

The most unexpected election

Current British politics is rarely dull. Added to the unexpected result in the 2016 Brexit referendum and the subsequent [Miller case](#) regarding parliament's role in the process (not to mention the Conservatives' unexpected outright majority in 2015), we now have our second hung parliament in seven years, a resurgent Corbyn-led Labour Party, and a previously popular Prime Minister who appears to be on the ropes. All this following a general election that few expected, and that some even thought pretty much impossible under the 2011 Fixed-term Parliaments Act.

Image above: Theresa May and Jeremy Corbyn process through Central Lobby to the House of Lords during the State Opening of Parliament, 21 June 2017. This image is subject to [parliamentary copyright](#). www.parliament.uk.

Following the successful passage of the [European](#)

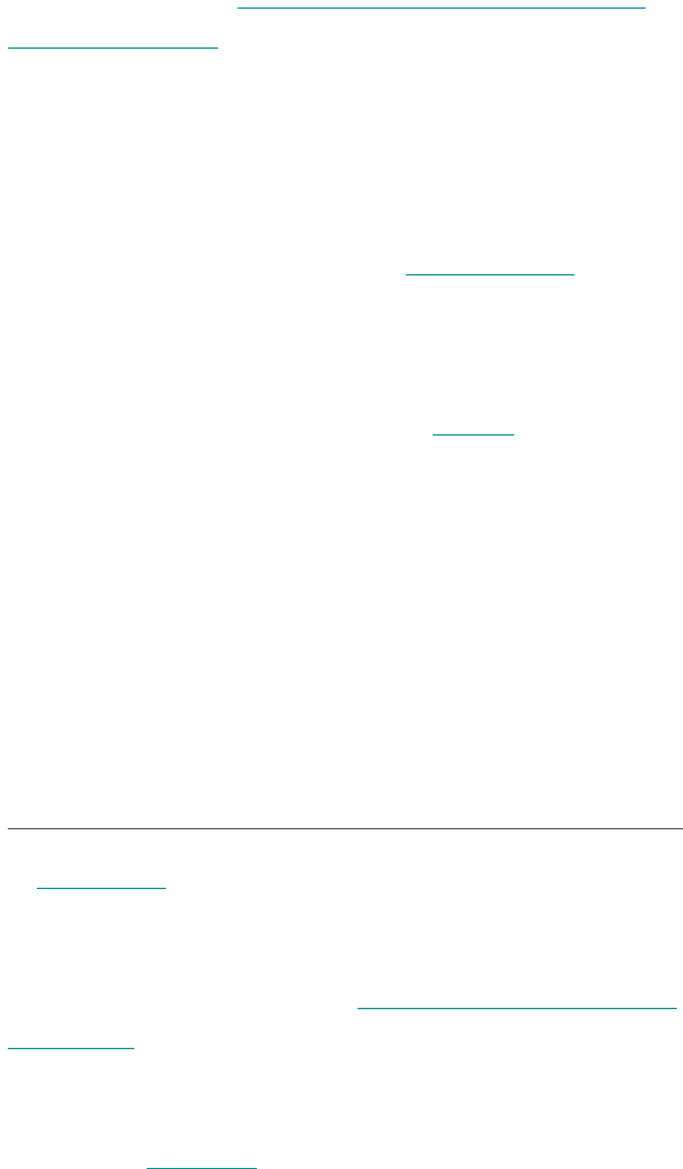


The campaign itself was unusually eventful and was marred by distressing terrorist attacks in Manchester and London (see page 7). The parties pulled together manifestos very quickly. As was analysed in a [piece on the Constitution Unit blog](#), they included many and varied constitutional reform proposals. The Conservatives promised significant electoral reforms (see page 8), and repeal of the Fixed-term Parliaments Act (see pages 3–4). But, of course, their biggest constitutional challenge is Brexit.

The slightly delayed [Queen's speech](#), on 21 June, set out plans for an opening two-year parliamentary session – the first such extended session since the beginning of the coalition period in 2010–12. The event saw [reduced ceremonial](#) (which allowed some mischievous commentators to claim that the Queen had replaced her crown with a 'giant EU hat'). Given the difficult parliamentary arithmetic (see below), it also saw some reduction in legislative ambition, with the speech being largely confined to Brexit-related matters and a few other fairly low-profile bills (see pages 4–5).

