



Change, continuity, and an uncertain future for the Union

As 2020 ended, it appeared that UK politics might – as in the US – be entering a new phase. Brexit had dominated the previous five years, at least until COVID-19 came along. But the [trade deal](#) between the UK and the EU, reached on 24 December after months of negotiations (see page 3), and enshrined into UK law in an extraordinary parliamentary sitting [six days later](#) (see page 4), suggested that this debate might at last be put to bed.

The Vote Leave duo of [Dominic Cummings](#), Boris Johnson's de facto chief of staff, and [Lee Cain](#), Number 10 Director of Communications, dramatically left their posts in November (see page 12). They were widely seen as driving the Johnson government's initially abrasive style, characterised by [confrontation with parliament](#), the [Civil Service](#), parts of [the media](#), and [various basic norms of Britain's uncodified constitution](#). The [announcement](#) that former civil servant Dan Rosenfield would become the new Number 10 Chief of Staff suggested that a more measured approach might prevail.

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

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Yet indications of fundamental change may prove illusory. Many aspects of the UK's future relationship with the EU – notably over financial services and long-term arrangements for fishing – are unresolved. Chief Brexit negotiator Lord (David) Frost was [recently appointed to Cabinet](#), highlighting that his job is far from done. Recurring negotiating rounds may become a permanent political feature.

That is most starkly clear in Northern Ireland, which remains subject to many EU rules under the terms of the [Protocol on Ireland/Northern Ireland](#) (see page 3). [Frictions](#) in post-Brexit trade across the Irish Sea, compounded by the European Commission's ill-judged (if rapidly reversed) [decision to suspend key Protocol provisions](#), led many unionists to [demand its scrapping](#). The Commission and the UK government [responded](#) that they were committed to making it work.

Number 10's confrontational politics have partly moderated: relations with Conservative backbenchers have improved; and Johnson made no attempt to exploit the European Commission's Protocol blunder. Nonetheless, backbenchers [cried foul](#) when, despite assurances to the contrary in September, fresh lockdown restrictions, including those imposed over Christmas, were introduced before parliament could debate them – with [MPs' demands for a Commons recall](#) ignored (see page 6). In late November, ministers used [procedural chicanery](#) to block expansion of virtual Commons participation (see page 6) and a similar episode



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[followed in February](#) over amendments to the Trade Bill concerning agreements with countries alleged to have committed genocide (see page 4). These problems illustrate a basic weakness highlighted in a Unit report by Meg Russell and Daniel Gover published in January. [Taking Back Control: Why the House of Commons Should Govern its Own Time](#) argues that the government has disproportionate influence over what MPs get to debate and when.

The House of Lords' powerlessness over its own affairs was also illustrated in December. Johnson [announced](#) the appointment of 16 new peers – including one who had been [rejected by the Appointments Commission](#) – while parliament was in recess and unable even to express disapproval (see page 7).

While relations with the Civil Service may be partially healing, the Independent Adviser on Ministerial Interests [resigned in late November](#) after Johnson rejected his conclusion that Home Secretary Priti Patel had breached the Ministerial Code due to her treatment of officials (see page 12). That same month, the Commissioner for Public Appointments, who steps down in April, [expressed concerns](#) about aspects of the government's approach (see page 13).

With respect to the role of the courts, the government's intentions for reform of judicial review remain opaque. The [Independent Review of Administrative Law](#) has reported to the Ministry of Justice, but neither its findings nor the evidence submitted to it have been published (see page 14). A further inquiry – [the Independent Human Rights Act Review](#) – was announced in December, and will take a more transparent approach (see page 14).

Meanwhile, proposals announced for legislation to promote safety online were [greatly diluted](#) from those originally sketched out by Theresa May's government in April 2019. Damage to democracy is no longer recognised as one of the harms that online communications can cause (see page 10).

But the greatest uncertainty concerns the future of the Union. Since last summer, polls in Scotland have consistently shown majorities for independence. Elections across Great Britain look [set to go ahead](#) in May (see page 9) and the SNP, if it returns to power in Scotland, intends to pass legislation for a referendum. This will force the UK government to choose between allowing the vote and contesting the Scottish Parliament's right to call it through the courts.

Johnson [has claimed](#) that he will refuse consent for any such ballot, but many in his own party are [wary](#) of the backlash that may trigger.

Remarkably, it is Nicola Sturgeon's predecessor as First Minister, Alex Salmond, who may scupper her plans. His [allegations to a Scottish Parliament committee](#), including that she broke the Ministerial Code, could bring her down if substantiated (see page 16). Sturgeon has [denied them vigorously](#). But [the latest polls](#) suggest setbacks to the independence cause. The pro-Union parties clearly sense an opportunity, but are also struggling. In December, Keir Starmer [announced](#) a 'constitutional commission', advised by former Prime Minister Gordon Brown, focused on developing a plan for greater devolution across the UK. But the following month Scottish Labour [lost its leader](#). Anas Sarwar is the new leader, [elected in February](#). The same month, Downing Street's Union unit lost two leaders [within weeks of each other](#) (see page 12).

The political situation in Northern Ireland is also fragile (see page 16). While the Executive continues to exist, disagreements between the parties render it deeply dysfunctional. There is no current majority for unification with Ireland, but future directions are impossible to predict. In this context, the unit published the interim report of the [Working Group on Unification Referendums on the Island of Ireland](#) in November (see page 20). This examines how any future referendums on the unification question would best be designed and conducted, while taking no view on whether such votes would be desirable.

This remains, therefore, a period for major constitutional reflection and review. The government's plans for a Constitution, Democracy and Rights Commission were [formally dropped](#) in December, extinguishing prospects for government-initiated public engagement with central questions about balance in the constitution. This gap will hopefully be partially filled by a [new project recently announced by the Unit](#), which will conduct large-scale polling and convene a citizens' assembly focused on the kind of democracy that people in the UK want (see page 21). Such citizens' assemblies have become an increasingly important part of our political landscape (see page 11), and the evidence collected through these two methods should form an important source for public officials and politicians of all parties in healing some of the divisions exposed by Brexit, and charting a constitutional road ahead.



UK–EU negotiations

The [UK–EU Trade and Cooperation Agreement](#) signed on 24 December was a significant milestone in the Brexit process. Despite the limited negotiating time (11 months) and frequent hurdles (the spectre of ‘no deal’ haunted these talks as it had those for the Withdrawal Agreement), a deal was reached to avoid a near-complete severing of economic, commercial and security ties. Last-minute interventions by Boris Johnson and European Commission President Ursula von der Leyen [helped get it over the line](#).



Ursula Von Der Leyen and Boris Johnson ([CC BY-NC-ND 2.0](#)) by UK Prime Minister.

The instabilities inherent in the new relationship have already been made clear. The end of the transition period means the UK is formally a ‘third country’ and this reality is now being felt nationwide. For businesses and consumers, trading with the rest of Europe has become [more difficult](#): while some of the problems will be mitigated as businesses and traders adapt to new processes and administrative requirements, others are permanent. As a result, some businesses are [choosing to relocate](#). Ultimately, these are the consequences of the UK government’s decision to prioritise sovereignty over closer regulatory alignment.

The recent clash over [Article 16 of the Northern Ireland Protocol](#) (see next story) highlighted these problems and demonstrated the low levels of trust that now

characterise UK–EU relations. It is also a reminder that negotiation will be a constant feature of the new relationship as both sides implement their treaty commitments. The EU is hoping that the Article 16 dispute might convince the UK to change its mind about [a deal on veterinary standards](#) which would address one big set of issues affecting trade across the Irish Sea. For the EU, the key test remains the UK’s willingness to keep its promises. For the UK, the aim will be to identify and exploit all possibilities for pulling away from the EU’s orbit. The situation in Northern Ireland will be a constant reminder to London that this will not be straightforward.

How the [relationship is managed](#) is therefore key, with risk management and trust building crucial. An elaborate set of structures will facilitate this: the Joint Committee on the Withdrawal Agreement will be succeeded by a Partnership Council, to be co-chaired by [recently appointed Cabinet minister Lord \(David\) Frost](#) (taking over from Michael Gove) and [European Commission Vice-President Maroš Šefčovič](#). It will oversee the political and technical structures involved in the implementation and regulation of the Brexit agreement, as well as talks on unresolved issues, [such as financial services](#). Specialist committees and working groups will oversee UK–EU relations relating to specific sectors, such as aviation and energy. There will be no role for the European Court of Justice in resolving disputes: instead there is a general dispute resolution procedure that requires the creation of an independent arbitration panel each time the two sides reach an impasse. Other areas – fisheries, for example – have bespoke resolution procedures, whilst additional categories of dispute – such as those relating to competition – have no formal mechanism at all. These new institutions will likely be kept very busy in the coming years. Anyone expecting the end of UK–EU negotiations is set to be disappointed.

The Northern Ireland Protocol

When the [Protocol on Ireland/Northern Ireland](#) was agreed in October 2019, it was seen as the last remaining option to achieve the UK government’s desired version of Brexit without impeding the movement of goods and people around the island of Ireland. The arrangement requires de facto Northern Irish alignment with the EU’s customs and regulatory system, as the rest of the UK departs. Unionists almost universally [rejected it](#), while nationalists and the Remain-leaning centre ground saw it as the [least worst option](#) available.

The Protocol's details received little attention during 2020, but the reality began to set in this January. [Article 16 of the Protocol](#) allows the UK or EU – but not Northern Ireland itself – to suspend aspects of the agreement unilaterally if either side experiences 'economic, societal or environmental difficulties'. Amidst problems importing some items from Great Britain, members of both the [Democratic Unionist Party](#) (DUP) and the [Ulster Unionist Party](#) (UUP) called for this provision to be invoked. Extraordinarily, however, it was the EU that, in late January, stated its intention to trigger that clause, in order to prevent COVID-19 vaccines from leaving the bloc. The [UK](#) and [Irish](#) governments, along with [every major party in Northern Ireland](#), objected strongly to the move, and the EU [rapidly acknowledged](#) that it had made a mistake. Nevertheless, the episode pushed [Article 16 to the forefront of political attention](#).

