



monitor

PR Commission

The Constitution Unit has launched an independent commission to review Britain's experience of proportional representation. The Commission has been established following the commitment in Labour's 2001 manifesto to review Britain's experience of new PR voting systems before considering any changes to the electoral system for the House of Commons. The Commission will provide a broadly based, balanced perspective to lay the ground for the government's own review.

The Commission has been generously financed by the Nuffield Foundation and the Joseph Rowntree Charitable Trust. It is chaired by Peter Riddell of *The Times* and David Butler of Nuffield College, Oxford. The Commission has members from all parties, and includes advocates both of proportional representation and of the current system. Rather than seeking a comprehensive verdict for or against a change of system, the goal is to collect and analyse the evidence needed to inform any such decision.

The Constitution Unit has initiated a programme of research covering the experience of PR in elections to the

Scottish Parliament, Welsh Assembly, European Parliament and London Assembly. It will also look at the evidence from Northern Ireland of voters' attitudes to the single transferable vote (STV), and their capacity to cope with different electoral systems.

The commission will convene seminars, organise focus groups, conduct survey research and set up an online consultation process in order to consult as widely as possible the views of citizens, voters, politicians and political parties on the new voting systems. An interim report will be produced in spring 2003 and a final report by the end of 2003.

The members of the Commission are David Butler and Peter Riddell (chairs), Robert Hazell (vice-chair), Nick Clegg (Liberal Democrat MEP), Prof. John Curtice (Strathclyde University), Chris Bryant (Labour MP), Mark Lazarowicz (Labour MP), Jocelyn Davies (Welsh Assembly member), Baroness Gould (former Labour Party official), Peter Kellner (Chairman of YouGov), Graham Mather (former Conservative MEP), Andrew Tyrie (Conservative MP),

Nicola Sturgeon (SNP MSP), Darren Johnson (Green Party, London Assembly) Hugh Muir (Evening Standard) and Caroline White (On the Record, BBC).

The secretaries to the Commission are Simon King and Oonagh Gay of the Constitution Unit. The Commission's website is www.prcommission.org. To receive a copy of the Commission's Issues and Questions consultation paper (responses by 31 October) email simon@prcommission.org.

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Constitution Unit Book on Scottish Independence

This new book maps out the road to independence for Scotland, and spells out the consequences. If the Scots vote for an SNP government in Edinburgh, what will that government need to do to deliver their manifesto promise of

independence? Can they hold a referendum? What are the crunch issues they will need to negotiate?

The second part of the book asks what will change if the Scots attain independence. What will be the

economic costs and benefits? What will Scotland's place be in the world: in the EU, and NATO?

Coming out just before the SNP conference, the book is bound to cause a stir in Scotland. See p 11.

Parliamentary Reform

Joint Committee on House of Lords

In May the government handed the initiative on Lords reform over to Parliament by announcing the next stage would be considered by a Joint Committee of the Houses. Membership of the joint committee is as follows:

House of Lords Members (appointed 4 July 2002):

Lord Archer of Sandwell (Labour)
 Viscount Bledisloe (Cross Bench)
 Lord Brooke of Alverthorpe (Labour)
 Lord Carter (Labour)
 Lord Forsythe of Drumlean (Conservative)
 Baroness Gibson of Market Rasen (Labour)
 Lord Goodhart (Liberal Democrat)
 Lord Howe of Aberavon (Conservative)
 Lord Oakeshott of Seagrove Bay (Liberal Democrat)
 Baroness O’Cathain (Conservative)
 The Earl of Selborne (Conservative)
 Lord Weatherill (Cross Bench)

House of Commons Members (appointed 19 June 2002):

Janet Anderson (Labour, Rossendale and Darwen)
 James Arbuthnot (Conservative, North East

Hampshire)
 Chris Bryant (Labour, Rhondda)
 Kenneth Clarke (Conservative, Rushcliffe)
 Jack Cunningham (Chair) (Labour, Copeland)
 William Hague (Conservative, Richmond)
 Stephen McCabe (Labour, Birmingham, Hall Green)
 Joyce Quin (Labour, Gateshead East and Washington West)

Despite their previous report on the subject, no member of the Public Administration Committee has been appointed as a member.

The Joint Committee issued a special report on 16 July (HL 151/HC 1109), which set out its terms of references and procedures. No formal evidence will be taken but the Committee is due to meet twice in September to reflect on the ‘library’ of material on the subject and to invite informal discussions. No deadline was set out for the Joint Committee to report, despite an amendment to that effect tabled by Tony Wright in the Commons debate on 19 June. Robin Cook said that this was up to the Committee. Nevertheless the progress of the Committee is likely to be watched anxiously during the long recess.

