Constitution Unit
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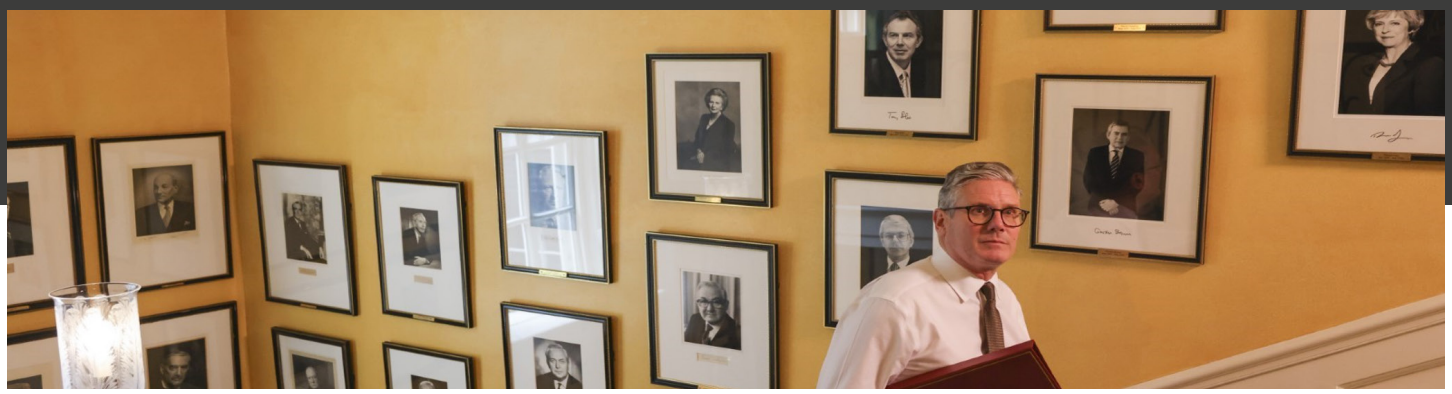

Starmer's challenges and early steps towards constitutional renewal

Since the last edition of *Monitor* was published four months ago, the face of UK politics has radically changed. Most obviously, a general election was unexpectedly called, and the dramatic results delivered a Labour landslide and therefore a change of government. Former Leader of the Opposition Keir Starmer is now the UK's Prime Minister, while former Prime Minister Rishi Sunak is (at least for now) Leader of the Opposition. The Shadow Cabinet has very largely become the Cabinet (see page 10), while many members of Sunak's government lost their seats, as did former Prime Minister Liz Truss.

The Labour manifesto (analysed alongside others on the Unit blog) promised various constitutional changes, some of which were reflected in the King's speech given on 17 July. The government promises reform of the House of Lords, with a first session bill to remove the hereditary peers; it is committed to reforming appointments and shrinking the size of the chamber, before turning to larger-scale reform (see page 4). It also promises quick action on changes to the territorial constitution, with a new Council of the Nations and Regions, and further devolution within England (see page 15). The speech reiterated plans to act on the integrity of elections and encourage participation – the manifesto pledged to extend the franchise to 16 and 17-year-olds, and improve electoral registration (see page 8). As for the manifesto commitment to create a new Ethics and Integrity Commission, legislation on the detail of this is expected later – the Unit published a report on the options in March. Beyond legislation, the government has committed to creating a new House of Commons Modernisation Committee – a topic on which the Unit likewise issued a report, in June.

Political rhetoric and behaviour can be as important as structural reform in defining the constitutional framework. Here, many signs from the new government have been good. Starmer has repeatedly emphasised his commitment to a 'politics of public service' and a need to 'do politics differently'. He drew attention to his day one meeting with the Independent Adviser on Ministers' Interests, who polices the Ministerial Code, and has pledged to strengthen that role. He immediately chose to tour the devolved nations and to convene a meeting of English mayors – promising a 'reset' in relations with other levels of government. Starmer made a point of sending a message to the civil service, emphasising that it has his confidence, support and respect. The new Lord Chancellor, Shabana Mahmood, pledged at her swearing-in ceremony to be 'a champion for the rule of law, and our judiciary' (see page 13). The new Leader of the House of Commons, Lucy Powell, has stated a commitment to improve parliamentary scrutiny (see page 3), which was reiterated by the Attorney General on taking office.

Prime Minister Keir Starmer (CC BY-NC-ND 2.0) by UK Prime Minister.

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All of these actions seem deliberately designed to define the new government against its predecessor. The messages are very welcome, but the government will of course be judged on its actions as well as its words, and will be held to those words in future.

The mood at Westminster post-election was at least initially convivial. In his response to the King's speech, Rishi Sunak gracefully congratulated Starmer, and promised to 'not oppose for the sake of it' and that the Conservatives would be a constructive opposition. The new House of Commons has seen a degree of renewal unprecedented since the Second World War, with 335 new members – i.e. a majority of the total. Even Conservative frontbenchers acknowledge that the UK has just witnessed an 'electoral tsunami of biblical proportions'. The political balance has been turned on its head, with 411 Labour MPs and only 121 Conservatives (see page 7). This will present a challenge for the induction of new members, and for the management of opposition. The main opposition party is unusually small, while the Liberal Democrats and others make up 49% of the opposition total. The Greens took a record four seats, while Reform UK took five, and six very unusually went to independents.

Despite the post-election mood, rhetoric during the campaign itself was far less cordial, and raised various concerns. Numerous candidates reported experiencing abuse and intimidation during the campaign. The Commons Speaker, Lindsay Hoyle, expressed grave concern, and several inquiries are ongoing (see page 8). The main parties did not always set the best example, engaging in negative campaigning and sometimes personal attacks that contrasted sharply with the civility of post-election discourse. Misleading claims were common, and experts said that none of the parties adequately acknowledged the difficult choices that lay ahead. This demonstrates that the divisive politics plaguing the UK, and numerous other countries around the world, has very far from gone away.

Beyond Westminster, there has also been much change. In Scotland, Humza Yousaf was forced out as First Minister, to be replaced by SNP veteran John Swinney (see page 16). In Wales, Mark Drakeford was replaced on his retirement as First Minister by Vaughan Gething. But Gething too stepped down, following allegations about campaign funding, to be succeeded by Eluned Morgan (see page 17). In Northern Ireland, Democratic Unionist Party (DUP) leader Jeffrey Donaldson was also forced to resign (see page 15). The key challenge of supporting stable and effective government in Northern Ireland at UK level now passes to new Secretary of State Hilary Benn, and was the subject of another recent Unit report.

Political and constitutional developments have kept the Unit itself very busy. A series of commentaries on the manifestos, and other election-related content can be found on our website. During the campaign we also hosted our annual conference, with sessions reflecting on the future agenda regarding constitutional standards, devolution, House of Lords reform and the rule of law. Recordings of these and of our subsequent event on lessons from the election are available to watch or listen to. In the coming months we will continue to work hard to inform the new government, new opposition parties and wider public about the constitutional challenges ahead.

Parliament

A new House of Commons

The new House of Commons looks very different from the one elected in 2019 following the dramatic general election result (as discussed on page 7). The Conservatives' 2019 majority of 80 seats has sharply shifted to the new Labour government's majority of 172. Labour holds roughly double its previous number of seats, at 411, while the Conservative Party was reduced to just 121 seats (the lowest number ever). While the Conservatives remain the largest opposition party, they now hold just 51% of seats on that side of the House, with the Liberal Democrats particularly well represented, alongside various smaller groupings. This arrangement presents various challenges: for the Conservatives in putting together a full frontbench and covering other posts, but also for the rules and conventions of the House which privilege the main opposition. For example, standing orders would give the Conservatives 17 opposition days and other opposition parties between them only three. As discussed by Unit Honorary Fellow Paul Evans on the Hansard Society blog, this may feed arguments about inequities, and possible revisions in various areas. Meanwhile, Labour faces the challenges of keeping its large majority together.

The composition of the Commons has changed in several other ways. The large number of MPs standing down or being defeated produced a very high turnover of membership. The Commons Library has reported that out of 650 MPs, just 300 sat in the previous parliament,

with 335 – more than half the total – being elected for the first time. A further 15 MPs are former members returning after a gap in their service. This creates a major challenge for induction of new members, and means that a good deal of institutional knowledge will be lost, with many members finding their feet for some time. These circumstances provide both opportunities and threats in terms of cultural change.

Keir Starmer (CC BY-NC-ND 2.0) by UK Parliament.

The new Commons has been celebrated – including by Prime Minister Keir Starmer – as the most diverse in history. It contains more women than ever before, rising from 220 in 2019 to 263 (40% of the House as a whole). These numbers are not evenly distributed between the parties – the Labour benches are 46% female, and 44% of Liberal Democrat MPs are women, compared to just 24% of Conservatives. Among the smaller parties, the Greens and Plaid Cymru are majority female, while the SNP has just one woman MP out of nine, and all five Reform UK MPs are men. There are now also a record number of ethnic minority MPs, with research from British Future suggesting 90 (14%) come from an ethnic minority background, up by 24. Likewise there are more 'out' LGBT members than ever before, at 66. Finally, the Sutton Trust has highlighted a fall in the number of MPs who attended private schools.

Three new Deputy Speakers were elected on 23 July (two Deputy Speakers retired when the election was called, and the other was defeated – see page 18), and the new Commons select committees will be elected in the autumn.

