

MONITOR

PARTY DONORS, PEERAGES AND THE CONSTITUTION

Much British constitutional debate in recent months has centred on the row over ‘cash for peerages’, which has reignited interest in Lords reform and the funding of political parties.

The row began when a list of proposed Lords appointees was leaked to the press in November. Rumours suggested that the House of Lords Appointments Commission – responsible for vetting the propriety of party nominees, as well as choosing independent members – was concerned about some of these names. Following four months of silence one nominee, Dr Chai Patel, took the unusual step of demanding publicly to know what objections there were to his nomination. It was known that some nominees were major party donors. However, Dr Patel revealed that he had provided Labour with funds in the form of a loan, which did not have to be declared to the Electoral Commission.

The story took a new turn when party Treasurer Jack Dromey revealed that he knew nothing of these loans. In April a confirmed list of peers was finally announced, minus five of the original names (four Labour and one Conservative, all of whom were major lenders to their parties). A further twist came when the Metropolitan Police launched an investigation under the 1925 Honours (Prevention of Abuse) Act. This extended to allegations that academy school sponsors, as well as party donors have been rewarded with peerages. The Electoral Commission is also to investigate whether the political parties have breached the Political Parties, Referendums and Elections Act 2000.

The episode helped to move Lords reform back up the political agenda (see page 2). Concern about appointments boosts those campaigning for election to the upper house. But divisions in both main parties have prevented such a reform so far. Less attention has focussed on how the appointments process could be improved – despite most reformers accepting the likelihood of a partly-elected house. The Appointments Commission remains non-statutory and its role in scrutinising political appointments is limited and advisory only. Continuing confusion about whether a peerage is a job or an honour only worsens the problem. Both of these difficulties could be dealt with by relatively minor reform. The Labour nominations also raised questions about internal party democracy, with Labour peers being chosen by Number 10. In contrast, the Lib Dems (and Greens) now involve members in this process.

The other major area of reform relates to political party funding, with a review now established under Sir Hayden Phillips. Here too there is no

agreement, with polls showing that the public don’t favour state funding, whilst overseas experience demonstrates that it does not end funding scandals. Some forms of state support could also weaken links between parties and their members and supporters. The Conservatives hope to use the debate to limit trade union funding for Labour, and all the major parties would be concerned about a funding scheme which channelled state funding to UKIP and the BNP.

Ironically the episode illustrated how reform to date has failed to boost faith in political institutions. The Appointments Commission acted to block certain nominees, yet appointments have fallen into greater disrepute. New party funding rules greatly tightened up the disclosure requirements, but created loopholes that have been exploited. In both cases transparency exposed long-established practices which the public do not like, but where there is little agreement on the alternatives.

THE ‘ABOLITION OF PARLIAMENT’ BILL

The Legislative and Regulatory Reform Bill (LRRB) is promoted by the government as a means by which ministers can more easily remove regulatory burdens on business. It is thus an heir to the Regulatory Reform Act 2001, which enables ministers to pass Statutory Instruments (SIs) to remove burdens using the super-affirmative procedure for parliamentary scrutiny.

The powers in Part 1 of the LRRB, however, are considerably greater. Ministers can by order amend, repeal or replace any legislation subject to limited exceptions such as imposing or increasing taxes, and creating new serious criminal offences. There is no requirement that the order remove a burden on business and orders may even be passed by means of the less stringent affirmative or negative procedure for SIs.

The House of Lords Constitution Committee expressed a fear the bill could ‘markedly alter the respective and long-established roles of Ministers and Parliament in the legislative process’, while in the Commons, the Regulatory Reform Committee thought the bill ‘the most constitutionally significant Bill that has been brought before Parliament for some years’. The Public Administration Select Committee added its criticism (HC 1033), and Cabinet Office Minister Jim Murphy has said he will look into making the powers in the bill more clearly focussed. But with the Constitution Committee and others on the case, and in view of the Lords’ recent track record of opposing the government, a major constitutional battle seems likely when the bill reaches the upper house.