House of Lords Procedure changes

After a rather bad tempered debate on 24 July the Lords agreed to accept a Procedure Committee report based on the Leader’s Group on Working Practices (discussed in the June Monitor). There was considerable concern from backbenchers and crossbenchers about increasing Executive control of the House, achieved through carry-over of Bills and a new convention that the House rise no later than 10pm from Mondays to Wednesdays. There were complaints that the Procedure Committee was dominated by frontbenchers. Two hereditary peers,

Lord Lucas and Lord Trefgarne, moved a series of amendments designed to probe the effectiveness of the new working practices, but the only area where Lord Williams, Leader of the House, gave ground was in the operation of carry-over. He promised to give serious consideration to an amendment from Lord Norton to provide for an automatic cut-off 12 months after the introduction of a bill. The changes will be phased in from next session and subject to review after another session.

Cranborne money doubled

Following the 2002 spending review, the amount of money given to the offices of the Opposition parties in the Lords was increased by 95.8% over 2000–2001 on 16 July and will now total £620 555. This will enable the Lords to operate more as a professional full time chamber. However, the

crossbencher group will receive just £35 000—representing a 60% increase and funding a research assistant. During a debate on 30 July Lord Williams revealed that the increase had been negotiated with the Conservative leader, Lord Strathclyde.

Constitution Committee Seeks Special Adviser

The House of Lords Constitution Committee is seeking to appoint a Specialist Adviser to assist the Committee with its work in the scrutiny of Bills. Those interested in applying should send a CV to the Clerk of the Constitution Committee, Committee Office, House of Lords London SW1A 0PW, (email to constitution@parliament.uk), by the start of October.

Lords and Commons Commission Annual Reports

The annual report of the Lords takes the opportunity to present the House of Lords an efficient and responsive chamber, aware of the need to take seriously its scrutiny role. The new administrative structure, outlined in the March *Monitor*, will lead to the adoption of a five year strategic plan (HL Paper 153). The Commons Commission annual report has more of a corporate feel than previous editions, and it gives useful details about the work of the Board of Management (HC 1002).

Public Administration Select Committee report on Parliamentary Questions

The Committee signalled continuing dissatisfaction with the quality of parliamentary answers in a report in July (HC 1086). Several departments were failing to cite correct Code exemptions when responding, despite some years to re-adjust. There was particular concern about the use of the commercial confidentiality exemption. After concluding that it would be inappropriate for the Speaker or the Cabinet Secretary to have a role in pursuing complaints about inadequate answers, and that the Ombudsman did not have a statutory role to play, the Committee proposed that MPs could refer complaints to the Chairman of the Public Administration Committee. The Chairman would ask the appropriate department to respond. This would be an interesting new role for a select committee chair.

Public Accounts Committee—Ensuring that Policies Deliver Value for Money

On 3 July the Public Accounts Committee issued its recommendations on ensuring that government policies deliver value for money. The PAC proposes that departments should test how their policies are going to work in practice by consulting customers to identify barriers that have not been considered. Furthermore, departments should identify and consider connections between policies developed in one department, which may have an impact on another. Resources are often wasted if policies are developed in isolation.

It also reports that departments have found existing guidelines on the policy making process inaccessible and not easy to use. The Cabinet Office is trying to remedy this by the development of a good practice website. Some £400m is spent annually on policy research but the distribution of special advisers across departments is uneven, with a relatively small number of economists and other experts devoted to some high expenditure areas. Departments should assess carefully their need for specialist advice and determine whether this is best provided by in-house staff or purchased externally.

If a policy is not explained properly to the public, particularly where it is likely to affect them directly, uncertainty and mistrust may develop to the extent that success is put at risk. Departments should have clear communication strategies to explain to the public what a policy is about and how they can benefit from it.

Departments should also have the confidence to terminate policies rather than modify them if the results and evaluations of the policy suggest that it is not cost effective or delivering on its intended benefits.

DTLR committee reconstituted

On 22 July standing orders were passed to create a new Transport Committee and a new Office of the Deputy Prime Minister Committee, to reflect the changes in departments following the May reshuffle (see June's *Monitor*). The latter committee presumably will have powers to investigate the whole range of ministerial responsibilities held by John Prescott. For further details see www.odpm.gov.uk. Chairs of the new committees have not yet been appointed.

