

# Liberal Democrats in coalition: constitutional reform

## The coalition and constitutional reform

Robert Hazell



The House of Lords in session.

**F**OR THE LIBERAL Democrats, being able to implement their long-held ambitions for constitutional reform was one of the stated reasons why they entered the coalition. But the Conservatives also had extensive plans for constitutional change. So this article opens by presenting the whole of the coalition's constitutional reform programme, and explaining the respective contributions of the Conservatives and the Liberal Democrats. It then analyses five key measures: the AV referendum; reducing the size of the House of Commons; fixed-term parliaments; a British bill of rights; and reform of the House of Lords.

### The constitutional reform programme

Although unacknowledged (including by themselves), the Conservative constitutional reform agenda was as extensive as that of the Liberal Democrats; and the two parties shared a surprising amount of common ground. The strongest common ground ideologically was both parties' commitment to decentralisation and localism. The big Conservative constitutional changes were to reduce the size of parliament (Commons and Lords); introduce a British bill of rights; legislate to require referendums for future EU treaties; introduce English votes on English laws; and hold referendums on elected mayors in all major cities.

The 'referendum lock' for EU treaties might be thought anathema to the Liberal Democrats, but their 2010 manifesto had its own, more radical commitment to 'an in/out referendum the next time a British government signs up for fundamental change in the relationship between the UK and the EU'.

In government Nick Clegg took the lead on the whole constitutional reform programme. This was a brave move, given his lack of detailed knowledge, and was aggravated by his failure to appoint any expert advisers with good understanding of how to achieve constitutional reform. By the end of the coalition government, Clegg had delivered more of the Conservative package of constitutional reforms than his own. In particular, he failed on the AV referendum and on Lords reform, the Lib Dems' two big priorities.

The analysis in Table 1 shows the main constitutional reform items in the Coalition's Programme for Government. Of the eighteen items listed, fourteen originated in the Conservative manifesto, and nine in the Lib Dem manifesto. So just on this crude scoring basis, the Conservatives did better than the Lib Dems in shaping the government's reform agenda.

Columns 4 and 5 headed Result and Score show whether the commitment was delivered or not. The analysis suggests that by 2015 Nick Clegg had delivered eight of the Conservative

## Liberal Democrats in coalition: constitutional reform

**Table 1 Origins of the main constitutional reform proposals in the Programme for Government, and their success or failure**

Key:

● = manifesto commitment fully incorporated into Programme for Government

○ = manifesto commitment only partially incorporated

√ = delivered

x = not delivered

Programme for Government	Lib Dem manifesto	Con manifesto	Result	Score
Referendum on AV	○		Held on 5 May 2011. Defeated by 68 to 32%, on 42% turnout	x
Reduce House of Commons to 600 MPs	○	●	Boundaries revised, but Orders to approve new constituencies blocked by Lib Dems in 2013	x
Introduce referendum on further Welsh devolution	●	○	Held on 3 March 2011. Carried by 63 to 37%, on 35% turnout	√
Implement Calman Commission in Scotland	●	○	Implemented in Scotland Act 2012	√
Fixed term parliaments	●		Fixed Term Parliaments Act 2011	√
Legislate so that future treaties are subject to 'referendum lock'		●	European Union Act 2011	√
Hold referendums on elected mayors in 12 largest English cities		●	Held on 3 May 2012. Only Bristol voted for a mayor; Liverpool and Leicester had previously resolved to have one	√
Wholly or mainly elected second chamber	●	○	House of Lords reform bill withdrawn in 2012 following opposition from Conservative backbenchers	x
Commission on British bill of rights	○	●	Commission reported December 2012	√
Commission on West Lothian Question		●	Commission reported March 2013	√
Right of recall of MPs	●	●	Recall of MPs Act 2015	√
Prevent misuse of parliamentary privilege		●	Joint parliamentary Committee recommended no change in 2013	x
Implement Wright Committee reforms for House of Commons		●	Implemented in full in 2010	√
Speed up individual electoral registration		●	Electoral Registration and Administration Act 2013. Implemented 2013 to 2016	√
200 all postal primaries		●	Abandoned	x
Petitions to force issues onto parliament's agenda		●	Petitions with more than 100,000 signatures lead to debate in parliament	√
Reform of party funding	●	●	Clegg chaired inter-party talks, abandoned in 2013 after seven meetings	x
Statutory register of lobbyists	●	○	Transparency of Lobbying Act 2014 created statutory register	√

commitments for constitutional reform, but only five of his own. Clegg got little credit from the Conservatives for this, because they did not see themselves as constitutional reformers, but was damned by his own side for his failures.