Subsequently, many unionist politicians – not least [DUP First Minister Arlene Foster](#) – redoubled their calls for change. On 11 February, Michael Gove and European Commission Vice-President Maroš Šefčovič [reiterated their commitment](#) to making the Protocol work through the joint committee on implementation. However, since then the UK government has unilaterally declared that it is [to extend a grace period for post-Brexit checks](#) on some goods entering Northern Ireland from Britain, the first key decision made since Lord Frost replaced Gove as the person in charge in Whitehall. This prompted [threats of legal action](#) from Brussels. It was [criticised](#) by the Irish government as 'deeply unhelpful', and [condemned](#) by Northern Ireland's deputy First Minister, Sinn Féin's Michelle O'Neill. DUP leader and First Minister Arlene Foster [expressed strong support](#) for the move.

With the First Minister and deputy First Minister at odds over the Protocol, it appears increasingly likely to dominate Northern Irish politics in the run up to next year's Assembly election, when unionists will stress the need to reject the Protocol at the first opportunity through the inbuilt, simple majority 'consent mechanism' vote due in 2024.

Brexit and parliament

The last-minute UK–EU deal on the future relationship (see above) meant parliament was recalled at short notice on 30 December to consider the necessary implementing legislation, the [European Union \(Future Relationship\) Bill](#). The 80-page bill completed all its parliamentary stages in a single day: the first to pass

so quickly since a [two-clause bill in 2007](#). Such speed meant select committees were [unable to properly scrutinise its provisions](#). Although the looming end of the transition period on 31 December presented one reason to legislate in haste, Professor Jeff King, a legal adviser to the Lords Constitution Committee, [has argued](#) that the government could instead have opted for a short-term bill with sunset provisions – allowing for a long-term replacement to be more fully scrutinised.

Nonetheless, the Brexit legislative process is not over. [Immigration](#) and [fisheries](#) bills have now passed, and the controversial [UK Internal Market Bill](#) – extensively covered in [Monitor 76](#) – finally passed in December after the government [removed clauses](#) that violated international law and, following House of Lords defeats, [proposed a compromise](#) relating to common frameworks (see next story). The long-awaited [Environment Bill](#) has yet to complete its Commons stages. The [Trade Bill](#) has entered an extended period of ping pong, with Conservative backbenchers [repeatedly rebelling](#) in support of [an amendment](#) by Crossbencher Lord Alton that would empower the High Court to revoke trade deals on the basis that a signatory had committed genocide. Backbenchers [accused the government](#) of manipulating procedure to block a free Commons vote by packaging this amendment with a Labour amendment when the bill returned to the Commons for the second time.

Select committees, meanwhile, have opened numerous inquiries into the UK's future relationship with the EU, on topics ranging from [economic ties](#) to the operation of the [Protocol on Ireland/Northern Ireland](#). But it remains unclear at this stage what role parliament is likely to have in ongoing scrutiny of the UK–EU relationship, or how its structures might need to adapt. The [final report](#) of the Committee on the Future Relationship with the EU – which was wound down on 16 January, after the government [denied](#) the committee's [request](#) for a six-month extension – [recommended](#) an enhanced role for the Liaison Committee, and urged the government to set out its proposals for parliamentary oversight of the future relationship by April. Changes have also been made to the House of Lords committee structure (see page 8).

Brexit and devolution

Relationships between the four governments in the UK have often been strained during the last few years of negotiations relating to Brexit. It thus came as no surprise that the UK–EU trade agreement was received

with limited enthusiasm by the devolved administrations. Nicola Sturgeon, the Scottish First Minister, [claimed](#) that it represented a ‘far harder Brexit than could have been imagined when the EU referendum took place’, and suggested that the views of the majority of Scottish voters who had supported remaining in the EU had been ‘ignored’. Welsh First Minister Mark Drakeford [described](#) the deal as ‘thin and disappointing’. Northern Ireland’s First Minister and deputy First Minister were also [critical](#) – the DUP’s Arlene Foster stressed that the deal failed to address the ‘detrimental aspects of the [Northern Ireland] Protocol’ (see page 4), while Sinn Féin’s Michelle O’Neill argued that there could be ‘no good Brexit for the people of the island of Ireland’.

Each of the devolved legislatures was recalled on 30 December to consider motions relating to the deal. Both the [Scottish Parliament](#) and the [Northern Ireland Assembly](#) voted to refuse legislative consent for the [European Union \(Future Relationship\) Bill](#), which was passing through its stages in the House of Commons on the same day (see page 4). The Welsh government argued that it was ‘not in a position to determine legislative consent’. The [Senedd](#) instead endorsed a motion stating that the deal did not reflect its aspirations but would be ‘less damaging’ than ‘no deal’. None of these motions had much noticeable impact on proceedings at Westminster. Following the passage of three other pieces of Brexit-related legislation over the past few years without the consent of at least one of the devolved legislatures, it is ever clearer that there are significant limitations to how far the [Sewel convention](#) can be used as a device to give them leverage in relation to an issue as politicised as Brexit.

Even with a trade deal between the UK and the EU in place, much remains to be resolved about the future

of powers that were formerly exercised at the EU level, but which fall within devolved competence. Although the UK and devolved governments [agreed](#) principles for negotiating ‘common frameworks’ as long ago as 2017, none have yet been fully implemented and only three had been [published](#) in draft by February 2021. The House of Lords Common Frameworks Scrutiny Committee has raised [concerns](#) about this slow progress, the quality of the published drafts, and the processes for scrutinising them. One factor in the delay may well have been the fallout from the passage of the [UK Internal Market Act](#), which seeks to restrict the scope for future policy divergence within the UK (see [Monitor 76](#), pages 4–5). This reached the statute book in December 2020 after [amendments](#) were passed in the House of Lords to exclude areas subject to common frameworks from its main provisions, but the devolved governments remain strongly opposed to the legislation. Another contentious issue is the ‘[Shared Prosperity Fund](#)’, the UK government’s proposed replacement for EU structural funds. The November 2020 [Spending Review](#) included a ‘Heads of Terms’ for the fund, but made no mention of a role for the devolved institutions. The Scottish and Welsh governments have each [published](#) alternative proposals, under which the devolved authorities would be responsible for allocating funds within their territories.



Parliamentary scrutiny of the pandemic

Frustrations over the government’s approach to scrutiny of its pandemic response have continued, following

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September's threatened backbench rebellion over the renewal of the government's Coronavirus Act powers, and the government's resulting commitment to hold a Commons vote on major new restrictions before bringing them into force wherever possible (see [Monitor 76](#), page 4).

Ministers have come under strong pressure from the [70-strong Covid Recovery Group](#), chaired by former Conservative Chief Whip Mark Harper, which has repeatedly [pressed for detailed information](#) in support of the government's strategy, or for a guaranteed [end date](#) for restrictions. In a [1 December vote](#) on the introduction of the new three-tier system, 55 Conservative backbenchers rebelled, though Labour abstained, and the regulations passed easily. Harper voted against the government, and was joined by 1922 Committee Chair Graham Brady and his Deputy Chairs Cheryl Gillan and Charles Walker, as well as former ministers Steve Baker, Greg Clark, and David Davis and Public Administration and Constitutional Affairs Committee chair William Wragg. A further 16 Conservative MPs, including former Prime Minister Theresa May, abstained.



[Mark Harper MP](#) (CC BY-NC-ND 2.0) by Cabinet Office.

Backbench anger flared again after the government announced [changes to the regulations for the festive period](#) the day after the Commons rose for the Christmas recess. Despite [calls from many of the same backbenchers](#) for the Commons to be recalled to debate the restrictions, the government declined to do so. This meant that the changes were not ultimately debated until after Christmas – on [30 December](#), when the Commons had been recalled to pass the government's EU (Future Relationship) Bill (see page 4). The Commons was

subsequently recalled again [on 6 January](#) to debate the third national lockdown; like many other restrictions, and in contravention of the government's September commitment, this was [announced](#) and brought into force before the Commons had debated it.

Continued arguments about hybrid House of Commons

Tensions over virtual participation for MPs are still simmering, more than six months after the government [controversially ended](#) the Commons' original hybrid model – stopping virtual voting and leaving many members unable to participate in debates on motions or legislation.

These tensions [peaked in November](#), when the case of [Tracey Crouch](#) – who was barred from participating in a debate on breast cancer because she was shielding due to treatment for that very illness – provoked outrage. Subsequently, ministers proposed to allow 'clinically extremely vulnerable' MPs to participate virtually; but this fell well short of the [Procedure Committee's call](#) for wider-ranging rights for MPs to do so. On 24 November an attempt to amend a government motion to widen virtual participation in debates beyond this group failed after the government manipulated the timing using [procedural trickery](#). This attracted [sharp criticism](#) from Procedure Committee Chair Karen Bradley. In [December](#), the committee accused the government of acting with 'apparent disregard' for the Commons. It urged ministers to bring back a motion quickly, but could not itself bring about a vote – due to the [government's control of the Commons agenda](#).

Ministers failed to give MPs another opportunity to vote on these matters until [30 December](#), after the Tier 4 lockdown rules had been applied to London. A government motion allowing widespread virtual participation was passed immediately before debate on the future EU relationship legislation. But remote voting was not restored, meaning hundreds of proxy votes remain in the hands of party whips – a system declared 'barely adequate' by the Procedure Committee in a highly critical [November report](#). In February, Karen Bradley, Catherine McKinnell and Ian Mearns – the chairs of the Procedure, Petitions and Backbench Business committees respectively – [called](#) for Westminster Hall debates to be restarted in a hybrid format, after they (along with sitting Fridays) were [suspended on 13 January](#).

More Lords appointments and controversies about size

The size of the House of Lords and the Prime Minister's largely unregulated ability to appoint members have long been controversial. Concerns subsided during Theresa May's premiership, when relatively few appointments were made, partly under pressure from the [Lord Speaker's Committee on the Size of the House](#). But they re-emerged dramatically when [Boris Johnson made 36 new appointments](#) in July 2020. And Johnson did not stop there. Having [defiantly suggested](#) at the time that another list of peers would follow, and that he might even override the propriety concerns of the House of Lords Appointments Commission, both of these things occurred three days before Christmas. A new [list of 16 party peers](#) was announced, taking Johnson's total to [79 Lords appointments](#) in under 18 months, compared to Theresa May's 43 in three years (many of which were a legacy of her predecessor). One of these had been rejected by the Appointments Commission on propriety grounds. Johnson's dismissal of this recommendation ([set out in a letter](#)) was the first of its kind since the Commission's establishment over 20 years ago. Amidst [media criticism](#), some of the starkest condemnation came from the Lord Speaker – including [on Twitter](#) and [in the press](#). However, the chamber (now at [over 800 members](#)) is powerless to resist mass prime ministerial appointments, which threaten both its effectiveness and its reputation. Even before the December appointments, the [Lord Speaker had called for](#) 'a thorough review' of the Lords, 'carried out perhaps on Royal Commission lines'. Such a review looks increasingly necessary: the [External Management Review](#) of the Lords (see below) noted that its 'size and composition' was the cause of 'challenges and constraints' that affect how it operates.

