

Rainbow Parliament in Scotland

Elections to the Scottish Parliament and National Assembly for Wales were held on 1 May 2003. In Scotland, the Labour-Liberal Democrat coalition was returned with a majority of three seats. In Wales, Labour formed a single-party administration with a majority of one.

Scotland saw a shift towards smaller parties and independents, and away from Labour and the SNP on both the first vote, second vote and the total seats. The Greens now have seven seats, the Socialists six, and there are seats for the Scottish Senior Citizens Unity Party (SSCUP), and prominent independents Dennis Canavan, Margo MacDonald and Jean Turner. In Wales, no small parties won seats but they did increase their vote.

In Scotland of the 129 MSPs elected, 26 (20%) are new and 51 (40%) are women. In Wales 14 (23%) of AMs are new and 30 (50%) are women. There are no MSPs or AMs from ethnic minority groups. A total of 408 candidates contested first past the post (FPTP) seats in the Scottish elections, an increase of 85 from the 1999 election. In Wales, a total of 200 candidates contested constituency seats, an increase of one on 1999.

Turnout

In Scotland, the level of turnout at constituency level ranged from 35% in Glasgow Shettleston, to 58% in the Western Isles. In the 1999 elections, turnout ranged from 41% in Glasgow Shettleston to 68% in Stirling. In the case of the regional vote, turnout ranged from a low of 41%

in Glasgow to 53% in West of Scotland. In Wales turnout was down by 8% on 1999, and ranged from 50% in Ynys Mon to 25% in Alyn and Deeside.

The turnout in both elections appears to be a reflection of the low stature of the Parliament and the Assembly. John Curtice of Strathclyde University found that in 2001 66% of Scots believed that the UK government has most influence in Scotland, and only 15% the Scottish Parliament. In contrast in 1999, only 39% thought the UK government would be the most influential body once the Scottish Parliament was up and running.

The Electoral System

The use of the additional member electoral system had different effects in Scotland and Wales. The additional member system imposes a de facto threshold of 5–6% in each region which means that small parties need to get around 7% of the vote in order to be confident of representation. In Scotland both the Scottish Socialist Party (SSP) and the Greens had sufficient votes to surmount this hurdle in a majority of regions, as did Margo Macdonald in the Lothians and the Scottish Senior Citizens Unity Party in Central Scotland. None of these parties would have been elected under first-past-the-post. The only independents elected in the single member districts were Dennis Canavan in Falkirk West and Dr. Jean Turner (a single issue hospital candidate) in Strathkelvin & Bearsden. Yet the electoral system was not wholly responsible for the defection to smaller parties. For example, the SSP's share of the first vote

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was only half a point less than its share of the second vote. It is possible that the success of small parties in Scotland was as much a product of the greater willingness to vote for small parties where the election is not perceived as being important.

Why did the same effect not occur in Wales? Here, the most successful of the small parties, the UK Independence Party and the Greens won no more than 4.5% in any one region. This was well below the effective threshold of 8% needed to secure representation. The problem was that although small parties in Wales received 11% of the list vote in total, their vote was not concentrated enough in any one region to win a seat. If Wales had used a national list rather than its 5 regional lists small parties and independents would have won 2–3 seats. One Independent candidate, John Marek secured a constituency seat in Wrexham while his party list polled 6.3% on the North Wales list. Marek was a Labour incumbent and Deputy Presiding Officer who had been deselected by his constituency party. His success emphasizes the advantage of

incumbency and the ability to foster a ‘personal vote’ of local loyalty.

The Nationalist Parties

The big losers in both Scotland and Wales were the nationalist parties, the SNP and Plaid Cymru. Both parties ran a sophisticated campaign, targeting key areas and distributing a variety of election material. The SNP in particular attempted to reinvent itself as a pro-business party, playing down its desire for an independent Scotland. However, both parties had vague manifesto commitments which differed little from those of other parties. Voters may have been put off by this and turned to other parties as more credible alternatives. But in the Hansard Society’s Mock Elections to the Scottish Parliament, in which 526 schools took part, the SNP came first and Labour came fourth, after the Liberal Democrats and the Scottish Socialists.

Full election results can be found on our website at www.ucl.ac.uk/constitution-unit/update/2003_results.htm.

