

# Constitution Unit

## Monitor 78 / July 2021



### Constitutional uncertainty on multiple fronts

There has been no sign of let up in the pace or breadth of constitutional developments since [the last edition of Monitor](#) in March. Voters across Great Britain went to the polls in a bumper crop of elections in May (following cancellation of last year's round due to COVID-19). In the [Queen's Speech](#) a few days later, the government promised several major constitutional bills. Two overarching themes have dominated: significant uncertainty about the future of the UK Union; and pressing concerns around the risk of democratic '[backsliding](#)' – associated with declining constitutional standards and a weakening of checks and balances. Both themes were explored in depth at [a major online conference](#) on the Johnson government's constitutional reform agenda co-organised by the Unit in June (see page 19).

Starting with the Union, the [Scottish Parliament elections](#) – heralded by many as a make-or-break moment – ended up a score draw (see page 6). The pro-independence parties – the SNP and Greens – both gained seats, [securing together a comfortable overall majority](#) and, in their view, a mandate for a fresh referendum. But for now they are biding their time, because support for independence itself has ebbed.

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

First Minister Nicola Sturgeon knows the dangers of losing a second vote, and so Scotland's constitutional debate is in a period of relative calm. The prospects of a referendum and the form it might take were discussed at [a Unit event in March](#).

'Calm' is not a word that characterises recent months in the politics of Northern Ireland (see page 14). Amidst anger over lockdown breaches and the effects of post-Brexit trade arrangements, [riots broke out](#) in loyalist areas in April. First Minister Arlene Foster [was forced to resign](#) as leader of the Democratic Unionist Party (DUP) following a revolt by party hardliners. But her successor, Edwin Poots, [lasted just three weeks](#) before he too fell, [leaving Jeffrey Donaldson picking up the pieces](#). The ructions showed unionism to be in trouble. How Brexit's ripple effects will impact Northern Ireland's politics in the medium and long terms remains highly uncertain.

In this shifting context, the Unit's Working Group on Unification Referendums on the Island of Ireland published its [Final Report](#) (see page 19). This analyses how any future referendum on Northern Ireland's constitutional future would best be designed and conducted, and concludes that careful planning for numerous aspects of any such poll would be needed before one was called. It is the latest in a long line of Unit studies that examine possible constitutional futures dispassionately, while remaining neutral on their desirability.

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In Wales, meanwhile, [Labour remains in power](#) following May's election, with exactly half the Senedd seats – equalling its best ever performance. Unlike in Scotland and Northern Ireland, constitutional debate is not polarised between remaining in or leaving the UK. At the end of June, First Minister Mark Drakeford [confirmed](#) his longstanding commitment to pursuing a federal UK (under the label of 'entrenched devolution') and the establishment of 'an independent Commission to consider the constitutional future of Wales (see page 16)'. In England (see page 14), Labour also performed well in many mayoral contests, but most media attention focused on the party's loss of the Hartlepool by-election to the Conservatives.

A lively panel on '[Devolution and the Future of the Union](#)' at our [June conference](#) reflected on the overall picture, including expert speakers from all four of the UK's constituent parts.

The [Queen's Speech](#) in May confirmed the government's intention to press ahead with repeal of the Fixed-term Parliaments Act (see page 4), an Electoral Integrity Bill (see page 7) and an Online Safety Bill (see page 8) – the latter [shorn of any of the previous government's intentions](#) to focus on protection of democracy. It also promised a judicial review bill, the contents of which remain unknown. In [its response](#) in March to [the report of the Independent Review of Administrative Law](#) (IRAL) chaired by Lord (Edward) Faulks, the government indicated that it wanted to go further than the panel had suggested, and commenced a fresh consultation process (see page 11). Speaking at the Unit's conference, [Lord Faulks and a distinguished panel of legal experts](#) expressed concerns about the lack of clarity over the government's plans. The [conference keynote address](#), by Lord Chancellor Robert Buckland, also attracted significant controversy, discussing [alleged judicial encroachment on politics](#), suggesting that the 'rule of law' [may be more a political than a legal concept](#), and trailing [government proposals for further reform](#), including to the Constitutional Reform Act 2005 (which established the Supreme Court).

Other central government moves which have raised eyebrows include the continued [sidelining of parliament](#) over COVID-19 regulations (see page 3), [proposals](#) to increase political oversight of the Electoral Commission (see page 7) and [an unexpected announcement](#) of plans to change the electoral system for mayoral elections (see page 7). Ministerial standards have continued to cause concerns, with the new Independent Adviser

on Ministers' Interests Lord (Christopher) Geidt [not empowered to instigate investigations](#), as favoured by the Committee on Standards in Public Life (CSPL), and discussed by his predecessor at [a Unit event in May](#) (see page 9). The circumstances of [Health Secretary Matt Hancock's departure](#) have brought [fresh focus](#) to the appointment of Whitehall non-executive directors, which both CSPL and the Commissioner for Public Appointments, Peter Riddell, (who spoke at [a Unit event in April](#)) have said need tighter regulation.

Our June conference ended with a panel on 'rebalancing between parliament, executive and courts' – reflecting the words in [the 2019 Conservative manifesto](#). Panellists expressed anxieties about a possible accrual of executive power and decline in constitutional 'checks and balances', with – at the very least – a need for vigilance.



## Parliament and the pandemic

Despite past rebukes for [making important lockdown policy announcements outside the House of Commons](#), the government again clashed with Speaker Lindsay Hoyle in June when it announced its intention to postpone the lifting of COVID-19 lockdown regulations at a press conference. An angry Hoyle [asserted](#) that the government was required by [the Ministerial Code](#) to make major policy announcements in the Commons, and accused ministers of '[running roughshod](#)' over parliament. Going much further than he had done previously in criticising the government, the Speaker made the [serious allegation](#) that Downing Street had misled both him and the Commons about the timing of its decision-making – having told him that no decisions would be made ahead of an upcoming Cabinet meeting, whilst simultaneously briefing embargoed details to the media.

Hoyle's intervention followed two highly critical reports by the Lords Constitution Committee. The more recent – [COVID-19 and the Use and Scrutiny of Emergency Powers](#) – had said that a review of the government's approach to emergency powers should take place before next spring's planned COVID-19 public inquiry. In line with concerns previously raised by [parliamentary committees](#) and [external experts](#), it found that the government had overused secondary legislation, blurred the lines between law and guidance,

and – through overreliance on the ‘urgent procedure’ and last-minute publication of regulations – severely hampered parliamentary scrutiny. The effect had been to reduce the transparency and accessibility of the law and to compromise legal certainty, leading to confusion amongst the general public and law enforcement bodies.

The other [recent Constitution Committee report](#) considered the functioning of hybrid parliamentary proceedings during the pandemic, and the extent to which these might be retained as a possible end to COVID-19 restrictions comes into view. It emphasised that hybrid proceedings had undoubtedly resulted in a lower quality of scrutiny, but had been essential in allowing all members to participate. A March report by the [House of Commons Procedure Committee](#) demonstrated deep divisions on this topic among MPs. Whilst the final report urged a full return to physical proceedings, its conclusions were reached only through multiple divisions, which broadly – if not precisely – pitted the committee’s Conservative majority against its opposition members over whether elements of the hybrid model should be retained.

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## Parliamentary scrutiny of Brexit

With most Brexit-related legislation now on the statute book, parliament’s main activity on the topic has been in select committees. The Northern Ireland Protocol (see page 13) has unsurprisingly been a major focus, with the Northern Ireland Affairs Committee holding [an ongoing series of evidence sessions](#) on its operation, and the Lords EU Committee setting up a dedicated [Protocol sub-committee](#).

Parliamentarians have also criticised the government’s approach to Brexit scrutiny. A European Scrutiny Committee [report](#) published in April sharply criticised ministers’ failure to facilitate proper parliamentary scrutiny of [the joint committee](#) responsible for overseeing the implementation of the Withdrawal Agreement. It highlighted the poor quality and lateness of information provided, saying that this had prevented both the committee and stakeholders from engaging meaningfully with joint committee decisions.

Similar calls for the government to provide more and higher-quality information to support parliamentary scrutiny seem likely to come from the House of Commons Public Administration and Constitutional Affairs Committee (PACAC), which recently opened a [new inquiry](#) into the scrutiny of post-Brexit treaties.

Reports produced by the House of Lords [Constitution Committee](#) and [European Union Committee](#) in recent years have recommended that parliament’s treaty scrutiny role should be formally or informally strengthened.

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## New Lord Speaker elected

On 1 May, Lord (John) McFall took office as the fourth Lord Speaker, replacing Lord (Norman) Fowler. There were three [candidates for election](#): Lord McFall, a former Labour peer (and MP) who was Senior Deputy Speaker; Baroness (Dianne) Hayter, a Labour frontbencher; and the Liberal Democrat Lord (John) Alderdice, a former Presiding Officer of the Northern Ireland Assembly



[The Lord Speaker, Lord McFall \(CC BY 3.0\).](#)

In the first round of voting, only 14 votes separated Lords McFall and Alderdice (241–227). Baroness Hayter, with 171 votes, was eliminated. Lord McFall was elected in the second round with 336 votes to Lord Alderdice’s 269.

Over two hustings, the candidates were quizzed on various topics, including their position on the Burns Committee’s recommendations to reduce the size of the Lords to 600 members (see next story), the future of the hybrid proceedings introduced because of COVID-19, and the future of hereditary peer by-elections. The latter [recently resumed](#) after having been suspended due to the pandemic. Hayter and Alderdice were robust in their views that the by-elections [should not be retained](#). Since assuming office, [Lord McFall has said that](#) he will press for government legislation to scrap the ‘absurd’ system.

The senior management team in the Lords has also undergone significant change. The [new Clerk of the Parliaments, Simon Burton](#), took up his role on 2 April, having previously been Clerk Assistant. His replacement in that role is [Chloe Mawson](#). They will work with a –

yet to be appointed – Chief Operating Officer, a new post created as a consequence of recommendations in January’s [External Management Review](#) (see [Monitor 77](#), page 7). Additionally, Lord McFall’s election created a need to replace him as Senior Deputy Speaker. Conservative Lord (John) Gardiner was the successful candidate.