New Parliamentary website

A whole series of intranet pages now exist giving details on House of Commons administration, with a commitment to add them to the web for external users. The new Parliamentary website was launched on 24 July, together with its Publication Scheme, required under FOI legislation.

Devolution

These devolution reports are brief summaries of our much longer devolution monitoring reports. For the full reports see www.ucl.ac.uk/constitution-unit/ leverh or email m.butt@ucl.ac.uk to receive them electronically.

Wales

In a landmark policy statement, *Bilingual Future*, published in July, the Welsh Assembly Government committed itself to 'creating a bilingual Wales'. For the first time in the language's history, a government was taking full responsibility for its future. This will include preparing a National Action Plan to ensure that Welsh becomes a mainstream issue across the range of Ministerial portfolios. The policy statement also concedes that 'incomers' are threatening the rural heartlands and promises planning and housing measures to address the problem. These commitments come in the wake of an 18-month period in which the language has been a matter for contentious dispute between the parties, especially Labour and Plaid Cymru. First Minister Rhodri Morgan acknowledged that the document was an attempt 'to stop the language becoming a political football in the run up to next May's Assembly elections.'

After a year-long investigation by the South Wales Police, the Crown Prosecution Service finally cleared Mike German in June of any criminal charges relating to his time as Head of the European Unit at the Welsh Joint Education Committee. On the same day German returned to the Cabinet as Deputy First Minister and Minister for Rural

Development and Wales Abroad. The 'Wales Abroad' title was a new portfolio causing him to be immediately labelled by the Press as Wales's new Foreign Minister. Opposition leaders complained that German had been allowed to return to the Cabinet before the WJEC affair had been completely cleared up, in particular an on-going investigation by OLAF, the European Union's Anti-fraud Office.

Under Gordon Brown's Comprehensive Spending Review, announced in July, the Assembly's budget will rise from £9.4 billion in 2002-03 to £11.8 billion in 2005-06. As with the 2000 settlement, the Assembly will receive money 'over and above' the Barnett formula to provide for EU expenditure in Wales, in particular the amount spent under the Objective-1 programme. As a result Wales will receive an extra £492 million between 2003-04 and 2005-06, or £164 million per year, to 'cover' EU expenditure.

Membership of the Richard Commission on the Assembly's powers, due to report by the end of 2003, was announced in August. Four members were nominated by each of the political parties, and five public appointments were made following advertisement. The political appointments are

former Merthyr MP Ted Rowlands (Labour); political lecturer Laura McAllister (Plaid); former MEP Peter Price (Liberal Democrat); and former Swansea councillor Paul Valerio (Conservative). The public appointments are Eira Davies, Managing Director of a Wrexham web publishing business; Vivienne Sugar, former Swansea Chief Executive; Sir Michael Wheeler-Booth, former Clerk of the Parliaments at Westminster; Tom Jones, a farmer

from Powys and Chair of Wales Council for Voluntary Action; and Huw Thomas, former Chief Executive of Denbighshire. Appearing before the House of Lords Committee on the Constitution in May First Minister Rhodri Morgan pronounced that, 'I have always held the view personally that we should have had and should have primary legislative powers.'

Northern Ireland

Devolution may be a reaction against 'big government' but not in Northern Ireland. The Office of the First Minister and Deputy First Minister is now more than twice as big as Downing Street.

It was another difficult quarter as the sectarian tectonic plates drifted further asunder, the associated friction expressed in intercommunal violence. Conflict spread from north to east Belfast and from interface clashes to workplace intimidation. Time-series opinion data showed a long-run deterioration in perceptions of community relations and optimism about their future.

As for the parties, the search for external allies took precedence over improving relations with internal adversaries, though the Democratic Unionist Party failed to have the law lords overturn the re-election of the first and deputy first minister last November. As violence stemmed mainly from 'loyalist' sources, Sinn Féin sported new-found 'anti-sectarian' credentials, while the IRA issued a qualified 'apology' for all the 'non-combatants' it had unintentionally slaughtered. There was no progress by the executive on the review of community relations.

Politicians appeared increasingly focused on the assembly elections due in May 2003—though the failure of the Ulster Unionist first minister, David Trimble, to secure from the prime minister, Tony Blair, sanctions against SF over the IRA's care-and-

maintenance operations could lead to a renewed crisis in September, with the elections brought forward. In implicit comment on their productivity to date, MLAs agreed to forgo the pay rise accorded their Scottish and Welsh counterparts.