Lords reform prospects in the new parliament

The snap general election brought an abrupt halt to the two parliamentary inquiries into managing the size of the House of Lords (see [Monitor 65](#), pages 4–5). The Commons Public Administration and Constitutional Affairs Committee (PACAC) [inquiry](#) took evidence [on 14 March](#) from the three key non-government leaders in the Lords – Labour’s Baroness Smith of Basildon, the Liberal Democrats’ Lord Newby and Crossbench convener Lord Hope. Its work was subsequently suspended when parliament dissolved, though a section in the committee’s [‘legacy report’](#) provided some early reflections. This noted widespread support for a limit on the size of the House, for limits on the number of appointments, for an enhanced role for the House of



The Treasury Committee's parallel inquiry was not complete by dissolution, though a [preliminary report](#) stated that 'it would be imprudent for the House to commit to a specific option or timetable' until the committee had completed its work. At the time of writing it is not yet clear whether the committee, which will have a new chair following Andrew Tyrie's retirement from the Commons, will resume its inquiry in the new parliament.

A [report in *The Times*](#) following the election indicated that the government may not now hold a vote on the restoration and renewal proposals at all, despite previously having promised one. The report suggested that senior Conservatives 'do not want a fight on the issue with their own members'. One 'government figure' was quoted as saying that 'You would have to have boulders falling down from the turrets before we leave'. [Letters](#) to the same paper from former Lord Speaker Baroness D'Souza, former Clerk of the House of Commons Sir Malcolm Jack and Labour MP Chris Bryant criticised the possible delay.

Confidence and supply agreement between the Conservatives and the DUP

The [confidence and supply agreement](#) between the Conservatives and the DUP was signed by the parties' respective chief whips on 26 June. The agreement commits the DUP's 10 MPs to supporting the government on 'motions of confidence; and on the Queen's speech; the Budget; finance bills; money bills;

supply and appropriation legislation and Estimates', as well as 'legislation pertaining to the United Kingdom's exit from the European Union; and legislation pertaining to national security'. On other matters support will be agreed 'on a case by case basis'. Among other things, the agreement also confirms that there will be no change to the triple lock on pensions or to winter fuel payments, despite reforms having been proposed in the Conservative manifesto. A considerable package of [financial support for Northern Ireland](#) is set out, including £200m for infrastructure development, £75m to help provide ultra-fast broadband, £100m for health service transformation and £50m to address pressures in health and education. A co-ordination committee, convened by the government, is to be established to 'ensure the necessary support can be established by both parties to fulfil these arrangements'. No details of this have yet been provided, except that the Northern Ireland Secretary will not be a member. The agreement is for the length of the parliament, but will be reviewed after each parliamentary session and at other times 'by the mutual consent of both parties'.

This deal is controversial for three reasons. First, although issues such as gay marriage and abortion do not feature in the confidence and supply agreement, concerns have been raised about the DUP's [socially conservative stances](#) on them. Secondly, critics of the agreement, [including Sir John Major](#) and [Lord \(Peter\) Hain](#), have suggested that by undermining the

The new government and Whitehall

The unexpected election outcome resulted in unusually high post-election continuity in government, at least in terms of ministerial posts (see page 15 for changes). The Cabinet Office had properly prepared for all contingencies, including a hung parliament, by convening a meeting of constitutional experts before the election to check that the procedures laid down in the [Cabinet Manual](#) were still correct. They will have been less well prepared for their Cabinet Office Minister Ben Gummer losing his seat, and being replaced by Damian Green,

unmanageable challenges for devolution and the UK's constitutional politics, as for so many other things.

In Northern Ireland there is the particular issue of the prospect of a return to a hard Irish border, following Theresa May's rejection of membership of the single market and the customs union for many parts of the Territory, in fact, basic agreement

and the Stormont parties have served the essential function of the status quo of the border, in order to bring and virtually to the

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Reference to local and regional government in the parties' election manifestos was light. The [Conservatives](#) stated that they would support the devolution of power, but not the creation of elected mayors in rural counties. Both [Labour](#) and the [Liberal Democrats](#) proposed greater powers and spending power for local authorities. Labour proposed to recreate regional government offices, to increase regional intelligence capacity, and to create a 'Minister for England' within the Department for Communities and Local Government.

The [Local Government Finance Bill 2016–17](#) fell as a result of the general election and was not included in the Queen's speech. This means that the metro-mayors will not have their expected powers to raise business rate supplements for the foreseeable future.