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## Burns Committee expresses frustration about the growing size of the House of Lords

The [Lord Speaker’s Committee on the Size of the House](#), chaired by Crossbencher Lord (Terry) Burns, was established by Lord Fowler amid concerns by peers that action must be taken to curb the ever-increasing numbers in their chamber. Its [first report](#) in autumn 2017 proposed that the chamber’s size should be managed down to 600, and capped at that level. Since then, it has produced regular reports on progress towards this goal. The latest, [in May 2021](#), coincided with the change in Lord Speaker, and was deeply critical of developments under Boris Johnson. It noted that ‘the current Prime Minister has not shown the same restraint as his predecessor’ in appointing new peers, and that this has led to a reversal of progress. The current 789 members of the chamber represents almost 50 more than there should be had the committee’s targets for reduction been met. The committee also expressed concerns that new appointments had been disproportionately Conservative, particularly to the detriment of independent Crossbenchers. Such trends disincentivise retirement by opposition members, further worsening the problem.

The committee thus concluded that more radical changes are needed, proposing for the first time the abolition of by-elections for hereditary peers, plus introduction of a new class of peerages that do not entail membership of the Lords, and ‘a firm and irrevocable agreement’ between party leaders on the next steps. Commenting on the report’s publication, Lord Burns lamented that ‘a voluntary approach is no longer working and any progress that has been made is being undone’. This analysis was quickly embraced by the new Lord Speaker, Lord McFall (see previous story), who has expressed his determination to ‘raise these issues at the highest level’, and [indicated](#) that he has already requested a meeting with the Prime Minister to discuss the matter. A [summary of the report’s findings](#) by Lord Burns can be found on the Unit’s blog.

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## Dissolution and Calling of Parliament Bill

Unsurprisingly, the Queen’s Speech included the [Dissolution and Calling of Parliament Bill](#), which seeks to repeal the [Fixed-term Parliaments Act 2011](#) (FTPA) and bring the dissolution of parliament for general elections back under prerogative control.

The bill had already been published in draft, and considered by a joint committee of both parliamentary chambers in the previous session, while FTPA repeal has also previously been reviewed by both the Commons Public Administration and Constitutional Affairs Committee (PACAC), and Lords Constitution Committee. The joint committee’s [report was published in March](#); it broadly accepted the government’s direction of travel, but raised a number of concerns (as [summarised on the Unit’s blog](#)).

The published bill, set to have its second reading on 6 July, was little changed from the draft. The government had heeded the joint committee’s advice that it should have a more meaningful title (compared to the original ‘Fixed-term Parliaments Act 2011 (Repeal) Bill’). But an ouster clause, which, if passed, would place the legislation outside the scope of judicial review, was left essentially unchanged, despite the committee’s concerns about its ‘extraordinary breadth’. Here the committee was clearly divided: some believed the clause unnecessary, as the courts would not interfere in dissolution decisions; others saw that the clearest way of preventing judicial involvement would be to [keep such decisions under Commons control](#).

Minister for the Constitution Chloe Smith [gave evidence to PACAC](#) on 23 June, and said that it was the government’s intention to retain the ouster clause, on the basis that it simply restates the pre-FTPA position and provides ‘maximum clarity’ as to the role of the courts.

Another significant concern was the extent of discretion that the monarch would have to refuse a dissolution. This was not reflected on the face of the bill, but outlined in the government’s ‘Dissolution Principles’ document, which were judged ‘inadequate’ by the committee. When questioned on this point by PACAC, Smith said that the monarch will have the right to refuse, but declined to go into detail as to what circumstances might make that appropriate.

This leaves plenty for parliament to get its teeth into during the passage of the bill.

## Restoration and Renewal

The Restoration and Renewal (R&R) programme continues to provoke debate about its purpose and methods. In March, a long-awaited [Strategic Review](#) was finally published, restating the need for parliamentarians and staff to leave the Palace during the refurbishment works (known as a ‘full decant’). Independent advice concluded that remaining in the Palace would be ‘technically possible’, but would involve an ‘extraordinary level of risk’, cost far more, take decades longer and ‘cause very significant disruption to the operation of Parliament’.



[Cleaned stone 'grotesque'](#) (CC BY-NC 2.0) by UK Parliament.

The immediate response of the Leader of the House of Commons, Jacob Rees-Mogg, was to [express concern](#) about the cost of temporary premises during decant, saying he would ‘rather have hybrid proceedings for a little bit when we could not use this Chamber than spend a billion and a half pounds’. During the Commons debate on the review in May, he [argued](#) that its findings ‘reflected work completed in 2020, before the full extent of the pandemic’s implications for R&R could be appreciated’. He also welcomed the work of the

Parliamentary Works Sponsor Body, which has been asked to explore whether a continued presence during the works would be possible (as discussed in [Monitor 76](#), page 7).

The [Commons debate](#) reflected a broad range of views about R&R, with many MPs warning of the risks of further delays. Peers such as [Shadow Leader of the House Baroness \(Angela\) Smith](#), [Constitution Committee Chair Baroness \(Ann\) Taylor](#), and [the Earl of Devon](#) have voiced similar concerns. When asked about R&R in [a recent interview](#), the new Lord Speaker declared: ‘let’s get on with this, for goodness’ sake’. However, matters are unlikely to be decided as quickly as Lord McFall might like, and certainly not before both Houses vote on the R&R Outline Business Case – the delivery target date for which is ‘[as early as possible in 2023](#)’.

## Bullying and harassment procedures

Following the February publication of Alison Stanley’s [18-month review of the Independent Complaints and Grievance Scheme](#) (ICGS), the House of Commons Commission [proposed several revisions](#) to the process for handling complaints of bullying and harassment. These were [approved by MPs in April](#).

The changes included the imposition of a requirement – implementation of which is to be suspended for one year – that all future complaints, except those relating to sexual harassment, must refer to events no more than 12 months old. Other measures were aimed at streamlining the process, which users of the ICGS reportedly told Stanley were unnecessarily lengthy and complex.

In her report, Stanley said that she was unconvinced of the need for a time limit on complaints, adding that, if MPs thought this necessary, that two years – not one – would be the appropriate period. The [document](#)

### The Constitution Unit

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[proposing the changes](#) provided no explanation for why Stanley's recommendation was not followed, and this was not discussed during [the debate](#) at which the changes were approved.

In May, MP Rob Roberts was [suspended for six weeks](#) following an ICGS investigation into allegations of sexual harassment. [Calls for his resignation](#) went unheeded, prompting concern about the scope of [the rules on the recall of MPs](#). The recall provisions can be triggered if an MP is found guilty of breaching the Code of Conduct by the Standards Committee or convicted of a criminal offence, but not as a consequence of a finding by the Independent Expert Panel (IEP) that decides ICGS complaints. This seems incongruous, given that the IEP [was recently given the power to recommend the expulsion of members](#). Commons Leader Jacob Rees-Mogg was asked by his shadow, Thangam Debbonaire – [in May](#) and [in June](#) – to close this 'loophole'. On 15 June, Rees-Mogg [stated that](#) the matter was under 'very active consideration'.

## Select committee powers on witnesses

The House of Commons Committee of Privileges, chaired by former Labour minister Chris Bryant, published a [report](#) in May into select committees' powers to summon witnesses. It recommended strengthening those powers by creating a new criminal offence of failing to comply with a select committee summons. Parallel changes to the Commons Standing Orders would confirm parliament's commitment to treating committee witnesses fairly, and set out how this commitment would be met.

The report followed well-publicised refusals to appear before select committees by individuals such as [Mike Ashley](#), [Mark Zuckerberg](#), [Dominic Cummings](#), and [Jeremy Kyle](#). The inquiry – [ongoing since 2016](#) – has tackled the delicate balance of select committee effectiveness and the need for a proportionate response to ignoring a summons, as well as considering related constitutional issues such as whether a statutory footing for select committee summonses would risk involving the courts unduly in parliament's affairs. As Unit Honorary Senior Researcher Paul Evans [explored on the Hansard Society blog](#), these are complex and contested questions.

Central to the report's conclusions is the question of whether public censure – through the existing mechanism of contempt – is sufficient to persuade recalcitrant witnesses to appear. The committee

concluded that the reputational damage inflicted by this mechanism, and therefore its effectiveness, can no longer be taken for granted. The report highlighted the case of Dominic Cummings, [who was found in contempt of parliament in 2019](#) after refusing to appear before the Digital, Culture, Media and Sport Select Committee, but was able to take up a senior role at the centre of government only a few months later.

The committee is currently consulting on its proposals and will make final recommendations later this year.

Elections, referendums and democratic engagement



## Elections in May and June

Following the postponement of elections in 2020, the first Thursday in May saw one of the largest ever rounds of elections in the UK outside a general election, with all parts of the country voting except Northern Ireland. There were parliamentary elections in Scotland (see page 15) and Wales (see page 16). Most of England held council or mayoral elections (see page 14), and most of England and Wales elected police and crime commissioners. There was also a parliamentary by-election in Hartlepool.

Despite concerns that COVID-19 restrictions could disrupt the poll, the elections passed off smoothly – the only change that most observers would have noticed being considerably slower vote counts, which spanned four days. Fears that turnout might be depressed also proved unfounded: the [Scottish Parliament](#) and [Senedd](#) elections saw the highest turnouts ever, and participation rose in parts of England.

The results generally favoured the incumbents perceived as having carried the burden of the COVID-19 response: the Conservatives made gains in England, the SNP did well in Scotland, while Labour equalled its best ever outcome in Wales. Within England, incumbent metro mayors – most strikingly in the North East, Greater Manchester, and the West Midlands – also performed strongly. Beneath this surface, the results in England continued what [one analyst called](#) the 'deep shift in electoral geography in England' that has taken place over recent years. The Conservatives gained in areas that voted strongly for Brexit in 2016 and 'in areas that are more deprived, where there are fewer graduates, [and] where there are more people employed in traditional working class jobs'.

The changing electoral landscape was also demonstrated by a parliamentary [by-election](#) in June, when the Liberal Democrats gained the previously safe Conservative seat of Chesham and Amersham. The seat was left vacant by the death of its widely-respected MP Cheryl Gillan, who was a member of the Unit's [Council](#) and the [Independent Commission on Referendums](#).

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## Electoral reform proposals

The government has set out plans for wide-ranging electoral reforms, in three separate sets of announcements.

In March, Home Secretary Priti Patel said in a [written statement](#) that ministers wish to replace the [Supplementary Vote](#) system currently used for electing mayors and police and crime commissioners (PCCs) with [First Past the Post](#). She said that this was '[i]n line with the Government's manifesto position in favour of first past the post, which provides for strong and clear local accountability, and reflects that transferable voting systems were rejected by the British people in the 2011 [Alternative Vote] nationwide referendum'. The proposal was in the [2017 Conservative manifesto](#), but not [that of 2019](#). The 2011 referendum took place before the Supplementary Vote system was introduced for PCC elections, and related to the very different context of parliamentary elections. The statement indicated that legislation for the change would be brought forward 'when parliamentary time allows', but it was not mentioned in the Queen's Speech in May.