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PARLIAMENT

Lords Reform

The 'cash for peerages' row (see page 1) reignited debates about reform of the House of Lords. A proposed joint committee to consider reform options had been delayed due to Liberal Democrat objections to its remit, which government proposed should cover only powers and conventions rather than composition. To generate movement the government backed down and a new committee will now consider all related issues. Another free vote on composition is promised in the autumn and may have a greater chance of success than previously given the positions of the party leaders. David Cameron sees an opportunity in supporting a largely elected house whilst Tony Blair is said to have 'dropped his opposition' to a hybrid membership. Less often mentioned is that Iain Duncan-Smith took the same position as Cameron but failed to bring more than half his backbenchers with him in February 2003, whilst Blair had supported hybridity until that very point.

The DCA has a bill team in place to implement the manifesto pledges to define the Lords' powers in statute and remove the remaining hereditaries. But the opportunities for disagreement remain legion. Whilst agreement on composition has thus far proved impossible, powers have now also been added to the pot. And whatever the leaders propose there is heartfelt, albeit probably minority, opposition to elected members on both sides of the Commons. A *Times* poll in April meanwhile showed the public to be in at least two minds, with large majorities agreeing both that the Lords should be largely appointed, to retain independence and expertise, and largely elected, in order to be democratically legitimate.

The new list of peers finally unveiled in April included seven Labour nominees, seven Conservative, five Liberal Democrat and one Ulster Unionist. The Democratic Unionist Party finally won inclusion, being given three peers. The earlier Green Party debacle, however, resulted in the party losing its opportunity to nominate – despite having balloted its members and selected London Assembly member Jenny Jones. In May the Appointments Commission announced seven new independent peers.

Finally, two Scottish Law Officers have also been appointed to the Lords.

Speakership of the House of Lords

The House of Lords Committee on the Speakership of the House reported to the chamber on 31 January. In July 2005 the House had resolved in favour of an elected speaker and established the committee to look into the matter in more detail.

The committee was sensitive to the notion that the chamber should essentially remain a self-regulated one. The primary role of the speaker would be to preside over proceedings within the chamber. This would require the speaker to spend more time in the chamber, take the chair when the House was in Committee and give procedural guidance where appropriate. Despite some discontent about aspects of the recommendations (particularly relating to the role of the speaker at question time) the report was approved unamended. As a result the first election for the position of Lords speaker will be held no later than 30 June 2006.

Parliamentary Strength Continues to Grow

Following the Blair government's first defeats in the Commons in November, both parliamentary chambers have continued to assert their strength. Despite fears that a stronger upper house would pit the Lords against the Commons, the chambers have often acted together in extracting concessions from government.

The most obvious example was the second pair of Commons defeats, on 31 January, over the Racial and Religious Hatred Bill. The government had been heavily defeated in the Lords over these plans, and sought to overturn key amendments in the Commons. However, thanks to Labour absences and rebel votes, MPs backed the Lords' position rather than that of the government. Similarly, but less dramatically, the government dropped a clause in the Identity Cards Bill which would have allowed the cards to be made compulsory in future without new primary legislation. This followed a Lords defeat which the government did not attempt to overturn. This bill also shuttled back and forth between the Houses several times over the issue of whether individuals should have to apply for an ID card when renewing a passport.

The Lords defeated the government five times and ultimately compromise was reached. Here opponents in the Lords claimed that they were upholding the government's manifesto, which had promised a voluntary scheme. In a further extraordinary development in February the government backed down over another manifesto commitment, on smoking in public places. Under heavy backbench pressure a free vote was granted and the Commons supported a complete ban – rather than the exemptions that had been promised. See briefing paper at www.revolts.co.uk.