The new government's reform agenda: the Commons and broader scrutiny

The new government has committed to reforming how the House of Commons works. The Labour manifesto promised to 'establish a Modernisation Committee tasked with reforming House of Commons procedures, driving up standards, and improving working practices'. It also committed Labour to supporting 'an immediate ban on MPs from taking up paid advisory or consultancy roles', and asking the Modernisation Committee to explore what restrictions would be needed to stop MPs 'taking up roles that stop them serving their constituents and the country'. This suggested that the government may not envisage a ban on all forms of outside employment but will hand the new committee the difficult task of identifying which roles MPs should and should not be allowed to perform. The plan to create a Modernisation Committee was confirmed in the King's speech, and motions on its establishment and on MPs' external employment were due to be debated as *Monitor* went to press.

Much will depend on how the proposed new committee approaches its work. The name deliberately echoes that of the Modernisation Committee that existed from 1997 to 2010 under the last Labour government. A recent Constitution Unit report (see page 19) showed that committee to be much more successful at delivering procedural change than the Commons Procedure Committee, but also more controversial. This was partly due to its unusual composition: it was chaired by the Leader of the Commons, and included opposition frontbenchers. The government motion proposed that the new committee should have no more than 14 members, but details of how it would operate, and how it would relate to the Commons' existing committees on Standards and Procedure, remained unclear.

Labour's manifesto did not make any firm commitments to strengthen parliamentary scrutiny of ministers or legislation, and nor were such measures explicitly promised in the King's speech. This was a notable omission, given that recent years have seen mounting criticism of how parliament – and particularly the Commons – scrutinises primary and secondary legislation. However, the new Leader of the House, Lucy Powell, did commit in a speech to the Institute for Government earlier this year to improving the legislative process.

Powell – who was confirmed as Leader of the Commons shortly after the election – sought in her speech to link standards in parliament to a broader mission to restore trust in politics and deliver a 'politics of service'. She criticised the then Conservative government for, among other things, fast-tracking too much legislation, misusing committees of the whole house, and proceeding with

badly drafted or ill-thought through legislation. Instead, she pledged that Labour would seek to deliver higher standards of scrutiny, including the appropriate use of delegated legislation, and more pre-legislative scrutiny for the most significant policies, and – in a commitment that will be welcomed by the re-elected Speaker, Lindsay Hoyle – that Labour would make new policy announcements in the Commons, rather than to the media. Following the election, the new Attorney General, Richard Hermer, confirmed in a speech that the government would 'seek to promote the highest standards in how we legislate', and specifically committed ministers to a different approach to the use of delegated legislation (see page 13).

The new government's reform agenda: the Lords

As reported on the Unit blog, most parties included commitments in their manifestos for House of Lords reform, though for all but Labour such statements were minimal. The Liberal Democrats, Greens, SNP and Reform all included brief words pledging complete change, either towards 'abolition', or a 'democratic' or 'elected' chamber. Labour also included a commitment to large-scale reform, but explicitly as the second part of a two-stage process.

Peers debate in the House of Lords (CC BY-NC-ND 2.0) by ukhouseoflords.

The first stage as set out in the manifesto contained various elements. One was the complete removal of the remaining 92 hereditary peers. This is 'unfinished business' from Labour's reform in 1999 and will require legislation to achieve – the introduction of such legislation was confirmed for the first session in the King's speech. The measure is certain to be controversial among some peers but, 25 years on, it is hard to argue that the change isn't overdue – and it will probably have very strong backing from the House of Commons. More unexpected was the manifesto proposal that peers should be required to retire from the House of Lords at the end of the parliament during which they reach 80 years of age. This change had not been under prior discussion, and attracted immediate criticism, including from many Labour peers. There was no mention of this in the King's speech, and it could prove difficult to deliver. Briefings suggest that there will be consultation on the proposal, so it might yet change.

In addition, the manifesto promised to 'reform the appointments process to ensure the quality of new appointments' and 'to improve the national and regional balance of the second chamber'. The full detail of implementation remains to be seen, but some changes to the appointments process could readily be made without legislation – through the new Prime Minister issuing fresh instructions to the House of Lords Appointments Commission.

The second stage of reform is intended to 'replac[e] the House of Lords with an alternative second chamber that is more representative of the regions and nations'. This could see the government moving in the direction proposed in 2022 by the commission chaired by former Prime Minister Gordon Brown. But there is clearly no rush intended over these reforms. The party pledged to 'consult on proposals, seeking the input of the British public'. It will be interesting to see what form of consultation the government has in mind. One option could be a citizens' assembly.

The options for Lords reform were discussed by an expert panel at the Unit's conference in June, for which both video and audio recordings are available.

Personnel and rule changes in the Lords

Even before any actual reforms take place, there have been various changes to membership of the House of Lords, with perhaps more to follow. Back in May, before the election was called, the House of Lords Appointments Commission recommended two new members to serve on the Crossbenches – representing the first such appointments for two years. On election day, a dissolution honours list was published, which included 19 new nominations for peerages. These appeared to be carefully balanced between the parties, with seven Conservative names and eight Labour, alongside one Liberal Democrat, one from the Ulster Unionist Party (UUP) and two further Crossbenchers.

Conservative nominees included Theresa May (who becomes the first former Prime Minister to sit in the chamber since the death of Margaret Thatcher in 2013), former 1922 Committee chair Graham Brady and former Deputy Speaker Eleanor Laing. Labour nominees included two former deputy party leaders, Margaret Beckett and Harriet Harman, and a second retiring Deputy Speaker, Rosie Winterton.

Upon taking office, Keir Starmer quickly announced five new individuals to serve as ministers, who will be appointed peers. These include the new Attorney General, Richard Hermer, former Home Secretary Jacqui Smith (as an education minister), and former government Chief Scientific Adviser Patrick Vallance (as a minister for science). The new parliament also saw several Lords departures, with six members automatically removed for non-attendance in the previous session – among them former Labour deputy leader, Lord (John) Prescott. Three members have also retired since election day. Further Labour retirements, and Labour appointments, may well follow in the coming weeks. It remains unknown whether Rishi Sunak will pass on a resignation honours list – but at the Unit's conference in June, the chair of the UK Governance Project, Dominic Grieve, firmly advised Keir Starmer against accepting such a list.

A relatively little noticed change to the system of House of Lords expenses was introduced in March, allowing peers to claim up to £100 per night for accommodation in London when attending the chamber. This makes it marginally easier for those living outside the capital to afford to be members, and may help facilitate Labour's commitment to enhancing territorial diversity, but still falls short of the cost of most central London hotels.

Parliamentary wash-up and scrutiny of bills

A brief parliamentary wash-up period took place between the snap election announcement on 22 May and the prorogation of parliament on 24 May. The wash-up allows legislation to be passed rapidly before prorogation (at which point most bills which have not received royal assent fall). In practice, the need for speed means that only legislation on which the government and opposition agree can pass, and any bills, or parts of bills, which might attract resistance from the opposition or the government's own backbenchers are lost.

The Post Office (Horizon Systems) Offences Act, a key government priority, survived the process (see page 13), as did numerous other bills. The Tobacco and Vapes Bill, which would have progressively raised the legal smoking age, was one of several bills lost – despite Rishi Sunak having mentioned it with pride in his speech announcing the election. However, the King's speech indicated that it will be revived in some form by Labour.

Safety of Rwanda (Asylum and Immigration) Act

The Safety of Rwanda (Asylum and Immigration) Act 2024 completed its passage through parliament in April. When the last issue of *Monitor* went to press, the bill had just completed its report stage in the House of Lords, where the government suffered defeats on 10 amendments. These sought various changes to the bill, including the addition of a requirement for the Rwanda scheme to comply fully with domestic and international law, and a widening of the grounds on which legal challenges could be brought against proposed deportations.

In a first round of ping pong on 18 March, MPs voted to reverse all 10 amendments. Former Lord Chancellor, Robert Buckland, rebelled to support several of the Lords amendments, but was the only government backbencher at this stage to do so. In later rounds of ping pong, peers returned the bill with seven amendments (all of which were rejected, barring one small concession), then four (which were again rejected), and finally just two.

These final two amendments aimed to exempt from the Rwanda scheme any people – and particularly people from Afghanistan – who had worked alongside British armed forces overseas, and to create a role for an independent monitoring committee in judging whether Rwanda was – and remained – safe. These were again defeated in the Commons on 22 April, with the former amendment then being withdrawn, and the latter being sent back one last time in modified form before being rejected that same evening, at which point it was withdrawn. The end of this prolonged stand-off meant the Act could pass: it received royal assent on 25 April.

Despite the great deal of parliamentary time and effort spent passing the Act, new Prime Minister Keir Starmer declared the Rwanda scheme to be 'dead and buried' shortly after his appointment.

Parliamentary scrutiny of Lord Cameron

Before parliament was dissolved, MPs had continued to debate how best to scrutinise the then Foreign Secretary, Lord (David) Cameron of Chipping Norton. In April, the government rejected the Procedure Committee's recommendations that he be invited to answer MPs'

questions from the bar of the Commons. The government argued that this novel suggestion would undermine the 'principle of comity', that the Lords and Commons are constitutionally separate and responsible for organising their own affairs. The government also objected on the grounds that the procedure might set an unwelcome precedent and would raise practical difficulties.

The government also argued that the Foreign Secretary and his department had received more than sufficient scrutiny by other means. As well as facing specific monthly questioning sessions in the Lords, by the end of the last parliament Lord Cameron had also appeared before the Lords European Affairs Committee, Lords International Relations and Defence Committee, and the Commons Foreign Affairs Committee.

The Procedure Committee's then chair, Karen Bradley, described the government's response as 'disappointing'. In a statement on 18 April she accused ministers of misreading the mood of the Commons and undermining the principle of ministerial accountability to MPs.

Reviews of parliamentary standards

The Commons Committee on Standards was one of several committees which published reports in the final days of the last parliament. *The House of Commons Standards Landscape: How MPs' Standards and Conduct Are Regulated* concluded that the current system for upholding behavioural rules among MPs is complex, but coherent. The committee did, however, recommend that the Recall of MPs Act 2015 undergo post-legislative scrutiny.