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

The [Queen's Speech](#) did, however, announce legislation to enact a second set of reforms. Voters in Great Britain

will be required to show ID at polling stations (as those in Northern Ireland already are), and new restrictions will be introduced on voting by post or proxy. 'Imprints' will be required on digital advertisements, as has long been true of printed materials, so that observers can see who is responsible for an ad. The 15-year limit on overseas voting will be removed. And access to the ballot for voters with disabilities will be improved.

These changes were foreshadowed in the 2019 Conservative manifesto, and have [previously been analysed](#) on the Unit's blog. Most controversial is the introduction of voter ID. The government argues for the change as a check on voter fraud, basing its analysis on the 2016 [Pickles Review](#) into electoral fraud issues. Yet there is [very limited evidence](#) that voter fraud is a significant problem in UK elections. [Critics](#) argue that the change is an act of 'deliberate voter suppression'. But voter ID pilots conducted in 2018 and 2019 gave little evidence that requiring ID would substantially restrict voting (see [Monitor 70](#), page 8 and [Monitor 73](#), page 11). Labour's spokesperson [said](#), 'Voter ID is a total waste of taxpayers' money. ... Ministers should be promoting confidence in our elections instead of spreading baseless scare stories which threaten our democracy.'

The third set of announcements came on 17 June, in two written statements by Minister for the Constitution Chloe Smith. The [first statement](#) concerned the Electoral Commission. Legislation will provide for 'a Strategy and Policy Statement that sets out guidance and principles to which the Commission must give regard in exercising its functions'. This will be written by ministers, subject to parliamentary approval. The oversight powers of the Speaker's Committee on the Electoral Commission will also be enhanced, and the Commission will be barred from bringing criminal prosecutions. Justifying the changes, the minister said, 'It is commonplace for the Government and Parliament to set a policy framework by which independent regulators should work.' That is true for regulators such as Ofgem. The minister did not mention the important difference that the Electoral Commission regulates parliamentarians: meaning that the proposals would empower the regulated over the regulator. The [second statement](#) concerned the franchise: EU citizens who moved to the UK after 31 December 2020 will be able to vote in local elections in England, PCC elections in England and Wales, and local and Assembly elections in Northern Ireland only where a reciprocal agreement is in place with their home country.

A notable absence from all of these proposals concerned the protection of democracy against online harms.

As detailed in [Monitor 77](#) (page 10), proposals in this area first made by the government of Theresa May in April 2019 envisaged measures designed to address widespread misinformation, but updated plans issued last December dropped them. The Online Safety Bill announced in the Queen's Speech and subsequently [published in draft form](#) confirmed this change of heart. The bill is focused on harms caused by online activity to individuals, focusing particularly on children, but [leaves the democratic arena to the free market](#).

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## Boundary reviews begin

The process of reviewing Westminster parliamentary constituencies has begun. The current boundaries are badly out of date, being based, in the most extreme case of Scotland, on electorate data from 2001. Two reviews have been initiated but aborted in the interim, drawing MPs' ire because they would have reduced the number of constituencies from 650 to 600. As detailed in [Monitor 77](#) (page 10), legislation passed in 2020 scrapped that change. It also altered the review process, most notably by removing parliament's ability to block the implementation of its conclusions.

The Boundary Commission for England published its [initial proposals](#) on 8 June. Given population shifts and the ending of overrepresentation for Wales, England as a whole will have 10 more constituencies than at present. Most regions will see their numbers rise, but the North East, North West, and West Midlands will see reductions of two apiece.

Publication of the proposals triggered an eight-week consultation period. Submissions to the consultation will be published in early 2022, after which it will be possible to respond to the initial submissions.

Revised proposals will then be published in late 2022, followed by a further consultation. The final proposals will be published in June 2023. The new boundaries could then be brought into effect almost immediately, although a delay is permitted. If, as widely speculated, an election is called for May 2023, the existing boundaries will be used again.

The Boundary Commissions for Scotland, Wales, and Northern Ireland must follow the same procedures, but have adopted slightly different timetables. Their initial proposals are expected in the autumn.

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## Developments in deliberative democracy

Further steps towards the normalisation of citizens' assemblies as part of the democratic system have taken place in Scotland. [Scotland's Climate Assembly](#) – the second assembly to be convened by the devolved authorities there, and the first anywhere in the UK to have a [statutory footing](#) – published its interim report in March, just before the Scottish Parliament broke up ahead of the May elections. Ministers [welcomed](#) the Assembly's 'ambitious findings'. The [final report](#) was published in June. Under the legislation underpinning the Assembly, ministers will then have six months to set out 'how they intend to respond to the recommendations'.

As explored in a [post](#) on the Unit's blog, the SNP's [election manifesto](#) pledged annual citizens' assemblies and made a commitment to 'genuine public involvement in decision making'. It also proposed a further assembly ahead of any independence referendum to help shape an independent Scotland, and an assembly to represent those aged under 16. Though the SNP fell just short of an overall majority, its Green Party allies share a similar vision: they [pressed for the Climate Assembly](#); and their [manifesto](#) pledged to 'formalise citizens assemblies... locally and nationally'.

Local citizens' assemblies meanwhile continue to be called across the UK, even though restrictions related to COVID-19 make their operation harder. The most popular topic remains climate change: since the last issue of *Monitor*, climate assemblies have been convened or announced by local councils in [Devon](#), [Lambeth](#), [Hackney](#), and [Glasgow](#) – the last of these intended to seek local views ahead of the COP26 climate summit to be held in the city in November. The Blaenau Gwent Climate Assembly, which was convened by civil society organisations and local housing associations and met in March, published its [report](#) in early June. Three out of four smaller citizens' juries convened by the IPPR think tank's [Environmental Justice Commission](#) also reported.

As in Scotland, a step towards the institutionalisation of citizens' assemblies was taken in the London borough of Newham, which launched what it describes as '[England's first permanent Citizens' Assembly](#)'. This will have a rolling membership of 50 randomly selected local residents, tackling a series of topics chosen through local consultation. The first topic, which the assembly will address over the summer is 'greening the borough', while the second, to be examined in the autumn, is '[the 15 minute neighbourhood](#)'.





## Standards in public life

In June, the Committee on Standards in Public Life (CSPL) took the unusual step of publishing the [findings of its Standards Matter 2 review](#) in advance of its final report. It did so to contribute to current debate about standards regulation, saying that four areas require significant reform: the [Ministerial Code](#) and Independent Adviser on Ministerial Interests; the Advisory Committee on Business Appointments (ACOBA); transparency around lobbying; and the regulation of public appointments.

On the Code, it called for a range of graduated sanctions for breaches, and found that the Independent Adviser should be able to initiate investigations and determine if a breach has occurred.

On ACOBA, it concluded that the government should amend the rules to enable the body to issue a longer maximum ban on lobbying of five years, and that appointment rules should be made legally enforceable – through employment contracts for civil servants and special advisers, and through some other mechanism for ministers.

To improve transparency concerning lobbying, it called on the Cabinet Office to publish details of meetings held with senior civil servants and special advisers, and to ensure that sufficient detail is provided on all lobbying meetings and policy matters discussed.

CSPL also recommended that the appointment of non-executive directors to government departments should be regulated.

## New Independent Adviser on Ministerial Interests

Following the resignation last November of Alex Allan as the Independent Adviser (see [Monitor 77](#), page 13), it was [announced](#) in April that Lord (Christopher) Geidt, a former Private Secretary to the Queen, had been appointed to the role. In [correspondence](#) with CSPL, the Prime Minister agreed to important changes in the post's [terms of reference](#): the appointee will serve a non-renewable term of five years, and will be supported by

civil servants who do not report to ministers. However, the Prime Minister did not agree to cede the power to decide whether or not an investigation should take place. At a [Unit event](#) in May, Allan complained that, although his advice was always published, this had on occasion taken quite a long time. In his letter to CSPL, Johnson said that in future such advice would be published in a timely manner.

In [evidence to PACAC](#), and later in his [first annual report](#), Lord Geidt said that his intention is to work within the new terms of reference and to assess the effectiveness of these changes. CSPL is similarly keeping a watching eye: its review is due to publish its full report in the autumn.

Allan's resignation was prompted by the Prime Minister rejecting his advice that Home Secretary Priti Patel had breached the Ministerial Code by engaging in repeated acts of inappropriate conduct towards her staff. In April, the senior civil servants' union the FDA was [granted permission to apply for judicial review](#) of Johnson's decision.

## David Cameron questioned about lobbying

In April [it was reported](#) that former Prime Minister David Cameron had personally lobbied Chancellor of the Exchequer Rishi Sunak to allow Cameron's new employer, Greensill Capital, to receive COVID-19 corporate financing facility loans. The Chancellor ultimately declined to help, but only after numerous text messages and phone calls from Cameron, who also held 10 virtual meetings with senior civil servants Tom Scholar and Charles Roxburgh. In March this year, [the company filed for insolvency](#).

The company's founder, Lex Greensill, had been an unpaid adviser to Cameron during his premiership, with a government business card and access to departments that enabled him to benefit from the expansion of [supply chain finance](#) within state contracts. In 2019 Cameron arranged a private meeting between Greensill and then Health Secretary Matt Hancock, after which several NHS trusts started to use Greensill's company.

After several weeks of declining to comment, Cameron gave evidence to the [Public Accounts Committee](#) and [Treasury Committee](#) on 13 May. He told MPs that he had lessons to learn, but denied breaking any rules. The Committee on Standards in Public Life said in [an interim report](#) on public standards that some of those rules should be changed (see above).

In April the Cabinet Office announced a review of the use of supply chain finance in government related to Greensill Capital, to be led by corporate lawyer Nigel Boardman. His independence has been questioned by [Labour](#), former Downing Street Chief of Staff [Dominic Cummings](#), and [the widow of former Cabinet Secretary Jeremy Heywood](#), who was in post during Greensill's time in government. The report was due to be completed by 30 June, but had not been published by the government by the time *Monitor* went to press.

Following revelations that Bill Crothers, the government's Chief Commercial Officer, had become a part-time director of Greensill while still a civil servant, Cabinet Secretary Simon Case [ordered](#) all departments to disclose if senior civil servants had paid roles or outside interests that might create a conflict of interest. It was subsequently reported that [few civil servants had paid external roles](#), and including various roles with no links to politics.