British bill of rights

The [Conservative manifesto](#) pledged that the UK would remain a party to the European Convention on Human Rights (ECHR) for the duration of the next parliament. The Human Rights Act (HRA) is slated for review 'when the process of leaving the EU concludes', but there is no mention of its replacement by a British bill of rights. This position represents a step back from previous undelivered Conservative manifesto commitments in [2015](#) and [2010](#) to repeal and replace the HRA. Following the London Bridge terrorist attack Theresa May did suggest that she would be [prepared to change human rights laws](#) if they prevented her from taking counter-terrorism measures, but there was no developed proposal for this.

Before the Brexit referendum, May had argued that the UK should withdraw from the ECHR [irrespective of whether it remained part of the EU](#). During her party leadership campaign in June 2016 she stood by this position, but said that she would [not pursue it](#) due to its divisiveness and the lack of a parliamentary majority behind the policy. Rather than a change of principle, the more likely explanation is that any attempt at such a reform would, even before the Conservatives lost their Commons majority, have become a [distraction from the Brexit negotiations](#).

Brexit: a low-key start to the negotiations

On 19 June the long-awaited [Brexit negotiations finally began](#). David Davis, the Brexit Secretary, led a delegation to Brussels to meet with Michel Barnier, the EU's chief Brexit negotiator, and his team. The two principals have known each other since the 1990s, when both were Ministers for Europe in their respective governments. However, other than a '[courtesy coffee](#)' in Brussels last autumn, this was their first formal meeting in their new positions, despite it being almost a year since the referendum and nearly three months since Theresa May triggered Article 50 in March.

European Council President Donald Tusk (right) receives the letter triggering Article 50 from the UK's Permanent Representative to the EU, Sir Tim Barrow.
© [European Council President](#).

Following the Conservatives' worse than expected showing in the general election on 8 June, the circumstances for beginning the talks could hardly have been less auspicious. At the outset of the campaign the accepted wisdom was that the Conservatives would return to office with a significantly increased majority, enabling Theresa May to face her EU interlocutors with a clear mandate to negotiate a UK exit that would include leaving the single market and the lack of a clear mandate to negotiate a UK exit that would include leaving the single market.

and whichever party were in of ce would likely have had significant limitations on what else it could achieve. The government also faces the challenge of doing this against a tight deadline: unless there is an extension to the two-year time-frame for negotiations laid out in Article 50, the UK will cease to be an EU member on 29 March 2019. The necessary legal structures must therefore be in place by then to reflect the new domestic legal and regulatory reality.

There has also been little change in terms of the view from the EU side. The EU was in a position to begin negotiations with the UK [before the election](#), and claims that Theresa May would somehow have been empowered by a greatly increased majority were viewed with bemusement. The terms of the negotiation and the EU's priorities – the UK's financial obligations, citizens' rights and the border between Northern Ireland and the Republic – remain unchanged. Indeed, for Brussels the real concern now is that [far from being strong and stable](#), the UK government will be hostage to even a small rebellion and may not be in a position to deliver.

Is the pressure already telling? Having previously promised the '[row of the summer](#)' if the EU did not agree to negotiate the post-Brexit relationship concurrently with the terms of the withdrawal, at their first meeting [Davis quietly accepted the EU's timetable](#). Whilst Davis claimed this was not a concession, it indicates perhaps a recognition in London of the enormous challenge that the government now faces. Brexit has begun, but with less of a bang than a whimper.

French elections

On 7 May, Emmanuel Macron was [elected as France's new President](#), defeating Marine Le Pen from the far-right Front National by 66 per cent to 34 per cent in the second round of the presidential election. The election was extraordinary for the fact that neither of the run-of candidates represented the traditional parties of the left and right. Macron's centrist 'En Marche!' movement had only existed for a year. Parliamentary elections followed in June, and initially it was [anticipated](#) that Macron would struggle to win a majority. In the event En Marche! and its ally MoDem [won 350 of the National Assembly's 577](#)