A new Lord Speaker

As *Monitor* went to press, Lord Speaker Norman Fowler [announced](#) that he would be stepping down from the role at the end of April. This was not a complete surprise – the Lord Speaker serves a five-year term, and Fowler was elected in 2016. However, there will now be a highly accelerated timetable as the new incumbent had been expected to take office in September. While Fowler's predecessor Baroness (Frances) D'Souza also announced her departure in February – of 2016 – his [election took place in June](#), allowing months – instead of weeks – for the process to play out.

The Lord Speaker is elected by all peers in a secret ballot, using the [Alternative Vote](#) system. BBC Parliamentary Correspondent Mark D'Arcy quickly produced an analysis of the '[runners and riders](#)', including current Senior Deputy Speaker Lord (John) McFall, and Labour Deputy Leader in the Lords Baroness (Dianne) Hayter. Although there is no formal rotation between the party groups, since Fowler was previously a Conservative, and D'Souza a Crossbencher, there seems to be a sense that it is Labour's 'turn'.

Lord Fowler's departing statement indicated that he looks forward to being 'an entirely independent backbencher able to speak out on political issues that concern me'. Most of the [media coverage](#) focused on his desire to campaign on HIV and AIDS. However, Fowler also signalled an intention to speak out on the size of the Lords – where he has hardly been understated to date (see above). The creation of the [Lord Speaker's Committee on the Size of the House](#) is one of his lasting achievements, but the current Prime Minister has disregarded its recommendations. Fowler also noted that an early departure will allow a new team to act on the recommendations of the External Management Review (see below).

The Lords External Management Review

The [House of Lords External Management Review](#) was published on 27 January. Conducted by Keith Leslie, chair of Samaritans, and OnBoard co-founder Liz Mohr, it was established in the summer of 2020 following criticisms and recommendations made in [the 2019 Ellenbogen report into bullying and harassment in the Lords](#).

Peers and staff interviewed for the review criticised the leadership of the Lords as prone to micro-management, overly 'hesitant' about cultural change, and opaque in its decision-making, which was slow and over-reliant on the 'usual channels'. The reviewers concluded that the Lords was 'stuck in the middle' between a pre-2015 'leadership by convention' model, and a transparent system of accountability.

The report made 37 recommendations. The House of Lords Commission was deemed 'too large and too busy': the report proposed that it be replaced by a statutory board with a dedicated secretariat, and that its committee remits be reallocated, with the Senior Deputy Speaker in charge of a new Oversight Panel.

The report also concluded that decision-making needed to be decentralised, as the ‘management style and practice’ of the Lords was insufficiently ‘agile’. It recommended that clerks be appointed via a more independent process, and proposed that the HR Director should take control of all staff development, including that of clerks. It also recommended the creation of a new Chief Operating Officer (COO), who it said should be made a non-voting member of the Commission, as should the Clerk of the Parliaments.

Lord Speaker Norman Fowler – who is stepping down in April (see above) – endorsed the report, calling it a ‘blueprint’ for change. The Clerk and COO are to lead the process of implementation, but the latter has yet to be recruited and incoming Clerk Simon Burton does not take up his role until April. The report was clear that the recommendations should be considered a package and implemented as such, mindful of what it described as ‘a history of partially implementing change’.

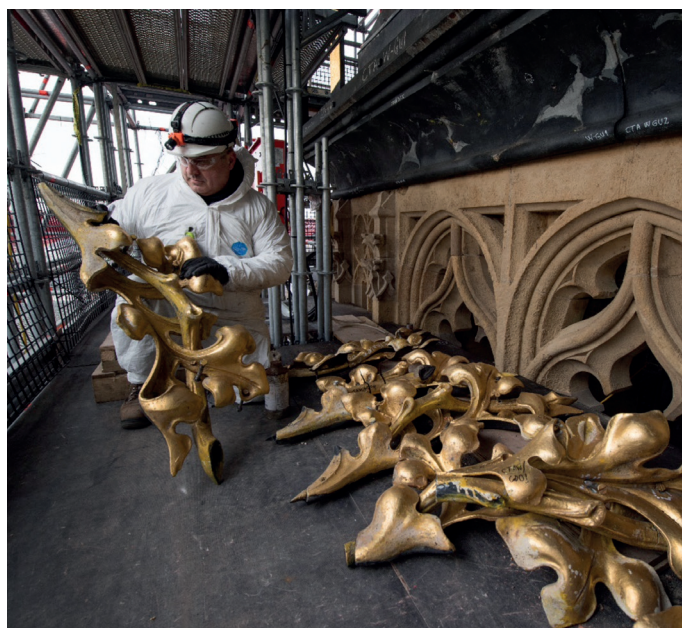
Lords Liaison Committee recommends new committee structure

In December the House of Lords Liaison Committee [published a report](#) on the remodelling of the chamber’s committee system. Its review was [triggered in part](#) by the Brexit decision, as the chamber’s highly-regarded EU Committee, and associated subcommittees, have long been central to its committee work. The delay to Brexit then made it difficult to complete the review, though [interim changes](#) were recommended in July 2019.

The new proposals, [debated in the chamber](#) on 13 January, involve a scaling back of EU Committee work, and extension of new committees in other fields. The work of the existing EU Committee and subcommittees will end on 31 March, after which there will be a new European Affairs Committee, empowered to create a temporary subcommittee on the [Protocol on Ireland/Northern Ireland](#). A new International Agreements Committee has taken over the work previously conducted by a subcommittee of the EU Committee that was established in April 2020. Alongside this, new committees will be created on the Built Environment, Environment and Climate Change, Industry and Regulators, and Justice and Home Affairs. In addition, a new temporary inquiry committee has been established into [Youth Unemployment](#), and the chamber’s [COVID-19 Committee](#) will continue its work until November 2021.

Restoration and Renewal

The future of the Restoration and Renewal (R&R) of the Palace of Westminster remains uncertain. A [letter](#) sent by the Sponsor Body for R&R to the Commons Public Accounts Committee in January confirmed that Commons Speaker Lindsay Hoyle had decided in November to shelve a programme of refurbishing buildings towards the [north of the parliamentary estate](#) in favour of ‘a more agile set of projects’. A draft version of the R&R Strategic Review was considered in December by the House of Commons and House of Lords Commissions, but parliamentary debates on the review, due to be held [‘early’](#) in 2021, are yet to be scheduled. The overall process has led to frustration in the Lords, where interviewees told the [External Management Review](#) (see above), that they believed changes in the Commons had left the Lords a ‘bystander’, rather than a key player in a rational programme.



[Restoration work taking place on the Elizabeth Tower](#) (CC BY-NC 2.0) by UK Parliament.

Media [reports](#) suggest that the review will recommend that R&R go ahead, but that the Lords should share decant accommodation with the Commons, rather than moving to the QEII Conference Centre. This would not only reduce costs, but also address concerns about the physical distance between the two chambers under the previous proposals. If correct, it would also confirm the plan for the Palace to be emptied entirely (known as the ‘full decant’) for at least part of the project. This is likely to meet opposition. The House of Commons Commission, for example, has [requested](#) more work on the possibility of remaining in the Palace during

the works. Opposition will likely also focus on the (still unknown) costs of R&R, with Jacob Rees-Mogg, Leader of the House of Commons, [telling MPs](#): ‘Everybody wants to secure this building and to ensure that it is safe, but we cannot spend billions of pounds on it.’ Given that the high-level cost estimates for the programme (dating back to 2014) were in the region of £4 billion, it remains to be seen if all of the Leader’s objectives can be achieved.

Joint Committee on Fixed-term Parliaments Act

In November a joint parliamentary committee was established to review the Fixed-term Parliaments Act (FTPA). It comprises 14 MPs and six peers, and is chaired by former Conservative Chief Whip Lord (Patrick) McLoughlin.

On 1 December the government published a [draft bill](#) with the aim of repealing the FTPA. This would implement the commitment in the [2019 Conservative manifesto](#), which pledged: ‘We will get rid of the Fixed Term Parliaments Act – it has led to paralysis when the country needed decisive action’. The bill would revert to the previous system and restore the prerogative power of dissolution. As the government’s foreword explains, the bill ‘makes express provision to revive the prerogative power to dissolve Parliament. This means once more Parliament will be dissolved by the Sovereign, on the advice of the Prime Minister. This will enable Governments, within the life of a Parliament, to call a general election at the time of their choosing.’

As the Unit’s Robert Hazell and Meg Russell explained in their [written evidence to the joint committee](#), the government has run ahead of parliament in producing a draft bill: the process set out in [section 7\(4\) of the FTPA](#) is that first a committee must review the operation of the FTPA. Nonetheless, most of the committee’s evidence sessions have unsurprisingly focused on the draft bill, as has much of the written evidence.

The draft bill has been criticised for potentially disempowering parliament, conferring an unfair advantage on the incumbent Prime Minister by allowing them to choose the election date; for risking dragging the monarchy into political controversy; and for a wide-ranging ouster clause aimed at making dissolution decisions non-justiciable, and therefore not susceptible to judicial challenge. The committee is due to report by the end of March.

Elections, referendums and democratic engagement



Preparations for May elections

Voters are set to go to the polls across Great Britain in May, to elect members of the Scottish Parliament and the Senedd, police and crime commissioners (PCCs) in England and Wales, and mayors and local councillors in much of England. The contests include those always scheduled for 2021, many postponed from 2020 because of COVID-19, and some held over since 2019 after council reorganisations. Voting will be unusually complex, with a patchwork of different offices up for election in different parts of the country, using a range of different electoral systems. Those aged 16 or 17 will be entitled to vote in Wales for the first time, as they already are in Scotland.

There was considerable speculation at the start of the year that, with COVID-related restrictions ongoing, the elections might be postponed again. A [survey of senior council officials](#) conducted in January by the Local Government Information Unit found that most had concerns over holding elections in May, relating both to the feasibility of administering the poll and to the risk of disfranchising voters worried about COVID. Just a tenth of them advocated going ahead with the elections in May. Some politicians, meanwhile, [expressed worries](#) about the practicality of campaigning. On the other hand, others pointed out the vital [need to maintain democratic processes](#), and the fact that many countries had already [successfully held elections](#) in a COVID-secure way.