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## Boris Johnson criticised after private funds used to refurbish Downing Street flat

The Prime Minister receives an annual public grant of £30,000 to maintain and furnish the Downing Street flat. In early 2021, allegations surfaced that Boris Johnson had spent [£88,000 on lavish renovations](#). It was reported that Conservative Campaign Headquarters had paid the outstanding £58,000 to the Cabinet Office, and that Lord (David) Brownlow had [donated the same amount](#) to the Conservative Party. In April, the Electoral Commission [announced an investigation](#) into whether or not the donation was properly disclosed, and made for a permitted purpose.

There was also a potential breach of the Ministerial Code, which requires ministers to make a full declaration of interests, and to avoid conflicts of interest. When Lord Geidt was appointed as the new Independent Adviser on Ministerial Interests (see above), the Prime Minister asked him to advise on the declaration about the refurbishment. Lord Geidt [found](#) that Lord Brownlow had been asked to chair a Downing Street Trust which would contribute to maintaining the historic building, and that when this ran into legal difficulties, Brownlow paid the outstanding invoices. Geidt [concluded](#) there was no conflict of interest, but commented that 'the Prime Minister – unwisely, in my view – allowed the refurbishment of the apartment at No 11 Downing Street to proceed without more rigorous regard for how this would be funded'.

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## New delivery unit for Number 10

Following the recommendations of a review by Michael Barber, the Prime Minister is creating a [new delivery unit](#) in Number 10, similar to the one Barber headed under Tony Blair. The PM's official spokesman said the new unit would have 'greater authority' than the Implementation Unit set up under David Cameron, which it is to replace. It will include civil servants and people with key skills such as auditors and data scientists, and be led by NHS Chief Commercial Officer Dr Emily Watson, who is due to take up her new role on secondment from the NHS this summer.

Barber was tasked with advising on how projects and programmes across government could be delivered in ways that were more 'focused, effective and efficient'. His approach has been [critiqued](#) for his view that delivery systems are machines, and that policy implementation is a cause and effect process.

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## Civil Service reform and decentralisation

On 15 June Chancellor of the Duchy of Lancaster Michael Gove delivered a [speech](#) launching the [Declaration on Government Reform](#), agreed at a joint meeting of the Cabinet and departmental permanent secretaries. Key parts of the reform programme include making the Civil Service more open to external talent, relocating 22,000 roles outside of London by 2030, the launch of a new Evaluation Task Force to provide more accountability in the delivery of projects, increased opportunities for secondment in other parts of the UK, and a new system of pay, reward and performance management.



[Michael Gove visiting potential new Cabinet Office premises in Glasgow \(CC BY-NC-ND 2.0\) by UK Prime Minister.](#)

The target of relocating 22,000 civil servants had previously been announced in the March 2020 budget

by Chancellor of the Exchequer Rishi Sunak. Some departments have already announced moves towards that target. Robert Jenrick, Secretary of State for Housing, Communities and Local Government, has [confirmed](#) plans for 500 departmental staff to move to his home city of Wolverhampton. The Cabinet Office [announced](#) plans to move 500 jobs to Glasgow by 2025, and the Foreign, Commonwealth and Development Office is [to move a similar number to East Kilbride](#). In his March 2021 budget the Chancellor [announced](#) that 500 Treasury staff – around a quarter of the total – will relocate to a new ‘Treasury North’ site in Darlington over the next five years, together with 350 staff from other departments.



## The government’s judicial reform agenda

Some months after Lord (Edward) Faulks’ Independent Review of Administrative Law (IRAL) delivered its report to the Ministry of Justice (see [Monitor 77](#), page 14), the government published [the report and its own response](#) on 18 March.

Having concluded that statutory codification of judicial review would result in ‘little significant advantage’, the report made two, limited, substantive proposals. The first recommended restriction of the availability of judicial review in immigration and asylum cases by reversing the effects of a 2011 Supreme Court decision known as [Cart](#). The second would give courts the power to suspend an order ‘quashing’ an unlawful decision taken by a public authority, which would automatically take effect if specified conditions were not met. These proposals have, on the whole, [been supported by the legal community](#), despite [analysis](#) showing that the *Cart* recommendation may have been based on a misinterpretation of the data.

As some commentators have [previously predicted](#), the government’s response went substantially further than IRAL’s recommendations, whilst [attempting to spin](#) the report’s findings in support of the government’s preferred reforms. This has been heavily criticised by [senior lawyers](#) and [academics](#). Despite the government’s initial stance, former Treasury Solicitor Jonathan Jones [has argued](#) that the as-yet unseen judicial review bill is likely to make proposals far closer to those of IRAL than government rhetoric has suggested.

Meanwhile, [the Independent Human Rights Act Review](#) is currently examining the 150-plus responses it received to its call for evidence, and is expected to report in the summer. Wider change also looks possible: Lord Chancellor Robert Buckland [told the Lords Constitution Committee](#) in June that he was considering reform of the [Constitutional Reform Act 2005](#). He repeated this intention during [his keynote speech](#) at the Unit’s June conference on the government’s constitutional reform plans. Changes to the role of Lord Chancellor and the Supreme Court may yet be on the agenda.

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## COVID-19 and the courts

As the government continues to spend time and effort considering changes in high-concept areas such as the role of the Lord Chancellor and the constitutional balance (see above), the effectiveness of its attempts to remedy the state of the courts system, and the pandemic’s impact on vulnerable court users, continues to cause grave concern.

On 30 March, the Lords Constitution Committee published [a report](#) that found that Her Majesty’s Courts and Tribunals Service (HMCTS) had been left ‘vulnerable’ as a result of a long-term policy of reductions in government funding for the courts, and a tightening of the scope of and resources for legal aid. The justice system was ‘not prepared’ for an emergency scenario, whilst delays in the [HMCTS reform programme](#) meant that court staff and users were reliant on IT that witnesses described as ‘[antiquated](#)’ and ‘[virtually below sea level](#)’ at a time when the system became more reliant on technology than ever.

The pre-pandemic case backlog was significant; the problem is far worse now. A [decline in the number of prosecutions and convictions](#) has been attributed to concerns about a rise in outstanding cases that has led to [some criminal trials being scheduled for 2023](#), whilst family court officials have estimated that [it might take three years](#) for the backlog to return to pre-pandemic levels.

The committee acknowledged the positive impact of additional funding put into the system by the government during the pandemic and the decision to increase capacity by opening 60 ‘[Nightingale](#)’ courts. However, it also said that the true scale of the crisis, and any positive impact of the government’s measures, has been made harder to assess by the ‘long-standing problem’ of a lack of ‘robust’ data, which it called on the government to remedy.

The Commons Justice Committee is also examining these issues: it currently has open inquiries into [court capacity](#), [the future of legal aid](#), and [COVID-19 and the criminal law](#).

## Parties and politicians



### Action on threats to MPs, and the right to protest

In October 2019, parliament's Joint Committee on Human Rights (JCHR) published '[Democracy, Freedom of Expression and Freedom of Association: Threats to MPs](#)', which was initiated in response to a perceived increase in the number and seriousness of threats to politicians following the 2016 Brexit referendum.

The government took more than a year to issue a response, via [a 9 March letter](#) from Home Secretary Priti Patel. She pointed to several joint endeavours aimed at reducing the risks posed to MPs, including the government's [Defending Democracy programme](#), and noted the recommendation that a Speaker's Conference be convened, without expressing a view as to its desirability.

The report recommended the creation of 'a statutory duty on the Police to protect the UK's democratic institutions' and said that there is a case for legislative changes to how the area around the Palace of Westminster is policed. The Home Secretary's response was that several of the committee's concerns would be remedied by provisions in the [Police, Crime, Sentencing and Courts Bill](#), referring specifically to protest-related clauses that have been criticised by [lawyers](#) and [politicians](#) on human rights grounds.

That bill, meanwhile, is at Commons committee stage. The JCHR published [a report into its implications for the right to protest](#), expressing concern about the government's intention to use the bill to create [a new statutory offence of public nuisance](#). The committee urged the government to amend the bill to make clear that the offence will only be committed where 'serious harm' is caused.

The Home Secretary also noted that, following [a public consultation](#), the government is committed to a five-year ban on running for elective office for anyone found to have intimidated candidates and campaigners, and to 'clarifying' the electoral offence of undue influence of a voter.



[A protester in Parliament Square \(CC BY-NC 2.0\) by steven.eason.](#)

## Nations and regions



### The Union and intergovernmental relations

The Johnson government's interventions in territorial politics continue to be characterised by a notably [assertive style of unionism](#), expressed through a concerted push to strengthen the profile and influence of central government in the devolved territories. Manifestations have included the regular deployment of [strong rhetoric](#) about the benefits of the Union, and the provisions of the UK Internal Market Act (see [Monitor 76](#), page 4). The Welsh government had [applied for judicial review of the Act](#), which was initially rejected. It was [announced on 29 June](#) that the Court of Appeal is to hear a legal challenge to that decision.

In March, two important documents were published simultaneously by the Cabinet Office. The first was the long-awaited [Review of UK Government Union Capability](#), conducted by former Scotland Office minister Lord (Andrew) Dunlop. His report – which was published more than a year after being received by the government – supported some aspects of the assertive unionism agenda, for instance calling for a new ringfenced Treasury fund for 'UK strategic projects', and for UK government-funded projects in Scotland, Wales and Northern Ireland to be 'clearly marked with UK Government branding'. However, it also emphasised the importance of strengthening the machinery for intergovernmental relations (IGR) within the UK, calling for the [Joint Ministerial Committee](#) (JMC) to be replaced

by a 'UK Intergovernmental Council (UKIC) with a number of sub-committees'. The most eye-catching recommendation was that a new Cabinet position with specific responsibility for the constitutional integrity of the Union should be established. In a sympathetic response, Chancellor of the Duchy of Lancaster Michael Gove [wrote](#) that the review had already been the 'impetus behind a wide-ranging programme of reform', which he and his colleagues would 'continue to pursue vigorously'.

The other key document published by the Cabinet Office provided a [progress update](#) on a review of intergovernmental relations (IGR), conducted jointly by the UK and devolved governments. This indicated that agreement had been reached around a number of relatively modest, but potentially important, reforms. These include incorporating consensus decision-making into the terms of reference for IGR, routinely rotating chairs and venues, establishing additional sub-forums for regular meetings of sectoral ministers, and revising the dispute resolution process to provide for independent mediation. Some differences between the governments remain unresolved, including over whether to rebrand JMC plenary meetings as the UK Government and Devolved Administrations Council, and whether the Prime Minister should be able to send a nominated deputy to these meetings. Several new [sectoral forums](#) have already met in recent months, including on elections and registration, transport, welfare, and environment, food and rural affairs.