Finance continued to dominate the 'real' political agenda. An executive paper on public-private partnerships failed to distinguish the financing and funding of projects, in proposing that a mix of borrowing, PPPs and traditional public expenditure would assuage the 'infrastructure deficit'. As a rating review was launched, MLAs appeared reluctant to will the revenue means to fund their aspirations.

The actors on the devolution stage are working from ideological scripts ill tuned to the hard choices which pursuit of the public interest and evidence-based policy making require. A consultation document on the third Programme for Government was still asking what the vision of the executive should be and what key issues it should address.

There was progress on transport, education and health. A revised transport strategy was issued, though again aspirational. There were finally proposals on acute-hospital rationalisation, though only for consultation. And there were signs of a political compromise—albeit originating out with the polarised parties, on selection at 11.

Scotland

The Executive produced its legislative programme in late May. This served both to inform the public what the Executive intended to do in the lead up to next year's elections but also reviewed what had been achieved. It was criticised by opponents for lacking vision and had a 'safety first' tone. Perhaps most significant was what was not contained in the programme. There was no provision for a reform

of the voting system for local government. This has been a source of tension between Labour and Liberal Democrat coalition partners. Increasing opposition to change within the Scottish Labour Party, especially within local government, has been significant.

Notable polling took place on Scottish attitudes

towards England and the English during the World Cup. Scotland had failed to qualify for the four-yearly football championship and the issue of whether Scots would or should support England or England's opponents was much debated especially after Andrew Wilson, SNP MSP urged Scots to support England. Most commentary accepted the view that Wilson's was a minority view but poll findings suggest that indifference and support for England was stronger than generally accepted.

The SNP had bruising selection contests for its regional lists. With 28 of its 35 MSPs elected on the lists, this was very important. A number of key figures slipped down the list—including the aforementioned Andrew Wilson and Mike Russell – but the most significant casualty was Margo MacDonald, who fell from first place last time to fifth in Lothian greatly reducing her chance of returning. MacDonald had predicted that she had strong support amongst party activists though

unpopular with the leadership and subsequently withdrew from the list and from standing as constituency candidate in Edinburgh South. She may test whether her popularity is greater amongst the electorate than in her party by standing as an Independent and has hinted at this prospect. Conservative activists voted for regional lists to be chosen by postal ballot of all members against the wishes of the party's Scottish central office. Party chairman David Mitchell had wanted to have candidates chosen at regional hustings though this view was overwhelmingly opposed by existing Tory MSPs.

Law and order, prisons and drugs were significant policy issues discussed this quarter and caused some difficulties for the Executive. While health had dominated last quarter, more populist approaches to politics are emerging. Jack McConnell continued to maintain a high profile on European affairs.

English Regions

The Deputy Prime Minister, now back in control of the regional agenda, has reiterated his intention to see at least one referendum on regional government—probably in the North East—in the present Parliament. A new Office of the Deputy Prime Minister, created in the aftermath of the resignation of Stephen Byers, assumes responsibility for local government, the regions, housing and planning, with transport now a separate department.

A number of major government policy announcements (on airports and housing notably) stimulated anew the debate about regional inequalities and regional policy in England.

The Chancellor's 2002 Spending Review provided additional resources to the tune of £375 million for Regional Development Agencies by 2005-6. Alongside this RDAs are to be given new flexibilities in the disbursement of these funds.

Moreover, RDAs will also gain new responsibilities, such as promoting local tourism and contributing directly to planning and transport strategy. Their tentacles will also begin reaching out into vocational education and enterprise, with pilot schemes for the regional management of the Learning and Skills Council and the Small Business Service.

The Spending Review also saw a proposal to create new regional housing bodies which will bring

together existing funding streams into a single non-ringing fenced budget, so as to enable housing investment and planning decisions to be better integrated with transport and economic development. Plans are due to be published in the Autumn of 2002.

Despite these developments, the Better Regulation Taskforce, echoing previous criticisms from the Performance and Innovation Unit, argued that the RDAs (and Local Learning and Skills Councils) are subject to too many restrictive, centrally imposed performance targets and called for these to be reduced.

Reaction to the government's White Paper on regional assemblies continues to unfold. The government's proposals to reform local government have begun to demonstrate their capacity to generate controversy, with questions being raised about the potential costs and objections even in relatively supportive regions such as the North East.

The regions minister Nick Raynsford gave more details of the mechanisms for holding referendums on the government's proposals. Attention is now focused on whether a Referendum Bill will be contained in the Queen's Speech of Autumn 2002.