The report also paid considerable attention to the question of how new MPs might be supported to understand the standards expected of them. It recommended that they should be required to make 'a public declaration of their commitment to the Seven Principles of Public Life'. Due to the unexpected calling of the election, the committee could only propose that the new parliament should be asked to approve this recommendation early in its first session, which will be too late for the initial swearing-in. It also recommended boosting induction materials and sessions on the relevant standards bodies, and the various transparency and behavioural standards expected of MPs.

The report proposed that the Register of MPs' Financial Interests should be simplified with a principles-based approach, and suggested there should be discussion with the government about further aligning the register with the List of Ministers' Interests. It concluded that training for MPs and their staff should be strengthened to cover how to manage conflicts of interest, the Code of Conduct for MPs, and the rules against bullying and harassment.

The committee also expressed its approval of the conclusions of the Kernaghan review of the Independent Complaints and Grievance Scheme (ICGS). The review's recommendations include health and wellbeing support for complainants and respondents, greater direction of individuals submitting complaints via party structures to the ICGS, and the creation of an ICGS communications strategy.

MPs approve risk-based exclusion proposals

The risk-based exclusion proposals published by the House of Commons Commission in December (and covered in *Monitor* 86) were approved by MPs in March. A government motion implementing the Commission's proposals was published in January, but the expected debate and vote in early March did not take place. Instead, then Leader of the Commons Penny Mordaunt tabled a revised text. This changed the proposals in one key regard: rather than a decision being triggered by the police informing the Clerk of the Commons of serious allegations against an MP (in practice at the point of arrest), it would now be triggered only at the point of charge, as is the case in the Lords.

Jess Phillips and Speaker Lindsay Hoyle (CC BY-NC-ND 2.0) by UK Parliament.

Ahead of the debate on 25 March, Liberal Democrat MP Wendy Chamberlain and Labour MP Jess Phillips tabled an amendment to restore the original provisions. The amendment passed by the barest of margins on a free vote (170 to 169), with eight Conservatives, including former Prime Minister Theresa May, voting in favour. The result, while welcome, means that MPs and peers are subject to different thresholds for exclusion. Peers will

now be automatically excluded, but only if charged, and MPs will be subject to the decision of a risk assessment panel at point of arrest, which will then decide whether exclusion is appropriate.

Restoration and Renewal

Many of those elected on 4 July may soon face a decision on the future of their new workplace, the Palace of Westminster. It is nearly eight years since the Joint Committee on the Palace of Westminster warned that the building 'faces an impending crisis which we cannot responsibly ignore', caused by antiquated mechanical and electrical systems. The committee concluded that 'unless an intensive programme of major remedial work is undertaken soon, it is likely that the building will become uninhabitable'. Three general elections later, no such work has started, despite the creation of a Restoration and Renewal (R&R) programme in 2012. Furthermore, despite the committee's warning that a 'patch and mend approach' was 'no longer sustainable', the two most recent predecessors to Lucy Powell, the new Leader of the House of Commons, pushed for a rolling programme of maintenance, as outlined in a Strategic Review published in March. Timescales and budgets for this approach are 'expected to be presented to the Houses in 2025'. It is possible that the new government will take a different approach to R&R, taking the project back to the drawing board. With expenditure on the programme since 2020 reaching almost £400 million, and an ongoing weekly cost to maintain the Palace of £1.45 million, this will not be a cheap option.

Elections, referendums and democratic engagement

A record-breaking general election

Prime Minister Rishi Sunak unexpectedly announced on 22 May that a general election would take place on 4 July. He had already spoken with the King, who had granted his request that parliament be dissolved on 30 May.

Nominations closed – in accordance with the 25-day timetable for parliamentary elections set down in law – on 7 July. In the early days of the campaign, the parties scrambled to select candidates, often sparking considerable controversy (see page 8). Thereafter, some policy questions, notably over taxation and spending, were debated. But events during the campaign period – notably Rishi Sunak's early departure from D-Day commemorations and an election betting scandal – often cut through with voters more. This highlights that leaders' qualities of character, judgement, and competence often matter to voters as much as questions of policy.

The election result delivered the most decisive shift in power since the Second World War. Labour's seat tally more than doubled to 411, only slightly short of the party's record of 418, obtained in 1997. The Conservative total fell by two thirds to 121 – by some margin the party's worst showing since its creation in the 1830s. The Liberal Democrats regained their position as the third party in the House of Commons – which they had lost in 2015 – and, with 72 seats, became the largest third-party group since 1923. The Scottish National Party lost the third-place crown dramatically, falling from 48 seats to just nine. The 80-seat majority won by the Conservatives in 2019 was replaced by a Labour majority among all 650 MPs of 172. Allowing for the Speaker and Deputy Speakers, that was a real majority of 174, rising to a working majority of 181 once Sinn Féin's non-participation in parliamentary proceedings is taken into account.

Besides Labour's majority, a second striking feature of the result was fragmentation. Reform UK did better than either of its predecessors (UKIP or the Brexit Party), electing five MPs. The Green Party likewise put in a record performance, with four seats. Plaid Cymru maintained its tally of four MPs, despite a sharp reduction in the number of Welsh seats overall due to boundary changes (see *Monitor* 86). Independents did better than at any previous postwar election: six were elected, including former Labour leader Jeremy Corbyn, four candidates running predominantly on pro-Gaza platforms, and a unionist in Northern Ireland. Northern Ireland, indeed, experienced a fragmentation of its own, with its 18 seats dividing between six political parties and the independent.

Labour secured a landslide despite winning the lowest vote share of a winning party since before the Great Reform Act of 1832 – just 33.7%. With turnout also low – at 59.7% – just 20.1% of eligible electors cast their ballot for the party. Overall, as explored in detail on the Unit's blog, the result was the most disproportional since before 1945.

The UK general election: election administration

At a Unit seminar held in April, the Deputy Chief Executive of the Association of Electoral Administrators (AEA), Laura Lock, warned that rule changes, spending constraints, and increasing complexity in election law

had left the system for administration of elections in a perilous state. In the end, election day passed without significant incidents. AEA Chief Executive Peter Stanyon described the process, however, as 'beyond tough' for officials.

Significant problems did arise ahead of polling day in the postal voting system. There were numerous reports of voters not receiving their postal ballots on time, and some councils took emergency measures in response. The Electoral Commission will now collect thorough evidence on the extent of the problems, and may recommend reforms.

This was the first election in which voters in Great Britain were required to show ID at polling stations. Initial survey evidence suggests that significant numbers of people may have been unable to vote because of the change, but it is too early to estimate the impact with any precision. The Electoral Commission will, again, report in the coming months.

The UK general election: conduct of the campaign

Concerns about the quality of information available during election campaigns are widespread, and the Unit has for some time explored possible responses. Several bodies sought to address the issue before and during the campaign. The Electoral Commission provided a new suite of information for voters about campaign rules and practices. It also linked to the Who Can I Vote For? website, run by Democracy Club, which provided detailed information on all candidates across the country. Broadcasters raised the profile of their fact-checking operations, such as BBC Verify. The expert analysis of organisations such as the Institute for Fiscal Studies and Institute for Government was more prominent in election discourse than ever. The organisations Demos and Full Fact, alongside Wikipedia founder Jimmy Wales and other experts, called for a cross-party concordat on appropriate use of AI.

Nevertheless, serious problems persisted. Misleading claims remained widespread, and difficult policy choices arising from the tight fiscal situation were skated over. Such discourse risked further eroding trust in politics and politicians – a factor that may have contributed to the low election turnout and unprecedented electoral fragmentation. It remains to be seen whether the new government will seek to address these problems.

Meanwhile, some candidates suffered atrocious abuse and intimidation. Early in the campaign, the Electoral Commission warned of the dangers and issued updated guidance. As soon as the polls closed on 4 July, it said there had been 'unacceptable abuse and intimidation of candidates' and confirmed that it would gather evidence and 'recommend improvements to the systems where necessary'. Candidates who spoke out included Labour's Shabana Mahmood, Jess Phillips, Stella Creasy, and Jonathan Ashworth. Much reporting focused on alleged intimidation by pro-Palestinian activists, though the Jo Cox Foundation highlighted problems across the political spectrum. Commons Speaker Lindsay Hoyle said he had 'never seen anything as bad', and pledged further action. The government's adviser on political violence, Lord Walney (John Woodcock), who produced a report on political violence and disruption prior to the campaign (see page 13) called for an inquiry. The new Home Secretary, Yvette Cooper, confirmed that the government's Defending Democracy Taskforce would examine the issue.

The new government's reform agenda: elections

Labour's headline policy commitment relating to elections is the reduction of the voting age to 16. This should be relatively easy to implement; the Scottish Parliament and the Senedd have already paved the way in recent years for elections within their respective purviews. Labour's manifesto made no mention of combining the change with stronger political education in schools – which, as explained on the Unit's blog, would be essential for the potential benefits of the policy to be realised.

Ministers are also committed to reforming – though not abolishing – the voter ID requirements introduced by the last government: promising to 'address the inconsistencies' in the system 'that prevent legitimate voters from voting'. They pledged, additionally, to 'improve voter registration'. This is likely to mean the introduction of something closer to automatic registration, which the Senedd legislated for in relation to Welsh elections in early July (see page 10).

On other aspects of the election rules, Labour's manifesto was silent. These include the First Past the Post system itself, which Labour is unlikely to want to abandon after it gave the party such a resounding Commons majority. They also include campaign finance reform, simplification of election law, protection of the independence of the Electoral Commission, and (as noted in the previous story) improvement of election information. In the eyes of many observers, these are all matters that need attention.