Following their re-elections as Scottish and Welsh first ministers, Nicola Sturgeon and Mark Drakeford were invited by Boris Johnson to a four-nation summit on COVID-19 recovery. In a reminder of the challenging political context, following a [tumultuous few years for IGR](#) in the contexts of Brexit and the pandemic, this was [postponed](#) after Sturgeon and Drakeford complained that no detailed agenda had been circulated. The meeting was eventually held on 3 June. Drakeford [described](#) it as a 'fresh start', but said the 'real proof' would come in actions and in 'whether this is start of a sustained process'. It remains to be seen whether the UK government now intends to pursue a genuinely collaborative approach to IGR.

Westminster is not the only cause of complaints about weak communications. In June Greater Manchester's Mayor Andy Burnham [publicly accused](#) the Scottish government of showing a lack of 'respect' by failing to notify him in advance about a 'totally disproportionate' ban on travel between Manchester and Scotland, which

was implemented due to concern about a rise in local COVID-19 cases (a similar rule affecting Bolton, Bedford, and Blackburn with Darwen [had previously been put in place](#)). Burnham asked for compensation to be paid, and Scottish Labour MSPs called for better communication between Edinburgh and other parts of the UK.

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## Northern Ireland Protocol

[The Protocol on Ireland/Northern Ireland](#) forms part of the [2019 EU-UK Withdrawal Agreement](#) and was developed as an alternative to [the Northern Ireland backstop](#) negotiated by Theresa May's government. In effect, Northern Ireland remains in the single market, and EU customs policy is enforced on goods coming from Britain.

While the Protocol was widely welcomed across Ireland as a compromise that would avoid a regulatory or customs border on the island, many unionist political and civic leaders argue that it undermines Northern Ireland's constitutional position within the UK. Some unionist politicians – including two former First Ministers – applied for judicial review of the Protocol, which they alleged conflicts with the Act of Union 1800, as it breaks the intra-UK customs union, and the 1998 Belfast/Good Friday Agreement, because it undermines the principle of consent. The application was [dismissed](#), but [an appeal seems likely](#).

As the Protocol continues to take effect, and in the absence of agreement on implementation, complications are to be expected: some consumers and businesses [have complained about delays and excessive paperwork](#) when moving goods into Northern Ireland.



[Lord \(David\) Frost](#) (CC BY-NC-ND 2.0) by [UK Prime Minister](#).

Meanwhile, the UK government has argued that [the Protocol is not sustainable in its present form](#), and has sought renegotiation, whilst [threatening to](#)

[suspend it](#) and taking some unilateral steps to delay implementation. The EU and the Irish government view this as a clear act of ‘bad faith’ and have [threatened to respond with sanctions](#) if the Protocol is not implemented as agreed. The Biden administration in the US [appears sympathetic to this reading](#) and has stressed [through public and diplomatic channels](#) that the UK must do nothing that might undermine political stability in Northern Ireland. In the long term, much appears to rest on whether the UK will agree to a deal with the EU on veterinary and sanitary standards, which would negate the need for many of the proposed checks. More immediately, the EU has agreed to [a 3-month extension](#) of the grace period that permits chilled meat products from Great Britain being sold in Northern Ireland. Brexit minister Lord Frost called this a ‘sensible first step’ toward a ‘permanent solution’.

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## England

In the [local elections in May](#), the Conservatives and the Green Party both gained councillors overall – the former particularly in the North and Midlands – while Labour lost out and the Liberal Democrats stood still. The Conservatives did well in the police and crime commissioner elections too, increasing their tally from 20 to 30 offices (out of a total of 35), at the expense of Labour and independents. Labour did much better, however, in the eight mayoral contests, holding [Greater London](#), [Greater Manchester](#) and [Liverpool](#), whilst also winning the new [West Yorkshire mayoralty](#) and defeating Conservative incumbents in [the West of England](#) and [Cambridgeshire & Peterborough](#). The Conservatives made no gains, but retained control of [Tees Valley](#) and [the West Midlands](#) with substantially larger majorities.

It was announced in May that the devolution and recovery white paper, originally promised in late 2017, is now to be merged into a new [Levelling Up white paper](#), which the government has said it expects to publish in the autumn. The Prime Minister has also appointed Neil O’Brien MP, former Director of the think tank Policy Exchange, [as his adviser on levelling up](#). The levelling up agenda has so far been characterised by large-scale national funding pots. Combined authorities have received some of the available money, but there has been little sign of initiatives to increase the number of metro-mayors.

Government decisions are still awaited on proposals for unitary local government restructuring in Cumbria, North

Yorkshire and Somerset. Somerset’s district councils organised a referendum on their proposals for two unitary authorities in May 2021. On a turnout of 26%, [65% of voters supported the district proposals](#), with just 35% voting for a single county-wide unitary authority. In London, referendums in two local authorities – [Tower Hamlets](#) and [Newham](#) – mean both will continue to have directly-elected mayors, after voters rejected the alternative models put to them.

COVID-19 has continued to affect local councils, which have seen costs rise and income decline during the pandemic. In June, the Commons Public Accounts Committee [published a report on local government finance](#) that concluded that the Ministry for Housing, Communities and Local Government was insufficiently prepared for the local government finance implications of a severe emergency. It also criticised government support schemes as ‘not always designed with sufficient knowledge of local government finance or input from the sector’, leading to too much bureaucracy and a lack of coordination.

The government has also failed to extend legislation that temporarily permitted English councils to meet virtually, and [an unsuccessful judicial review application](#) by Hertfordshire County Council has confirmed that councils are now legally required to meet in person in certain circumstances. Nine out of 10 councils have reported that they thought [local democracy had been improved by virtual meetings](#) and many have also [pointed to the money saved](#) by not holding in-person sessions. Nonetheless, it is unclear if the government will bring forward legislation to permit the return of virtual meetings, [which are lawful in Wales and Scotland](#).

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## Northern Ireland

[Riots in April had their immediate roots](#) in a decision of the Director for Public Prosecutions not to prosecute any attendees of a large-scale paramilitary funeral, conducted amid severe COVID-19 restrictions last summer. The event was made especially controversial by the attendance of Sinn Féin luminaries [including the deputy First Minister, Michelle O’Neill](#), who faced calls for her resignation from unionist politicians.

The Northern Ireland Protocol has been the subject of intensive negotiations (see page 13). The UK government has alleged that the EU was threatening the peace process, with others ascribing that to hardline UK positions, including a [statement](#) that might have seemed to be carelessly inviting violence. There is an acute [sense](#)

of [betrayal](#) among many unionists over the Protocol, causing their leaders to take an increasingly hard line, and [worrying language](#) has emerged from groups close to loyalist paramilitaries.

These concerns, along with a perception among DUP members – reinforced by polling – that their support was fragmenting, and unease at her relatively liberal attitudes, opened the way for the [ousting of Arlene Foster](#) as party leader and First Minister. The leadership election that followed [brought out deep divisions](#) in the party, previously concealed. Edwin Poots, the agriculture minister, narrowly defeated MP Jeffrey Donaldson, who was [perceived as more of a moderate](#).

But Poots was himself [forced to resign](#) less than three weeks later, after accepting arrangements brokered between the UK government and Sinn Féin by which Westminster guaranteed fulfilment of interparty commitments on the Irish language. These arrangements guaranteed that Sinn Féin renominated Michelle O’Neill as deputy First Minister as Mrs Foster left, without which an Assembly election would have been called.

The leadership vacancy led Donaldson to stand again: he was elected unopposed, and quickly issued an [apparently robust but carefully worded statement](#) on the Protocol. Donaldson is expected to take on the role of First Minister, but is not currently a member of the Assembly. Should Givan resign, a failure by the DUP or Sinn Féin to nominate candidates for First Minister and deputy First Minister would provoke an election.

Such acute standoffs were intended to be averted by the [New Decade, New Approach](#) deal that ended the three-year hiatus in Northern Ireland government in January 2020. It envisaged making collapse of the institutions much harder, but the necessary [legislation](#) was only recently introduced at Westminster.

[Northern Ireland politics remains highly volatile](#). In the last year the Executive has appeared to hold together only because it needs to be seen to tackle the pandemic. An election might, given shifts in electoral support towards centre ground parties in the last year, usher in a markedly different sort of politics; but it might also make the institutions unsustainable. Progressively minded unionists saw hope, however, in simultaneous change at the top of the smaller Ulster Unionist Party (UUP), with [new leader Doug Beattie](#) seeking to widen unionist support beyond its traditionalist core.

The chaotic politics continue to feed, though hardly to inform, the debate about Irish unity. The [final report of the](#)

[Unit’s Working Group on Unification Referendums on the Island of Ireland](#) was published in May (see page 19). There is [much here to reflect on in London](#) as well as Belfast.

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## Scotland

The Scottish government’s handling of sexual misconduct allegations against former First Minister Alex Salmond resulted in three major processes: an inquiry by a Scottish Parliament committee (see below); a report on First Minister Nicola Sturgeon’s conduct by James Hamilton, one of the independent advisers on the Ministerial Code; and a review by lawyer Laura Dunlop of the process for complaints against current and former ministers. The [Hamilton report](#) concluded that Sturgeon had not breached the Code. The [Dunlop review](#) made 10 recommendations, most notably that complaints against former and current ministers should be investigated by someone independent of government, possibly one of the two independent advisers on the Code.

The parliamentary committee investigating these matters published [its report](#) in March. It divided along party lines on several key matters, including whether it had been misled by Sturgeon, with the majority – comprising opposition MSPs – concluding that it had. The committee’s conclusion that the government had been reluctant to disclose documents, hampering its work, was also agreed to following a majority vote, as was its recommendation that a review be conducted as to whether or not the legislature has sufficient powers to properly scrutinise the executive. The committee was, however, unanimous in criticising the Scottish government’s handling of the judicial review that resulted from how it had conducted the original investigation into Salmond.

The Salmond–Sturgeon conflict led to [a failed attempt](#) in the Scottish Parliament to pass a motion of no confidence, but had limited electoral impact: the SNP scored a [fourth successive victory](#) in May’s election. The balance of power in the Scottish Parliament remains broadly the same, but its makeup is different in two key ways.