The 'yes' and 'no' campaigns in the North East were slow to get off the ground, with both the Labour

Constitution Unit News

On 9 October **Mark Sandford** will be presenting the findings of his report *The Cornish Question: Devolution in the South-West Region*, a study into different models of regional government in the standard South-West region.

In October we say farewell to **Roger Masterman**, who is moving on to become a Senior Research Associate in Human Rights in the Law Department at Durham University. Roger has supported a huge number of projects during his three years with the Unit, and has been a tower of strength generally.

Roger's successor is **Catherine Flew**, who has a background in publishing and has just finished an MSc in International Politics at SOAS.

Also joining us in October is **Lucinda Maer**, who worked for us for 3 months last year, and is currently Press Officer at Charter 88.

Lucinda's work will focus on Parliament, Executive Accountability and FOI, and Catherine will work mostly on devolution.

and Conservative parties reluctant to be seen to taking a leading role in a period of widespread cynicism about political parties. 'Yes' campaigners face a considerable challenge to form a widely constituted and credible movement. One challenge they face is to assure people in rural parts of the region—who have expressed concerns about urban dominance—that an assembly can embrace their concerns. Developments in other regions have been at a slower pace, but the North West Assembly announced that the region is ready for elected government.

The Centre

The first meeting of the British-Irish Council (popularly known as the Council of the Isles) since October 2000 was held in Jersey on 14 June 2002. The meeting was attended by the Prime Minister, Tony Blair, and the Irish Taoiseach, Bertie Ahern, along with the Scottish First Minister Jack McConnell. The BIC discussed the knowledge economy and the digital divide although parallel meetings took place between the UK and Irish Governments to discuss the peace process in Northern Ireland.

Answering a question posed by Angus Robertson on the democratic deficit of Scotland in relation to European Union matters the Secretary of State for Scotland revealed that a meeting of the Joint Ministerial Committee on Europe had taken place on 11 June 2002 (HC Debs, 11 June 2002, Col. 709). No further details of the meeting are available.

The MP for Stirling, Anne M^cGuire, was appointed Parliamentary Under Secretary of State at the Scotland Office on 29 May 2002. Mrs M^cGuire stepped into the position left by George Foulkes,

who lost his position in the May Cabinet re-shuffle. The fact that Mr Foulkes had been a Minister of State and Mrs M^cGuire was appointed a Parliamentary Under Secretary provoked comment from a number of sources. The SNP again called for the Scotland Office to be abolished, with Nationalist MP Pete Wishart stating: 'The Scotland Office is a redundant department, and the downgrading of posts indicates that it is on the way out' (*The Guardian*, 31 May 2002).

Sandra Osborne (MP for Ayr) has been appointed as Parliamentary Private Secretary to the Secretary of State for Scotland. She had previously been PPS to two Ministers of State in the Scotland Office, Brian Wilson (November 1999–January 2001) and George Foulkes (January 2001–May 2002).

On 23 July it was announced that Peter Duncan, the Conservative MP for Galloway and Upper Nithsdale, had been appointed Parliamentary Private Secretary to Jacqui Lait MP, the Shadow Scottish Secretary.

The Civil Service and Government

Wicks Committee on Standards in Public Life

The Wicks Committee on Standards in Public Life recently commissioned The Constitution Unit to prepare a report on ethical regulation of the Executive. The report forms part of the consultation process focusing on the boundaries and relationships between different parts of the Executive, namely ministers, special advisers and permanent civil servants.

The report compared executive accountability in Australia, New Zealand, Canada and Ireland. It found that although all these countries have institutions and procedures committed to maintaining ethical standards of conduct, there is a problem in deciding which mechanisms work best. The main conclusion of the study is that there are

no simple institutional solutions. The most effective way to regulate ethics is to have a variety of approaches, none of which is alone sufficient. In combination they can be effective but need to be mixed with the infusion of a long-term culture of ethical responsibility.

The report also finds that the number of special advisers increased in all comparator countries over the last 10 years. Only Ireland has drafted legislation dealing with their regulation. The unit is keen to pursue further work on the subject of special advisers.

The report will be published by the Wicks Committee at the beginning of September.