POWER REPORT

In March the report was published from the Power Inquiry, a Joseph Rowntree funded project seeking to explain political disengagement and make recommendations for change. A ten member commission, chaired by Baroness Helena Kennedy, took evidence and deliberated for 18 months before producing the 300-page report (www.powerinquiry.org/report/index.php). The commission rejected many explanations for disengagement, including apathy, contentment or an aggressive media, and instead concluded that political institutions have not kept up with the pace of social change and that radical reforms are needed. Recommendations included state funding of political parties, reform of the voting system, a largely elected upper house, greater decentralisation, more powers for Commons committees, citizen-initiated legislation and votes at 16. Responses to the commission's report have, however, been mixed. Many of the proposals are familiar, and predate the recent concerns with electoral turnout and falling levels of political trust. Many are already existent in other developed countries which are suffering identical problems to those in Britain. Whilst the commission therefore provided a considered analysis of the problem, and a useful checklist of reforms, it remains doubtful whether the two are connected in the way that they suggest.

BROWN, CAMERON AND CONSTITUTIONAL REFORM

In a series of speeches and articles, Gordon Brown has been signalling his interest in constitutional reform. In an article in *The Guardian* on 27 February he wrote, 'As we prepare our manifesto for the next parliament, I am clear that it should be a priority that, across government, ministers come together to work out the detail of the next steps for both local democracy and long-term constitutional reform'.

What might be the priorities for a government led by Gordon Brown? Likely items include: Lords reform, a British bill of rights, reform to appointments procedures to reduce the role of the executive, and ending the state's role in appointing Bishops. Brown's interest in constitutional reform is longstanding, but not generally known: he was a supporter of Charter 88 and made a big speech to them in 1997, which was unreported at the time.

Meanwhile, under David Cameron, the Conservatives have been emphasising their own reformist credentials. Speaking on 6 February, Cameron declared it to be 'the right time for a serious, thoughtful programme of institutional and constitutional reform'. Aside from the existing commitments to a predominantly elected House of Lords and a ban on Scottish MPs voting on English business, clear policy commitments will probably have to await the report of the party's new 'Democracy Taskforce' (see below).

PREROGATIVE POWERS UNDER SCRUTINY

In March the House of Lords gave a Second Reading to Lord Lester's Constitutional Reform (Prerogative Powers and Civil Service etc) Bill. The bill provides a statutory basis for review by Parliament of executive powers generally, with specific requirements for approving treaties and going to war. The bill also achieves the same purposes as a Civil Service Act, codifying the fundamental principles of the civil service, and putting the Civil Service Commissioners and Commissioner for Public Appointments on a statutory basis.

The new Conservative leader David Cameron has also announced a review of prerogative powers, to be considered by Kenneth Clarke's Democracy Taskforce.

But when announced the Conservative review appeared to exclude two of the most important powers, the power to appoint a new Prime Minister and the power to seek a dissolution. The latter is to be restricted by the new Conservative government there (see page 6).

Proposals for reform of prerogative powers are also the likely outcome of the Lords Constitution Committee's inquiry into war-making powers. As reported in the previous *Monitor*, supporters of reform failed in October 2005 to push through Clare Short's private member's bill requiring parliamentary approval before military action is taken. Since then, the Constitution Committee has launched its inquiry examining the roles of all three branches of government in authorising military action. It is expected to publish its report on the subject in May.

MONARCHY, CHURCH AND STATE

The Queen's 80th birthday on 21 April gave rise to speculation about the future of the Monarchy and the succession. It is clear that The Queen will not abdicate, however demanding the role is for an older person: abdication has a traumatic history for the House of Windsor, and it would go against her Coronation oath. Should she become incapable of carrying out her monarchical functions, provision is made in the Regency Acts 1937, 1943 and 1953 for her functions to be carried out by a Regent or Council of State. The Regent is the person next in line to the throne, who would take over in the case of permanent incapacity of the sovereign. In the case of temporary incapacity a Council of State would be established, comprising the spouse of the sovereign and the four persons next in line of succession.