First, there has been [a significant change in demographic representation](#), including more MSPs from BAME communities, the first MSP who is a full-time wheelchair user, and the highest ever proportion (45%) of female members. Second, there has been a palpable shift on independence. Despite falling one seat short of an absolute majority – which is exceptionally rare

in proportional representation systems – the election reaffirmed the SNP’s electoral dominance. Its 64 seats, coupled with the eight seats won by the Scottish Greens, ensure that there will be a comfortable parliamentary majority for legislation on an independence referendum, despite [the failure of Alex Salmond’s pro-independence Alba party to win a single seat](#). However, as was discussed at [a Unit event in March](#), Holyrood’s legal authority to enact such legislation remains in doubt. A political agreement between the Scottish and UK governments will likely be needed to avoid the Supreme Court being asked to decide the matter.



[Nicola Sturgeon at a meeting of the new Scottish Cabinet \(CC BY 2.0\) by Scottish Government.](#)

The election also confirmed that Scotland is split down the middle on the issue of independence. Forty opinion polls [conducted over the first five months of 2021](#) put support for independence between 46% and 56%, with an average of 49%. These constitutional preferences shaped vote choice in the elections to a greater extent than ever before. That arguably boosted support for the SNP, but it also clearly benefited the Scottish Conservative Party, which focused its campaign on stopping independence by denying the SNP a parliamentary majority. The party [equalled its best performance of 2016](#), despite having a relatively unpopular leader in Scotland and a deeply unpopular Prime Minister. By contrast, the Labour Party, with a campaign focused mainly on devolved policy issues and COVID-19 recovery, and despite having a new and popular leader, [suffered its worst ever Holyrood result](#).

The prospects of a second independence referendum and the form it might take were discussed at [a Unit event in March](#).

## Wales

The elections in Wales yielded a decisive victory for Welsh Labour. Defying [predictions of a more modest outcome](#), the party obtained 30 seats in the Senedd, [falling just one short of the institution’s first overall majority](#). The Conservative Party increased its seat share to 16, making it the official opposition. Plaid Cymru gained a single seat, bringing its total to 13, but lost the Rhondda constituency seat – held by former leader Leanne Wood – to Labour. The Liberal Democrats remained at one seat. The main story of the night, however, was the failure of anti-devolution candidates – such as those put forward by the Abolish the Welsh Assembly Party – to win any seats. Despite record turnout, concerns remain over [high rates of abstention](#), particularly among newly enfranchised 16- and 17-year-olds.

First Minister Mark Drakeford – who was nominated on 12 May and [reconfirmed in his post](#) the following day – faces familiar constitutional strains, not least over the poor state of intergovernmental relations and the constitutional fallout from Brexit (see page 12), which included [an attempt to seek judicial review](#) of key provisions of the UK Internal Market Act. Permission to apply was originally refused, but [the Welsh government is to challenge that outcome](#) before the Court of Appeal later this year. In May, the UK government published a ‘[Plan for Wales](#)’, outlining its vision for ‘levelling up’ Wales via Whitehall through centralised post-Brexit funding schemes. The proposals were received poorly: the Welsh government described them as an attempt to ‘steal power and money from Wales’. It will be for the new Counsel General and Minister for the Constitution, Mick Antoniw, to announce whether any legal steps will be taken in response.

Antoniw will also oversee the wide-ranging constitutional proposals outlined in [the 2021 Welsh Labour manifesto](#), including further Welsh electoral reform, and the pursuit of devolution of justice in line with the recommendations of [the Commission on Justice in Wales](#). In June, the Welsh government published an [updated statement](#) of its constitutional policy, reaffirming its commitment to ‘entrenched devolution’ – a federal UK by another name. It will establish an ‘independent Commission’ on constitutional arrangements in Wales and foster ‘a national, civic conversation in Wales about our future’.

Given the return of a clear ‘[super-majority](#)’ of members in favour of electoral reform, the current Senedd may well see further changes to Welsh electoral arrangements.



These are [likely](#) to include increasing the size of the Senedd to as many as 90 members and introducing the [Single Transferable Vote system](#), in line with the recommendations of the [Expert Panel on Assembly Electoral Reform](#) and the [Committee on Senedd Electoral Reform](#).

## International



### Deliberative democracy in Europe

Many European countries have seen prominent deliberative assemblies publish recommendations for national policymaking. In France, parliamentarians have approved a climate bill containing provisions that stem from the [Citizens' Convention on Climate](#), a deliberative citizens' body set up by President Macron to help shape France's green policy. Yet the bill has [come under fire](#) from environmental groups, left-wing politicians and members of the Convention for omitting or watering down many of the Convention's 146 proposals. The [divisive](#) bill, which the independent High Council on Climate [warns](#) will prevent France from meeting its commitments under the Paris agreement, has led [tens of thousands to take to the streets](#) to demand greater climate action.

Ireland's Citizens' Assembly on Gender Equality presented its [report](#) to the Oireachtas (the Irish parliament) in early June, containing 45 recommendations to advance gender equality. Most significantly, the Assembly recommended the abolition of the long-controversial clause in the Irish constitution recognising women's place as being 'within the home'. These findings have generally been well received by the Irish press and by government ministers, with Minister for Special Education Josepha Madigan [recommending](#) a special parliamentary committee to examine the proposals requiring constitutional reform.

As outlined in a 2020 Unit [blogpost](#), the parliament of Belgium's Brussels region has established a system of permanent joint committees, each comprising 15 parliamentarians and 45 randomly selected citizens, to examine specific issues. The first such committee has now reported, [recommending that radiation standards be changed](#) to allow the rollout of 5G in the Belgian capital. The Brussels parliament has [six months to report](#)

on its follow-up actions. These mixed parliamentary committees constitute a significant democratic innovation, institutionalising a new deliberative mechanism in the policy-making process.

Climate change continues to be a popular topic for citizens' assemblies, with climate assemblies announced in [Austria](#) and [Spain](#). In Denmark, a [climate assembly](#) published its recommendations in May, with the [Danish climate minister promising to incorporate](#) these into new climate policies by the summer. [Germany's first nationwide climate assembly](#) concluded its deliberations in late June, with final proposals to be given to the incoming government following September's general election. This comes three months after a [separate citizens' assembly](#) on 'Germany's role in the world' presented its [report](#) to the Bundestag: at the ceremony, Bundestag President Wolfgang Schäuble [pledged](#) to recommend citizens' assemblies as a tool of democratic advancement to the next Bundestag.

### Constitutional change in Chile

The [current constitution of Chile](#) dates from 1980 and the military government of Augusto Pinochet. It underwent numerous reforms as the country transitioned to democracy, most notably in 1989, when [a ban on Marxist parties was lifted](#), and in 2005, when a broad political agreement [eliminated its remaining authoritarian features](#).

Between 2015 and 2016, then President Michelle Bachelet [led efforts to draft a new constitution](#), which included hundreds of self-convened local meetings and citizens' assemblies, both within Chile and abroad. However, [legislation was not introduced until 2018](#), after she had lost her bid for re-election. It was dropped by her successor, Sebastián Piñera.

The current process of wholesale constitutional change started following [a series of riots, protests and demonstrations](#) in October 2019, in the belief that they were ultimately linked to the lack of fair and legitimate structural rules of power distribution. A [full-blown itinerary for constitutional change](#) was then put in place.

A referendum was held in October 2020: [80% of voters](#) approved the policy of drafting a new constitution. They also voted for this task to be completed by a constitutional convention – where decisions would require the approval of two-thirds of the members – rather than leaving it to the Chilean legislature. It was

later agreed that [the Convention would be gender balanced](#), and that 17 of its 155 seats [would be reserved for members of the country's indigenous population](#).

[Elections for the convention](#) took place in May. Government-backed candidates fared poorly, and will be unable to block proposals alone, whilst a large number of independent candidates were elected.

The convention commenced its work on 4 July. It has nine months to complete its mandate, with the option of a single extension of no more than three months. How it will fare is uncertain, as its membership includes many new political actors whose ideological positions are unknown, and who are not organised into parties, which could adversely affect the building of alliances that can command the necessary majority within the convention to approve proposals.



[A Chilean voter casts her ballot \(CC BY 2.0\) by Mediabanco.](#)

## People on the move

Labour deputy leader **Angela Rayner** was named Shadow Chancellor of the Duchy of Lancaster as part of a mini-reshuffle that saw her replace **Rachel Reeves**. Reeves took the place of **Anneliese Dodds** as Shadow Chancellor, while Dodds was given Rayner's previous job of party chair. **Alan Campbell** took over from **Nick Brown** as Chief Whip, and **Thangam Debbonaire** replaced **Valerie Vaz** as Shadow Leader of the House of Commons. **Baroness (Jenny) Chapman** has moved from the role of Keir Starmer's political director to shadow the Brexit minister, Lord (David) Frost.

**Lord (Christopher) Geidt** took over as Independent Adviser on Ministerial Standards in April (see page 9), replacing **Alex Allan**, who resigned in November 2020.

**Sue Gray** left her role as Permanent Secretary at the Northern Ireland Department of Finance to become Second Permanent Secretary at the Cabinet Office, where she will lead its work on the Union and the constitution.

GCHQ's Director of Legal Affairs, **Douglas Wilson**, has been appointed as the next Director General of the Attorney General's Office. He replaces interim DG **Shehzad Charania**, who took over from **Rowena Collins Rice** when she was appointed to the High Court in September.

**Lord (John) McFall** was elected Lord Speaker in April, replacing **Lord (Norman) Fowler** (see page 3). **Lord (John) Gardiner** replaced McFall as Senior Deputy Speaker.

**Simon Burton** took over from **Ed Ollard** as Clerk of the Parliaments (the most senior official in the Lords) on 2 April. Burton's previous post as Clerk Assistant was taken by former Clerk of the Journals **Chloe Mawson**, who is the first woman to perform the role.

**Marianne Cwynarski** has been named as the new Director General of the House of Commons service, replacing **Ian Ailles**.

Following the agreed shakeup of the committee system in the Lords (see [Monitor 77](#), page 8), the new European Affairs Committee has been officially formed, chaired by the **Earl of Kinnoull**. Its temporary Sub-Committee on the Northern Ireland Protocol is chaired by **Lord (Michael) Jay**. The new International Agreements Committee is chaired by the former Attorney General **Lord (Peter) Goldsmith**.

The Lords has created a new Justice and Home Affairs Committee, which is chaired by **Baroness (Sally) Hamwee**.

**Owen Thompson** is the new SNP Chief Whip in the House of Commons, following the resignation of **Patrick Grady**.

**Angus Robertson** is the new Scottish Cabinet Secretary for the Constitution, External Affairs and Culture. He has added **Fiona Hylsop's** culture brief to the portfolio previously held by **Michael Russell**, who stepped down as an MSP in May.