All three responsible governments have stated their wish for the elections to go ahead. Scottish First Minister [Nicola Sturgeon](#) and her Welsh counterpart [Mark Drakeford](#) both made statements of intent in early January, while leaving open the possibility of revisiting the plan if necessary. The UK government was initially hesitant: speaking in the House of Commons on 13 January, the responsible minister, [Chloe Smith](#), said merely that ‘the bar for change [to the election date] ought to be set fairly high’. In February, however, the UK government [confirmed](#) that the scheduled elections in England (and PCC elections in Wales) would proceed.

All three administrations have made mitigating provisions. The Scottish Parliament unanimously passed [legislation](#) in December that moves the deadline for

postal voting requests in anticipation of greater demand, makes it possible for voting to be spread over several days, and allows for postponement should that prove necessary. The Senedd passed [legislation](#) in February which, as [discussed on the Unit blog](#), also allows for voting across multiple days and makes postponement possible – but only following a two-thirds Senedd vote (see page 17). The UK government also set out [a range of measures](#) in February: regulations will be amended to make proxy voting more accessible and reduce signature requirements for candidates; and there will be increased funding for councils.

Reflecting the complexity of these elections, a range of organisations have recognised a need to improve the basic information available to voters on what elections are taking place in their area and how voters can take part. The Electoral Commission has increased its [information provision](#) and created [extensive resources](#) for 14–18-year-olds and educators in Scotland and Wales. The Senedd has also launched [new materials](#).

The Electoral Commission

The Electoral Commission still lacks a chair, John Holmes's term having expired at the end of 2020. The process of appointing Electoral Commissioners is overseen by the Speaker's Committee on the Electoral Commission in the House of Commons. As reported in [Monitor 76](#) (page 10), the committee currently has a single-party majority for the first time in its history, leading to concerns about its impartiality. The committee decided not to renew Holmes's appointment in July 2020, but made no public statement to that effect at the time; the move was announced, without explanation, only in October, in response to a [parliamentary question](#). The Speaker's Committee [announced](#) in February that its preferred candidate was John Pullinger, former Librarian of the House of Commons and National Statistician. The committee held a [public meeting](#) with him on 1 March to inform its decision on whether to recommend him to the House of Commons for appointment.

There have been long delays in filling other vacancies too. The Commissioner nominated by smaller political parties resigned in February 2020, and it took a year to replace him. The Speaker sought nominations in May 2020, candidates were interviewed in September, the committee made its [recommendation](#) in December, and the House of Commons [endorsed](#) the selected candidate – the SDLP's Alex Attwood – in January.

Meanwhile, the term of the nonpartisan Commissioner with responsibility for Northern Ireland expired in December 2020, but no successor has yet been chosen.

Parliamentary Constituencies Act, and boundary reviews

The [Parliamentary Constituencies Bill](#) received royal assent and became law in December. It cancels the planned cut in the number of MPs from 650 to 600, increases the gap between constituency boundary reviews from five to eight years, and removes parliament's ability to block Boundary Commission recommendations. As reported in [Monitor 76](#) (page 10), the House of Lords inserted several amendments into the bill. But the most consequential of these – including one to protect the independence of the Boundary Commissions from government – were rejected in the Commons.

The Act provides that the four Boundary Commissions, in England, Wales, Scotland, and Northern Ireland, will now conduct reviews of Westminster constituency boundaries on a slightly accelerated timetable, to be completed by July 2023. These will be based on [electorate data for March 2020](#), which were published by the Office for National Statistics in January. Given these data and the rules on seat distribution, [there will be](#) 543 constituencies in England (up from 533 at present), 57 in Scotland (down from 59), 32 in Wales (down from 40), and 18 in Northern Ireland (unchanged). Wales will see a marked reduction in representation because, following the transfer of additional powers to the Senedd in recent years, deliberate overrepresentation of Wales at Westminster is due to end – as happened in Scotland in 2005. The four Commissions aim to publish their initial proposals later in 2021.

Regulation of online harms

Slow progress has continued towards a new framework for regulating online communications. The government published its [Online Harms white paper](#), and launched a consultation, in April 2019. It published its [initial response](#) to the consultation in February 2020. In December 2020, it published its [full response](#). In this, it promised to bring forward legislation – an Online Safety Bill – in 2021, without specifying a date.

The responsible ministers – Culture Secretary Oliver Dowden and Home Secretary Priti Patel – set out the

scope of the proposed measures in their foreword to the latest document: ‘Principally, this legislation will tackle illegal activity taking place online and prevent children from being exposed to inappropriate material. But the legislation will also address other types of harm that spread online – from dangerous misinformation spreading lies about vaccines to destructive pro-anorexia content.’



[Culture Secretary Oliver Dowden](#) (Public Domain) by Department for Digital, Culture, Media and Sport.

The new proposals are silent, however, when it comes to harms to democracy. That was not the case in the 2019 white paper. The earlier document said, ‘Online platforms can be a tool for abuse and bullying, and they can be used to undermine our democratic values and debate.’ It added, ‘When the internet is deliberately used to spread false or misleading information, it can harm us in many different ways, encouraging us to make decisions that could damage our health, undermining our respect and tolerance for each other and confusing our understanding of what is happening in the wider world. It can also damage our trust in our democratic institutions, including Parliament.’ It said that social media companies should have a duty of care to protect their users from such content, and set out a wide range of measures that might be included in a code of practice, including ‘using fact-checking services, particularly during election periods’, ‘promoting authoritative news sources’, and ‘improving the transparency of political advertising’.

None of this has made it into the current proposals. The legislation will include a definition of harm, which ‘will include only content or activity which gives rise to a reasonably foreseeable risk of harm to individuals, and which has a significant impact on users or others’. Harm to democratic trust or values is thus apparently

excluded. The document adds, ‘Policy or political arguments – both online and offline – which can be rebutted by rival campaigners as part of the normal course of political debate are not regulated and the government does not support such regulation. It is a matter for voters to decide whether they consider materials to be accurate or not.’ There is no mention at all of the report of the [House of Lords Democracy and Digital Technologies Committee](#), which last year made a series of recommendations to protect democracy from the harms that online communications may cause (see [Monitor 75](#), page 10, and an analysis on [our blog](#)).

Update on deliberative democracy

The Citizens’ Assembly of Scotland published its [final report](#) in January, setting out a broad vision for Scotland’s future, and making 60 specific recommendations across many policy areas. Of particular relevance in the context of *Monitor* were 14 recommendations relating to ‘how decisions are taken’, including ‘further use of citizens’ assemblies to gather people’s views and ideas on issues of national importance’, ‘mini assemblies on issues that affect everyone, including all under-represented groups’, ‘a “house of citizens” to scrutinise government proposals and give assent to parliamentary bills’, and measures to improve the accountability of parliament and the quality and speed of information available to voters.

The report was [debated in the Scottish Parliament](#) on 18 February and was welcomed by every speaker, across all parties. The responsible Cabinet Secretary, Michael Russell, said, ‘the report and its recommendations are only the start of a long-term project that envisages a transformative change to Scottish politics.... That will result in better deliberation, consideration, accessibility, inclusivity and, ultimately, governance.’ With no votes against, MSPs backed a [motion](#) asking the Scottish government to respond fully to the report after the May elections and calling of the new parliament then to consider its contents in detail.

Other citizens’ assemblies meanwhile continue, including [Scotland’s Climate Assembly](#) – the seventh and final weekend of deliberation is due to take place in late March – and [Bristol’s Citizens’ Assembly](#), which is considering the question, ‘How do we recover from COVID-19 and create a better future for all in Bristol?’. The first local citizens’ assembly outside England – the [Blaenau Gwent Climate Assembly](#) – is meeting in March. All such deliberative events are currently taking place online.

Citizens' assemblies held in 2020 have begun to influence subsequent policymaking. In December 2020, the government's advisory Committee on Climate Change (CCC) published its [Sixth Carbon Budget](#), and cited [Climate Assembly UK](#) extensively in justifying its recommendations. It said, 'More than ever before, future emissions reductions will require *people* to be actively involved. ... The experience of the UK Climate Assembly shows that if people understand what is needed and why, if they have options and can be involved in decision-making processes, they will support the transition to Net Zero.' In January, the Unit's blog carried a [post](#) summarising the impact that local citizens' assemblies have had to date.



Downing Street shake up

On 13 November it was [announced](#) that the Prime Minister's de facto chief of staff, Dominic Cummings, and Director of Communications Lee Cain, were both leaving with immediate effect. They were seen as responsible for a turbulent culture in Number 10, negative briefing, poor relations with the media and (perhaps more importantly) with Conservative MPs. Cleo Watson, one of the senior advisers close to Cummings, left Downing Street later that month. It was [announced](#) on 26 November that the new Chief of Staff would be [Dan Rosenfield](#), a former Treasury official. He formally started work on 1 January, with Lord (Eddie) Udney-Lister [holding the role](#) in the interim. Rosenfield has taken part in weekly engagement Zoom meetings with backbenchers, along with Lister, head of policy Munira Mirza, and Press Secretary Allegra Stratton. A former civil servant, Rosenfield is seen as [the antithesis of his predecessor](#) and [a more 'conventional' appointment](#) to a role that didn't even formally exist whilst Cummings was in charge. The decision to recruit him is perhaps indicative that the ['hard rain'](#) attitude to the Civil Service is likely to ease.

Additional disruption was subsequently caused by changes to the Union unit, which was established after the 2019 general election to coordinate strategy on maintaining the Union. The head of the Unit – former Conservative MP Luke Graham – [left the role in February](#) and was replaced by Oliver Lewis, who then [resigned after just a few weeks in post](#).

The government has since decided to establish [a new Cabinet committee](#) to 'set the government's strategic agenda' for preventing the breakup of the UK. The Cabinet Union Strategy Committee will be chaired by the Prime Minister, with the membership set to include Chancellor Rishi Sunak, Cabinet Office ministers Michael Gove and Lord Frost, and the secretaries of state for Northern Ireland, Scotland and Wales. The existing Union Policy Implementation Committee will continue to be chaired by Gove.

Continuing calls for government inquiry into the pandemic

The rising death toll from COVID-19, which surpassed 100,000 deaths on 26 January, has seen renewed calls for a public inquiry from many different quarters. These include calls from [public health experts](#) last June, the British Medical Association [annual meeting](#) in September, and the group [COVID-19 Bereaved Families for Justice](#) in December. [Sadiq Khan](#) and [rival candidates](#) in London's mayoral election have also expressed support, with Khan specifically urging that the disproportionate effects on BAME families be explored.