### The AV referendum

In government the coalition linked the AV referendum with reducing the size of the House of

Commons in the parliamentary voting system and constituencies bill. This was to ensure that the Conservatives would vote for the AV referendum in part 1 of the bill, and the Lib Dems for the reduction in the size of the House of Commons in part 2. Nick Clegg took the lead on both proposals and pushed ahead at top speed.

The Lib Dems were anxious to hold the AV referendum as early as possible. The bill was introduced after just ten weeks in government with

no White Paper and no consultation. It was very tightly whipped. The bill was strongly criticised by three parliamentary committees.<sup>1</sup> All three lamented the rushed timetable and absence of any consultation. But despite these critical reports, no major amendment was accepted by the government in either House.

The brutal whipping left very sore feelings in parliament, especially on the Conservative benches. But the tensions in parliament were nothing compared with the bitter feelings unleashed during the subsequent referendum campaign, when Conservatives and Lib Dems campaigned on opposite sides with wildly exaggerated rhetoric.

In the May 2011 referendum, AV was convincingly defeated by 68 per cent to 32 per cent. The Lib Dems blamed the result on the failings of the 'Yes' campaign; but in truth the referendum could never have been won on such a short timescale, which allowed very little time for public information.<sup>2</sup> One of Clegg's advisers and several Lib Dem backbenchers had wanted to postpone the referendum; but the leadership had convinced themselves that the sooner the referendum was held, the greater its chances of success. But it may be that even if the referendum had been held later, it would still have been lost: electoral reformers and Liberal Democrats found it hard to campaign with much enthusiasm for AV, which they had so long dismissed as an unsatisfactory compromise.

### Fixed-term parliaments

The Liberal Democrats have long supported fixed-term parliaments. The Conservatives have never done so. But both Lib Dems and Conservatives were anxious to buttress the new coalition against destabilising no-confidence motions. So the coalition agreement declared that legislation would be brought forward to provide for five-year fixed-term parliaments.

The bill did not have an easy passage through parliament. Labour did not oppose its second reading, but half a dozen Conservative MPs voted against the government on amendments moved by Bill Cash MP.<sup>3</sup> The debates in the House of Lords were even more sceptical.<sup>4</sup> Labour peers insisted that the proper length of a fixed term was four years, not five. A sunset clause was agreed to with strong crossbench support. The amendment was removed in the Commons but reinstated in the Lords. Eventually a compromise was reached, requiring a committee to be established in 2020 to review the operation of the Act.

The bill's troubled passage illustrated two things. The first was that even if the coalition reached agreement on a policy within the executive, that agreement could not necessarily be delivered in parliament. The second was that in parliament the House of Lords was likely to present even more difficulties for the

government than the Commons. And that did not bode well for future legislation on constitutional reform.

### The British bill of rights

Both the Liberal Democrats and Conservatives had a longstanding commitment to introduce a British bill of rights.<sup>5</sup> But the Conservative hope was for a British bill of rights which might soften some of the harder requirements of the European Convention on Human Rights ('ECHR minus'); while the Lib Dems wanted one which was 'ECHR plus'.<sup>6</sup> The compromise was to establish a commission, but the Programme for Government made it clear that any British bill of rights must be firmly 'ECHR plus'.

In government the policy lead was given to Conservative Ken Clarke, as Justice Secretary. A staunch defender of human rights, Ken Clarke was in no hurry to establish a commission. But in February 2011 things warmed up, with a Commons debate on prisoner voting rights, and outrage from the Home Secretary at a Supreme Court judgement about sex offenders.<sup>7</sup> Cameron told parliament that a bill of rights commission would be 'established imminently' to shift such decisions from the courts back to parliament.<sup>8</sup>

There followed intense negotiations between the coalition partners about the commission's terms of reference, timetable and membership. The Lib Dems nominated four human rights experts and advocates, and the Conservatives four known critics of the Human Rights Act. It might be thought that establishing the commission would take the heat out of the issue. But fierce skirmishing continued. The Conservatives were keen to maintain party differentiation on the issue, even if it involved ignoring collective cabinet responsibility and undermining the government's own commission.