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Europe’s New Constitution: One Step Forward for Europe’s Regions

The Convention on the Future of Europe’s draft Constitution attracted much publicity when it appeared in late May. Predictably, much of the fuss concerned whether it increased control from Brussels and whether the UK should hold a referendum. But the draft also has implications for sub-national governments. One relates to subsidiarity: the new subsidiarity provisions recognise the role of sub-national governments as well as the member states. A second relates to the Committee of the Regions, established by the Maastricht treaty and widely regarded as a disappointment. The Constitution provides for this to advise not only the Council but also the Parliament and the Commission. It will be also able to go the European Court where it considers the Union legislation does not comply with the principle of subsidiarity. A third aspect is the creation of a new obligation for the Commission to take regional and local interests into account in consultations on proposed EU legislation.

The draft Constitution seeks to strengthen the role of national Parliaments in the Union’s legislative process. It creates new procedures to improve the flow of information from the EU to member states’ parliaments, whenever one of the EU institutions issues a formal paper or legislative proposals. And national parliaments should involve sub-national parliaments’ views in their deliberations, where appropriate.

The likely impact on the devolved institutions in Scotland, Wales or Northern Ireland will be modest. The regions with legislative powers failed to secure direct recognition of their role in the draft. But if implemented these provisions would create some new safeguards for the interests of regional or sub-national governments. Those will be particularly important in member states where (unlike the UK) the national government pays little heed to its regions when EU matters arise.

The draft constitution can be found at: european-convention.eu.int/bienvenue.asp?lang=EN.

Parliament

Joint Committee on Lords reform issues ultimatum

On 9 May 2003 the Joint Committee on House of Lords Reform issued its first report (HL97/HC668) since the two chambers voted inconclusively on its composition options in February 2003. It was evident from this that the cracks in the Committee are beginning to show.

The report demands a reply from the Government within two months, giving an indication of what (if any) direction the Committee's future work should take. In the absence of agreement on the main issue of composition, it sets out a number of areas that could be subject to future investigation, including the size of the House, the appointments process, the continued membership of the Bishops and hereditary peers in the chamber, and the possibilities of indirect election. However, the collective attitude of the Committee to carrying out this work was clearly ambivalent. Although the report was published unanimously there had been many divisions, and nine of the committee's 24 members issued a supplementary joint statement on the day of publication. This stated that "tinkering with the composition of the House, with the result that it would become wholly appointed, must be firmly resisted", and demanded that the Government's response should include a commitment to wholesale reform if the committee is to continue its work.

The Government now has until the summer to consider whether it can offer a reply that will hold the Joint Committee together. If not, it is faced with the uncomfortable prospect of regaining the initiative on Lords reform, and defending any (in)action that follows.

New faces in the Lords

While the likelihood of full-scale reform of the Lords recedes, it seems to be business as usual in the recruitment of new members to the venerable institution. The winner of the first by-election for a hereditary peer (see April 2003 Monitor for details) was Viscount Ullswater, the former Tory chief whip who did not stand in the first election for hereditaries in 1999. There

were 81 candidates in all, with 37 of those receiving no first preference votes at all. Direct canvassing was prohibited, and the turnout was 64% of those peers eligible to vote.

Two new appointed peers were announced by the Prime Minister in May, once again bypassing the Appointments Commission whose role it is to appoint crossbench peers. These were Lord Cullen, Lord Justice-General and Lord President of the Court of Session in Scotland and Admiral Sir Michael Boyce, the former Chief of Defence Staff.

Following her resignation from the cabinet, Clare Short was replaced as Secretary of State for International Development by Baroness Amos. This appointment bucked another modern convention: no cabinet since 1985 has contained more than two ministers from the Lords (Lord Chancellor and Leader of the House). No Labour government has done so since 1968.

A new type of Leader for the House of Commons

The resignation of Robin Cook left a vacuum at the heart of the Commons with no replacement appointed for some weeks. There was some initial uncertainty as to whether Mr Cook was planning to step down from his chairmanship of the Modernisation Committee (which did not automatically lapse with his resignation). In the event, his successor, John Reid, was only appointed to take up the place of Mr Cook after the Opposition forced a debate on the motion on 30 April 2003. His Parliamentary Private Secretary, Caroline Flint, was also selected for the Committee. Dr Reid has been a sceptic about parliamentary modernisation, voting against the changes in sitting hours in October 2002, and being the only Cabinet member to vote for abolition of the House of Lords (and subsequently against all elected options) in February 2003. Less noticed in the media, but of some significance, is the fact that Mr Reid was probably the most prominent MP in the previous Parliament to be investigated by the then Parliamentary Commissioner for Standards, Mrs Filkin. A debate on the Wicks Committee proposals for the reform of the office is still awaited.