A Civil Service Act, and the Civil Service Commissioner's Report

There is no agreed time scale for a draft Civil Service Act. The Public Administration Committee has begun some work in order to produce their own bill. The Civil Service Commissioners' annual report, produced in July, signalled their interest in defining the role of the Commissioners in statute. The report disclosed that there had been an unsuccessful request to the Commissioners to allow ministers a say in deciding which candidates had been successful. The grounds for refusal were a concern that this could give ministers a determining

influence over recruitment. The report also expressed some concern that awareness of the Civil Service Code was uneven among departments, and that handling of concerns under the Code had been slow. Finally it considered that the interaction between the new Code for Special Advisers and the Civil Service Code needed clarification. In evidence to the Wicks Committee, Baroness Prashar expressed a desire for the Commissioners to have a role in reporting to Parliament, like other constitutional watchdogs.

Changes at the top—Sir Andrew Turnbull arrives

Sir Andrew Turnbull took up post as Cabinet Secretary and Head of the Civil Service on 2 September. He has already set out his manifesto for his three years in the role, identifying his priorities and reorganising the centre of government.

Sir Andrew will focus on the reform of the Civil Service, forward strategy and the development of delivery capability—themes which are central to the Government's second term agenda. To allow him to channel his energies into these tasks, others will take forward some of the work hitherto undertaken by the Cabinet Secretary. In particular, Sir David Omand, who moves to a new Permanent Secretary role at the Cabinet Office, will take the lead on security and intelligence matters. Responsibility for the honours system will pass to Sir Hayden Phillips,

Permanent Secretary at the Lord Chancellor's Department.

But the reorganisation of the centre is perhaps the most notable feature of Turnbull's reforms. He is constituting a new top team, reporting direct to him. Its line-up is set out below.

Strategy—Geoff Mulgan
 Delivery and Performance—Michael Barber
 Corporate Development and HR—Alice Perkins
 eTransformation—Andrew Pinder
 Public Service Reform—Wendy Thomson
 Commercial Reform—Peter Gershon
 Delivery & Reform—to be appointed

In setting out his changes, Sir Andrew stressed the

importance of the newly instituted Departmental Change Programmes. He expects each Department to initiate one of these modernisation reviews and he will oversee their progress personally. It is clear

that this will become one of the defining features of his bilateral relations with Permanent Secretaries across Whitehall.

Local Government

Local government reaction to the Regional Government White Paper was somewhat muted. However, the county councils in the three northern regions have already shown their opposition to local government reform as a precondition of elected regional assemblies. Durham County Council in particular has begun to campaign to become a unitary authority, whilst Cumbria, Lancashire and Cheshire county councils have signed a joint statement, not necessarily opposing regional government but opposing disruption to service provision.

Four further mayoral elections, in Hackney, Mansfield, Stoke-on-Trent and Bedford, will be held in mid October. The existing seven mayors have not made significant impact in the national press,

although Hartlepool mayor Stuart Drummond recently announced a plan to call for the reduction of the number of councillors from 47 to 33. The pendulum appeared to swing further away from elected Mayors as the government withdrew its threat to impose referendums in Birmingham, Bradford and Thurrock.

Meanwhile, the Greater London Authority moved into its new home in Southwark on 17 July, after over two years of waiting; and the Mayor saw the final legal barrier to the introduction of the traffic pricing scheme (congestion charging) fall. The controversy has not ended, however, with dire predictions being made about effects on business and travel patterns around the zone boundary.

Freedom of Information and Data Protection

New Information Commissioner

Richard Thomas, currently Director of Public Policy at Clifford Chance, has been appointed the new Information Commissioner. He replaces Elizabeth France who, has been the Commissioner since 1994.

Publication Schemes

The Information Commissioner's office has been busy this quarter reviewing publication schemes submitted by central government. The final deadline is 30 September and schemes must be active by November 2002.

Local government is next in line. Local authorities must submit schemes to the Commissioner by 31

December 2002 and schemes must be active by February 2003. The Commissioner's office and the Local Government Association have been working with a small number of local authority pilots so that lessons from their experience can be passed on to other councils. Feedback and observations by the LGA and the IC are available on the Commissioner's website: www.dataprotection.gov.uk/dpr/foi.nsf

Draft Environmental Information Regulations

The Department of Environment Food and Rural Affairs is consulting publicly on the new draft Environmental Information Regulations. The draft Regulations are a step towards full implementation of the FOI Act and are necessary to fulfil the UK's commitments under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in

Environmental Matters, and the forthcoming European Directive on Public Access to Environmental Information (to replace Directive 90/313/EEC). DEFRA plans to have a final draft of the new Regulations ready for approval by Parliament by the end of 2002. More details are available on the DEFRA website: www.defra.gov.uk/environment/consult/envinfo/index.htm