The commission published its report in December 2012. It did not offer a strong or unanimous way forward. Seven of the commission's nine members came down in favour of a UK bill of rights, but two members (Helena Kennedy QC and Prof. Philippe Sands) feared that the risks of undermining the Human Rights Act were too great. In the remainder of the parliament Nick Clegg stood by the Human Rights Act and blocked any further policy developments. The Conservatives entered the 2015 election with a renewed commitment to introduce a British bill of rights, but their subsequent failure to publish even a consultation paper illustrates the difficulties involved, not least in overcoming the veto power of the devolved governments.<sup>9</sup>

Many of the Lib Dems' policy contributions to the coalition were negative, preventing the Conservatives from doing something worse. This was one example: by standing firm in defence of the Human Rights Act, Nick Clegg showed greater political wisdom than his coalition partners.

**In the May 2011 referendum, AV was convincingly defeated by 68 per cent to 32 per cent. The Lib Dems blamed the result on the failings of the 'Yes' campaign; but in truth the referendum could never have been won on such a short timescale, which allowed very little time for public information.**

### Reform of the House of Lords, and reducing the House of Commons

The same cannot be said of the Liberal Democrats' handling of Lords reform. Clegg began by reconvening the all-party talks initiated under the previous government by Jack Straw, to help produce a draft bill for an elected second chamber. As before, the parties could not agree, and indeed were divided internally. Clegg's draft bill published in May 2011 proposed a much smaller House of 300 members, 80 per cent elected by STV, 20 per cent appointed, serving fifteen-year terms.

To try to promote agreement Clegg referred the draft bill to a joint committee of both Houses. But when the joint committee reported in April 2012 it merely highlighted the difficulties. Committee members were divided on the merits of an elected, partly elected or appointed chamber, on fifteen-year terms, on terms being non-renewable, on payment for members, on the continuing presence of bishops, and on whether the reform needed a referendum.

Nothing daunted, Clegg decided to include a bill for an elected second chamber in the 2012 Queen's Speech. The bill was introduced into the Commons in late June. With Labour support, the bill was given a second reading by 462 votes to 124, but ninety-one Tory MPs rebelled. While Cameron had pledged his support, his MPs were just not prepared to follow. Previous votes on Lords reform had shown the Conservatives were seriously split. When the rebels and Labour stated that they would vote against the timetabling motion, the government recognised the bill could not pass, and in August 2012 Clegg announced that it would be dropped. He had been naïve in supposing that the Lords were the main obstacle to Lords reform. In truth, as in 1968, the main obstacle lay in the House of Commons: many MPs, when confronted with the prospect of an elected House of Lords, felt threatened by the idea of a more powerful second chamber with a rival democratic mandate.

In retaliation, six months later the Liberal Democrats voted down the orders required to implement the boundary changes to reduce the House of Commons to 600 seats, thus aborting the boundary review for 2015. But the effect was merely to postpone, not cancel the boundary review; it has been revived in the new parliament, and if the necessary orders are approved, 2020 will see the election of 600 and not 650 MPs.

The tragedy was that in pursuit of his unachievable goal, Clegg spurned any lesser reforms of the House of Lords. David Steel had introduced private member's bills to phase out the hereditary peers, create a statutory Appointments Commission, strengthen the Lords' disciplinary powers and make it easier for peers to retire. Helene Hayman had introduced a bill which would cap the size of the Lords, appoint new members on a proportionate basis with fixed terms, and end the

link with the Honours system. These changes, if pursued, would have been a major achievement for Nick Clegg; but they were denied government support, and withered on the vine.