Parliament First—‘Parliament’s Last Chance’

The Parliament First Group have produced their first major set of recommendations for parliamentary reform. The Group of some 20 includes Mark Fisher, Tony Wright, Kenneth Clarke, Gwyneth Dunwoody, Andrew Tyrie, Paul Tyler and Sir George Young. The main focus is improved scrutiny for both the actions of the Government and the legislation which it brings forward. Most of the demands are familiar— all bills to have a pre-legislative stage, election by the whole House of select committee chairs, more use by Parliament of the work of external regulatory bodies, a greater role for committees. Some are new—a requirement for the Audit Commission (which audits local government spending) to report to a committee, and a review of the appointment and recruitment methods for parliamentary staff.

The pamphlet also calls for MPs to take back control of the weekly agenda of the House, recommending a business committee to replace the ‘usual channels’. Although MPs have the power to control the conduct of business in their own House, in practice they allow the usual channels to decide. Business committees are the norm in other European and Commonwealth Parliaments, as well as in the devolved assemblies in the UK. Without reform of the administrative architecture of the Commons the voice of the backbencher has little institutional support.

Draft Corruption Bill and Galloway investigation

The former Law Lord Lord Slynn of Hadley has become chairman of the joint Commons/Lords committee on the Draft Corruption Bill (Cm 5777) which will for the first time make Members of Parliament subject to the criminal law on corruption, as part of an overhaul of the outdated anti-corruption legislation. However, some parliamentary resistance may be expected to the removal of Article 9 of the 1689 Bill of Rights which gives protection from criminal prosecutions of MPs. Meanwhile, the the referral of the case of George Galloway to the Parliamentary Standards Commissioner threatens a difficult investigation for Sir Philip Mawer, with much of the evidence presumably in Iraq. There is a simultaneous disciplinary investigation by the Labour Party and a

threatened libel action by Mr Galloway against the Telegraph.

Public Administration Select Committee inquiry into Prerogative Powers

The Committee has begun evidence taking sessions, with some lively contributions from William Hague, Tony Benn, and others. Most attention so far has focused on the treaty-making and war making powers at the disposal of the Prime Minister.

Unit publication: Officers of Parliament—Transforming the role

This report by Oonagh Gay, Senior Research Fellow at the Constitution Unit, breaks new ground in examining the institutional relationship between constitutional watchdogs and Parliament, both at Westminster and at Holyrood. Some, such as the Comptroller and Auditor General, are designated Officers of Parliament, which emphasises independence of the office from the executive. Often by accident rather than design, other watchdogs do not have the same type of constitutional safeguards— such as methods of appointment, protection from dismissal, budget-setting mechanisms and the right to report directly to Parliament. The report draws on experience of the role in Australia, Canada and New Zealand, and recommends that Westminster and Holyrood adapt the Officers of Parliament Committee model used in New Zealand to monitor the work of its Officers. It also recommends more systematic use by Parliament of the information provided by constitutional watchdogs in annual reports and evidence sessions. Watchdogs have important messages to publicise about the operation of the executive, and need to be valued as an important tool in scrutiny of the executive. But watchdogs need to ensure that institutional mechanisms exist also to prevent interference from the legislature, under the guise of accountability. For more information please contact o.gay@ucl.ac.uk. If you would like to order this publication please see the order form enclosed.

People on the Move

Paul Hayter is to succeed Sir Michael Davies as Clerk of the Parliaments (the senior official in the House of Lords) in July 2003.

Devolution

Scotland

The new Parliament which assembled after the second elections looked quite different from its predecessor. Contrary to many expectations, there were more women MSPs than before but it was the change in party political composition that was most obvious. The 'Others' are now a significant element in the new Parliament—seven Green and six SSP MSPs, Dennis Canavan and Margo MacDonald elected as independents, a Pensioners Party Member and an independent hospitals MSP (see front page). This brought cheer to those who hoped for less control freakery and the demise of the established parties, but concerned those fearing that the 'madness and craziness' and 'all sorts of diversity and attitude', promised by Rosie Kane, one of the new SSP Members, would result in Parliamentary chaos.