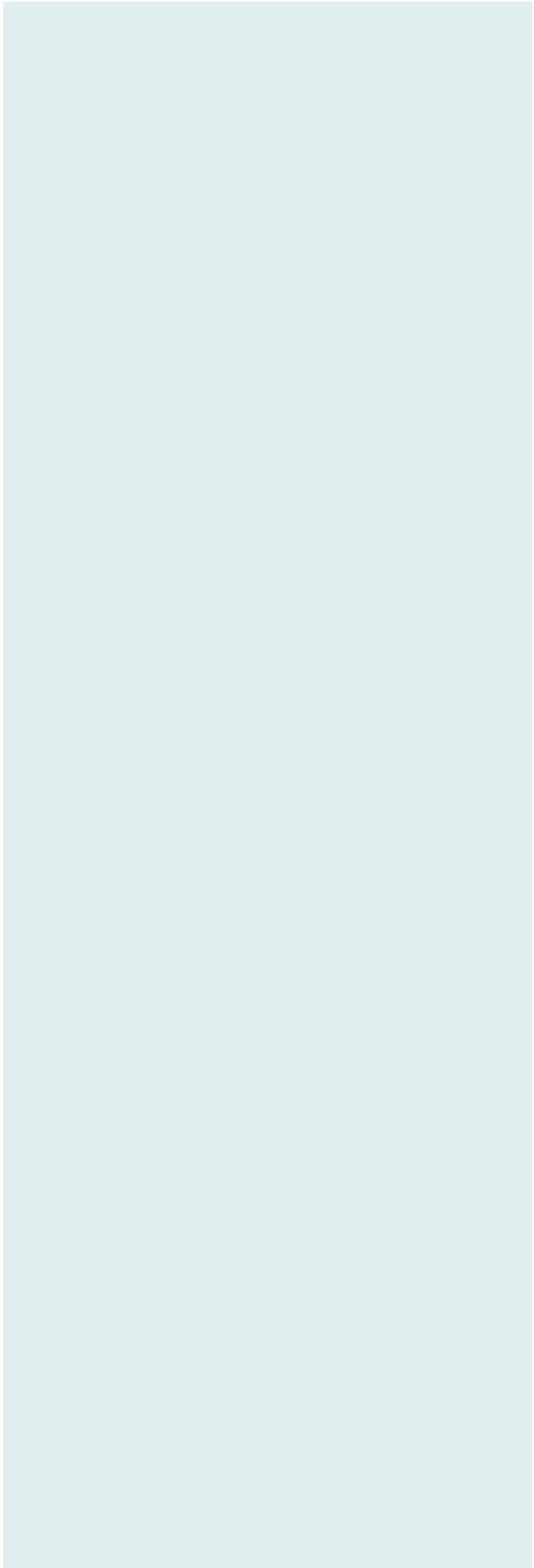
[seats](#), despite not previously having had any MPs. The centre-right Les Republicains party were reduced to 137 seats, and the previously governing Socialists to just 44. The result means

new President

investigation into himself and his associates. Although it is legal for the President to remove the FBI Director, it therefore becomes an abuse of presidential power to do so if the purpose is to obstruct an investigation.

Notwithstanding the President’s boasts and Comey’s claims, that intention is difficult to demonstrate conclusively. Ultimately the President can only be held accountable for an abuse of power by Congress. Whether Congress will take action remains unclear, though [speculation](#) about the possibility of impeachment proceedings has grown recently.

Electoral reform in Italy



Constitution Unit news

Citizens' Assembly on Brexit

The Constitution Unit is leading a team that will host a [Citizens' Assembly on Brexit](#) in September. The project is funded by a Brexit Priority Grant from the Economic and Social Research Council (ESRC) and is part of the highly respected [UK in a Changing Europe](#) initiative.

The Citizens' Assembly will allow citizens to engage in detailed, reflective and informed discussions about what the UK's post-Brexit relations with the European Union should be. Around 45 members of the public – who will be selected by a survey company to reflect the diversity of the UK's population – will meet over two weekends in September. They will learn about the options for Brexit, hear from a wide range of experts and campaigners, and deliberate on what they have heard. They will then agree recommendations that will be written up in a final report and presented to key decision makers.

The project is led by the Unit's Deputy Director, Dr Alan Renwick, working alongside Unit Director Professor Meg Russell, Professor Graham Smith (University of Westminster), Professor Will Jennings (University of Southampton) and the Electoral Reform Society. This team previously participated in the [Democracy Matters project](#), which ran two pilot citizens' assemblies on local devolution, in Sheffield and Southampton, in 2015.

Independent Commission on Referendums

The Unit is establishing an Independent Commission on Referendums, which will be chaired by former senior civil servant Sir Joseph Pilling.

The Commission will examine and make recommendations on both the role and the conduct of referendums in the UK. It will consider what place referendums should have in the UK's system of representative democracy and examine such matters as the role of government during referendum campaigns, the designation of lead campaigners and ways of fostering the availability of quality information.