Scotland's Lord Advocate and Solicitor General have announced their resignations. **James Wolffe** and **Alison Di Rollo** have been replaced by **Dorothy Bain** and **Ruth Charteris** respectively.

The Scottish Parliament's Presiding Officer, **Ken Macintosh**, stood down as an MSP at the Scottish election. **Alison Johnstone** was elected by MSPs to replace him.

**Edwin Poots** was elected leader of the Democratic Unionist Party, after **Arlene Foster** was forced to resign in May. Poots resigned after just three weeks in post, and **Jeffrey Donaldson** was elected unopposed to replace him. **Paul Givan** replaced Foster as First Minister (see page 15).

**Doug Beattie** was elected leader of the Ulster Unionist Party, following the resignation of **Steve Aiken**.

**Jayne Brady** has been named as the new head of the Northern Ireland Civil Service. She will replace **Jenny Pyper**, who was appointed on an interim basis in December.

**Siobhan Keegan** has been named as the first female Lord Chief Justice of Northern Ireland, replacing the retiring **Declan Morgan**.

**Mick Antoniw** has joined the Welsh government as Minister for the Constitution and Counsel General, after **Jeremy Miles** was made Minister for Education as part of a post-election reshuffle.

## Constitution Unit news

### Working Group report and new project

The Working Group on Unification Referendums on the Island of Ireland published its [Final Report](#) on 26 May. It was the culmination of 18 months' research, including widespread consultations in Northern Ireland, Ireland, Great Britain, and beyond. The group found that any future unification referendums would be complex, and that thinking the processes through in advance is therefore necessary. The report set out and clarified the provisions of the [1998 Belfast/Good Friday Agreement](#)

relating to such votes – not least the requirement that the Secretary of State for Northern Ireland call a vote if ever it appears likely that a majority would vote for unification. The report also analysed the many points that the 1998 Agreement did not resolve, including how parallel votes across two distinct jurisdictions would best be run, where the referendums themselves would best fall in any wider decision-making process, and how ministers in the UK government should judge whether a vote must be held. It argued that coordination and planning, particularly by the two governments, would be essential before any referendums took place.

Reaction has been overwhelmingly positive. An editorial in the [Irish Times](#) welcomed the 'important report', while an op-ed in the [Belfast Telegraph](#) called it 'the most significant contribution to the constitutional debate in decades'. A full list of media reaction and coverage elsewhere can be found [here](#). The Unit also hosted a well-attended launch event with partner organisations from University College Dublin, Trinity College Dublin, Ulster University, and Queen's University Belfast. [Video](#) and [audio](#) recordings of the event are available on the Unit's website.

The Unit plans to remain engaged in Northern Irish constitutional research and has launched a new project investigating perceptions of the Belfast/Good Friday Agreement.

### Unit conference on the Johnson government's constitutional reform agenda

On 17 and 18 June the Unit co-hosted [a major conference](#) with the Department of Politics and International Relations at the University of Oxford and UK in a Changing Europe on the topic of the Johnson government's constitutional reform agenda.

The conference opened with [a keynote speech](#) by Lord Chancellor Robert Buckland, who discussed the government's reviews of judicial review and the Human Rights Act 1998, plus planned re-examination of the Constitutional Reform Act 2005.

The conference hosted five panels with a diverse range of speakers. [A panel on judicial review](#) included Lord Faulks, who chaired the government's Independent Review of Administrative Law, while one on [repeal of the Fixed-term Parliaments Act 2011](#) included Lord (Patrick) McLoughlin who chaired the parliamentary joint committee on the topic. Other panels covered the need

to [update digital campaign regulation, devolution and the future of the Union](#), and the [government's proposed rebalancing of the relationship between parliament, the executive and the courts](#). Numerous high-profile academic and media commentators contributed, including Professors Alison Young, Petra Schleiter, Kate O'Regan, Rachel Gibson, Laura McAllister, Adam Tomkins, Katy Hayward, and the Unit's Meg Russell; plus Chris Bryant MP, Joshua Rosenberg, Peter Riddell and Dominic Grieve.



Lord Chancellor Robert Buckland addresses the Unit's June conference.

Buckland's speech is available to view on the Constitution Unit's [YouTube page](#), where videos of the panels will continue to be published throughout July. You can also [subscribe to the Unit's podcast](#), which will soon release episodes for each panel.

The Unit is also publishing [a series of blogposts](#) – some of which are already online – authored by conference panellists, including Professor Tim Bale, Professor John Denham, Dr Kate Dommett and Electoral Commission Chair John Pullinger.

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## Dr Tom Fleming to join Constitution Unit in September

We are delighted that the Unit will be expanding in September, with the arrival of [Dr Tom Fleming](#), who joins the UCL Department of Political Science as a Lecturer in British and Comparative Politics. Tom's research interests align closely with those of the Unit, encompassing topics such as parliamentary procedure, parliamentary reform and executive–legislative relations. He has written several pieces with Unit Fellow Professor Petra Schleiter (University of Oxford), drawing on international examples to inform debates on

parliamentary prorogation and dissolution – particularly in the context of the government's planned repeal of the Fixed-term Parliaments Act. His arrival represents a welcome opportunity to extend the reach of our activities.

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## Alan Renwick appears before Oireachtas committee

Alan Renwick and three other members of the [Working Group on Unification Referendums on the Island of Ireland](#) – Etain Tannam and David Kenny of Trinity College Dublin, and Christopher McCrudden of Queen's University Belfast – [presented evidence](#) about the project on 30 March to a committee of the Oireachtas (the Irish parliament). The [Joint Committee on the Implementation of the Good Friday Agreement](#) includes members of both houses of the Oireachtas – the Dáil and Seanad – while some members of the UK parliament elected from constituencies in Northern Ireland also attend its meetings. During the session, the Working Group members outlined some of the main conclusions of its Interim Report, published in November 2020, and answered wide-ranging questions. Representatives from all of the political parties present praised the Working Group's contribution.

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## Meg Russell wins PSA Communicator of the Year award

In March, Unit Director Professor Meg Russell was honoured by the Political Studies Association, [receiving its annual 'Communicator of the Year' award](#). The PSA announcement cited Meg's 'powerful and insightful voice upholding the proper role of parliamentary scrutiny and deliberation as an essential part of a well-functioning political process' and recognised her 'leadership of the outstanding team at the UCL Constitution Unit, and the numerous contributions that this team has made ... to advance public understanding'. The Political Communicator award has a history in the Unit, with founding Director Professor Robert Hazell previously having won it in 2009.

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## Meg Russell addresses international parliamentarians on COVID-19 and parliaments

In April Meg Russell was invited by the Parliamentary Assembly of the Council of Europe (PACE) to address an online conference held with three other parliamentary assemblies on 'Challenges and Threats in the context

of the Covid Pandemic'. She spoke in a session on the challenges of COVID-19 for democracy, specifically about challenges and risks for parliaments. This followed a [prior appearance in May 2020](#), at PACE's Political Affairs and Democracy Committee on the same subject. Meg's reflections on that occasion fed into [a report](#) prepared by the committee on COVID-19 and democracy, whose section on parliaments quoted her presentation at length. On both occasions, Meg warned of the risks that COVID-19 empowers executives against legislatures, and party leaders against backbenchers. As reflected in the [joint briefing](#) published by the Unit in April with the Hansard Society, Bingham Centre on the Rule of Law and the Public Law Project, she argued for vigilance in reversing these trends post-pandemic.

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### Alan Renwick gives evidence to PACAC

In May, Alan Renwick [gave evidence](#) to the House of Commons Public Administration and Constitutional Affairs Committee, as part of [its inquiry into the role of the Electoral Commission](#). The session focused on the Commission's role in referendums, and Alan spoke in his capacity as Research Director for the Unit's [Independent Commission on Referendums](#) (ICR), which reported in 2018. He appeared alongside two members of the ICR: the former Conservative MP Dominic Grieve, and former Labour MP and Vote Leave Chair Baroness (Gisela) Stuart.

Alan argued that the ICR's recommendations stood up well after three years. He highlighted the need for greater transparency in both campaign spending and online campaigning. All three witnesses said that information provision during campaigns should be strengthened, while cautioning against giving the Electoral Commission too great a role in plugging this gap: Alan's 2019 report with Michela Palese on [Doing Democracy Better](#) advocated an independent body instead. Alan also emphasised that the Electoral Commission's governance arrangements [must protect the institution's impartiality](#), and said that the current one-party majority on the Speaker's Committee on the Electoral Commission should not be allowed to recur. Some of these arguments were reiterated in a [Unit blogpost](#) by Alan Renwick and Meg Russell marking the fifth anniversary of the Brexit referendum in June.

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### Rick Wilford and Cheryl Gillan

The Unit was sad to hear of the deaths of two former colleagues, [Professor Rick Wilford](#) and [Cheryl Gillan](#).

Rick was Professor of Politics Emeritus at Queen's University Belfast. For many years, he was one of the leaders of the Unit's Devolution Monitoring Team in Northern Ireland. Robert Hazell, founder and former Director of the Unit, described Rick as 'a wonderful colleague'.

Cheryl was a long-serving MP, who was Secretary of State for Wales under David Cameron, and vice-chair of the 1922 Committee. She was a member of the Unit Council, and of our 2017–18 Independent Commission on Referendums. Unit Deputy Director Alan Renwick, who also worked with her in the [Council of Europe](#), described her as '[a determined defender of democracy](#)'. She was made a Dame in 2018.

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### 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 James Cleaver and Gil Richards.

James is continuing to work at the Unit, as the Research Assistant for our project on [Democracy in the UK after Brexit](#).



### The Constitution Unit now has a podcast!

The [Constitution Unit podcast](#) 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 online

Recordings of all of our events are available online, via the Unit's [podcast](#) and its [YouTube page](#). To sign up for future events, please visit our [events page](#). Webinars are free and open to all.

### [Conference on the Johnson Government's Constitutional Reform Agenda](#)

Featuring a keynote speech from **Lord Chancellor Robert Buckland QC MP**.

#### Day 1, Thursday 17 June

[Panel 1: Keynote speech by Robert Buckland QC MP](#)

[Panel 2: Judicial review, human rights and judiciary](#)

[Panel 3: Review of the Fixed-term Parliaments Act 2011](#)

#### Day 2, Friday 18 June

[Panel 1: Elections and referendums - updating campaign regulation for a digital era](#)

[Panel 2: Devolution and future of the Union](#)

[Panel 3: Rebalancing between parliament, executive and the courts](#)



Dominic Grieve, Meg Russell, Petra Schleiter, Peter Riddell and Tim Bale at the Unit conference's final panel, Rebalancing between parliament, executive and the courts.