### Conclusions

These five case studies illustrate some common themes. Although both the Conservatives and Liberal Democrats had big commitments to introduce constitutional changes, there were significant differences between them on individual items. In resolving those differences there was a lot of give and take on both sides. The biggest compromise was on the AV referendum, which was neither side's first choice. The Lib Dems compromised on reducing the size of the House of Commons, which went against their electoral interests, while the Conservatives conceded over fixed-term parliaments. The Lib Dems conceded over the EU bill, and the Conservatives over the requirement for any British bill of rights to be ECHR plus.

Contrary to the stereotype that coalition government must be weak, slow and indecisive, the two parties resolved their differences with extraordinary speed and decisiveness. Once the policy had been settled, the coalition partners initially showed extraordinary unity and discipline in defending the compromises struck.

Despite ironclad discipline within the government, their compromise proposals did not have an easy passage through parliament. Conservative backbenchers hated the AV referendum and disliked fixed-term parliaments and an elected House of Lords; while the Liberal Democrats had reservations about the EU bill. But they rebelled on different issues. The government suffered no defeats in the House of Commons (even on Lords reform, despite the rebellion by ninety-one Tory MPs), but had much more difficulty in the Lords. However faithful the government's commitment to collective responsibility, they could not always deliver their supporters in parliament.

A final theme is the difficulties facing the junior coalition partner. The Liberal Democrats had entered the government expressly to deliver their long held plans for constitutional reform, and put their leader in charge. Surely they held the trump cards? And yet even here the Conservatives proved dominant. They were the larger party with the longer manifesto; and at the end of the coalition more of the Conservatives' ideas for constitutional reform had been implemented than those of the Lib Dems.

It is true that the AV referendum was an own goal by the Lib Dems. But a better-resourced junior partner, with better-informed advisers, might not have made such a disastrous strategic error. A second strategic error was Lords reform, defeated again because of Conservative resistance. But resistance came not just from the Conservatives. The truth is that there was not a majority for an

**The Liberal Democrats had entered the government expressly to deliver their long held plans for constitutional reform, and put their leader in charge. Surely they held the trump cards? And yet even here the Conservatives proved dominant. They were the larger party with the longer manifesto; and at the end of the coalition more of the Conservatives' ideas for constitutional reform had been implemented than those of the Lib Dems.**

elected second chamber in either House. A more astute leader would have recognised that, and pursued a lesser reform instead.

*Robert Hazell is Professor of Government and the Constitution at The Constitution Unit, School of Public Policy, University College London.*

- 1 See Political and Constitutional Reform Committee, 'Parliamentary Voting Systems and Constituencies Bill' HC (2010–11) 437; Welsh Affairs Committee, 'The Implications for Wales of the Government's Proposals on Constitutional Reform' HC (2010–11) 495; and Select Committee on the Constitution, 'Parliamentary Voting Systems and Constituencies Bill: Report' HL (2010–11) 58.
- 2 R. Hazell, *The Conservative–Liberal Democrat Agenda for Political and Constitutional Reform* (London, Constitution Unit, 2011), pp. 19–20. For the Liberal Democrats' own analysis of why the referendum was lost, see Liberal Democrats Consultative Session, *May 2011 Election Review* (Aug. 2011).
- 3 Hansard HC Deb 24 Nov. 2010, vol. 519, col. 312; Hansard HC Deb 1 Dec. 2010, vol. 519, col. 835.
- 4 Commons Political and Constitutional Reform Committee, 'Fixed Term Parliaments Bill' HC (2010–11), p. 436, and Lords Constitution Committee, 'Fixed Term Parliaments Bill' HL (2010–11), p. 69 [46].
- 5 The Lib Dems have long supported a British bill of rights, as part of a written constitution. In their 2010 manifesto, responding to the threat to the Human Rights Act, they adopted a more defensive position, pledging to 'ensure that everyone has the same protections under the law by protecting the Human Rights Act'.
- 6 For an explanation of Conservative policy and its genesis, see R. Hazell, *The Conservative Agenda for Constitutional Reform*, pp. 63–4.
- 7 *R (F) v Secretary of State for the Home Department* [2010] UKSC 17. For the Home Secretary's response, see A. Travis, 'David Cameron condemns supreme court ruling on sex offenders', *The Guardian* (16 Feb. 2011), [www.guardian.co.uk/society/2011/feb/16/david-cameron-condemns-court-sex-offenders](http://www.guardian.co.uk/society/2011/feb/16/david-cameron-condemns-court-sex-offenders)
- 8 Hansard HC Deb 16 Feb. 2011, vol. 523, col. 955.
- 9 For the many difficulties see House of Lords EU Committee, *The UK, the EU and a British Bill of Rights*. HL 139, 9 May 2016.