Open Government Code—Hinduja case

Sir Richard Wilson and John Gieve, Permanent Secretary of the Home Office faced the Public Administration Select Committee on 11 July to answer questions about why they had refused a recommendation from the Ombudsman to release information on declarations of interest under the Ministerial Code. Sir Michael Buckley noted that this had been the first time that a Code ruling from him had been refused by a government department. They also faced the wrath of the Committee over unexplained delays in submitting files relating to a

request for naturalisation by one of the Hinduja brothers. Sir Richard admitted that the Prime Minister had been involved in the decision on the Ministerial Code, and that the decision had not been taken lightly. It was to set a precedent on the limits of the Code (Q219). The failure to find the Hinduja files was presented as accident rather than design (Q258). The Committee made the civil servants feel uncomfortable, but little substantial changes of policy can be expected as a result.

Courts and the Judiciary

It has been announced that Sir Robert Walker will replace Lord Slynn of Hadley as a Lord of Appeal in Ordinary from 1 October 2002 (*The Times*, 31 July 2002). Lord Slynn was appointed a Lord of Appeal in Ordinary in 1992 having previously been an Advocate General of the European Court of Justice (1981-88) and judge. Sir Robert Walker has served

as a judge in the Court of Appeal since 1997. There was some surprise following the announcement as it had been widely predicted that the Lord Chancellor would announce the appointment of the first female Law Lord. The two leading candidates were Court of Appeal judges Brenda Hale and Mary Arden (*The Independent*, 31 July 2002).

Overseas News

The New Zealand General Election

New Zealand's Prime Minister Helen Clark's Labour party won 52 seats in the general election of July 27. Being short of a majority Labour entered a coalition with the Progressive Coalition Party and formed a binding agreement with the United Future Party. The two agreements give the minority government 63 votes in the 120-member Parliament.

Clark called an early general election to avoid any negative effects on her Labour Party from potential economic downturn. Her government was also facing embarrassment caused by the split of Alliance, its junior partner, in April, when its leader and Deputy Prime Minister Jim Anderton broke away to form the Progressive Coalition with six of Alliance's MPs. Clark had hoped the election would

deliver Labour an outright majority. It did not.

The election increased Labour's share of the vote from 39% to 41%, or 52 seats, three more than in 1999. The remnant of the Alliance won no seats in the 120-member proportionately elected parliament. Anderton survived by winning his electorate seat under the mixed member system.

While the broad political landscape has shifted to the right, the formation of a second Clark centre-left administration is unlikely to see many departures from her first term agenda of surplus budgets, constrained monetary policy, free trade, relatively light regulation and increased assistance for new, high-technology and export-oriented businesses.

European News

Parliamentary elections are due to be held in Sweden on 15 September, Germany on 22 September.

In Gibraltar, the Chief Minister has scheduled a referendum on sovereignty for October. This is in

opposition to the British government, which determined to press ahead with securing an agreement with Spain on joint sovereignty over Gibraltar. Polls show that an overwhelming majority of its people would oppose any deal with Spain.

Project Reports

Inclusiveness of Regional Chambers

This report examined the inclusion of social and economic partners in two regional chambers—Yorkshire & Humber, and the South-East. The report found both chambers practised several effective forms of inclusion, treating their partners as full members equal to the local authority representatives, and that this was achieved through innovative use of sectoral electoral colleges and information technology. The report will be launched at a private seminar on 30 October.

Scottish Independence: A Practical Guide

This new book is written mainly by Jo Murkens, researcher with The Constitution Unit; with four chapters on the economics of independence by Peter Jones (Hon Senior Research Fellow and Scottish correspondent, *The Economist*), and a concluding chapter on independence in an interdependent world by Prof Michael Keating. It explores in much greater detail than any previous work the constitutional path to independence, and spells out the consequences.

If the Scots vote for an SNP government in Edinburgh, what will that government need to do to deliver their core manifesto promise of independence? Will they need one referendum, or two? What are the crunch issues they will need to negotiate with the British government? What will be the future of the nuclear submarine bases on the Clyde?

The second part of the book asks about the place of an independent Scotland in the wider world. Contrary to the SNP's slogan *Scotland in Europe*, it suggests that Scotland will not have an automatic right to remain within the European Union, but will have to re-apply for membership, and will join the

queue of other applicant countries.

The third part of the book looks at the economics of independence. Could Scotland avoid accepting her share of the national debt (some £30bn)? Would investment or exchange rates be damaged by uncertainty? How much economic freedom would an independent Scotland have?

The final part looks at the relations between an independent Scotland and the remainder of the UK, in terms of the daily lives of their citizens.