A sign of things to come was evident when the Parliament reconvened. A number of MSPs chose unusual ways of refusing to swear loyalty to the Crown. David Steel, performing his last act as Presiding Officer, handled the proceedings well. George Reid, Steel's successor, is likely to have a greater challenge ahead of him as Presiding Officer.

The SSP's six members entitle them to sit on the Parliamentary Bureau that decides Parliamentary business. However, the rise of the 'Others' may force a new and otherwise unlikely alliance to emerge between Labour and the SNP. Both parties lost out in the elections and each saw its position challenged in the Parliament. These parties along with the Liberal Democrats, part of the ruling coalition, and possibly the Conservatives might operate within the Bureau—or beyond it in private meetings—to protect the interests of the established parties.

This 'diversity and attitude' may create the consensus between Labour and the SNP that idealists had hoped for in devolution. New politics is taking an unforeseen form.

Wales

Welsh Labour resolved to govern alone and dispense with a coalition with the Liberal Democrats following the May 2003 election. This was despite winning just half of the 60 seats in the Assembly, one short of a majority. Plaid Cymru was the main loser in the election losing five of the 17 seats it won in 1999, including the Valley constituencies of Rhondda, Islwyn and Llanelli. The Conservatives gained on the list, moving from nine to eleven seats, while the Liberal Democrats held on to their six.

Labour's decision to go it alone was made easier by Plaid Cymru allowing its Meirionnydd AM, Dafydd Elis Thomas, to be elected as Presiding Officer, thereby according Labour an overall majority. In addition the disappearance of a number of independent-minded AMs from Labour's own side—in particular Ron Davies, the former Caerphilly AM, and John Marek, who was returned for Wrexham as an Independent—added to the party's confidence in retaining its majority.

The most significant innovation in Rhodri Morgan's new Cabinet is the post of Minister for Social Justice and the appointment to it of former Finance Minister Edwina Hart. There was immediate speculation that this represented a demotion since it removed the Minister from her strategic position at the centre of the Administration. On the other hand, the First Minister described the new portfolio as representing the central challenge facing the Administration in its second term. He handed responsibility for Finance and Local government to his close ally, Cardiff North AM Sue Essex. Her former role as Minister for Environment and Planning was combined with Rural Affairs and given to Carwyn Jones. Jane Hutt continued as Health Minister and Andrew Davies as Minister for Economic Development.

The most striking message from the election statistics was the extent to which Plaid Cymru

failed to mobilise its supporters. For instance, while the Labour Party more or less held its own in the regional list vote—in numbers it fell by 11%—Plaid’s regional vote collapsed by nearly half, 47%. This setback plunged the party into a leadership crisis. Initially Ieuan Wyn Jones insisted he would remain in office. However, when it became clear that at least half of the Group in the Assembly did not support him he immediately resigned, precipitating a one-member one vote leadership election in the party as a whole. Veteran campaigner, party vice-president Dafydd Iwan announced his candidature, along with former Mid and West Wales AM Cynog Dafis, and it was widely speculated that the former South East Wales AM Phil Williams would follow suit. The result will be announced at the party’s conference in September 2003.

Northern Ireland

As the suspension of Northern Ireland’s devolved institutions stretched to seven months, the ‘peace process’ vaunted by new Labour as jewel in the crown of its first term appeared a party balloon in advanced deflation in the mid-term blues of its second. On the ground, cross-communal ennui set in, unstirred by the extraordinary political pyrotechnics of a ‘war and peace’ summit at Hillsborough, Co Down.

The prime minister, Tony Blair, assisted by the Taoiseach, Bertie Ahern, tried again, with a raft of blandishments, to persuade the IRA to wind up, so that mistrustful Protestants could be nudged once more into supporting power-sharing. The unlikely peacemaker George W Bush played a walk-on part, lecturing meanwhile on the redeeming (though unexplicated) powers of the Northern Ireland experience for the middle east.

But the IRA (for which the Sinn Féin president, Gerry Adams, was now transparently the spokesperson) refused to declare it would stop paramilitary activities itemised by the two premiers in a putative joint declaration—just as it had declined to endorse a similar intergovernmental declaration of ten years earlier requiring a ‘permanent’ end to violence. The other parties, with the partial exception of David Trimble’s Ulster Unionists, were marginalised in a process increasingly reduced to secret communications between a

tiny group of political figures, paramilitaries and government officials in London, Dublin, Belfast and Washington.