## Commentary: former special adviser

Matthew Hanney

**The failures on Lords reform and electoral reform have been much discussed, and form the heart of this analysis ... the failure was a political one – the inability of Clegg and the Liberal Democrats more widely to persuade the Labour party to set aside its tribalism and support those reforms.**

THE LIBERAL DEMOCRAT record on constitutional reform is unlikely to ever top the list of the party's successes in government. Professor Hazell does an admirable job of summarising why: failure to reform the electoral system, House of Lords or party funding are prime examples, and indisputably so. Equally, the review is right to note some more positive elements of the record, such as the introduction of fixed-term parliaments and the defence of the Human Rights Act.

Importantly, Hazell is also right to highlight the underappreciated fact that the Conservative constitutional reform agenda was more ambitious than is often credited. As shown by ill-thought through English-votes-for-English-laws (EVEL) reforms, likely boundary changes and, of course, the EU referendum, left to their own devices an unrestrained Conservative party is capable of significant and (from the liberal perspective) damaging constitutional reform. These demonstrate the pertinence of his observation that 'many of the Lib Dems' policy contributions to the coalition were negative, preventing the Conservatives from doing something worse.'

The failures on Lords reform and electoral reform have been much discussed, and form the heart of this analysis. I remain unconvinced by the proposition that the failures were down to a lack of expert policy advice. There was in fact ample such advice<sup>1</sup> and it was very much listened to and considered. Instead the failure was

a political one – the inability of Clegg and the Liberal Democrats more widely to persuade the Labour party to set aside its tribalism and support those reforms.<sup>2</sup>

Labour's tribalism, particularly towards Clegg, was such that it led them to effectively oppose Lords reform and remain neutral on AV. These were two policies that on paper they should have strongly supported. No amount of policy tinkering would have changed this. Combined with Conservative ambivalence (to Lords reform) and brutal hostility (to AV), Labour's approach doomed these initiatives. What should or could have been done to address this is an important question for any future coalitions involving the Liberal Democrats.

It is perhaps something of a shame that the wider area of devolution and decentralisation is not examined in more detail. For the second half of the coalition this was a focus for the government and Clegg personally. The Liberal Democrats' time in office moved the UK significantly, albeit very much imperfectly and with plenty still to do, closer to that historic goal of the party: the UK becoming a federal country.

By 2015 a number of significant developments were in place: more and better-structured powers for both Scotland and Wales; 'city deals' across England; and the migration of a number of powers, such as the setting of business rates, from Whitehall to town halls. That these were piecemeal, somewhat haphazard and accompanied

How well did Nick Clegg really understand his party's thinking on constitutional reform? ... Though his 'brave move' in putting himself in charge of what he called, rather obscurely, 'a reformed form of politics'<sup>2</sup> must have been intended to put a Liberal stamp of identity on the coalition's constitutional reform achievements, Clegg's attempts did not resonate in the way that his deep personal concern for liberal values rang so true in his resigning speech.

by austerity was clearly not ideal. But the fact remains that the coalition government was the first for several generations to give powers to English local government, rather than take them. It is unlikely this would have been the case without Liberal Democrats in government.

The one point where I fundamentally disagree with the author is on what he characterises as 'lesser reforms' to the House of Lords.<sup>3</sup> My difference of view is unashamedly political. Such lesser reforms – as their would-be authors acknowledged – sought to give increased legitimacy to the House of Lords. However Liberal Democrats are fundamentally, or at least should be and are officially according to party policy, committed to an elected second chamber. Legitimacy comes through holding some form of democratic mandate. So it was absolutely right that the Leader of the Liberal Democrats not expend political capital to give a veneer of legitimacy to something that fundamentally did not have it.