Coming out just before the SNP party conference in late September, the book is bound to cause a stir in Scotland. The research was generously funded by the Esmee Fairbairn Foundation, and the book is published by Edinburgh University Press, price £16.95

Copies of the Book can be bought from The Constitution Unit at a the special price of £15 including postage and packing. Please use the order form or contact Matthew Butt on 020 7679 4977 or m.butt@ucl.ac.uk.

People on the Move

Richard Thomas has been appointed as the new Information Commissioner to replace Elizabeth France who is moving on to become the first Telecommunications Ombudsman.

Sir Michael Buckley the Parliamentary Ombudsman is retiring and his successor is Ann Abraham, currently a member for the Committee on Standards in Public Life.

Mr Justice Toulman takes up the position of Chair of the Law Commission, taking over from **Lord Justice Carnwath**, who leaves the commission to sit full time as a Lord Justice of Appeal

Bulletin Board

Forthcoming Unit Events

To book a free place at unit events, please contact Matthew Butt on 020 7679 4977. Unless indicated, all events take place at The Constitution Unit, 29–30 Tavistock Square, London, WC1H 9QU. A location map can be found at www.ucl.ac.uk/constitution-unit/map

Seminar: Where Now for Regional Government?

Neale Coleman: Adviser to the Mayor of London
John Tomaney: Professor of Regional Government, University of Newcastle
4 October, 1 pm, The Constitution Unit, UCL

Seminar: State Funding of Political Parties

Matthew Taylor: IPPR
15 October, 1 pm, The Constitution Unit, UCL

Conference: Data Protection Made Easy

Held jointly with CAPITA
(www.capitaconferences.co.uk)
17 October

Seminar: Modernising Electoral Practice

Karamjit Singh: UK Electoral Commissioner
12 November, 6 pm The Constitution Unit, UCL

New Unit Publications

For a full list of Constitution Unit publications please see the unit's order form, or phone 020 7679 4977:

LORD BINGHAM OF CORNHILL, *A New Supreme Court for the United Kingdom: The Constitution Unit Spring Lecture 2002*, London, The Constitution Unit, 2002, ISBN 1 903903 10 6, £5 and on line

GAY O, *The Regulation of Parliamentary Standards—A comparative perspective*, London, The Constitution Unit, 2002, ISBN 1 903903 11 4, £10

SANDFORD M, *A Commentary on the Regional Government White Paper; Your Region Your Choice: Revitalising the English Regions*, London, The Constitution Unit, 2002, ISBN 1 903903 12 2, £5

WOULDS J, *Access to Personal Information—A handbook for officials*, London, The Constitution Unit, 2002, ISBN 1 903903 13 0, £5

Publications Received

ADAMS J AND ROBINSON P edd, *Devolution in Practice: Public policy differences within the UK*, London, IPPR, 2002, ISBN 1 86030 199 1, £16.95

LOCAL GOVERNMENT UNIT, *Free to Differ: The future for local democracy*, London, Local Government Unit, 2002 ISBN 1 90373 136 4, £25

COMMISSION ON LOCAL GOVERNMENT ELECTORAL ARRANGEMENTS IN WALES, *Improving Local Democracy in Wales*, 2002, Cardiff, National Assembly for Wales, ISBN 0 7504 2905 4, on line

CORNISH CONSTITUTIONAL CONVENTION, *Devolution for One and All: Governance for Cornwall in the 21st century*, Truro, Cornish Constitutional Convention, 2002, on line

COLEMAN S, *Technology: Enhancing Representative Democracy in the UK?* London, Hansard Society, 2002, on line

PRATCHETT L, *The Implementation of Electronic Voting in the UK*, London, Local Government Association, 2002, ISBN 1 84049 289 9, £25 and on line

JOSEPH ROWNTREE FOUNDATION, 'The National Assembly for Wales and Local Government', *Findings*, York, Joseph Rowntree Foundation, 2002, ISSN 0958 3084, on line

JOSEPH ROWNTREE FOUNDATION, 'The impact of devolution on local government in Scotland', *Findings*, York, Joseph Rowntree Foundation, 2002, ISSN 0958 3084, on line

Websites

Wales legislation on line:

www.wales-legislation.org.uk

Statutory functions of the National Assembly, retained functions of UK ministers and Secondary Legislation; all brought up to date and searchable

Your Rights

www.yourrights.org.uk

Practical guidance on the Human Rights Act

www.ucl.ac.uk/constitution-unit

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