There was also speculation about the next Coronation, and loosening the links between Church and State. These go back to the constitutional settlement enshrined in the Bill of Rights of 1689, the Act of Settlement of 1701 and the Act of Union with Scotland of 1707. Fundamental to that settlement is the Protestant succession. On his accession Prince Charles will be required under the Accession Declaration Act 1910 to swear that he is a faithful Protestant and will secure the Protestant succession.

At the coronation there is a similar oath to maintain the Protestant religion, and to maintain the settlement of the Church of England. Prince Charles has indicated that he would prefer to be a defender of faiths, not Defender of the Faith, and may seek some modification of the oaths.

The Unit has just completed a major report on Church and State: see page 7.

CONSTITUTIONAL WATCHDOGS INQUIRIES

The inquiry by the Public Administration Select Committee (for background see the January *Monitor*) is now matched by a parallel inquiry by the Scottish Parliament. The Commons Committee visited Holyrood in April to learn more about the Scottish model, where six watchdogs are 'parliamentary commissioners', with a much closer relationship with the Parliament. Some, such as the Scottish Information Commissioner and Children's Commissioner, have a higher profile than their UK counterparts. This may in part derive from their greater independence from the executive, with the Scottish commissioners being appointed by and funded by the Parliament. But that close relationship has given rise to its own problems, especially over settling the budgets of the commissioners. The Finance Committee of the Scottish Parliament has initiated an inquiry into their financing and the Procedures Committee has produced a report on the appointments process.

These concerns have caused the Scottish Parliament to postpone debate on the Scottish Human Rights Commissioner Bill, which would add a seventh commissioner to the Parliament's portfolio. They may also cause the Commons Committee to think hard before recommending that the UK's constitutional watchdogs should come more directly under the Westminster Parliament. PASC has issued a questionnaire to the 15 watchdogs which are central to its inquiry, and will want to weigh carefully how a more direct relationship would be managed at Westminster, which committees would be involved, and the implications for their workloads. But some changes are likely, especially for the five watchdogs currently housed by the Cabinet Office (Committee on Standards in Public Life, House of Lords Appointments Commission, Civil Service Commissioners, Commissioner for Public Appointments, and Advisory Committee on Business Appointments).

PASC will also report on the new Civil Service Code, a simpler, livelier document produced by the new Cabinet Secretary Sir Gus O'Donnell in consultation with the Civil Service Commissioners. With the Prime Minister's lack of interest in a Civil Service Act it is likely to be the main protection for civil servants. But following the Tessa Jowell affair, the Prime Minister has finally responded to another PASC recommendation by appointing an Adviser on Ministerial Interests, to advise Ministers about compliance with the Ministerial Code. The first Adviser is to be Sir John Bourne, the Auditor General.

DEVOLUTION

Scotland

Not since Glasgow Govan in 1988 has a by-election caused as much hubbub as did the Dunfermline and West Fife Westminster contest on 9 February. Caused by the death of MP Rachel Squire, Labour, with neighbouring MP and Chancellor Gordon Brown leading the campaign, was expected to defend easily her 11,562 majority. But Liberal Democrat Willie Rennie took the seat on a 17 per cent swing with an 1,800 majority.

This, the first LibDem Scottish by-election win over Labour in the post-WW2 period, was a massive boost, coming amidst the imbroglio of the UK LibDems' scandal-struck leadership election. Voters complained of Labour neglect over various local issues, but dissonance between Brown and Jack McConnell, Scotland's Labour first minister over Forth Road Bridge tolls caused major party ruptures. Smarting from Brown's interference in a devolved responsibility, McConnell declared he would no longer automatically toe London's line in UK matters which affected Scottish interests.

The domestic agenda was dominated by agency and quango problems. The Scottish Arts Council, troubled by failure to control costs at Scottish Opera, is to lose control of that and other national companies and be merged with Scottish Screen, which handles film funding. On a positive note, the new Scottish National Theatre was launched with an innovative drama programme.