In this atmosphere, Mr Trimble faced a savaging at the polls from the ethnic outbidders in his own party and the Democratic Unionists, and there would have been no chance of securing subsequent ‘unionist’ support in the assembly for election of a first and deputy first minister. The assembly election, due to coincide with those in Scotland and Wales, was thus first postponed for four weeks, and then sine die—notionally, till ‘the autumn’.

Public attitudes to devolution remained—in the circumstances, remarkably—favourable, but highly polarised. Catholics were overwhelmingly against suspension and disposed to believe the republican leaders’ peacemaking claims, while Protestants, mostly supporting direct rule, would swing massively back towards devolved power-sharing only if the IRA were to go away.

The culture of the whole devolved political class remained, however, devolution-incompatible. Not only did the parties revert to what they do best—constitutional wrangling. They also adopted populist, oppositionist stances on issues where the direct-rule ministers assumed responsibilities—on water charges and acute-hospital rationalisation—where their predecessors had flunked.

England

Quietly and unobtrusively, the Regional Assemblies (Preparations) Bill became law on 8 May 2003. With the government occupied with contentious issues of war and European integration, very little attention was paid to a piece of legislation that could reshape government in England. The legislation’s passage through the House of Lords saw the original Bill changed in a significant way. This was the result of an amendment, agreed as a compromise between the Government and the Liberal Democrats, which will give voters in areas currently governed by two tier local authorities a choice over the type of single tier local government they would have in the event that voters choose a regional assembly in a referendum. Without this compromise, it is clear that Ministers believed the Bill would not have completed its passage.

Attention now turns to the prospect of referendums being held, according to Minister's predictions, in some English regions in October 2004. The results of the Government's 'soundings exercise' had not been announced at the time of writing, but there were some indications that all three northern regions—the North East, Yorkshire and the North West—may have done enough to be included in any first wave of referendums. At the time of writing the results of the sounding exercise had yet to be discussed in Cabinet, when the prime minister may finally turn his attention to the issue. In an interesting development, Ian McCartney, a longstanding and strong supporter of regional assemblies was appointed Labour Party chairman.

As part of the deal with the Liberal Democrats, the Government has given assurances that it will, subject to parliamentary counsel, produce a draft Bill on the powers and constitution of elected regional assemblies before the first referendums are held, and present it to Parliament for pre-legislative scrutiny next Session. Previously, the Government had said voters would have to rely on the White Paper until the first 'yes' vote, before producing this legislation.

In the North East the District Auditor gave his opinion that the North East Assembly had exceeded its authority by campaigning for an elected assembly. In the North West, the local government issue continued to cause tension with county councils threatening to withdraw their subscriptions from the regional assembly. The shape of future referendum battles is becoming a little clearer.

The Centre

There has been little activity at the centre this quarter, as the political parties and actors in the devolved administrations geared up for the

May elections. None of the formal intergovernmental machinery has been used—there have been no meetings of the Joint Ministerial Committee or of the British-Irish Council.

However, there have been rumours at Westminster that Blair's summer reshuffle might see the abolition of the Secretary of State for Wales. This prompted Cardiff West MP, Kevin Brennan to table a Commons Early Day Motion (number 1148) in early May defending the cabinet post.

On 13 March 2003 the Welsh Secretary, Peter Hain, gave evidence to the Richard Commission. Hain argued that if the Commission is to propose substantive reform to the powers of the Assembly then it must show that such reforms would be in the interest of the people of Wales. He urged them to apply a 'practical delivery test', which would demonstrate the practical improvements associated with any reforms. Moreover, he insisted that any change to the current regime would have to have a democratic mandate.

The Welsh Affairs Committee's fourth report on "The Primary Legislative Process as it affects Wales" (HC79), was published on 19 March. It said that the additional powers gained by the National Assembly since devolution has made scrutiny and monitoring a more complex task. The Committee called for more clarity and consistency when additional powers are conferred. It also said that formal joint working between Westminster and the Assembly would be desirable.