The government remains against an inquiry. At PMQs [on 20 January](#), Boris Johnson said, 'The idea that we should now concentrate... vast state resources to an inquiry now, in the middle of the pandemic, does not seem sensible to me'.

Ministers' relationship with the Civil Service

Since last summer it had been rumoured in Whitehall that Helen MacNamara, Head of Propriety and Ethics – who would go on to briefly serve as Deputy Cabinet Secretary – had completed a Cabinet Office report into allegations of bullying by Home Secretary Priti Patel, but the Prime Minister was unwilling to take any action. In November matters finally came to a head, when it was [announced](#) that Priti Patel would not be required to resign.

The Independent Adviser on Ministerial Interests, Alex Allan, [advised the Prime Minister](#) that the Home Secretary had not consistently met the high standards required by the [Ministerial Code](#), failing on occasion to treat her civil servants with consideration and respect (paragraph 1.2 of the Code states that bullying and harassment by ministers 'will not be tolerated'). Despite this conclusion, Boris Johnson – who as Prime Minister is the final arbiter of questions regarding ministerial conduct – [took the view](#)

[that no breach had occurred](#), a decision that has been said to have '[fatally undermined](#)' the Code.

Allan [announced](#) his resignation that same day. Patel [apologised](#) for her actions, but also said that they were a consequence of 'frustration' at a lack of support from civil servants. The chair of the Committee on Standards in Public Life (CSPL), Lord (Jonathan) Evans, [expressed concern](#) at Allan's departure, which he said raised 'serious questions' about the effectiveness of the current arrangements for investigating and responding to breaches of the Code. He also made clear that CSPL's wide-ranging '[Standards Matter 2](#)' review of public standards would be examining those questions. The FDA union has confirmed that it has [applied for judicial review](#) of Johnson's decision.



[Home Secretary Priti Patel](#) (CC BY-NC-ND 2.0) by UK Prime Minister.

The investigation into Patel's conduct was prompted by the resignation of Home Office Permanent Secretary Philip Rutnam in February 2020: his [claim for constructive unfair dismissal](#) was [settled for a reported six-figure sum](#) in early March.

The Home Office is not unique in experiencing serious disagreements between civil servants and ministers. The past year has seen a significant increase in the [number of ministerial directions](#) (19 in all, when the average over the last decade has been three a year). Directions are requested when a permanent secretary considers that a decision or policy is improper, offers poor value for money, or is not feasible in delivery terms, and asks the minister to confirm the decision in writing. Ministerial directions are reported to the Comptroller and Auditor

General, and generally trigger an investigation by the National Audit Office. However, it is important not to automatically presume the rise in directions is indicative of serious conflict. Fourteen of the directions – seven of which were made by the Business Secretary – were related to measures taken in response to the COVID-19 pandemic, such as the *Eat Out to Help Out* scheme and emergency support for transport services.

Commissioner for Public Appointments steps down

Peter Riddell, the Commissioner for Public Appointments, will step down in April at the end of his five-year, non-renewable term. In his final [annual report](#), published in November, he reflected on the political turbulence during his tenure, serving three Prime Ministers, and a total of seven ministers responsible for appointments. This high ministerial turnover contributed to delays in the making of appointments that created problems for public bodies carrying vacancies, and discouraged candidates from applying again.

The system of public appointments is often misunderstood. Ministers have a say throughout, but the initial selection of candidates is made by an advisory assessment panel, with ministers making the final choice from the list that it provides. Riddell reminded readers in his final report that all governments have preferred to appoint people with whom they feel comfortable, and who share their policy outlook. However, he expressed concerns about briefing the media that someone is a favoured candidate before the competition is even launched (as with the [chair of the BBC](#), and [Ofcom](#)). He also reported worries about 'a growing tendency not to reappoint chairs and members (even when there is widespread support), the rejection of candidates judged appointable by properly established interview panels without any explanation, and attempts to increase the number of political allies serving on such panels'. One example of the latter was the assessment panel for the new chair of the Office for Students, with 'no one with senior, recent experience of higher education, or a student'; which Riddell described as packed with Conservative members or supporters: the successful candidate was [a former Conservative MP with no experience of the education sector](#).

Riddell will speak at [a Constitution Unit event](#) on 29 April about his time in the role.

Courts and the judiciary



The Independent Review of Administrative Law

Although slightly [delayed](#), the Independent Review of Administrative Law (IRAL) led by former Conservative minister Lord (Edward) Faulks has [reported its findings](#) to the Ministry of Justice. The contents of the report are not yet public, and the government is still considering its response.

As noted in [Monitor 76](#) (page 13), and in [a post on the Unit's blog](#), IRAL came under criticism for its parameters, an accelerated timetable and the panel's [decision](#) not to publish evidence submissions. In order to facilitate a more public debate, the UK Administrative Justice Institute resolved to [collate](#) submissions which had been shared by their authors. However, several government departments – including the Department for Education, Ministry of Defence and Home Office – have decided not to publish their evidence, even [refusing to comply with Freedom of Information requests](#).

When IRAL was launched, it was not clear if its report would be published, but Lord Chancellor Robert Buckland has since [confirmed](#) that the report will be released alongside the government's official response, which he thought would likely take 'several months' to formulate.

The Independent Human Rights Act Review

On 7 December, the Ministry of Justice announced the [framework](#) for the Independent Human Rights Act Review. The Review is chaired by Peter Gross, a former Lord Justice of Appeal, and will report to the Lord Chancellor in 'summer 2021'. Other members of the panel include Simon Davis (former President of the Law Society), Baroness (Nuala) O'Loan (a solicitor and former Police Ombudsman for Northern Ireland), and five other lawyers and legal academics.

The published [terms of reference](#) for the Review do not include the repeal of the Human Rights Act 1998 (HRA), or withdrawal from the European Convention on Human Rights. The panel will examine two core themes. The first is the relationship between domestic courts and the European Court of Human Rights, particularly focusing

on the former's duty to 'take account' of the latter's case law. The second is the impact of the HRA on the relationship between the judiciary, the executive and the legislature. The [call for evidence](#) closed on 3 March, and (unlike the Independent Review of Administrative Law) submissions will be published.

A separate [inquiry](#) has been launched by parliament's Joint Committee on Human Rights to 'inform its response to the independent review and its outcome'. Its [call for evidence](#) is open until 22 March.

The courts and COVID-19

The COVID-19 pandemic has continued to contribute to pre-existing backlogs in the courts and tribunals system (see [Monitor 76](#), pages 13–14). As of [the end of January 2021](#), the backlog in the criminal courts stood at 530,223 cases, whilst that in the family courts had reached 63,905.

Measures introduced to ease the backlog have met with some opposition. Following [campaigning](#) by the Criminal Bar Association and others, HM Courts & Tribunal Service (HMCTS) has, at least for the time being, [put on hold](#) its Extended Operating Hours scheme. The Labour Party [proposed](#) that jury numbers should be cut down from 12 to seven to help ease the backlog, but this received [heavy criticism](#) from legal practitioners. Concerns raised included the robustness of trials, scepticism as to the beneficial effect on the backlog, and the risk of such a reduction [becoming permanent](#). Some also [queried](#) whether the policy was consistent with the [2017 Lammy Review](#), which had found that juries of 12, representative of the local population, acted as a 'filter for prejudice' and encouraged open debate.

HMCTS has so far opened [22 'Nightingale courts'](#) to help alleviate constraints on capacity, including some [court buildings previously closed](#) as part of a government policy to reduce the size of the court estate. However, there are still only [293 Crown Court rooms](#) (out of an existing estate of approximately 500) available for socially-distanced jury trials.

Courts continue to remain open during the national lockdown imposed from 5 January, although the Lord Chief Justice, Lord Burnett, issued [guidance](#) that remote attendance should be the default position where possible. Concerns about COVID-19 safety measures continue to be raised by [practitioners](#) and court staff. On 15 February, the Public and Commercial Services Union [launched](#) a statutory postal ballot of its members

at 12 court centres, with a view to industrial action. HMCTS is beginning pilots of a [rapid testing scheme](#), although this was operating at only [two court centres](#) at the time of writing.



Territorial governance and COVID-19

Visible coordination between the UK's governments has been far less of a feature of the second wave of the COVID-19 pandemic than it was during the initial outbreak in spring 2020 (see [Monitor 75](#), pages 16–17). Although England, Northern Ireland, Scotland and Wales have all been subject to [broadly similar](#) national 'lockdowns' for much of the winter, these were not introduced in a coordinated manner. This has resulted in some important differences in the detail of the restrictions. For instance, during January and February 2021 nurseries were closed in Northern Ireland and Scotland, but open in England and Wales.

In November 2020, the four governments did reach an [agreement](#) that up to three households from across the UK would be able to form a 'Christmas bubble' between 23 and 27 December. It was argued that a uniform set of restrictions on travel and gatherings would be desirable at a time when people often cross the UK's internal borders. However, following an alarming rise in infection rates, this cross-UK policy was abandoned shortly before it was due to come into operation. Instead, each government [separately announced](#) tighter restrictions and advised against travelling long distances.

It is a telling sign of the increasingly competitive nature of the UK's territorial politics that the publication of [statistics](#) on the number of people receiving a vaccine in each part of the UK has led politicians and the media to focus on comparisons between the performance of the different administrations. By 7 February 86% of people in England over the age of 70 had received their first dose of a vaccine, which compared to 73% of people in Wales, 64% in Scotland and 61% in Northern Ireland.

England

England is preparing to hold elections in May, some of which were postponed last year due to COVID-19 (see

page 9). This will include the election of seven metro-mayors, the Mayor of London and the London Assembly.

The Commons Public Administration and Constitutional Affairs Committee is undertaking an [inquiry into English devolution](#), and held its second evidence session on 2 February, which heard contributions from Lord (Michael) Heseltine and former Cabinet minister John Denham, as well as council leaders from across England. Heseltine [attributed what he considered to be very slow progress](#) to an absence of political will, citing the continuing uncertainty about when the government will publish the much-delayed white paper on English devolution. The timing and future of proposed local government restructuring in Cumbria, Somerset and North Yorkshire is similarly unclear. Council elections in those counties have been [postponed until May 2022](#), so as to avoid 'confusing' voters. A [public consultation](#) on the plans will end on 19 April.

