

Constitution Unit

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Constitution Unit Blog
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Second, referendum campaigns should be conducted in a way that is fair between the competing sides and effective in giving voters the information they want. The Commission makes detailed recommendations on the role of government and lead campaigners, the rules of campaign finance, and ways of ensuring that quality information is available.

Third, the regulation of referendums must keep up with the changing nature of political campaigning, particularly campaigning through social media. The Commission proposes, for example, that a repository of online advertising should be developed and that a general review of the regulation of political advertising should be conducted.

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

In considering these matters, the Commission drew on considerable evidence from both the UK and abroad, and more such evidence is emerging all the time. Notably,

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

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

The Lords defeats were [mostly overturned in the Commons](#), but with some further concessions – including on the Northern Ireland border, unaccompanied child refugees, the status of EU environmental principles in domestic law, and UK participation in EU agencies post-Brexit. Some were completely rejected, such as the proposal to incorporate the EU Charter of Fundamental

Lords size and membership

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

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

Review of House of Lords committee system

[Monitor 68](#) (page 5) reported on the review of the House of Lords committee system launched by the chamber's Liaison Committee (as summarised by that committee's chair [on our blog](#)). Since then, the committee has been very energetically gathering evidence. Its first session of oral evidence (a historic occasion, being the first such session ever staged by the committee) included the Constitution Unit's Director, Professor Meg Russell, whose contributions are summarised [on our website](#). In [numerous](#) written submissions and subsequent oral evidence sessions, various common themes have emerged. One is the importance of building on the Lords' strengths, in terms of culture and expertise. Another is the need to maintain complementarity with the Commons committee system – which mirrors the government's departmental structure, whereas Lords committees are intentionally 'crosscutting' – while ensuring good coordination with the Commons. CI Di22 6as L50

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

Commons Liaison Committee reports: committee practice and diversity of witnesses

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

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

PACAC publishes report on 'Whitehall Effectiveness'

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

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

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

Penny Mordaunt, who became Minister for Women and Equalities in April.
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Revised Single Departmental Plans

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

For the first time, the plans include equality objectives and explain how departments are contributing to the domestic delivery of the [Sustainable Development Goals](#). Departmental annual reports and accounts are then meant to show how a department has performed

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

In the UK, the government's tone appears to have toughened, with ministers increasingly willing to embrace legislative solutions to problems associated with the internet giants. Speaking in March 2018 amidst the Cambridge Analytica scandal, the then Culture Secretary, Matt Hancock, _____

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

Audit of Political Engagement

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

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

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

Launch of report on Political Polling and Digital Media

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

Devolution

are both represented). Elsewhere, progress continues in some of the less high-profile mayoral areas. For example, Cambridgeshire and Peterborough have produced [detailed proposals for an underground/light rail system](#). Tees Valley is progressing plans to _____

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

Its recommendations included some marked departures from the [2014 independence vision](#). In place of the commitment to a formal sterling currency union, the report recommended keeping the pound for an extended transitional period, before moving to an independent

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

British Columbia announces referendums on electoral reform

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

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

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

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

People on the move

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

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

Three new Justices have been [appointed to the UK Supreme Court](#). **Ledaena Jiti** (is rjiti) **Uhe** (Uhe)tire wioany **Mill ru8.1(e)**lacedher ehusan

There has also been a change of leadership in Wales, where **Caroline Jones** has replaced