Preparatory work for the Commission – including the finalisation of its membership – was suspended during the election campaign but has begun again. Members will include leading figures in politics, public service,

the media, and academia. To enable the Commission to draw on the widest possible evidence based, its work will be supported by detailed comparative research led by the Unit's Alan Renwick and aided by our McDougall Fellow, Michela Palese, and new Research Assistant Jess Sargeant. Meg Russell will provide broader input into its running. The Commission will begin its work in the autumn and publish a report in summer 2018.

Candidate survey

The Parliamentary Candidates UK project, led by Rosie Campbell (Birkbeck), Jennifer Hudson (UCL) and Wolfgang Rüdig (Strathclyde) has won funding from the ESRC to run a survey of candidates standing in the 2017 general election.

The team was just finishing up final reports on the 2015 candidate study when Theresa May called the snap election for 8 June. The candidate survey is a long-running study of candidates' experiences of selection and campaigning as well as attitudes on a range of policies, this time including Brexit, the EU, Scottish independence, and devolution.

Building on the successful 2015 survey, which had a response rate over 50 per cent, this survey aims to understand how far candidates selected and elected in 2017 differ from the 2015 cohort. It also explores candidates' and MPs' campaign and governing experiences with regard to harassment and intimidation – an issue of growing importance following the murder of MP Jo Cox. You can follow the research and findings on the [project website](#).

Meg Russell advising Lord Speaker's Committee on the Size of the House

Further to the announcement in [Monitor 65](#) (page 16) that Unit Director Meg Russell was to act as a specialist adviser to the House of Commons Public Administration and Constitutional Affairs Committee (PACAC) inquiry into Lords reform, she was also approached in March to fulfil a similar role for the Lord Speaker's Committee considering the size of the Lords, chaired by Lord Burns. For updates on both committees see page 5.

Staff changes

With several new projects starting and some others ending, recent months have seen significant staff changes at the Unit. We are joined by many new faces. We were sorry in early June to say farewell to Andrew Cook, formerly Research Associate on Alderney governance, and wish him all the best for the future. In early July Agnes Magyar, Research Assistant and

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Jennifer Hudson was interviewed about what next after the general election (BBC Radio 5live, 1 June).

Alan Renwick was quoted in a feature on the general election in Theresa May's constituency of Maidenhead ([BBC News](#), 2 June).

Alan Renwick provided all-night election commentary (BBC Radio Berkshire, 8–9 June).

In the aftermath of the election result, Meg Russell discussed the challenges facing the Conservative minority government (Sky News, German public service television and LBC, 9 June).

Meg Russell wrote a letter to *The Times* about the difficulties facing the new government ([The Times](#), 10 June).

Alan Renwick was interviewed about EVEL and the Salisbury convention, in light of the election result BBC *Daily Politics*, 13 June).

Select committee appearances

Meg Russell gave evidence via video link, for a second time, to the Canadian Senate Committee on Senate Modernization (see [news story](#), 5 April).

Unit publications

Alan Renwick, 'Referendums', in Kai Arzheimer, Jocelyn Evans, and Michael Lewis-Beck (eds), [The Sage Handbook of Electoral Behaviour](#) (Sage), pp. 433–58.

Brenton Prosser, Alan Renwick, Arianna Giovannini, Mark Sandford, Matthew Flinders, Will Jennings, Graham Smith, Paolo Spada, Gerry Stoker, and Katie Ghose, '[Citizen Participation and Changing Governance: Cases of Devolution in England](#)', *Policy & Politics* 45:2 (April), pp. 251–269.

Alan Renwick and Robert Hazell, [Blueprint for a UK Constitutional Convention](#) (Constitution Unit report, June).

Alan Renwick, '[The performance of the electoral system](#)', in Einer Thorsen, Daniel Jackson and Darren Lilleker (eds), *UK Election Analysis 2017: Media, Voters and the Campaign* (Bournemouth University/ Political Studies Association, June).

Alan Renwick, '[Public debate](#)', in The UK in a Changing Europe/ Political Studies Association, *EU Referendum: One Year On* (UK in a Changing Europe/ Political Studies Association, June).

Publications received

Ben Worthy, [The politics of freedom of information: how and why governments pass laws that threaten their powers](#) (Manchester University Press, Feb).

Contributors to Monitor 66

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The issue was edited by Jack Sheldon.