Proposals continue to circulate regarding the reform of local government finance. Reports in early 2021 suggested the [government was considering](#) replacing council tax with a [proportional property tax](#). Demands for the overhaul of business rates remain widespread: the government's '[fundamental review](#)' is likely to report in the next few months. It sought views on the concept of an 'online sales tax', to partially replace business rates and adjust the balance of competition between physical and online retailers.

COVID continues to increase the financial pressure on local authorities. The government has [granted capitalisation directions](#) to four councils, with several more rumoured to be under negotiation. These directions give local authorities increased flexibility in terms of their ability to borrow money, but are not 'bailouts'.

Meanwhile, devolution of power continues to play an ambivalent part in broader developments in English governance. The [NHS white paper](#) published in February 2021 promised a more collaborative role for local government in delivering health and social care services, and [reports have indicated](#) that local authorities are to be given some form of control over the new [UK Shared Prosperity Fund](#), which aims to replace structural funding lost as a consequence of Brexit. On the other hand, Transport for the North has been told to expect a [substantial reduction in its budget](#), whilst Transport for London is now being supervised by a government-appointed board as a condition of a [second round of emergency funding](#).

Northern Ireland

For Northern Ireland, Brexit is far from settled. The Protocol on Ireland/Northern Ireland came into effect in January (see page 3), provoking further tensions in its politics, [which are likely to set the political tone for the May 2022 Assembly elections](#). The Assembly will vote in 2024, by simple majority, on whether the Protocol should continue – it is likely to affirm it, since the centrist and nationalist parties think the alternative is worse. The unionist parties expressed their support for a [judicial review application](#) alleging the Protocol violates the Act of Union with Ireland of 1800 and the Belfast/Good Friday Agreement.

[Recent polling](#) suggests that the centrist parties, [as in elections in 2019](#), will emerge much stronger next May; meanwhile the DUP is losing support to harder-line unionist forces. The first development may increase pressure for changes to the institutions, which in some respects give a privileged position to unionist and nationalist parties. That is unlikely to threaten stability, but fragmentation of the unionist vote raises the prospect of [Sinn Féin, rather than the DUP, being the largest party](#), and therefore earning the right to choose the First Minister, with the DUP nominating the deputy First Minister. Despite the two offices being coequal in powers, this may be too much for some unionists, who have selected the First Minister in every Assembly since the Belfast/Good Friday Agreement.

Indeed, dangers may loom earlier: former DUP First Minister Peter Robinson [raised the possibility](#) of unionists pulling out of government due to the Protocol; [unionist leaders rejected the possibility](#), but [others have indicated that they find it appealing](#).

The British government may therefore find itself once more, with the Irish government, seeking to sustain Northern Ireland's institutions. But Westminster is mistrusted on all sides: [in a recent poll](#), Secretary of State for Northern Ireland Brandon Lewis had much the lowest net approval rating (minus 69) of any political figure.

Discussion of a united Ireland continues. The Constitution Unit's Working Group on Unification Referendums on the Island of Ireland, which is examining the processes around possible votes on unity, has produced an [interim report](#) (see page 20). But, as the Group concludes, there is not currently majority support for unification – which would put the Secretary of State under a legal duty to call a vote – nor does such a

majority look imminent. Recent [online polling](#) – which traditionally reports greater support for unity than other surveys or election results would indicate – suggests [no rise in support from last year](#). There is, however, a large proportion of 'don't knows', especially in the centre ground. It is unclear how increases in centrist support will affect Northern Ireland politics in the long term, but in the meantime there are short-term and immediate risks of the institutions [collapsing](#), or [being paralysed by a stand-off between union and unity](#).

Scotland

The COVID-19 pandemic and responses to it have continued to dominate day-to-day politics, with the Scottish government still following broadly the same policies as London. The ongoing standoff with the UK government over repatriation of EU powers (see page 4) has in consequence received surprisingly little attention.

In February, however, the long-simmering row between former First Minister Alex Salmond and Scotland's current leadership burst on to the front pages. Sexual assault allegations against Salmond had previously led to both [a criminal prosecution](#) – which failed – and [a judicial review](#) of how the government had handled them, which Salmond won, at [significant cost](#) to the Scottish taxpayer. Now, a special committee of the Scottish Parliament is conducting an inquiry into the government's actions.

One of the long-running points of contention throughout the inquiry had been the Scottish government's refusal to release the legal advice it received in relation to the judicial review case. The government had said that it was acting in accordance with convention, refusing to concede despite the Scottish Parliament voting twice in favour of publication. Following allegations made by Alex Salmond about the government's conduct of the judicial review case, the Scottish Conservatives [tabled a motion of no confidence](#) in Deputy First Minister John Swinney, which gained the support of all opposition parties. [The advice was provided to the committee](#) on 2 March.

Salmond [appeared before the committee on 26 February](#) and made numerous allegations about the conduct of the Scottish government, its ministers and officials. He said that he was the victim of a 'malicious scheme' and labelled as 'disgraceful' [the role of the Crown Office](#) in the process of deciding whether – and in what form – some of his written evidence should be provided to the

inquiry. He claimed that First Minister Nicola Sturgeon had misled the committee and breached the [Scottish Ministerial Code](#) and was similarly critical of Leslie Evans, Permanent Secretary to the Scottish government, who he said had not lived up to the standards of the [Civil Service Code](#).

Nicola Sturgeon made an [eight-hour appearance before the committee](#) on 4 March, during which she vigorously denied many of the allegations made by Salmond the previous week, calling them ‘absurd’. In particular, she denied breaching the Ministerial Code and made very clear that she had not intervened in the investigation against Salmond. She also said that, while Salmond’s acquittal on the criminal charges against him was beyond question, he had nevertheless admitted to her that he had apologised to one of the complainants for his conduct, and she criticised him for failing to show public remorse for that or for the wider harm his actions had caused. A [separate inquiry](#) into her personal conduct is being carried out by James Hamilton, her independent adviser on the code.

Divisions over the inquiry within the SNP have inflamed existing disagreements on issues such as [the best path to independence](#) and [the party’s stance on trans rights](#), both of which likely played a role in the [decision to sack Justice spokesperson Joanna Cherry](#) during a February reshuffle of the party’s Westminster frontbench team. [Polling](#) suggests that SNP support has diminished somewhat, but the party remains on course to win another term following the Scottish Parliament election in May.

Scottish Labour will have a new leader for that election. Richard Leonard [resigned](#) in January, a matter of months after surviving an [attempt to replace him](#). In the contest that followed, Anas Sarwar defeated fellow MSP Monica Lennon to become the first Muslim leader of a major political party in the UK. [Interviewed](#) the day after his election, Sarwar said he had ‘real questions’ about the Lord Advocate’s dual role as chief legal adviser to – and member of – the Scottish government and head of prosecutions in Scotland. He said he thought the roles should be ‘separated’, as they are at UK level.

As for Scotland’s long-term future, [Brexit](#), as well as [views on the present UK government](#), and the perception that an independent Scotland [would have handled the pandemic better](#), have kept support for independence above 50%. It is expected that the Scottish government [will publish a draft referendum bill](#) if the SNP remains

in power after the election. The Unit will host [an event on 25 March](#) to discuss how the UK government might respond.



[New Scottish Labour leader Anas Sarwar](#) (CC BY-NC-ND 2.0) by Scottish Labour.

Wales

The political and constitutional ramifications of Brexit continue to unfold (see page 4). On 19 January, the Welsh government formally issued [proceedings](#) for judicial review of the [UK Internal Market Act 2020](#). It seeks a declaration that neither the Act’s status as a ‘protected enactment’ nor the [Henry VIII](#) powers it granted to UK ministers can limit the Senedd’s legislative competence.

The [Local Government and Elections \(Wales\) Act 2021](#) has introduced significant reforms to local democracy in Wales. It mirrors the Senedd and Elections (Wales) Act 2020 by extending the franchise for local council elections to 16- and 17-year-olds and non-UK citizens legally resident in Wales. Passage of the Act means that Welsh councils now have the power to choose between the [First Past the Post](#) and [Single Transferable Vote](#) systems for local elections. It also extends the electoral cycle from four to five years, and makes provision for improving diversity among elected members.

Some uncertainty remains, however, over this year’s Senedd elections, currently scheduled for 6 May 2021. On 10 February, the Senedd passed the [Welsh Elections \(Coronavirus\) Act](#), the culmination of a process that began in June 2020 when the Welsh government established the ‘Elections Planning Group’. The Act (discussed in more detail [on our blog](#)) gives the First Minister the option of asking the Llywydd (presiding officer of the Senedd) to propose another date for the elections. That date must be before 5 November 2021 and approved by a two-thirds

‘supermajority’ of the Senedd. The Act also requires the First Minister to make a statement on or before 24 March as to whether postponement will be necessary.

Debates in Wales over the future of the Union are intensifying. The Senedd’s Finance Committee has published a [report](#) calling for UK funding mechanisms to be ‘urgently reviewed’ in the light of problems caused by the pandemic. It points to a lack of transparency and predictability, and the absence of independent arbitration. January saw the publication of [We, the People: the Case for Radical Federalism](#) by prominent Welsh Labour figures. The publication, [welcomed](#) by First Minister Mark Drakeford, echoes several proposals made by the Welsh government in 2019: an allocation of powers based on subsidiarity, needs-based funding, and a ‘second chamber of the nations and regions’ in Westminster. It also advocates ‘a network of people’s assemblies’ to lead on ‘a new constitutional settlement’, common UK standards across various policy areas, and parity of esteem between tiers of government.

International



Trump contests US election outcome

When the last issue of *Monitor* went to press, the US presidential election had been [called for former Vice President Joe Biden](#), but President Donald Trump had refused to accept the outcome. Trump and his political allies made [numerous, largely unsubstantiated](#) – and often easily debunked – claims of electoral fraud, and refused to concede defeat. Critically, Trump’s administration initially [denied the Biden transition team access to key resources and officials](#), hampering its ability to prepare for office.

Trump contested the election in the courts: in almost every instance, his claims were [emphatically rejected by judges, settled, or quietly withdrawn](#). Several of the lawyers involved have been [subjected to disciplinary investigations](#) by their professional regulators or named as defendants in election-related defamation lawsuits. Pressure not to certify Biden’s victory was also placed on election officials in key states – such as [Georgia Secretary of State Brad Raffensperger](#). Many of them also [reported receiving death threats](#) as a consequence of refusing to comply.