Perhaps the biggest, if entirely understandable, omission in this consideration of the constitutional reform column of the ledger is that of the very act of coalition itself. Clegg, and those around him, always took the view that demonstrating that a peacetime coalition was a viable form of government for the UK was a huge prize, as it would facilitate future multiparty

governments and de-stigmatise the prospect of future hung parliaments.

In this respect success is hard to dispute: a better-functioning government than that which preceded or succeeded it, effective internal dispute mechanism resolutions, cohesion of the parliamentary parties for the entire term, delivery of the large bulk of its legislative agreement and stability of leadership. In an unwritten constitution such as Britain's, showing that peacetime coalition is possible is in effect a constitutional reform all of its own; a reform that through its successful implementation may have laid the foundations for future, wider, constitutional change. And, as such, it means the ledger is perhaps rather more evenly balanced than this critique suggests.

*Matthew Hanney was an adviser to Nick Clegg between 2007 and 2015, and worked on the political and constitutional reform portfolio in the coalition government between 2013 and 2015.*

- 1 Often contradictory.
- 2 This is also true of party funding reform, where Labour refused numerous attempts.
- 3 Additionally Hazell is in partial error in overlooking the House of Lords Reform Act 2014 (colloquially known as the 'Byles bill'), which introduced measures to allow expulsion and retirement of members of the Lords.

## Commentary: critic

Michael Steed

ROBERT HAZELL'S ANALYSIS is rather kind to the limited Liberal Democrat achievement on constitutional reform. This policy area is of defining importance to Liberal Democrats, but not central to the Conservatives' appeal; yet on his count they put fourteen items into the coalition's programme, compared with only nine from the Lib Dem manifesto. On a wider list, the Tory score could have been higher and anyway the eighteen items listed were of unequal significance, especially for the UK as a whole.

Hazell's approach bypasses the Scottish independence referendum, where Lib Dem ministers played a major role. He mentions just one coalition change in English local government; yet with the loss of the major function of policing and the hollowing out of democratic local accountability for education,<sup>1</sup> local government was significantly weakened in 2010–15.

Several items (but none of Hazell's four case studies) reflect the recent espousal by one wing of the Conservative Party of ideas of populist, plebiscitarian democracy, such as the referendum lock in the European Union Act, directly elected mayors or elected police commissioners (not in Hazell's list). Lib Dem MPs duly voted through these radical Tory measures. May they one day be

seen as part of a significant shift in British constitutional thinking, away from the Liberal tradition of representative democracy?

How well did Nick Clegg really understand his party's thinking on constitutional reform? This may be why he made what Hazell highlights as tactical mistakes, for example the failure to enlist appropriate expert advisors. Though his 'brave move' in putting himself in charge of what he called, rather obscurely, 'a reformed form of politics'<sup>2</sup> must have been intended to put a Liberal stamp of identity on the coalition's constitutional reform achievements, Clegg's attempts did not resonate in the way that his deep personal concern for liberal values rang so true in his resigning speech.

This failure is well illustrated by the reputation acquired by the one substantial Lib Dem achievement, the Fixed Term Parliament Act. Hazell's explanation of its appearance, as fitting an immediate need to buttress the coalition, is appropriate; it was widely reported as such a short-term cynical convenience. But Liberals had seen it as more: as part of a programme of removing bits of historic royal prerogative which have slipped into the hands of the tenant of 10 Downing Street, and all too often been abused.<sup>3</sup>

Premature dissolutions had rarely been used successfully to benefit the party in power until opinion polls and Keynesian demand management provided it with new tools; but starting with the Conservatives' thirteen years of power from 1951, it had become accepted that Downing Street had the privilege of manipulating the election date to suit its party. It was party pressure on Heath to take advantage of the presumed unpopularity of the miners' challenge that led to the unnecessary election of February 1974; Wilson capped that irresponsibility by six months of postponing difficult decisions before the October 1974 rerun. Britain's economic problems in the 1970s owed much to this destabilising constitutional flaw, as Liberals argued at the time.

The loss of this governing party leader's perk should have been presented as a major victory for Liberal thinking and for parliamentary democracy: the Commons' term was not absolutely fixed, but the power to shorten it was passed, in carefully defined conditions, from prime minister to parliament. However, the significance of this constitutional shift having been obscured, reaction to Theresa May's decision not to seek a premature election has concentrated on superficial and cynical interpretation. Britain needs not just constitutional reform, but better-informed public debate about constitutional issues.