The Office of the Deputy Prime Minister published the concordats it has signed with the Welsh Assembly and the Scottish Executive this quarter. The reports can be found at www.devolution.odpm.gov.uk/administrations/index.htm

Unit publication: Intergovernmental Relations in Canada: Lessons for the UK

This report by Alan Trench looks at how intergovernmental relations presently work in Canada—the constitutional background, the interplay between constitutional politics and day-to-day issues, the role of finance and how the mechanics of intergovernmental relations arise from these underlying forces. It draws a number of policy lessons for the UK, emphasising the importance of establishing and maintaining trust between governments as a key to ensuring effective relations. Part of that means understanding and respecting the boundaries between the functions of various orders or levels of government. To order a copy please see the order form enclosed.

Unit publication: The Impact of Political Devolution on the UK's Health Services

This report by Paul Jervis and William Plowden is the third and final report of a three year project funded by the Nuffield Trust which studied the impact of devolution on the governance and accountability of the health services in Scotland, Wales and Northern Ireland from 1999–2002. It finds many policies and approaches in these three countries increasingly diverging from England, or simply not following the more radical innovations introduced in England, such as increased use of the private sector. The report looks at the adaptation of professional bodies to devolution, and the growing influence of the European Union in health policy.

People on the move: New Permanent Secretary to the Scottish Executive

John Elvidge has been announced as the new Permanent Secretary to the Scottish Executive. Presently the head of the Finance and Central Services Division, Mr Elvidge will replace Sir Muir Russell KCB, who is leaving to take up a post as Principal and Vice Chancellor of the University of Glasgow.

Civil Service and Government

Unit publication: Regulating the Behaviour of Ministers, Civil Servants and Special Advisers

The Constitution Unit has recently published a comparative study of the regulation of ministers, civil servants and special advisers by Simon King. The insertion into the bureaucracy of political or 'special' advisers—persons directly appointed by ministers to provide both political and policy advice—has complicated the enforcement of ethical guidelines. This report compares accountability measures in four Westminster style countries, Australia, Canada, Ireland and New Zealand. Among other things, it suggests that in the UK, a Civil Service Act would help give statutory backing to the civil service Code of Conduct. But it needs to be supplemented by regular training sessions in ethical conduct. To order a copy of the report please see the order form enclosed.

the Wicks Committee or the Civil Service Commissioners. Sue Gray and her team have been absorbed into Sir Andrew Turnbull's Private Office.

Committee on Standards in Public Life

The Committee on Standards in Public life, chaired by Sir Nigel Wicks, issued its 9th report in April. The report deals with the issue of the accountability of ministers, civil servants and special advisers. The report suggests that the current UK ministerial code of conduct is unclear and that it is not forceful enough in promoting ethical conduct. The Committee recommends that the substantive material on issues of conduct should form a new ministerial code. The Committee also recommends that the Civil Service Commission appoint an adviser on ministerial interests, for a fixed term. Such a person would advise an incoming minister on the prevention of conflict of interest as well as having the power to consult the minister's permanent secretary about departmental business to ascertain whether a conflict of interest may exist. The adviser would then refer any breach or allegation of a breach to the Prime Minister. The Committee also suggested that at the beginning of each Parliament the Prime Minister, in consultation with opposition parties, should nominate two or three individuals of senior standing to carry out

Cabinet Office

As part of cuts forced on the Cabinet Office by its budgetary difficulties, the Machinery of Government division has been disbanded. This will inevitably downgrade its capacity to provide advice on ministerial accountability, propriety, standards and ethics issues, and to engage effectively with outside bodies such as

an investigation into any allegation of ministerial misconduct. In addition, the Committee recommended the introduction of a Civil Service Act as a way of solidifying the

several codes of conduct that currently exist. A copy of the report can be found at the Committee's website: www.public-standards.gov.uk.

Elections and Parties

Local Elections

On 1 May 2003 local elections were held in 340 district level local authorities in England and Scotland. All major parties gained and lost councils though the Conservatives gained 600 seats and 31 councils. The party has now more councillors in Britain than any other party. Labour lost over 800 seats and 28 councils. Turnout was just over 30%.

For the third year running, various local authorities piloted new voting methods. The 59 trials delivered mixed results. Confirming previous patterns, turnout in all-postal ballots was high, at an average of 50%. However, turnout in areas using electronic voting over the internet, digital TV and telephone was below the all-council average. A full review of the pilot schemes will be released by the Electoral Commission in July. It is likely that the use of e-voting methods will be extended to Westminster elections from 2006.