The King's speech included a reference to strengthening election integrity and widening participation in the democratic process but contained no specific policy or legislative proposals.

Local elections in England and Wales

The general election brought many voters' second trip to the polls in just over two months, with elections for a varied mix of mayors, local councillors, and police and crime commissioners (PCCs) having already taken place throughout England and Wales on 2 May. As in the subsequent parliamentary election, the Conservatives fell back significantly in these contests, losing 48% of the council seats they were defending and 10 of the 16 councils where they had held a majority. They also lost 10 of 29 PCC defences – and that number would have been significantly higher had ministers not changed the voting system (see next story). The party was defending only two mayoralties; it retained Tees Valley, but narrowly lost the West Midlands. It also lost a Westminster by-election in Blackpool South on the same day.

Newly elected mayors Richard Parker and Kim McGuinness (CC BY-NC-ND 2.0) by UK Prime Minister.

The principal beneficiary was Labour, which picked up all the PCC offices lost by the Conservatives, plus the Blackpool South constituency, the West Midlands mayoralty, and eight councils. The party increased its councillor tally by 19%. Councillor numbers meanwhile went up for the Liberal Democrats by 25% and for both the Greens and independents by 69%. The latter results reflected significant disillusionment with the main parties, as did a fall in turnout: in the mayoral races, it declined from 35% in 2021 to just 30%.

These were the first elections in which several of the changes in election procedures introduced through the Elections Act 2022 were applied – including new arrangements for requesting and casting postal and proxy votes, and an extension of the franchise to UK citizens who had been living abroad for over 15 years (see *Monitor* 86). The challenges posed by these and other changes were discussed at a Constitution Unit seminar held a week before the May polling date.

Formal evaluation of the impact of these reforms – and that of the introduction of voter ID requirements at polling stations in Great Britain, first implemented in 2023 – was delayed by the general election, but can be expected in the coming months. Voter ID hit the immediate headlines for two reasons. First, Boris Johnson – Prime Minister when the Elections Act was passed – reportedly had to return to the polling station having failed to bring valid ID. Second, it came to light that the official Ministry of Defence veterans' card could not be used as voting ID, leading to an apology from then Veterans' Affairs Minister, Johnny Mercer. In the general election campaign, both the Conservative and Labour manifestos pledged to reverse this rule.

New voting system for mayors and PCCs

Another reform introduced through the Elections Act was the replacement of the Supplementary Vote (SV) voting system for electing mayors and police and crime commissioners (PCCs) – under which voters expressed first and second preferences – with First Past the Post (FPTP). This shift was first implemented in four local mayoral contests in 2023. But its first large-scale application came in May 2024: all voters in England and Wales could vote under these rules for either a mayor or a PCC (and a few could vote for both).

As analysed in a post by Alan Renwick on the Unit's blog, the distribution of voters – with those on the left split between political parties more than those on the right – meant that the change tended to favour the Conservatives. It did not affect the results of the mayoral contests – almost all of which Labour won anyway. But it substantially altered the PCC outcomes. While the Conservatives won 19 out of these 37 contests, it is highly likely that they would have lost at least four of those 19 under the old rules. They would probably have lost seven, and perhaps as many as 10 or even 12.

Electoral reforms in Wales and Scotland

Bills to enact electoral reforms have made progress in both the Welsh Senedd and the Scottish Parliament.

The Senedd passed the Senedd Cymru (Members and Elections) Act on 8 May by 43 votes to 16, thereby surpassing the required two-thirds majority for change. The measure will expand the chamber from 60 to 96 members, and change the system by which MSs are elected from a mixed one to pure Closed-List Proportional Representation. The changes will take effect at the next Senedd elections, provided there is no early dissolution. Those elections are due in May 2026.

Meanwhile, the Senedd Cymru (Electoral Candidate Lists) Bill, introduced on 11 March, would introduce gender quotas and a requirement for 'zipped' lists, with every candidate on a party's list who is not a woman having to be followed by a candidate who is. At least half of a party's lists would also need to have a woman as the first candidate. On 7 June, the Reform Bill Committee recommended that the bill's general principles should be agreed, but that a number of its provisions should be amended or clarified. On the other hand, the Legislation, Justice and Constitution Committee, reporting on the same day, set out doubts as to whether the bill's measures lie within the Senedd's legal competence: while election law is devolved, matters relating to equal opportunities are not.

The Senedd also passed the Elections and Elected Bodies (Wales) Bill, on 9 July. This introduces a range of changes, including automatic voter registration, and a requirement on Welsh ministers to establish a 'Welsh elections information platform … to provide electors with up-to-date information', including 'candidate statements and other information about candidates'. MSs debated at length a proposed amendment from Plaid Cymru that would have made it illegal for politicians to make intentionally misleading statements if they did not subsequently retract them. The amendment was defeated: many members welcomed the principle, but said that sanctions should be imposed by the Senedd itself, not through criminal law. Nevertheless, the responsible minister at the time, Mick Antoniw, committed to introducing legislation before the next Senedd elections 'for the disqualification of Members and candidates found guilty of deliberate deception through an independent judicial process'.

In Holyrood, finally, the Scottish Elections (Representation and Reform) Bill, which was introduced in January, underwent 'stage 1' debate on its general principles. The bill would introduce a broad set of reforms for Scottish parliamentary and local elections. Notably, candidacy rights would be extended to foreign nationals with limited leave to remain (legislation passed in 2020 having conferred such rights on those with indefinite leave). Scottish ministers would be able to pilot electoral reforms. And funding would be introduced for activities intended to enhance democratic engagement by 'increasing or improving registration for, or participation in', elections. The responsible bill committee published its initial report in June, giving the bill's provisions its broad support.

Executive

New government formed

Keir Starmer's frontbench team mostly took on the ministerial roles that members had shadowed in opposition (see page 17 for the full list of constitutionally relevant ministerial appointments). Angela Rayner, Deputy Leader of the Labour Party, was made Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government. Shabana Mahmood was appointed Lord Chancellor and Justice Secretary, Hilary Benn is now Northern Ireland Secretary, Ian Murray is the Scottish Secretary and Jo Stevens was confirmed as Welsh Secretary. In parliament, Baroness (Angela) Smith of Basildon has been appointed as Leader of the House of Lords, and Lucy Powell is Leader of the House of Commons. Pat McFadden was confirmed as Chancellor of the Duchy of Lancaster.

One notable surprise was that Emily Thornberry, the Shadow Attorney General, was not given a job in the new government. Starmer instead appointed Richard Hermer, a respected human rights lawyer, as Attorney General (with a seat in the Lords), with newly elected MP and barrister Sarah Sackman taking on the role of Solicitor General (see page 12). Sackman was one of five first-time MPs appointed to serve in Starmer's government.

Outside of the Cabinet, Nick Thomas-Symonds will continue to speak for Labour on constitutional matters as Minister for the Constitution and European Relations, based in the Cabinet Office. He is the first minister to have 'constitution' in their title since Chloe Smith was reshuffled out of the Cabinet Office in 2021.

Several machinery of government changes have been confirmed. Relations with the EU will move from the Foreign, Commonwealth and Development Office to the Cabinet Office, which will now also be home to the Office for Veterans' Affairs. Additionally, the Cabinet Office lost

responsibility for the Government Digital Service, Central Digital and Data Office and Incubator for AI, which were moved to the Department for Science, Innovation and Technology, with the aim of making the latter department 'the digital centre for government'.

Keir Starmer at a reception for new ministers (CC BY-NC-ND 2.0) by UK Prime Minister.

Independent Commission on UK Public Health Emergency Powers

In May, the Independent Commission on UK Public Health Emergency Powers published its report. The Commission was hosted and supported by the Bingham Centre for the Rule of Law, and chaired by former Court of Appeal judge Jack Beatson. Other commissioners included Ruth Fox and Hannah White, directors of the Hansard Society and Institute for Government respectively, and UCL law professors Tom Hickman and Jeff King. Its remit was to consider detailed topics unlikely to be explored by the official Covid inquiry, regarding how the law was made and enforced during the pandemic. It recommended that the legal framework for dealing with health emergencies should be strengthened, with clearer restrictions on the use of emergency powers and stronger parliamentary safeguards. The Commissioners also concluded that parliament would have benefited from the establishment of a Covid-19 Committee, as existed in Scotland (and some other states). The report has been summarised on the Unit blog.

PACAC report on lobbying

On 2 May, the Commons Public Administration and Constitutional Affairs Committee (PACAC) published a report on the Lobbying Act 2014, following an inquiry prompted by the Greensill scandal. The committee endorsed the Act's limited focus on consultant lobbyists, but voiced concerns about the transparency of lobbying, noting that the government's transparency releases are too infrequent, and include only the most senior officials in each department. The committee recommended that releases be made monthly, and that they should include a greater range of officials and special advisers, as well as contact with lobbyists via social media such as WhatsApp. It recommended that a named official be made accountable for the timeliness and quality of releases.

The committee also recommended that frontbench members of non-governing parties should voluntarily disclose meetings with lobbyists and meet only with those subscribing to one of the recognised lobbying codes of conduct.

Liaison Committee report on improving strategic thinking in Whitehall

The Commons Liaison Committee's report on how select committees can improve strategic thinking in Whitehall was published just before the dissolution of parliament.

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The committee recommended that the new government should set out a national strategy for the UK, underpinned by five or six key strategic priorities, at the start of a new parliament, and make annual statements on its progress. The committee also concluded that the Cabinet Office should be slimmed down to enable it to focus on these strategic priorities and was in favour of the government establishing a new National School for Government and Public Services to develop a strong, shared culture of strategic thinking across government.