[A protester outside the Capitol](#) (CC BY-NC 2.0) by Blinkofanaye.

Having failed to prevent the certification of the results at the state level, conservative activists proposed numerous ways of disrupting or overturning the counting of the electoral college votes by Congress, which included [encouraging](#) Vice President Mike Pence and other Republican legislators not to ratify the outcome, in what is normally a ceremonial act of confirming the election result. Trump held [a rally in Washington on 6 January](#), at which he continued to assert that the election had been stolen and that the certification process taking place on Capitol Hill that same day needed to be stopped.

What happened next was unprecedented in American history: a large number of protestors attending the rally proceeded to the Capitol Building and [fought their way inside](#), forcing legislators and Pence to suspend the certification process. Once the rioters had been dispersed, [Congress resumed its work](#) and confirmed Joe Biden’s election win the same evening. The political and public response to the riot ended Trump’s resistance: he [confirmed](#) the next day that he would leave the White House peacefully.

Joe Biden [took office](#) as the country’s 46th President on 20 January. He is in a stronger political position than might have been expected. Following a [double Senate election victory](#) in Georgia on 5 January, the Democrats now have effective control of the White House, the House of Representatives and the Senate simultaneously for the first time since 2010.

President Donald Trump impeached

Following the events of 6 March, numerous [Democratic](#) and [Republican](#) legislators called for Trump’s impeachment. With the inauguration of the new President imminent, it was [decided](#) that any trial

should take place after Trump had left office, leading to a vigorous constitutional debate about whether or not a former President could be impeached under [Article II Section 4](#) of the Constitution. Democrats cited a [document](#) signed by over 150 legal experts, which insisted that impeaching a former President is consistent with the founder's intentions. Yet other well-respected legal minds [disagreed](#). The Senate ended up deciding the issue, voting 56–44 that the trial was constitutional.

There was also debate about whether Trump's behaviour was impeachable, and whether his speech on 6 January was unlawful incitement of a riot or was permitted by the [First Amendment](#), which protects freedom of speech and freedom of assembly. Democrats argued that even if Trump's language did not meet the technical bar for incitement, his actions were sufficient to justify impeachment. The Republican counterargument was that the ultimate decision should be left to voters. As was the case during Trump's first impeachment trial, the largely subjective test of what constitutes '[high Crimes and Misdemeanors](#)' continues to generate disagreement among constitutional scholars.

Regardless of the legal and factual merits of the case, impeachment proceedings are largely a political affair. Impeachment is decided by the Senate: the Democrats won the vote 57–43, but [lost the trial](#), falling short of the two-thirds majority required for a conviction. Seven of the 50 Republican senators [voted to convict](#), all but one of whom – Maine's Susan Collins – are either not seeking re-election or do not have to face the voters again until at least 2024. Trump's conviction would have barred him from future office: his acquittal raises the prospect of another presidential run in 2024.

People on the Move

Dan Rosenfield is the new Downing Street Chief of Staff. He replaced **Lord (Eddie) Udny-Lister**, who had taken the role on temporarily following the departure of **Dominic Cummings**, which also led to the resignation of senior adviser **Cleo Watson** (see page 12). **Baroness (Simone) Finn** is the new Deputy Chief of Staff.

James Slack has replaced **Lee Cain** as Downing Street's Director of Communications; his duties as Prime Minister's Official Spokesperson will now be carried out by **Max Blain**.

Lord (David) Frost has been appointed to the Cabinet and will serve as a Minister of State at the Cabinet Office, responsible for the UK's relationship with the EU. He will also serve as co-chair of the UK–EU Partnership Council.

Lucy Frazer has been made Solicitor General, replacing **Michael Ellis**, who will serve as Attorney General during **Suella Braverman's** maternity leave.

Oliver Lewis, who became head of the Cabinet Office's Union unit in February following the departure of **Luke Graham**, resigned from the role later the same month.

Helen MacNamara is to leave the Civil Service and her role as Deputy Cabinet Secretary for a role at the Premier League.

Darren Tierney has been named to MacNamara's former post of Director General, Propriety and Ethics.

Antonia Romeo has taken over as Permanent Secretary at the Ministry of Justice, replacing **Mike Driver**, who had been performing the role on an interim basis. The Prime Minister also appointed **David Wolfson** to the Lords, and the role of Parliamentary Under Secretary of State in the department, responsible for all its business in that chamber.

Susanna McGibbon has been appointed Treasury Solicitor and Permanent Secretary at the Government Legal Department. She replaces **Jonathan Jones**, who resigned in September.

Lord (Norman) Fowler has announced that he will step down as Lord Speaker in April (see page 7). His successor is yet to be selected.

Ed Ollard is to retire from his position as Clerk of the Parliaments (i.e. the most senior official in the House of Lords). **Simon Burton** will take over the role on 2 April.

Michael Torrance is the new Clerk of the Lords Constitution Committee, after **Matt Korris** took on the role of Table Office Clerk.

Lord (Patrick) McLoughlin was appointed chair of the parliamentary Joint Committee on the Fixed-term Parliaments Act 2010 (see page 9). The committee has 19 other members.

The SNP has reshuffled its Westminster frontbench team. **Joanna Cherry** was sacked, and **Anne McLaughlin** will now shadow the Ministry of Justice. **Stewart Hosie** has become the Shadow Chancellor of the Duchy of Lancaster, replacing **Pete Wishart**, who has taken over from **Tommy Sheppard** as Shadow Leader of the Commons. Sheppard is now the party's spokesperson on constitutional affairs. **Angela Crawley** is the new Shadow Attorney General and **Richard Thomson** is the new spokesperson responsible for both Northern Ireland and Wales.

Richard Leonard resigned as leader of Scottish Labour in January; **Anas Sarwar** was elected to succeed him (see page 17).

Paul Davies resigned as leader of the Welsh Conservatives in January. **Andrew RT Davies** was then appointed to the role, the second time he has led the party in the Senedd.

Jenny Pyper has been appointed Head of the Northern Ireland Civil Service on an interim basis following the retirement of **David Sterling** last year.

John Holmes has stepped down as chair of the Electoral Commission following the expiry of his term. His replacement is yet to be announced.

Professor Alison Park has been named as the interim Executive Chair of the Economic and Social Research Council, taking over from **Professor Jennifer Rubin**, who is the new Chief Scientific Adviser at the Home Office.

Constitution Unit news

Taking Back Control report

On 19 January, the Unit published a substantial new report by Meg Russell and Daniel Gover, entitled [*Taking Back Control: Why the House of Commons Should Govern its Own Time*](#). The launch included responses from chair of the House of Commons Procedure Committee Karen Bradley, Shadow Leader of the Commons Valerie Vaz, and former Clerk of the House of Commons (and honorary Unit researcher) David Natzler – who also provided a foreword to the report.

The report addresses the central conundrum that the Commons, despite being the senior chamber in a 'sovereign' parliament, lacks the ability to take key decisions about its own affairs. Instead, the government has very significant control over what MPs can discuss and when. This is illustrated by recent controversies over both Brexit and the handling of COVID-19. During the former, arguments emerged about MPs 'seizing the agenda' of the Commons; more recently, MPs have been frustrated by their inability to debate coronavirus regulations, and even to decide on recommendations about virtual working from their own Procedure Committee (see page 6). Ministers also control when the chamber sits – hence the difficulties over prorogation in 2019, and arguments over recall during recess (including as recently as December – see page 6).

The report makes a series of recommendations for change, suggesting that default control should shift from ministers to the Commons majority. It was welcomed by the speakers at the launch, and by others including former Conservative Leader of the Commons David Lidington. It has been raised in the Commons and covered on the BBC website and Radio 4. Full details can be found on the [report webpage](#).

Working Group on Unification Referendums on the Island of Ireland

The [Working Group on Unification Referendums on the Island of Ireland](#) published its interim report in November. The Group was set up by the Unit to examine how any future referendums on whether Northern Ireland should stay in the United Kingdom or become part of a united Ireland could best be designed and conducted. It comprises 12 academic experts from six universities in Northern Ireland, the Republic of Ireland, Great Britain, and the United States. It takes no view on whether holding such referendums would be desirable or not, or what the outcome should be if referendums were to be held.

The report first examines the legal rules for referendums north and south of the border. The Secretary of State for Northern Ireland must call a referendum if a majority for Irish unification appears likely. The threshold on polling day would be a simple majority of 50% + 1. If that threshold were met in both jurisdictions, unification would then have to take place.

But there are many matters on which the existing legal framework is silent – including how the Secretary of State would judge whether a majority for unification

was likely, how proposals for a united Ireland would be developed, and whether such work would be done before referendums or only afterwards, in the event that unification won majority support. The report examines these and many other issues. It concludes that it would be highly unwise for referendums to be called without first putting in place a clear plan for those referendums and other associated processes.

The report was subject to consultation in December and January, and was generally well received. Writing in the [Irish Business Post](#), Professor John Coakley described it as ‘one of the most important academic interventions in policy debate in Ireland in recent decades’. The Working Group is now preparing a final report, which it expects to publish later this year.

New project: Democracy in the UK after Brexit

The Economic and Social Research Council (ESRC) has awarded the Unit funding to conduct a major new research project examining attitudes to democracy in the UK in the wake of Brexit. Part of the ESRC’s [Governance after Brexit](#) programme, the project – [Democracy in the UK after Brexit](#) – is led by the Unit’s Deputy Director, Dr Alan Renwick, working with Unit Director Professor Meg Russell and Ben Lauderdale, Professor of Political Science at UCL.

The project will examine how people view democracy: for example, to what extent do they think UK democracy should be direct or representative? It will also look at the culture of democracy: how do people expect our democracy to be practised, by politicians, political institutions, and their fellow citizens? And what are people’s institutional preferences? What roles do they think should be played, for example, by the executive, legislature, judiciary, and general public in UK political decision-making? The project will explore these and related questions through surveys and a new citizens’ assembly.

To launch the project, the Unit hosted a seminar in February, assessing what we already know about attitudes to democracy in the UK, featuring three leading experts in the field. A recording of the event is available as both [a video](#) and [a podcast](#).

Robert Hazell gives evidence to Joint Committee on the FTPA

Unit Director Meg Russell and her predecessor, Robert Hazell, submitted [written evidence](#) to the Joint

Committee on the Fixed-term Parliaments Act in December, arguing that dissolution should remain in the hands of parliament, and should not be returned to the executive. In January Robert Hazell made a [further submission](#), arguing that fixed-term legislation has been proven to work: most of the time, parliaments in the Westminster world which have similar laws hold their elections as planned, avoiding early polls. On 28 January he gave [oral evidence](#) to the committee.

