chair).

21 September, 1pm. Venue to be confirmed.

Unit in the news

Robert Hazell was interviewed for a radio broadcast about the Commonwealth Heads of Government meeting, ([RN Breakfast](#), Australia, 17 April 2018).

Meg Russell was quoted in an article about the role of the House of Lords in the passage of the EU (Withdrawal) Bill ([New Statesman](#), 1 May 2018).

Bob Morris was interviewed about the role of the Royal Family in diplomatic negotiations ([Swiss National TV](#), 10 May).

Meg Russell was interviewed following the government's defeats in the House of Lords during the passage of the EU (Withdrawal) Bill ([Broadcasting House](#), 13 May).

Meg Russell wrote an article on the consequences for the Withdrawal Bill of the amendments made by the House of Lords ([The Conversation](#), 14 May).

Bob Morris was interviewed by several outlets about the monarchy and the marriage of Prince Harry and Meghan Markle ([Breakfast Television](#), Canada, 18 May; [El Universal](#), Mexico, 19 May).

Meg Russell's article for The Conversation was quoted in an article about the role of the House of Lords ([Financial Times](#), 18 May 2018).

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Meg Russell was quoted in an article about the government's decision to appoint nine new Conservative peers to the House of Lords ([Financial Times](#), 18 May).

Meg Russell was interviewed about the Prime Minister's decision to appoint new peers ([The World Tonight](#), 18 May).

Bob Morris was quoted on the continuing use of monarchy as a form of government ([Radio Canada](#), 18 May).

Robert Hazell and Bob Morris were quoted in several articles about the Unit's report on the coronation and accession oaths ([Daily Express](#), 23 May; [Christian Today](#), 23 May; [Premier Christian Radio](#), 23 May; [The Economist](#), 24 May; [Telegraph](#) 25 May).

Meg Russell and Jack Sheldon were quoted in an article about the Unit's report on an English parliament ([BBC News](#), 7 June).

The report of the Independent Commission on Referendums has received wide attention, including in the [Financial Times](#), [Times](#), and [Sun](#). Further listings will appear in the next *Monitor*.

Select committee appearances

Meg Russell [gave evidence](#) to the Liaison Committee's inquiry into reform of the committee system in the House of Lords on 25 April alongside Hannah White and Maddy Thimont, both of the Institute of Government (see page 5).

Robert Hazell [gave evidence](#) to the Public Administration and Constitutional Affairs Committee's inquiry into pre-appointment scrutiny of public appointees on 15 May (see page 7). He appeared alongside Peter Riddell, the Commissioner of Public Appointments.

Meg Russell [gave evidence](#) to the House of Lords Constitution Committee's inquiry into the legislative process on 6 June alongside former Unit researcher Daniel Gover (now of Queen Mary University of London) and Ruth Fox (Director of the Hansard Society).

Unit publications

Robert Hazell, '[Improving Parliamentary Scrutiny of Public Appointments](#)' (*Parliamentary Affairs*, April).

Robert Hazell and Bob Morris, [Swearing in the New King: The Accession Declarations and Coronation Oaths](#), (Constitution Unit report, May).

Bob Morris, [Inaugurating a New Reign: Planning the Accession and Coronation](#), (Constitution Unit report, May).

Alan Renwick, 'Electoral system change', [The Oxford Handbook of Electoral Systems](#), (Oxford University Press, June).

Alan Renwick, Sarah Allan, Will Jennings, Rebecca McKee, Meg Russell, and Graham Smith, '[What kind of Brexit do voters want? Lessons from the Citizens' Assembly on Brexit](#)' (Political Quarterly, early view).

Publications to note

Nick Clarke, Will Jennings, Jonathan Moss, and Gerry Stoker, [The Good Politician: Folk Theories, Political Interaction and the Rise of Anti-Politics](#) (Cambridge University Press, April).

David Runciman, [How Democracy Ends](#) (Profile Books, May).

Ayesha Hazarika and Tom Hamilton, [Punch and Judy Politics: An Insider's Guide to Prime Minister's Questions](#), (Biteback Publishing, May).

Brian Klaas and Nic Cheeseman, [How to Rig an Election](#), (Yale University Press, May).

Robert Schütze and Stephen Tierney (editors), [The United Kingdom and the Federal Idea](#), (Hart Publishing, June).

Mark Elliott, Jack Williams and Alison L Young (editors), [The UK Constitution after Miller: Brexit and Beyond](#) (Hart Publishing, July).

Contributors to Monitor 69

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The issue was edited by Dave Busfield-Birch.