In a separate attempt to maximise voter turnout, the Government announced its intention to hold next year's local and London elections on the same day as the scheduled contest for the European Parliament, on 10 June 2004. The Government also announced

its intention to pilot further voting at weekends, although it accepted the arguments against nationwide weekend voting in 2004.

Unit publication: Independent Commission on Proportional Representation Interim Report

The Independent Commission on Proportional Representation (ICPR) which is based at the Constitution Unit, launched its interim report in April. The report covers in detail the issues surrounding the introduction of PR in the UK in 1999. Among the topics covered are the effects of PR on turnout, campaigning, candidate selection, government formation and the public understanding of politics. Over the summer the ICPR is engaged in several research projects in preparation for its final report in December. These include detailed public polling, an online public consultation exercise, survey research in Scotland and Wales and seminars analysing the May 2003 elections. If you would like a copy of the interim report please see the order form enclosed.

Freedom of Information & Data Protection

Unit publication: The Public Interest Test

Most of the exemptions in the Freedom of Information Act are subject to a public interest test. One of the big challenges facing decision makers will be how to evaluate where the public interest lies. This report by Meredith Cook explains how the public interest test operates in overseas legislation, and under the UK's existing Code of Practice on Access to Government Information. To order this publication please see the order form enclosed.

Leading the way forward

At the Constitution Unit/Capita first annual conference on access to information on 14 May 2003 Richard Thomas, Information Commissioner, stated that his top priority has been to reform the Office of the Information Commissioner from a mature data protection organisation to a leading freedom of information organisation. The Commissioner's

message for public bodies is "Get your Act together." He urged organisations to prepare now rather than panic later and exploit the benefits of freedom of information.

Bob Turnbull (Scotland), Anne Jones (Wales) and Marie Anderson (Northern Ireland) have been appointed as Assistant Commissioners. These appointments recognise the devolution of powers to Scotland, Wales and Northern

Ireland, although all report directly to Richard Thomas.

Scottish public authorities are subject to the Freedom of Information (Scotland) Act, enforced by Kevin Dunion, the new Scottish

Information Commissioner (www.itspublicknowledge.co.uk). Bob Turnbull will liaise closely with the Scottish Commissioner's office to uphold access to information rights under UK and Scottish legislation.

Human Rights

Joint Committee on Human Rights report

The Joint Committee on Human Rights (JCHR) published its sixth report, 'The Case for a Human Rights Commission' (HC489–I/HL67–I), on the 19 March 2003. It concludes that the "case for establishing a commission is compelling". The report argues against a litigious, adversarial role for the commission. The Committee envisages an independent body with the primary aim of promoting a human rights culture in England and Wales, through education, advice and research. The report also recommends that the proposed equality commission should be incorporated into the Human Rights Commission to create one overarching body. Following the publication of this report, the Committee issued a consultation on the details of the structure, functions and powers of the proposed commission. The report was discussed in Westminster Hall on 15 May

2003. The debate covered questions such as the equality commission, and the accountability of a human rights commission to Parliament, and the report was broadly welcomed. On 12 May 2003 the JCHR published its ninth report, 'The Case for a Children's Commissioner for England' (HL 96/HC 666), which was also discussed in passing during the Westminster Hall debate.

Unit publication: Health and Human Rights

This report by Jeremy Croft, was funded and is published by the Nuffield Trust as a guide to the Human Rights Act for health practitioners and policymakers. It considers such questions as whether there is a right to health; why health care professionals should be concerned about respecting human rights; and how to reconcile and balance respect for human rights with public health goals.

Unit News

Meg Russell returned on 1 June, after ceasing to be Robin Cook's Special Adviser. Meg is planning further work on the House of Lords, and will be leading a big collaborative project on Strengthening Parliaments, with partners in Scotland, Australia, Canada, and New Zealand.

In July we say farewell to **Oonagh Gay**, who returns to the Parliament and Constitution Centre in the House of Commons Library. On 13 June Oonagh held a big international conference in Canada House to discuss her report on Officers of Parliament, a comparative study looking at the independence and accountability of Officers of Parliament in Australia, Canada, New Zealand and Scotland.

On 14 May **Meredith Cook** organised the First Annual Information Conference for the Public Sector, together with Capita. It was a great success, with 160 delegates.