Staff news

In January the Unit was delighted to welcome [Tom Fieldhouse](#), who will work with us on strengthening relationships with other organisations and individuals researching in the constitutional field, and on translating research findings into digestible briefings for parliamentarians and other policymakers. Tom was previously a senior political adviser to former Conservative Cabinet minister Oliver Letwin.

Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers, especially given the difficulties posed by the COVID-19 pandemic. A big thank you to former volunteers Emilia Cieslak and Eric Robinson.



NEW: The Constitution Unit now has a podcast!

The Constitution Unit has **launched a new podcast**, which allows you to listen to audio recordings of our events, as well as topical episodes featuring analysis and commentary from our team of researchers. You can find a full episode list [here](#), or subscribe via a range of podcast providers, including **Apple**, **Google** and **Stitcher**.

Bulletin Board

Events recently made available to view online

[Attitudes to Democracy in the UK Today](#)

Jane Green, Professor of Political Science and British Politics and Director of the Nuffield Politics Research Centre, University of Oxford, **Claudia Landwehr**, Professor of Public Policy, Johannes Gutenberg Universität, Mainz, **Deborah Mattinson**, co-founder of Britain Thinks.

Chair: **Alan Renwick**, Deputy Director of the Constitution Unit.

Recorded on 25 February.

[Boris Johnson and Parliament](#)

Mark Harper MP, former Chief Whip and Minister for Political and Constitutional Reform, **Meg Russell**, Director of the Constitution Unit, **Lord (George) Young of Cookham**, former Chief Whip and Leader of the House of Commons.

Chair: **Jill Rutter**, Senior Fellow at the UK in a Changing Europe.

Recorded on 21 January.

[Report Launch: Taking Back Control: Why the House of Commons Should Govern its Own Time](#)

Meg Russell, co-author of the report and Director of the Constitution Unit, **Karen Bradley MP**, Chair of the House of Commons Procedure Committee, **Daniel Gover**, co-author of the report and Lecturer in British Politics at Queen Mary University of London, **David Natzler**, former Clerk of the House of Commons, **Valerie Vaz MP**, Shadow Leader of the House of Commons.

Chair: **Jill Rutter**, Senior Fellow at the UK in a Changing Europe.

Recorded on 19 January.

[Devolution and the Union](#)

John Denham, Director of the Centre for English Identity and Politics at the University of Southampton, **Cathy Gormley-Heenan**, Professor of Politics and Deputy Vice-Chancellor at Ulster University, **Michael Keating**, Professor of Politics at the University of Aberdeen, **Laura McAllister**, Professor of Public Policy and the Governance of Wales at the Wales Governance Centre.

Chair: **Robert Hazell**, former Director of the Constitution Unit.

Recorded on 4 December.

[Launch: Interim Report of the Working Group on Unification Referendums](#)

Dr Alan Renwick, chair of the Working Group and Deputy Director of the Constitution Unit, **Martin Kettle**, associate editor at the *Guardian*, **Clare Salters**, former senior civil servant in the Northern Ireland Office, **Alan Whysall**, Working Group member and former senior civil servant at the Northern Ireland Office.

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

Recorded on 3 December.

Recordings of all Unit events are available online, via the Unit's [podcast](#) and its [YouTube page](#).

Unit events are currently virtual – sign up now!

The COVID-19 pandemic prevents us from meeting you in person, but we are now running free live virtual events, with contributions from experts in politics, academia and law followed by what is usually a lively Q&A session. One benefit of these arrangements is that those located far from London can more easily attend. If you do not already receive email notifications about our events, we encourage you to [sign up now](#). Webinars are free and open to all.

Bulletin Board

Upcoming events

Can Johnson prevent indyref2?

James Forsyth, Political Editor of the *Spectator*,
Aileen McHarg, Professor of Public Law and
Human Rights at Durham University; **Alan
Renwick**, Deputy Director of the Constitution Unit.

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

22 March, 1pm. [Sign up here](#)

Regulating public appointments

Peter Riddell, departing Commissioner for
Public Appointments.

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

29 April, 1pm. [Sign up here](#)

Unit in the news

A Unit [blogpost](#) by Alan Renwick and Charlotte Kincaid on the case for the continuing independence of the Electoral Commission was quoted in an article on [politics.co.uk](#) (3 November).

The [Express](#) quoted the Unit in an article exploring the likelihood of the Queen's abdication (6 November). Robert Hazell was quoted in articles in [News International](#) (24 November) and the [Express](#) (27 November) discussing how Prince William could become King before Prince Charles. *Express* articles outlining the possible regnal titles Prince Charles might adopt when he becomes King ([8 November](#)) and what new title might be used by the Duchess of Cornwall ([20 November](#)) quoted the Unit.

An article in the [Economist](#) on the government's agenda to strengthen executive power quoted Meg Russell (19 November).

The interim report of the [Working Group on Unification Referendums on the Island of Ireland](#) (see page 20) was mentioned in articles in the [Belfast Telegraph](#), [thejournal.ie](#), [Irish Legal News](#), [Irish News](#) and [Irish Times](#). *Times Red Box* published an article authored by the chair of the Working Group, Alan Renwick, while the [Belfast Telegraph](#) and [Irish Times](#) published opinion pieces written by members of the Working Group (all 26 November). The [Law Society Gazette](#) (27 November), the [National](#) (27 November) and [Irish Business Post](#) (14 December) offered summaries of the report.

The Working Group report was quoted in an article in the [Belfast Telegraph](#) discussing a new pro-Union group set up to grow support for Northern Ireland's continued place in the UK (19 December). The project was mentioned in various blogposts on [Sluggie O'Toole](#) ([30 November](#), [1 December](#), [7 December](#), [21 December](#), [10 January](#) and [24 January](#)), and in a [4NI](#) article about a Sinn Féin report on the future of the island of Ireland (4 December).

Working Group member Etain Tannam joined a discussion about the interim report on a podcast episode of [Inside Politics](#) (26 November). Alan Renwick spoke to Michael Portillo about the report on Times Radio (4 December) and appeared on an episode of Radio 4's [The Briefing Room](#) (28 January).

An article in the [Guardian](#) discussing the Brexit deal quoted one of the key findings from the Citizens' Assembly on Brexit: that members of the public are prepared to accept free movement of people in order to minimise the economic costs of Brexit (27 November).

Meg Russell was quoted extensively in an article in [GQ](#) about the 2019 intake of MPs (11 December).

A [BBC News](#) article on the week ahead in parliament commented on the Unit's achievements in recording government defeats in the House of Lords (12 December).

Meg Russell's statement on the latest round of appointments to the House of Lords was quoted in an article by the [Evening Standard](#) (23 December) and an article in the [Times](#) (3 January).

Bulletin Board

Robert Hazell's [2011 report](#) on the appointment of ministers from outside parliament was quoted in an article in the [Morning Advertiser](#) (14 December).

The [Times](#) published a letter from Meg Russell describing the parallels between anti-democratic rhetoric by leaders in the UK and USA following the storming of the Capitol (11 January).

Meg Russell wrote an article for [Times Red Box](#) on the findings of the new Unit report, '[Taking Back Control: Why the House of Commons Should Govern its Own Time](#)' (19 December). The report was referred to in an article on [BBC News](#) (19 December) and in a piece for [conservativehome](#) by the chair of the House of Commons Procedure Committee (22 January). The [New European](#) reposted a blog about the report by Meg Russell and Daniel Gover (22 January).

Meg Russell and Daniel Gover were interviewed about their report for Radio 4's [Today in Parliament](#) programme with Mark D'Arcy (22 January) and Meg appeared on an episode of the [Never Mind The Bar Charts](#) podcast (28 January).

Robert Hazell was quoted in articles in the [National](#) (13 January) and [Nation Cymru](#) (19 January) discussing what impact an independent Scotland might have on the future of the Union.

A letter written by Unit honorary researcher Paul Evans was published in the [Guardian](#) on the use of the convention of Queen's consent, drawing on his recent Unit report, '[Braking the Law: Is There, and Should there be an Executive Veto Over Laws Made by Parliament](#)' (9 February). Paul was quoted in a [Guardian](#) editorial on the same subject, as well as a [Legal Cheek](#) article explaining the function of the Queen's consent process (both 12 February), and a comment piece on [Left Foot Forward](#) (22 February).

The [National](#) quoted a [Unit blogpost](#) which outlined how parliamentary procedures during the pandemic have adversely affected smaller parties (17 February).

Meg Russell and Alan Renwick wrote a letter to the [Times](#) which argued that people in Scotland should be involved in a deliberative process before any referendum on independence is called (24 February).

Select Committee appearances

Robert Hazell gave evidence to the Joint Committee on the Fixed-term Parliaments Act ([28 January](#)).

Unit publications

Meg Russell and Daniel Gover, [Taking Back Control: Why the House of Commons Should Govern its Own Time](#) (Constitution Unit report, January).

Meg Russell, 'Parliament', in [Brexit and Beyond](#) (UK in a Changing Europe, January).

[Working Group on Unification Referendums on the Island of Ireland: Interim Report](#) (Constitution Unit report, November).

Jean-Benoit Pilet and Alan Renwick, 'Electoral Systems', in [Comparative European Politics: Distinctive Democracies, Common Challenges](#), edited by Rory Costello and Neil Robinson (Oxford University Press, November).

Publications to note

Ailsa Henderson and Richard Wyn Jones: [Englishness: The Political Force Transforming Britain](#) (Oxford University Press, March).

Paul Evans, Christine Salmon Percival, Paul Silk and Hannah White (editors), [Parliaments and the Pandemic](#) (Study of Parliament Group, January).

John Laws, [The Constitutional Balance](#) (Hart, January).

Ruxandra Serban, 'How are prime ministers held to account? Exploring procedures and practices in 31 parliamentary democracies' ([Journal of Legislative Studies](#), December).

Contributors to Monitor 77

Dave Busfield-Birch, Greg Davies, Tim Foot, Jim Gallagher, Thomas Gift, Robert Hazell, Lisa James, Conor Kelly, Charlotte Kincaid, Alexandra Meakin, Hedydd Phylip, Alan Renwick, Meg Russell, Mark Sandford, Jack Sheldon, Alan Whysall and Nick Wright.

The issue was edited by Dave Busfield-Birch.