The report also called for the creation of a parliamentary Committee for the Future to hold ministers and officials to account for the government's strategic priorities, and to ensure that the interests of future generations are properly considered.

Parliamentary and Health Service Ombudsman

On 4 March, PACAC published a report on its annual scrutiny session with the Parliamentary and Health Service Ombudsman (PHSO), Rob Behrens, whose seven-year term ended later that same month. PACAC assessed the PHSO's work against four criteria: casework and productivity; staff management; value for money; and impact on other organisations.

The committee called for steps to be taken in relation to service provision for disabled people and the elderly, and to improve the timeliness of casework. It renewed its call for comprehensive legislative reform of the PHSO and reiterated a previous recommendation that the Cabinet Office encourage government departments and public bodies to sign up to the Government Complaint Standards.

The process of recruiting Behrens's successor has been under way since October 2023, with final interviews taking place on 8 January. The interview panel's recommendation was then submitted to the Prime Minister, but Rishi Sunak failed to table a motion in the House of Commons proposing the appointment. PACAC's chair wrote to Sunak on 14 May to urge him to do so quickly, but the subsequent calling of the general election caused further delay.

Other public appointments

In March, six new appointments were made to the Senior Salaries Review Body (which provides independent advice on civil service pay), and Lord (Amyas) Morse unexpectedly stepped down as Chair of the new Office for Local Government (Oflog) for health reasons. Four months later, Morse's successor has still not been appointed. The Levelling Up, Housing and Communities Committee criticised the Sunak government's lack of urgency and refusal to confirm that there would be pre-appointment scrutiny of the preferred candidate for the role.

In April, the Public Accounts Committee (PAC) published a report which examined concerns with the appointments process for non-executive directors and the management of unregulated appointments. It criticised the transparency and efficiency of the process, as well as a failure to encourage diversity. The committee called for a public report and action plan to reduce delay, and for departments to use the new applicant tracking system for unregulated appointments. It recommended that diversity data be collected, and that a new diversity action plan be announced.

Courts and the judiciary

New Lord Chancellor and law officers

Shabana Mahmood was appointed to the dual roles of Justice Secretary and Lord Chancellor following Labour's victory at the general election (see page 10). Keir Starmer made Richard Hermer Attorney General: he will be the first Attorney with a seat in the Lords since Baroness (Patricia) Scotland of Asthal, who stepped down in 2010 at the end of the Brown government. Sarah Sackman, who was named Solicitor General just days after becoming an MP for the first time, will answer questions on behalf of the Attorney General's Office in the Commons. As *Monitor* went to press, the position of Advocate General for Scotland – the government's legal adviser on Scottish law – was still vacant.

Lord Chancellor Shabana Mahmood being sworn in as an MP (CC BY-NC-ND 2.0) by UK Parliament.

During her swearing-in speech on 15 July, Mahmood made numerous references to the importance of the rule of law, calling it 'the most enduring of British values'. She also spoke of her duty to defend the independence of the judiciary, saying that it was never acceptable to attack the integrity of judges in the manner of the infamous 2016 'Enemies of the People' headline.

Hermer and Sackman were sworn in alongside Mahmood. During Herman's speech, he said that adherence to the rule of law would be the government's 'lodestar', that he would work to promote a better understanding of the relationship between parliament, government and the courts, and that his legal advice would always be determined by his view of the law, not politics.

Post Office (Horizon System) Offences Act

Parliament passed the Post Office (Horizon System) Offences Act during the wash-up period that preceded the general election (see page 5), meaning that it received limited parliamentary scrutiny. The Act quashes the convictions of people in England, Wales and Northern Ireland accused of offences connected to the flawed Horizon IT system in use at the Post Office. It is believed to be the first time that parliament has ever overturned a criminal conviction.

Scottish Justice Secretary Angela Constance said in February that she was 'firmly of the view' that the Act should apply in Scotland. At his annual evidence session with the Lords Constitution Committee in March, then Justice Secretary Alex Chalk – who was not the minister directly responsible for passage of the bill – made clear that the government did not intend to legislate for Scotland, because he thought there were 'mixed views' there as to whether this was appropriate. Northern Ireland was similarly not included initially, but the UK government changed its mind following 'strong representations' by ministers in Belfast. In the end, the Scottish Parliament passed its own emergency legislation on 13 June, having delayed doing so until the Westminster bill had received royal assent.

The Constitution Committee raised concerns about the implications for an independent judiciary in its report on the Westminster bill, but the accelerated parliamentary timetable meant that this was not published until the day that royal assent was granted. The views of academics and lawyers were more mixed. The government – including Chalk during his session with the committee – stated repeatedly that it was not intending to set a precedent for future relations between the courts, legislature and executive by circumventing the usual court-led process of exoneration. However, as the committee stated in its report, doing something for the first time creates a precedent, whether that is the intention or not.

Legal challenges to immigration legislation

On 13 May the High Court in Northern Ireland ruled key parts of the Illegal Migration Act 2023 to be unlawful. Several provisions of the Act were deemed to be in breach of Article 2 of the Windsor Framework, which provides that EU rights protected by the Belfast/Good Friday Agreement cannot be reduced. The court took the view that asylum seekers in Northern Ireland were covered by that protection and that the Act reduced or removed numerous rights, including the right to an effective remedy, rights afforded to victims of human trafficking, and protections for children claiming asylum. The offending provisions were therefore disapplied in Northern Ireland. The court also issued a declaration of incompatibility, stating that several of the provisions were not compliant with the European Convention on Human Rights.

Responding to an Urgent Question in the Commons, then Home Office minister Tom Pursglove accused the court of acting 'creatively' by interpreting the Agreement to apply to immigration policy, which is 'a UK-wide issue and not in any way related to the original intention of the Good Friday agreement'. He also said that an appeal was to be expected, but his party was defeated in the general election shortly afterwards.

Limits on the right to protest

On 21 May, the government published *Protecting Democracy from Coercion*, a report produced by Lord Walney (former Labour MP John Woodcock), its independent adviser on political violence and disruption. Walney's report made 41 recommendations. One of the most reported proposals was the creation of a mechanism to restrict the activities of organisations that regularly commit criminal offences or cause serious disruption. He also proposed that businesses and individuals should be able to claim damages against such organisations, and that the police should have greater powers to prohibit marches.

The report also expressed concern about the intimidation of people in public service. It recommended a review

of 'the balance between access and security' within the area around parliament, an extension of the the scope of Expedited Public Spaces Protection Orders to include constituency offices and council chambers, more protection for teachers and schools who are the focus of protests, and a plan to improve the recording and reporting of the harassment and intimidation of MPs. He also recommended making his role permanent. He reiterated his concerns in the wake of the general election (see page 8).

On the same day that Walney's report was published, the High Court ruled that regulations – approved by parliament under the affirmative procedure – that sought to redefine the meaning of 'serious disruption' in the Public Order Act 1986 were unlawful. Ministers have the power to clarify the meaning of serious disruption via passage of secondary legislation, but the court ruled that the change altered the definition, so the regulations went further than permitted. The government had previously tried to make the same change via late-stage amendments to primary legislation but had been defeated in the House of Lords, prompting it to attempt the same effect via the regulations instead.

The quashing order is on hold due to a government appeal, which might not now go ahead.

Parties and politicians

Candidate selection

The surprise general election announcement meant the political parties needed very quickly to ensure that they had candidates ready to stand in every seat that they intended to contest. Of the major UK-wide parties, it turned out to be the Conservatives that were least prepared. According to the invaluable real-time updates provided by journalist Michael Crick, when the election was called, Labour still had around 100 candidates to select, but the Conservatives still needed to find around 190. Parties had just over a fortnight to fill such vacancies before the close of nominations. In many cases, seats still lacking candidates were those that the parties were least likely to win, but this was not universally the case. Indeed, the election announcement triggered the late retirement of 29 MPs, many in what might normally be considered 'safe' seats – these included 13 Labour (and one former Labour) departures, alongside 13 Conservatives and two others.

Selection of last-minute candidates created significant controversy in both main parties, offering an opportunity for the leadership to 'parachute in' their most favoured nominees, largely or wholly excluding local members from the process. Late Labour candidates were chosen by a panel of the party's National Executive Committee (NEC), and, remarkably, six of those chosen were themselves NEC members. The Conservatives ostensibly offered greater choice to local activists to vote on a shortlist, but in some cases constituency parties were given a shortlist of one. A particularly striking (and high-profile) case was that of party chair Richard Holden, whose constituency of North West Durham was subject to boundary changes, causing him to be 'parachuted' into the previously safe seat of Basildon and Billericay (which he won in the subsequent election by just 20 votes). Labour's most controversial decisions came over candidates who were removed after the election had been called, including Faiza Shaheen, who chose to run as an independent candidate in Chingford and Woodford Green – splitting the left vote and facilitating the reelection of Conservative Iain Duncan Smith (former party leader Jeremy Corbyn did the same in Islington North, going on to win handsomely), and Lloyd Russell-Moyle, who was removed despite being a sitting MP.

The most high-profile argument was that over Diane Abbott, who it was rumoured would be blocked, but who was ultimately allowed to stand. In both parties, these events caused significant bitterness among activists, particularly in some local areas.

Nations and regions

England

Labour won all but one of the 10 mayoral elections held in May (see page 9 for more details on the conduct of those elections). Ben Houchen, in Tees Valley, was the sole Conservative winner. Labour's Richard Parker won the West Midlands mayoralty by 0.25% of the vote, defeating Conservative incumbent Andy Street. In the North East, Kim McGuinness held off Jamie Driscoll, a former Labour Mayor of North Tyne running as an independent. In London, Sadiq Khan won a third term as Mayor.