Hazell presents a fair account of the Lib Dem failure over Lords reform and success, of sorts, on human rights. However, the latter was, as he writes, negative; a confidence-and-supply arrangement would have left Lib Dem MPs with a clearer, simple veto on Tory aspirations to weaken the protection afforded to British citizens by the ECHR.

As for what Chris Huhne called the crown jewels of the coalition agreement,<sup>4</sup> a referendum on the voting system, the harsh truth is that Clegg's Parliamentary Voting Systems and Constituencies Act has ended up by entrenching the present voting system whilst giving the stronger parties even more advantage than they enjoy with the present constituencies. Hazell focuses on the Conservative desire to reduce the Commons but, as it has varied from 615 to 659 since 1922, dropping the size from 650 to 600 in 2020 matters little; that focus misses the really significant change.

What the Conservatives put in part 2 of the bill, and got, was a streamlined set of boundary rules, to be used more frequently, intended to help them overcome the bias to Labour.<sup>5</sup> The new, mathematically rigid, rules will mean both more artificial constituency boundaries and more frequent and greater disturbance in them. Centralised, well-resourced parties can handle these more easily. A party more dependent on appealing to distinct, identifiable communities, on local awareness of tactical situations and on well-entrenched local MPs is put at a further disadvantage.

The referendum itself was a predictable disaster, just as the previous referendum on a constitutional reform in England had been. Opinion

polls had once shown that regional devolution was quite popular in the North-east. In the 2004 referendum, a viciously anti-politician campaign focusing on the alleged cost of an elected regional assembly ensured its unexpected defeat by 78:22. The same tactics were used to defeat the alternative vote system in 2011 by 68:32, with an entirely spurious £250 million cost at the centre of the negative campaign. Was this a test-run for the bigger lie about cost in the 2016 EU referendum campaign? How did the previous Liberal and then Alliance policy of reforming the changing electoral system become just asking for a referendum? The present uninominal system was introduced in 1885 without one; but it can be now argued that the 2011 referendum has ruled out changing it without a further one.

The referendum had been a Lib Dem concession in the 1996–7 Cook–Maclennan talks to secure Blairite support for putting a proportional system to popular vote, part of the agreed joint programme which was ditched by New Labour. The 2010 agreement secured a popular vote only on a tweak to the existing system, which would have retained the two linked features, uninominal and winner-takes-all, which produce such grotesque under-representation of Liberal voters.

It may be too easy to say that the fifty-seven Lib Dem MPs could have secured a better deal on constitutional reform if they had tapped better into their party's experience and expertise, and achieved more with more determination; the hurried coalition negotiations were overshadowed by a potentially explosive financial crisis. But there is little doubt that the Conservatives played their hand more effectively and secured much more in a field where Liberal thinking was once pre-eminent.

*Michael Steed chaired the Liberal Party Reform of Government panel (1976–81), served on the Alliance Commission on the constitution chaired by Sir Henry Fisher (1981–3) and was part of the Liberal Democrat team in the Cook–Maclennan talks which led to the Labour/Lib Dem agreement on constitutional reform in 1997.*

- 1 See Simon Griffiths' article on coalition education policy, pp. 16–19.
- 2 Adrian Slade, 'Coalition and the deluge: interviews with former ministers', *Journal of Liberal History*, 88 (Autumn 2015), p. 7.
- 3 See, for example, Simon Hughes, 'Democracy: towards a new constitutional settlement', in Julian Astle et al. (eds.), *Britain After Blair: A Liberal Agenda* (Profile Books, 2006), in which he lists as the first objective of his agenda several royal prerogative powers to be switched to parliament.
- 4 Slade, 'Coalition and the deluge', p. 29.
- 5 Up to 2010, the distribution of the Labour vote helped it to win more seats than the Tories at an equal level of support. The dramatically varied voting changes in 2015 have now handed that advantage to the Conservatives, without any boundary change. The new rules will add further to the Tory advantage.

**There is little doubt that the Conservatives played their hand more effectively and secured much more in a field where Liberal thinking was once pre-eminent.**