Ministers resisted calls for a public inquiry into the Scottish Criminal Records Office after the Executive awarded £750,000 compensation to a former police officer who was tried and acquitted on perjury charges after a murder scene fingerprint was identified by the SCRO (wrongly) as hers. Significant legal and public disquiet about the integrity of the justice system remains.

Alan Alexander, chairman of the publicly-owned Scottish Water, resigned after failing to assure ministers he could deliver their required investment programme. Jack Perry, chief executive of Scottish Enterprise, the main economic development agency, came under pressure when it emerged that the agency had overspent its 2005-06 budget by £30m.

Following a record medal haul at the Commonwealth Games, the nation distinguished itself by accepting a ban on smoking in public places with remarkable equanimity. Introduced on 26 March, it was the most significant public health measure of modern times.

Northern Ireland

It was another period of political uncertainty in Northern Ireland and, as so often, punctuated by a violent event – in this case the murder of the republican-turned-spy Denis Donaldson – which destabilised the always shaky efforts of London and Dublin to restore devolution to the region.

After so many 'deadlines' for progress had come and gone, this time the two premiers, Tony Blair and Bertie Ahern, appeared to mean it when they stipulated that November 24 was – finally – to be it.

The assembly, they agreed in April, would be reconvened in May for an initial six weeks. Going into recession to accommodate the peculiar Northern Ireland 'marching season' of July and August, it would reconvene for a further 12 weeks in the Autumn. If the parties were unable to agree to form a power-sharing executive after that time, the assembly would be wound up and its members' salaries – still being paid at a 70 per cent rate after three and a half years of inactivity – terminated.

London and Dublin hoped that successive reports from the Independent Monitoring Commission during that time would persuade the DUP of the *bona fides* of SF as governmental partners. But the DUP showed no sign of abandoning its history as a vehicle for Protestant – especially evangelical Protestant – political power. And while SF was distancing itself from the continuing criminal activity of the IRA, it showed no sign of making the ideological *bouleversement* of supporting the police – a *sine qua non* of Protestant acceptance of SF involvement in a new devolved department of policing and/or justice.

Moreover, both nationalist parties made clear that if the unionists were to seek to turn the assembly into a shadow body to scrutinise direct rule, rather than forming a power-sharing government, they would have no part in it. Meanwhile, unionists railed against the determination of the Northern Ireland Office to end the inequitable '11+' test – knowing this to be a popular move in the Catholic community. And politicians on all sides complained bitterly about moves to tackle Northern Ireland's poor fiscal effort – without offering any alternative revenue-raising, or expenditure-reducing, proposals. And yet, through it all, evidence emerged that the long-suffering public in Northern Ireland remained supportive of devolution – if only the political class could agree on the terms of its restoration.

Wales

Over the past few months Welsh politics has been dominated by questions of architecture – both literal and figurative.

The St David's Day official opening of the new Assembly building known as the *Senedd* – a Welsh word that translates best as Senate or, significantly perhaps, Parliament – has led to widespread public discussion of the merits of the building itself as well as the appropriateness of spending £67 million on a new home for Wales' devolved politicians. Perhaps surprisingly, the public reaction to Richard Rogers' striking slate, glass and oak creation has been largely positive; continuing concerns about its cost have been more predictable. A poll for BBC Wales discovered that fully 80 per cent of the Welsh electorate believe that the new building 'cost too much'.

Among the cognoscenti, there has also been much discussion of the more symbolic aspects of the ceremonials:

the fact that this was very much a National Assembly event with the Welsh Assembly Government rather conspicuously kept at arm's length.

Debates on the future constitutional architecture of Wales also remained high on the agenda, with legislation passing through parliament that will strengthen the Assembly and amend its electoral system. This is discussed below in the 'Devolution and the Centre' section.

Devolution and the Centre

The year so far has been unusually busy in terms of policy and legislative developments relating to devolution. Most eye-catching has been the introduction of a bill to recall the Northern Ireland Assembly this May. It is to be given six months to establish a power-sharing executive. If it fails, the government stands ready to pull the plug on the devolved bodies. Also passing through Westminster is a bill paving the way for the devolution of policing and justice policy to Northern Ireland should a future Executive and Assembly request it with cross-community support.