*Recorded on 17 and 18 June.*

### [Report Launch: The Final Report of the Working Group on Unification Referendums on the Island of Ireland](#)

**John Coakley**, Emeritus Professor at the Geary Institute, University College Dublin, **Sarah Creighton**, solicitor, writer and political commentator, **Avila Kilmurray**, Migration and Peacebuilding Executive at the Social Change Initiative, **Patrick Maguire**, Red Box editor for the *Times*, **Alan Renwick**, Chair of the Working Group and Deputy Director of the Constitution Unit.

Chair: **Cathy Gormley-Heenan**, Professor of Politics at Ulster University and member of the Working Group. *Recorded on 9 June.*

### [Ministerial Standards in Westminster and Beyond](#)

**Alex Allan**, former Independent Adviser on Ministerial Interests, **Susan Deacon**, former minister in the Scottish government, **Richard Thomas**, member of the Advisory Committee on Business Appointments.

Chair: **Robert Hazell**, former Director of the Constitution Unit. *Recorded on 24 May.*

### [Regulating Public Appointments](#)

**Peter Riddell**, Commissioner for Public Appointments.

Chair: **Meg Russell**, Director of the Constitution Unit. *Recorded on 29 April.*

### [Can Boris Johnson Stop Indyref2?](#)

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

Chair: **Meg Russell**, Director of the Constitution Unit. *Recorded on 22 March.*

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## Upcoming events

### [The Gun, the Ship & the Pen: Warfare, Constitutions and the Making of the Modern World](#)

**Linda Colley**, Professor of History at Princeton University, **Harshan Kumarasingham**, Senior Lecturer in British Politics at the University of Edinburgh.

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

29 July, 6pm.

## Unit in the news

Robert Hazell was mentioned in articles in the *Express* ([6 March](#)) and *Yahoo Finance* (25 March) about the process by which the royal line of succession is changed. An article published by *Politico.eu* (16 April) concerning the possibility of a 'soft regency' arrangement following the death of the Queen also cited Robert.

Articles in the *Washington Post* and on *BBC News* (both 9 March), *Mint* (10 March), *Euronews* (11 March), and *CBC News* (14 March) quoted Bob Morris on why the Duke and Duchess of Sussex's son Archie is not a prince. He was also quoted in an *Express* article explaining that the Duke and Duchess of Sussex can only be stripped of their titles by an Act of Parliament (22 May).

An article in the *Bangkok Post* (10 March) and the *Economic Times India* (11 March) exploring if the British Royal Family is experiencing a crisis moment quoted Robert Hazell.

An article in *Berkshire Live* about how the coronation of Prince Charles might differ from the Queen's quoted the Unit (14 March). *Vanity Fair* published an article outlining why minor royals may choose to opt out of the Royal

Family, which quoted Robert Hazell at length (18 March). This piece was referenced in two articles in the *Express* ([6 March](#) and [19 March](#)).

A *BBC News* article examining the statutory review of the Fixed-term Parliaments Act and what might replace it quoted Meg Russell (9 March). Meg also appeared on Radio 4's *Today in Parliament* to discuss the report of the Joint Committee on the Fixed-term Parliaments Act (29 March).

The work of the Working Group on Unification Referendums on the Island of Ireland was referenced in an *Al Jazeera* article (9 March) and a *BBC News* piece (13 June) discussing the centenary of the creation of Northern Ireland. The Working Group's research was also referenced in a *Washington Post* article discussing the challenges of a border poll on Northern Ireland's constitutional status (17 March). KfM broadcast a report on the appearance of Working Group members, including Alan Renwick, before the Oireachtas Joint Committee on the Implementation of the Good Friday (30 March). An article in the *Guardian* discussed the findings of the Working Group's interim report (3 May).

Robert Hazell appeared on an episode of the *UCL Uncovering Politics* podcast (12 March) to discuss the research he is undertaking as part of an international project on prerogative powers. His work on that project was also mentioned in an essay published in *Prospect* (30 April).

Meg Russell and Alan Renwick appeared on the *UCL Uncovering Politics* podcast, discussing the Democracy in the UK After Brexit project (25 March).

The *National* referenced Alan Renwick's contribution to a [Unit webinar](#) on the subject of a second Scottish independence referendum (30 March).

Meg Russell joined discussions on House of Lords reform for the *Aspen Initiative UK* podcast (15 March) and Mariella Frostrup's programme on Times Radio (31 March).

The *Guardian* cited a [blog post](#) authored by Meg Russell and Lisa James on the government's sidelining of

# Bulletin Board

parliament in an article discussing how executive power has been unchecked during the pandemic (4 April). Meg also authored a piece on the same topic in the [FT](#) (24 April) and joined discussions on the matter on Radio 4's *Today in Parliament* (23 April) and on an episode of the UCL's [Coronavirus: The Whole Story](#) podcast (27 April). She co-authored a letter to the [Times](#) (24 April) on the government's relationship with parliament.

Articles on [Cornwall Live](#) (16 April) and [Kent Live](#) (26 April) discussing what might change when Prince Charles becomes King cited the Unit's research. Articles in the [Nottingham Post](#) (23 May), [Berkshire Live](#) (27 April), and the [Express](#) (28 April) exploring what title Prince Charles might adopt when he becomes King cited Unit research.

Robert Hazell provided commentary on the death of the Duke of Edinburgh and the future of the monarchy for Sky Documentaries (23 April). Robert also discussed the role monarchs play in crucial moments for a country on the [Bloomberg Westminster](#) podcast (24 April)

An article in the [Herald](#) on the prospect of a second independence referendum urges political parties in Scotland to learn from the research of the [Independent Commission on Referendums](#) (28 April). An article in the [Belfast Newsletter](#) reflecting on the centenary of Northern Ireland referenced the Commission's work as a source of information on how any border poll would best be designed and conducted (7 May).

The [New European](#) published an article discussing a [PACAC evidence session](#) on the Electoral Commission's role in electoral finance regulation, to which members of the Independent Commission on Referendums and Alan Renwick gave evidence (24 May).

The [Irish Times](#), [Irish Independent](#), [Irish Legal News](#), [Express](#), [Belfast Telegraph](#) (all 26 May) and [Scottish Legal News](#) (27 May) published articles about the Final Report of the Working Group on Unification Referendums on the Island of Ireland, and the [Irish Times](#) published an editorial focusing on the findings of the report (27 May). Alan Renwick wrote a piece for [Prospect](#) (3 June) and hosted a discussion on the Working Group's research process and findings on the

[UCL Uncovering Politics](#) podcast (3 June). The [Belfast Newsletter](#) published an article outlining the purpose of the research by the Working Group (5 June). Alan discussed the Working Group on BBC Radio 4's *PM* (7 June) and the [Guardian's Politics Weekly](#) podcast (9 June). The final report of the Working Group is referenced in a [BBC News](#) article reflecting on Northern Ireland's centenary (13 June).

The [Express](#) published an article explaining two possible reasons why Camilla might not take the title of Queen when Prince Charles becomes King, citing text from the Unit's [FAQs on the accession and coronation of the next monarch](#) (4 June). Articles by [news.com.au](#) (10 June) and the [NZ Herald](#) (11 June) about the children of the Duke and Duchess of Sussex quoted Bob Morris.

The [Wall Street Journal](#) quoted Robert Hazell in an article which sets out all the meetings between Queen Elizabeth II and the various American presidents since she came to the throne (11 June).

Robert Buckland's keynote speech at the Unit's June conference (see page 19) was the subject of articles in the [Law Society Gazette](#) (17 June), and on [Scottish Legal News](#) (18 June), [Legal Cheek](#) (21 June) and the [Justice Gap](#) (26 June). Former Treasury Solicitor Jonathan Jones also offered commentary on the speech for the [Institute for Government](#) (18 June) and in the [Independent](#) (19 June).

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## Committee appearances

Alan Renwick gave evidence about the work of the Independent Commission of Referendums to the House of Commons Public Administration and Constitutional Affairs Committee ([25 May](#)).

[Read about the Independent Commission on Referendums.](#)

Alan Renwick appeared before the Oireachtas Joint Committee on the Implementation of the Good Friday Agreement to discuss the work of the Working Group on Unification Referendums on the Island of Ireland ([30 March](#)).

[Read about the Working Group.](#)



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## Unit publications

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

Alan Renwick and Michela Palese, 'Tackling Misinformation in Referendums: Lessons from Anglophone Democracies', in [Misinformation in Referenda](#), edited by Sandrine Baume, Véronique Boillet and Vincent Martenet (Routledge).

Alan Renwick and Jess Sargeant, 'The Rules of Referendums', in [The Palgrave Handbook of European Referendums](#), edited by Julie Smith (Palgrave Macmillan, March).

Alan Renwick and Jack Vowles, 'Tales of Two Referendums: Comparing Debate Quality between the UK and New Zealand Voting System Referendums of 2011' ([Representation](#), March).

## Publications to note

Tim Durrant, Catherine Haddon and Jack Pannell, [Updating the Ministerial Code](#) (Institute for Government, July).

Michael Keating, [State and Nation in the United Kingdom](#) (Oxford University Press, May).

Raphael Hogarth, Catherine Haddon and Alex Nice, [Judicial Review and Policy Making](#) (Institute for Government, April).

Michael Kenny, Philip Rycroft and Jack Sheldon, [Union at the Crossroads: Can the British State Handle the Challenges of Devolution?](#) (The Constitution Society/ Bennett Institute for Public Policy, April).

Eve Hepburn, Michael Keating and Nicola McEwen (editors), [Scotland's New Choice: Independence After Brexit](#) (Centre for Constitutional Change, March).

## Contributors to *Monitor 78*

Sam Anderson, Cristobal Bellolio, Dave Busfield-Birch, Greg Davies, Robert Hazell, Lisa James, Conor Kelly, Charlotte Kincaid, Robert Liao, Nicola McEwen, Alexandra Meakin, Hedydd Phylip, Zachariah Pullar, Alan Renwick, Meg Russell, Mark Sandford, Jack Sheldon and Alan Whysall.

The issue was edited by Dave Busfield-Birch.

NEW REPORT from the Working Group on Unification Referendums on the Island of Ireland



The Working Group, chaired by Unit Deputy Director Alan Renwick, was established by the Unit to examine how any future referendums on the constitutional status of Northern Ireland would be best designed and conducted. [Its Final report](#) is the culmination of 18 months' research, including widespread consultations in Northern Ireland, Ireland, Great Britain, and beyond.