The major party manifestos for the July general election differed substantially on the future of English devolution (as discussed in more detail on the Unit's blog). The Conservative manifesto pledged a devolution deal by 2030 to all areas that wanted one. It also said that a 'level 4' deal would be offered to Tees Valley, an offer already made to the West Midlands, Liverpool City Region, South Yorkshire and West Yorkshire. The Conservatives also committed to reversing the extension of London's Ultra-Low Emission Zone (ULEZ) – a substantial intervention in a devolved policy matter.

The Labour manifesto proposed to increase the number of devolution deals and to deepen their scope, as well as to assist devolved areas to develop capacity and improved governance arrangements. Powers would be offered over transport, adult education and skills, housing and planning, and employment support.

Labour's manifesto also featured a repeated emphasis on partnership between central government and devolved authorities. Mayors and other local leaders would be involved in new policy regarding rail services; work, health and skills; combining JobCentre Plus and careers advice; and Labour's warm homes programme. They would also be involved in decisions about the building of new towns, receive new planning powers, and be expected to plan for housing growth. The details of how these partnership arrangements would work were not available when *Monitor* went to print. It is not clear whether areas that want maximum devolved powers would be required to establish a directly-elected mayor, something that has proved an obstacle to progressing English devolution in some areas.

Following the election, the King's speech promised a bill on English devolution and separate legislation to give local authorities more control over bus services.

Labour also plans to establish a Council of the Nations and Regions as the main forum for discussions between the governments of the UK, Northern Ireland, Scotland and Wales. The manifesto and the King's speech stated that English mayors would participate in this council. That could give the new council a different character and focus from its predecessor, but it is not clear how English areas without mayors would be represented.

The week after Keir Starmer was appointed Prime Minister, he and Communities Secretary Angela Rayner met with 12 regional mayors. Starmer promised to hold such meetings regularly in the future. Before the meeting, he spoke privately with Conservative Ben Houchen, Mayor of Tees Valley and the only metro mayor not to come from the Labour Party. Houchen said afterwards that he and Starmer had agreed to work together regardless of party politics.

Keir Starmer addresses a meeting of the metro mayors (CC BY-NC-ND 2.0) by UK Prime Minister.

Northern Ireland

The institutions of devolved government are functioning, after their re-establishment in February following a two-year hiatus. The First and deputy First Ministers have made efforts to be seen working together and reaching out across the community. But whether the institutions are seriously tackling the backlog of policy issues remains in doubt. No Programme for Government has been agreed, the parties are split over the Executive's budget, and serious financial problems remain.

In late March, Jeffrey Donaldson, who had led the Democratic Unionist Party (DUP) back into government, abruptly resigned as leader after being charged with several sexual offences; he did not contest his former Westminster seat at the general election. Deputy leader Gavin Robinson was initially named leader on an interim basis, and his appointment was made permanent in May.

At the general election, Sinn Féin performed strongly, retaining all its seats, and increasing its vote share. It is now the largest Northern Ireland party in the Commons – though its MPs do not take their seats. The party's performance contrasted with less favourable election results in June in the Republic of Ireland, which suggests the prospects of its leading an Irish government following the upcoming Irish general election are receding.

The DUP had a much-reduced vote share in the general election and lost three seats to other parties. One was won by the hardline Traditional Unionist Voice, which

performed strongly: its leader Jim Allister will now sit at Westminster. A seat was also lost to the Ulster Unionist Party. Alliance's leader, Naomi Long, failed in her bid to unseat Robinson, but her party took Donaldson's former seat. The future course for the DUP is unclear: following traditional instincts, its line on European issues might become harder, potentially threatening stability; its longer-term interests, however, might involve reaching out to more moderate voters.

The new Westminster government faces several challenges in Northern Ireland, analysis of which can be found in a recently published Unit report (see page 19). The approach adopted by the new team appears markedly different from that of its immediate predecessors, as the report advocated. Keir Starmer – who has experience of Northern Ireland due to time spent working as an adviser to the Policing Board – visited Belfast as part of his tour of the UK's devolved administrations following his appointment as Prime Minister. The visit, he said, emphasised the importance of resetting relationships there, working in a respectful, collaborative way, and seeking to be an honest broker. The new Northern Ireland Secretary, Hilary Benn, spoke of strengthening relationships with Dublin, and Starmer met the Irish Taoiseach in mid-July at Chequers.

Sinn Féin and others sought a commitment to an early border poll, based on the party's general election performance. The overall unionist share of the vote remains greater than the nationalist share, however, with the centre ground the swing constituency. There is no sign of a majority for unity yet; and Benn has emphasised this point, declining to set out criteria for calling a poll.

Meanwhile, rights guarantees under the Northern Ireland Protocol continue to deliver striking results. Following the decision earlier this year to disapply parts of the last government's Legacy Act (reported in *Monitor* 86), the High Court in Northern Ireland decided in May to disapply parts of the Illegal Migration Act 2023 (see page 13). The King's speech pledged to repeal parts of the Legacy Act and, in time, to replace it fully.

Scotland

Recent months have seen dramatic changes in Scotland. In April, First Minister Humza Yousaf ended the SNP's coalition deal with the Scottish Greens. The arrangement had given the Greens two ministerial posts and substantial influence over policy, in return for a secure majority for the government in the Scottish Parliament. Ejected from government, the Greens were then unwilling to support Yousaf as First Minister, prompting his resignation.

Former Deputy First Minister John Swinney was the sole candidate to replace Yousaf as SNP leader, two decades after he resigned from the same post. He was elected by the party unopposed and confirmed as First Minister by a vote in the Scottish Parliament. The Greens abstained, which was enough to ensure a majority. Swinney promised to unite the SNP and change the Scottish government's style to be less divisive and more focused on delivery.

Rishi Sunak called the general election just two weeks after Swinney's appointment. Campaigning largely ignored the independence question, despite it featuring in the SNP manifesto. Turnout in Scotland was low, at 59%, but the result was a political earthquake. With 35% of the vote, Labour won 37 Scottish seats, up from only one at the last general election. SNP representation collapsed from 48 MPs to just nine, despite winning 30% of the vote. Liberal Democrats increased their Westminster numbers to six. Although the Conservative vote share halved to 12%, and the party's Scottish leader, Douglas Ross, confirmed during the campaign that he would resign after the election, five Scottish Tory MPs were returned, a loss of only one. The pattern of results suggests tactical voting against the SNP may have played a role.

Whatever the reasons, Scotland's political map has changed dramatically. The SNP now has no representation in the central belt, where it had made substantial progress during the 2014 independence campaign. Nor does it have any seats in the Conservative south of the country. No longer the third-largest party in Westminster, the SNP will likely secure less media coverage in England, and will receive less of the 'short money' allocated to fund the work of opposition parties in the Commons.

The new UK government proposes to take a different approach to devolution from its immediate predecessors. Keir Starmer began his term in office by visiting Northern Ireland, Scotland and Wales, and has announced the creation of a Council of the Nations and Regions to include mayors and devolved governments. The new Scotland Secretary, Ian Murray, has emphasised similar respect for the institutions of devolution and his desire for cooperation with the Scottish government. An early challenge will be the future of the Grangemouth oil refinery and associated businesses, which both governments have publicly committed to working on together.

Wales

On 16 March it was announced that Vaughan Gething had been elected to succeed Mark Drakeford as leader of Welsh Labour, narrowly beating Jeremy Miles. He was formally appointed as First Minister on 20 March, becoming the first black head of government in Europe.

Gething's government ran into trouble early on, when Plaid Cymru terminated its cooperation agreement with Welsh Labour on 17 May. It cited concerns about Gething's acceptance of a £200,000 donation for his leadership campaign from a company controlled by a man convicted of serious environmental offences. A Conservative motion expressing no confidence in Gething as First Minister was carried in the Senedd by 29 votes to 27 on 5 June. All opposition members – including the Plaid MSs – voted for the motion. Two Labour MSs were absent because of sickness, but chose not to vote remotely, as they could have done. Had they done so, the vote would have been tied. Gething initially refused to resign, despite the defeat. In July, however, he said that he would step down. Eluned Morgan was then elected to lead Welsh Labour.

Eluned Morgan (CC BY 2.0) by Welsh Parliament/Senedd Cymru.

Despite the turmoil that led to Gething's resignation, the Senedd successfully passed the Elections and Elected Bodies (Wales) Bill, on 9 July (see page 10).

The general election returned 32 MPs to Westminster representing Welsh constituencies (reduced from the previous 40). There are 27 Welsh Labour MPs, four from Plaid Cymru and one Liberal Democrat. The Conservatives won no seats, down from 14 in 2019. Nationally in Wales, Labour received 37% of the vote, down by 3.9 percentage points compared with 2019. Turnout in some areas was as low as 43%. Reform UK came second in almost half of Welsh seats.

Jo Stevens became Secretary of State for Wales in the new government. The Labour manifesto for Wales promised to consider devolution of probation and youth justice, and to devolve employment support. It also proposed wider changes like the strengthening of the Sewel convention and the establishment of a Council of the Nations and Regions. But the manifesto disappointed those who had hoped for more radical constitutional change, particularly the devolution of policing and justice.

People on the move

Keir Starmer was appointed Prime Minister following Labour's general election victory (see page 10) and the resignation of **Rishi Sunak**. All ministers in the Sunak government left their positions and, if still in parliament, went into opposition.

Angela Rayner was appointed Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government.

Shabana Mahmood was sworn in as Lord Chancellor and Justice Secretary on 15 July (see page 12). **Richard Hermer** was named Attorney General and **Sarah Sackman** was appointed Solicitor General.