Wales meanwhile remains on track for a post-May 2007 Assembly with a beefed up legislative role, courtesy of the Government of Wales Bill (GOWB) currently before parliament. The progress of the bill suffered a setback at Lords committee stage with the carrying of an opposition amendment striking out the controversial provisions banning 'dual candidacy'. Dropping the bar on candidates standing both in an individual constituency and on a regional list would be humiliating for Labour and would threaten the fragile consensus within the party in support of the GOWB. But a protracted battle with the Lords could be equally disastrous from the government's perspective since the bill must be in effect in good time for the May 2007 devolved elections and candidate selection processes.

Despite the government's strident defence of the Welsh dual candidacy ban – deemed necessary to prevent losing constituency candidates entering the Assembly 'by the back door' – it has refused to support a member's bill attempting a similar change in Scotland, professing a reluctance to 'reopen the Scotland Act'.

This will come as a disappointment, though perhaps not a surprise, to members and supporters of the Arbuthnott Commission

The Commission recently reported to the Scottish and UK governments proposing – among other things – a move to an 'open list' proportional system for Holyrood elections. The government has rejected any change to the electoral system in time for next year's poll and is expected to respond more formally soon. Few are holding their breaths for a radical reform package.

West Lothian Question

Early 2006 has seen the West Lothian Question make another of its spasmodic leaps onto the fringes of the political agenda.

In the House of Lords, the Tory peer Lord Baker of Dorking proposed a bill to bar MPs from speaking and voting on legislation that does not apply to the part of the UK they represent, the purpose being to prevent non-English MPs from determining English matters. The government remains firmly opposed. In the second reading debate on 10 February Lord Falconer – the Lord Chancellor – argued that the bill could lead to the break-up of the Union. And in front of the Liaison Committee – under pressure from Labour members – Tony Blair rejected the policy on the grounds that it would create two classes of MP and also stressed the technical difficulty of defining exclusively English matters.

The Conservatives, on the other hand, remain committed to 'English votes on English laws', although their leader in the Lords was lukewarm in his support for Baker's bill. The party's 'Democracy Taskforce' is believed to be examining the issue, which may lead to a firmer policy commitment in due course.

Ultimately however, it is unlikely that a government of any colour will tackle the West Lothian Question unless English public opinion demands it. This in turn probably depends on non-English MPs making the crucial difference in controversial votes on mainly English matters, which has yet to happen in this parliament despite the government's reduced majority.

Constitutional Affairs Select Committee Inquiry: FOI's first year

In March the Constitutional Affairs Select Committee began its inquiry into the first year of the FOI Act. The first evidence session of the inquiry took place on 14 March with witnesses from the Information Commissioner's Office (ICO) – Richard Thomas (Information Commissioner), Graham Smith (Deputy Commissioner) and Jane Durkin (Casework and Advice Division). According to Mr Thomas, 'a mixed message comes out of the first year'. Although he stated that legislation has been a success in bringing information into the public domain, he admitted to 'teething problems' and remaining 'pockets of difficulty.' On 18 April Baroness Ashton of Upholland (Under Secretary of State, Department for Constitutional Affairs) appeared before the committee. Ashton announced that the DCA was providing the Information Commissioner with additional resources and looked forward to the Commissioner making significant inroads into his caseload backlog, which Mr Thomas reported during his evidence session to be around 700 cases. Full details on the progress of this inquiry can be seen at: www.parliament.uk/parliamentary_committees/conaffcom.cfm.