Unit project: Effective Scrutiny

Research into scrutiny in the Northern Ireland Assembly and the National Assembly for Wales has been completed, and research will begin shortly in the Scottish Parliament. The project's dedicated website has gone live, and can be accessed at www.ucl.ac.uk/constitution-unit/scrutiny. On the website there is access to an annotated bibliography, listing all relevant publications on effective scrutiny. A literature review will be published shortly, outlining in greater detail what has been written about scrutiny so far and providing a context for the original research that is taking place. For more information about the project please contact m.sandford@ucl.ac.uk. To order a publication please see the order form enclosed.

Publications

Review: Griffith and Ryle on Parliament: Functions, practice and procedures, 2nd ed by Robert Blackburn and Andrew Kennon, Sweet and Maxwell 2003

No one outside Parliament reads Erskine May, the bible of parliamentary procedure prepared by successive Clerks of the House (and now in its 22nd edition). When Griffith and Ryle's *Parliament: Functions, Practice and Procedures* first appeared in 1989 it filled an important gap. There is no shortage of general books on the workings of Parliament (mainly by critical commentators such as Peter Riddell, Philip Norton, Andrew Adonis and John Garrett); but for understandable reasons none contains much procedural detail. This book is an invaluable reference for anyone who wants to understand one of the many mysteries in the workings of Parliament, but wants it simply explained in non-mystic language.

But it is much, much more than that. This new edition, by Robert Blackburn and Andrew Kennon, is a completely new book, but remains true to the spirit of the first edition in explaining how the place actually works. Their declared purpose is "to explain, relying heavily on research data analysis, how the functions, procedures and processes of Parliament operate in practice and are utilised politically" (my italics). The book is not just a guide to the rules of the parliamentary game, but explains who generally wins, who loses, and why. And in the batteries of tables, data and statistical analysis, it is a veritable Wisden of parliamentary facts and figures.

And it is more than that again, in offering an assessment not just of parliamentary activity but an evaluation of parliamentary performance. The magisterial final chapter sums up Parliament's achievements and failings. In an age when it is commonplace to lament the decline of Parliament, it is salutary to be reminded how much Parliament has improved. "Fifty years ago, select committees were not allowed to consider policy; they did not receive evidence from ministers; they did not engage specialist advisers; and they took all their evidence in private ... restrictions were imposed on the BBC to limit the reporting of debates. Proceedings in reality at that time were dull and worthy, and largely ineffective."

"The truth ... is that Parliament and its Members, for all its weaknesses and their faults, is in fact more active, more independent, more influential, and therefore, for the public, more politically relevant than at any time for many years". The book contains a wealth of evidence to support that unfashionable conclusion, and will prove an indispensable work of reference to anyone who really wants to understand how Parliament works.

It must be noted, however, that the book was already in production when the October 2002 modernisation of House of Commons package was passed. Unfortunately, not all of the changes in that package have been included.

(Professor Robert Hazell, r.hazell@ucl.ac.uk)

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Professor Peter Hennessy, Attlee Professor of British History at Queen Mary, University of London
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Boothroyd Room, Portcullis House
For further information please contact Tony Wright MP 020 7219 5583

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Respondent: Professor James Mitchell, University of Strathclyde
26 June, 11 am, Council Room, UCL

Origins of Cooperative/Competitive Federalism

Speaker: Professor Ron Watts, Queen's University, Canada
Respondent: Professor Vernon Bogdanor, Brasenose College, Oxford
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The Constitution Unit/IWA joint conference:

Can the New Assembly Government hold its Course? The National Assembly's second term

Keynote Speaker: Rt Hon Peter Hain MP, Secretary of State for Wales
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Contact IWA, wales@iwa.org.uk, 029 2057 5511

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Speakers: Matthias Kelly QC & Rt Hon Alan Beith MP
Tuesday 8 July 2003, 6:15 pm, Gustave Tuck Lecture Theatre, UCL
Contact Lisa Penfold, UCL Faculty of Laws, lisa.penfold@ucl.ac.uk, 020 7679 1514

The Constitution Unit Seminar Series:

Seminar: The New Constitutional Responsibilities of the Lord Chancellor's Department

Andrew McDonald, Constitution Director, Lord Chancellor's Department
Monday 14 July, 6 pm, The Constitution Unit

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Speaker: Professor Paul Peterson, Harvard University
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18 September, 2 pm, Council Room, UCL