Pat McFadden was appointed Chancellor of the Duchy of Lancaster. **Nick Thomas-Symonds** was made Paymaster General, and Minister for the Constitution and European Relations.

Lucy Powell was named Leader of the House of Commons. **Baroness (Angela) Smith of Basildon** now holds the corresponding position in the House of Lords.

Hilary Benn is the new Northern Ireland Secretary. **Jo Stevens** was made Wales Secretary. **Ian Murray** was appointed Scotland Secretary.

Following his resignation as Prime Minister, **Rishi Sunak** took on the role of Leader of the Opposition, pending the election of his replacement at the head of the Conservative Party. He also appointed a Shadow Cabinet team to serve until the appointment of a new party leader. **Oliver Dowden**, who had served as Deputy Prime Minister under Sunak, will shadow the Cabinet Office team.

Former Justice minister **Edward Argar** was made Shadow Justice Secretary, outgoing Business Secretary **Kemi Badenoch** was appointed to shadow Angela Rayner, and ex-Home Office minister **Chris Philp** is the new Shadow Leader of the Commons. **Jeremy Wright** will shadow the Attorney General, whose position Wright held under David Cameron and Theresa May. **Lord (Nicholas) True**, who has just left the role of Leader of the Lords, will now shadow his successor.

Alex Burghart, formerly a junior Cabinet Office minister with responsibility for the constitution, is now Shadow Northern Ireland Secretary. **John Lamont** will shadow the Scotland Secretary, following a stint as a junior Scotland Office minister. **Lord (Henry) Davies of Gower,** previously responsible for several policy areas as a junior Lords minister, is the new Shadow Wales Secretary.

Humza Yousaf resigned as leader of the SNP and First Minister of Scotland (see page 16). **John Swinney** replaced him in both roles and appointed a new Cabinet. **Kate Forbes** joined the government as Deputy First Minister, replacing **Shona Robison**, whose role as Finance Secretary was expanded to include responsibility for local government. **Jamie Hepburn** was made Minister for Parliamentary Business after **George Adam** left the government. Hepburn's previous role of Minister for Independence was abolished.

Vaughan Gething was elected to lead Welsh Labour and appointed First Minister of Wales in March, following the resignation of **Mark Drakeford**. **Eluned Morgan** is expected to replace him in both roles (see page 17).

When Gething formed his government, **Rebecca Evans** was promoted from a junior ministerial role to the newly created role of Cabinet Secretary for Finance, Constitution and the Cabinet Office. **Jane Hutt** retained her role as Chief Whip, and replaced **Lesley Griffiths** as Trefynydd (Leader of the Senedd). **Huw Irranca-Davies** joined the government, leaving vacant the chair of the Legislation, Justice and Constitution Committee, which was taken up by **Sarah Murphy**.

Mick Antoniw resigned as Counsel General for Wales in July.

Jeffrey Donaldson resigned as leader of the DUP in April, after being charged with rape and other sexual offences (see page 15). **Gavin Robinson** was initially named leader on an interim basis, and the appointment was made permanent in May.

Eleanor Laing and **Rosie Winterton** stepped down as MPs at the general election, and **Nigel Evans** lost his seat, leaving vacant all three positions as Commons Deputy Speakers. **Nusrat Ghani**, **Judith Cummins** and **Caroline Nokes** were elected to replace them on 23 July.

William Wragg resigned as chair of the Commons Public Administration and Constitutional Affairs Committee in April. **Jackie Doyle-Price** was elected to replace him in May, but then lost her seat at the general election.

Jessica de Mounteney was appointed First Parliamentary Counsel in April, following the retirement of **Elizabeth Gardiner**.

Roger Masterman was appointed to serve as one of the two legal advisers to the House of Lords Constitution Committee following the departure of **Alison Young**, who took up her role as Law Commissioner for Public and Welsh Law in March.

Rebecca Hilsenrath was appointed to serve as the Parliamentary and Health Service Ombudsman in an acting capacity, following the departure of **Rob Behrens** (see page 12).

Lord (Amyas) Morse stepped down as head of the Office for Local Government in March (see page 12). A successor has yet to be appointed.

Jan van Zyl Smit was appointed Director of the Bingham Centre for the Rule of Law in May, after **Murray Hunt** stepped down to take on the role of Director of the Modern Slavery and Human Rights Policy and Evidence Centre at the University of Oxford.

Constitution Unit news

Unit commentary on the general election

During the election campaign, the Unit published a series of blogposts summarising the key proposals on constitutional matters in the main party manifestos.

The series opened with a general overview by Lisa James, followed by analysis of parliamentary reform by Meg Russell, elections and public participation by Alan Renwick, devolution by Patrick Thomas and standards by Lisa James.

Other election-related content included pieces in praise of fixed-term parliaments by Meg Russell and Robert Hazell and in favour of post-election transition periods by Meg Russell, a critique of the Labour Party's proposal for an Ethics and Integrity Commission by Peter Riddell, an overview of changes in electoral rules and practices since the last general election by Sanjana Balakrishnan, and an analysis of the risks of holding an election during a heatwave, by Sarah Birch, Erik Asplund, Maddie Harty and Ferran Martinez i Coma.

Joint statement on standards

On 24 June the Unit joined with the Institute for Government and UK Governance Project (the commission chaired by former Attorney General Dominic Grieve) to issue a statement on how the new administration could act quickly to improve regulation of ethics in government. This built upon reports issued by the three organisations earlier in the year, drawing out common themes and positions. It was accompanied by a letter to the *Times*, led by the heads of the three organisations and supported by numerous others, including former Supreme Court Justices, senior Whitehall officials and the Director General of the CBI.

The statement called for early commitments from the new Prime Minister to strengthening standards, for example on policing the Ministerial Code, post-ministerial employment, public appointments, honours and House of Lords appointments. Much of this could be achieved straightaway on a non-legislative basis, but the signatories also supported a short bill to cement the changes.

Constitution Unit summer conference

The Constitution Unit's annual conference, entitled *Constitutional priorities for the next government*, took place on 24 and 25 June – although the surprise general election announcement led to various amendments to the programme.

Coinciding with the publication of our joint statement on standards (see previous article) the first panel saw Meg Russell chair a discussion on the subject with Dominic Grieve, Peter Riddell and Tim Durrant. Next, Tony Travers, Joanie Willett, Akash Paun and Ed Cox discussed English devolution, with Alan Renwick as chair.

The following day started with Kate O'Regan chairing a discussion on the rule of law with Lord (Jonathan) Sumption, Baroness (Shami) Chakrabarti and Jonathan Jones. And our final panel was on House of Lords reform, chaired by Lisa James, with Baroness (Helene) Hayman, Darren Hughes and Meg Russell as speakers.

A full programme is listed on page 21, and all sessions are available to watch in video form, and as episodes of the Unit's podcast.

New report on challenges in Northern Ireland

Shortly before the election, the Unit published *Northern Ireland: Challenges for the Next Westminster Government*, a new report by Honorary Senior Research Associate Alan Whysall. It suggested that Northern Ireland needed increased attention and sensitivity from the UK government in London, and a distinctly new approach. It also warned that the return of the devolved institutions does not necessarily mean that the 1998 Belfast/Good Friday Agreement settlement is now back on the right path. It asserted that the new government needed to win back trust and rebuild relationships within Northern Ireland, and with the Dublin government; to stabilise the institutions and encourage them to deliver good government and sound finance. The report's recommendations are summarised in a post on the Unit's blog.

New report on the process of delivering Commons reform

In June the Unit published a new report, *Delivering House of Commons Reform: What Works?*. Written by Tom Fleming and Hannah Kelly, it provided an evidence-based assessment of different institutional vehicles for developing and delivering proposals for House

of Commons reform. It identified four such routes: government initiative, and three different kinds of select committee exemplified by the Procedure Committee, the 2009–10 'Wright Committee' and the 1997–2010 Modernisation Committee.

By comparing how these approaches have worked in the past, the report aimed to provide lessons to current politicians about how they could pursue an agenda of Commons reform. Those lessons should prove timely, given the new government's commitment to establish a Modernisation Committee tasked with – among other things – reforming House of Commons procedures (see page 3).

A summary of the report's analysis and conclusions is available to read on the Unit's blog.

New report on the role of the UK's constitutional watchdogs

Trust in Public Life: Restoring the Role of Constitutional Watchdogs, a report by Unit founder Robert Hazell and former Commissioner for Public Appointments Peter Riddell, was published on 19 March.

A series of official reports have all agreed that watchdogs such as the Independent Adviser on Ministers' Interests and the Advisory Committee on Business Appointments need strengthening; but with less agreement on the correct process, or by how much. That is the gap filled by the report, which sets out a range of strengthening measures, in detail, for implementation early in the new parliament.

The report also addressed Labour's proposal for an Ethics and Integrity Commission. The main risk is duplicating the work of the Committee on Standards in Public Life (CSPL): there is not room for two umbrella bodies. But CSPL could form the core of the new Ethics and Integrity Commission if it is strengthened, given a wider remit, and put on a statutory basis. It could be charged with leading the debate on standards issues, providing a single portal explaining the work of the other watchdogs, convening regular meetings, and serving as their collective voice.

A summary of the report's analysis and conclusions is available on the Unit's blog.

The Conservative effect on the constitution: 2010–2024

June saw publication of the new book, *The Conservative Effect 2010–2024: 14 Wasted Years?*, edited by Anthony Seldon and Tom Egerton. This included a chapter on 'Government, Parliament and the Constitution', by Meg Russell. A summary of Meg's chapter is available for free on the Unit blog.

Congratulations to Conor Kelly

All of us at the Unit warmly congratulate our colleague Conor Kelly on two notable achievements. He successfully defended his PhD thesis – on the attitudes of Northern Ireland's political parties towards European integration – in June. And he has been awarded a four-year postdoctoral research position, in the form of the Bingham Fellowship in Constitutional Studies at Balliol College, Oxford.

Conor has been at the Unit since November 2019, working alongside his part-time PhD studies at Birkbeck, University of London. He was initially Research Assistant and Project Manager for the Working Group on Unification Referendums on the Island of Ireland. Subsequently, he worked with Alan Renwick on *Perspectives on the Belfast/Good Friday Agreement*. He has also been a Teaching Assistant in the UCL Department of Political Science for the last two years. Until his Oxford position begins in September, he is examining proposals for reform of Northern Ireland's devolved institutions, alongside Alan Whysall.

Welcome to Sanjana and Matthieu

The Unit welcomed Sanjana Balakrishnan to work with us during the election period and its immediate aftermath. Sanjana is a clerk in the House of Commons, taking part in a scheme that allows parliamentary staff to gain external experience when parliament is dissolved. Her early weeks at the Unit focused on examining changes in electoral law and practice since the last general election, in 2019.

UCL undergraduate student Matthieu Dinh joined the Unit staff temporarily in May and June to support Ruxandra Serban's research on Urgent Questions in the House of Commons.

Research volunteers

The Unit is, as always, grateful for the excellent work done by its research volunteers.

A big thank you to former volunteers Alyssa Nathanson-Tanner, Alex Pagendam, Patricia Preller and Isla Winchester.

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Constitutional Priorities for the Next Government: Constitution Unit Conference 2024

Day 1, 24 June

Panel 1: Standards in parliament and government

Tim Durrant, Programme Director at the Institute for Government, **Dominic Grieve**, Chair of the UK Governance Project and former Attorney General, **Peter Riddell**, former Commissioner for Public Appointments.

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

Panel 2: Devolution within England

Ed Cox, Executive Director for Strategy, Economy and Net Zero at the West Midlands Combined Authority, **Akash Paun,** Programme Director at the Institute for Government, **Tony Travers**, Director of LSE London and Visiting Professor at the LSE, **Joanie Willett**, Associate Professor in Politics and Co-Director of the Institute of Cornish Studies, University of Exeter.

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

Day 2, 25 June

Panel 3: The rule of law

Baroness (Shami) Chakrabarti, former Labour Shadow Attorney General and former Director of Liberty, **Jonathan Jones**, former Treasury Solicitor and Permanent Secretary of the Government Legal Department, **Lord (Jonathan) Sumption**, former Justice of the Supreme Court.

Chair: **Professor Kate O'Regan,** Director of the Bonavero Institute of Human Rights, University of Oxford.

Panel 4: House of Lords reform

Baroness (Helene) Hayman, Crossbench peer and former Lord Speaker, **Darren Hughes**, Chief Executive of the Electoral Reform Society, and Unit Director **Professor Meg Russell**.

Chair: **Lisa James**, Research Fellow at the Constitution Unit.

Recordings of all panels are available on YouTube and in podcast form.

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Additional events recently made available online

Recordings of all Unit events are available online, via the Unit's podcast and its YouTube channel. To be notified of upcoming events, subscribe to the Unit's mailing list. Seminars are free and open to all.

Lessons from the 2024 general election

Dr Sofia Collignon, Senior Lecturer in Comparative Politics, Queen Mary University of London, **Ben Lauderdale**, Professor in Political Science at UCL, **Professor Alan Renwick,** Deputy Director of the Constitution Unit, **Professor Meg Russell**, Director of the Constitution Unit.

Chair: Dr Tom Fleming, Lecturer in British and Comparative Politics at UCL.

Recorded on 16 July.

Priorities for new MPs' induction in the next parliament

Alistair Burt, former Conservative minister and MP, **Dr Ruth Fox**, Director of the Hansard Society, **Daniel Greenberg**, Parliamentary Commissioner for Standards, **Dr Hannah White**, Director of the Institute for Government.

Chair: Professor Meg Russell.

Recorded on 5 June.

Changes and challenges in regulating elections

Alistair Clark, Professor of Political Science, Newcastle University, **Laura Lock**, Deputy Chief Executive of the Association of Electoral Administrators, **Lord (Paul) Tyler**, Liberal Democrat peer and former MP.

Chair: **Professor Alan Renwick**.

Recorded on 25 April.

Should military action require parliamentary approval?

Dr Veronika Fikfak, Associate Professor in International Law at UCL, **David Lidington**, Chair of the Royal United Services Institute, and former Cabinet minister, **Dr James Strong**, Senior Lecturer in British Politics and Foreign Policy, Queen Mary University of London.

Chair: **Lisa James**, Research Fellow at the Constitution Unit.

Recorded on 13 March.

Subscribe to the Constitution Unit 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.

Read previous issues of *Monitor*

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Unit in the news

Robert Hazell had a letter published in the *Times* on Institute for Government proposals about the role of the Cabinet (12 March).

Robert Hazell and Peter Riddell's report, *Trust in Public Life: Restoring the Role of Constitutional Watchdogs* (see page 20), was discussed in detail by Joshua Rozenberg in his *A Lawyer Writes* newsletter (19 March). Peter Riddell also wrote about the report on *ConservativeHome* (3 April).

Bob Morris was quoted in *Metro* on the operation of the Regency Act, following the King's cancer diagnosis (20 March).

Meg Russell spoke to Natasha Devon on LBC about reform of the House of Lords (25 March).

Robert Hazell was quoted in *Le Monde* (23 March) and *iNews* (24 March) about the impact on the royal family of the Princess of Wales' cancer diagnosis.

Robert Hazell appeared on *Good Morning Scotland* to discuss the topic of minority governments (1 May).

Tom Fleming appeared on Radio 4's *Today in Parliament* to discuss the recall process for MPs (3 May).

Bob Morris appeared on the *Wayfarer* podcast to discuss the coronation and the Unit's work on the coronation and accession oaths (5 May).

Robert Hazell appeared in the Channel 5 documentary, 'Prince George: A King for The Future' (18 May).

Alan Renwick's blogposts on the voting system for mayoral and PCC elections were featured in a *Striking 13* Substack post by Ian Dunt (31 May).

Meg Russell spoke to Eleanor Langford of *iNews* about plans for an age cap in the House of Lords (12 June) and to Iain Dale on LBC about Labour's wider plans for House of Lords reform (13 June). She also appeared on an episode of the Hansard Society's *Parliament Matters* podcast, discussing Labour's constitutional reform plans more generally, focusing particularly on a Commons Modernisation Committee and House of Lords reform (21 June).

Robert Hazell spoke to CNN Brazil about the role of the monarch after a general election (19 June).

Meg Russell and Robert Hazell were among the signatories to a letter in the *Times* in support of a statement on standards jointly published by the Institute for Government, Constitution Unit and UK Governance Project (see page 19). The statement and letter were the topic of an article in the *Times*, an *Empty City* Substack post by David Allen Green and a comment piece by Melanie Phillips in the *Times* (all 24 June). The letter was also mentioned in articles in *Civil Service World* and *City A.M.* (both 25 June).

Lisa James wrote a piece for the *Review of Democracy* on the prospects for reform of ethical standards processes in the current parliament (3 July).

The arguments contained in the latest Unit report on Northern Ireland (see page 19) were endorsed in a *Guardian* editorial (30 June).

Alan Renwick appeared on *Times* Radio to discuss the prospects for electoral reform in this parliament (2 July).

Alan Renwick discussed the health of democracy in the UK and the importance of voting on BBC Radio Wales (3 July).

Robert Hazell was quoted in a *Washington Post* article on the role of the monarch during an election (4 July).

Alan Renwick was quoted in an *Al Jazeera* article about how vote share translates into seats in parliament (5 July).

The Unit's report on the role of MPs' staff was referred to heavily in a *Business Live* article about what happens to MPs and their staff after a general election defeat (5 July).

Lisa James wrote an article for UK in a Changing Europe about how the House of Commons will function with a large Labour majority (15 July).

Meg Russell appeared on BBC News to discuss the new government's plans for House of Lords reform set out in the King's speech (17 July).

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Unit publications

Alan Whysall, *Northern Ireland: Challenges for the Next Westminster Government* (Unit report, June).

Meg Russell, 'Government, Parliament and the Constitution', in *The Conservative Effect, 2010–2024: 14 Wasted Years?*, edited by Anthony Seldon and Tom Egerton (Cambridge University Press, June).

Tom Fleming and Hannah Kelly, *Delivering House of Commons Reform: What Works?* (Unit report, May).

Robert Hazell and Peter Riddell, *Trust in Public Life: Restoring the Role of Constitutional Watchdogs* (Unit report, March).

Publications to note

The Independent Commission on UK Public Health Emergency Powers, *Final Report* (Bingham Centre for the Rule of Law, May).

Akash Paun, Thomas Pope, Matthew Fright, Rebecca McKee, Briony Allen, *How the Next Government Should Complete English Devolution* (Institute for Government, May).

Transparency International UK, *Reducing Corruption Risks in a Reformed House of Lords* (Transparency International UK, April).

Jordan Urban, Alex Thomas and Rhys Clyne, *Power with Purpose: Final Report of the Commission on the Centre of Government* (Institute for Government, March).

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Dave Busfield-Birch, Tom Fleming, Jim Gallagher, Robert Hazell, Rowan Hall, Lisa James, Alexandra Meakin, Alyssa Nathanson-Tanner, Alan Renwick, Meg Russell, Mark Sandford, Paul Silk and Alan Whysall.

The issue was edited by Dave Busfield-Birch.

Sign up to attend free Unit events

We continue to run free online events, open to all. They include contributions from experts in politics, academia and law, followed by what is usually a lively Q&A session.

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