Scottish FOI Review

The Scottish Executive is currently undertaking a review of the operation of the FOI (Scotland) Act 2000 since implementation on 1 January 2005. Key topics of the review include: coverage of the act, the fees regime, statutory prohibitions to disclosure of information, general feedback on discharge of functions under the act and problem areas. The Scottish Information Commissioner has also published his annual report, covering his office's first year in operation. The Commissioner highlighted in his report high public awareness of freedom of information in Scotland, with 55 per cent of all requests coming from 'ordinary members of the public', and concluded that 'the Scottish public has embraced freedom of information with vigour and enthusiasm'. According to a survey quoted in the report, however, the Scottish public 'remains sceptical as to whether authorities will make the shift towards more openness or will seek to find ways around the Act'.

Scottish Information Commissioner website: www.itspublicknowledge.info.

FREEDOM OF INFORMATION

ICO Survey

According to a survey of 500 public authorities conducted for the Information Commissioner's Office (ICO), the majority say that the FOI Act is beneficial and is helping to create a culture of greater openness in the public sector. Three out of five respondents said that their organisation released more information to the public as a result of the FOI Act. Increased openness and transparency, better records management, improved accountability and improved relationships with the public were all mentioned as benefits of the act. Richard Thomas said, 'A great deal of important information that is clearly in the public interest has been released over the past 12 months, which would not otherwise have been in the public domain, including details of politicians' expenses, amounts and recipients of farm subsidies under the Common Agricultural Policy and hospital mortality rates. Where public authorities have refused to disclose information, my office has sought to address this.'

UK Information Commissioner's Office website: www.ico.gov.uk.

ELECTIONS AND PARTIES

In December 2005, the Electoral Commission published its report on the 2005 election. The report dealt with three main issues – the party campaigns, media coverage of the campaigns, and the electorate's engagement with the campaigns. On the parties' campaigns, the report's authors find that although party campaigning was focused primarily on the marginal constituencies, public awareness of the campaigns had improved compared with the 2001 general election. Despite the hype, however, there was little in the way of electronic campaigning. On media coverage, the most significant finding is the decline in coverage compared with 2001. Significant because the media seem to have assumed that the low turnout in 2001 indicated little interest in politics, but by reducing their coverage of the 2005 campaigns they may, in fact, be contributing to declining interest in politics. Thirdly, the marginal improvement in turnout compared with the 2001 general election suggests that much remains to be done to stimulate political participation. One way in which this might be tackled is through 'positive politics' throughout the electoral cycle, not just during election campaigns, and 'positive coverage of politics by the media'.

Looking ahead, the local elections are looming on 4 May. The Conservatives are well placed to make further gains on last year – if the reports of them vastly outspending the Labour Party in key marginals are true. Nonetheless, the Conservatives continue to lag Labour in the polls. For the Liberal Democrats, the local elections will be an important test of the new leadership and whether they can hold off the Conservative challenge in the South.

JUDICIARY

Judicial Appointments and Complaints

In April the new Judicial Appointments Commission came into being. Chaired by Baroness Prashar, the commission has five other lay members, five judicial members, two lawyers, one tribunal member and one magistrate. The commission will put forward one name for recommendation to the Lord Chancellor. It has taken over 100 staff from the DCA, with Clare Pelham as the new chief executive. See www.judicialappointments.gov.uk.

Candidates who are unhappy about the way the appointments process has been handled can complain to the Judicial Appointments and Conduct Ombudsman, Sir John Brigstocke (www.judicialombudsman.gov.uk). He will also consider complaints from the public (or judges) who are dissatisfied with the handling of a complaint about a judge's conduct. Complaints in the first instance will be dealt with by a new Office for Judicial Complaints, supporting the Lord Chancellor and the Lord Chief Justice in their new joint responsibilities for judicial complaints and discipline (www.judicialcomplaints.gov.uk).

The new Supreme Court is now expected to move into its new home in Middlesex Guildhall in autumn 2009.

PEOPLE ON THE MOVE

Prof Andrew le Sueur has succeeded Prof Tony Bradley as Legal Adviser to the Lords Constitution Committee. **Prof Richard Rawlings** comes from the LSE to UCL as Professor of Public Law in October.

Janet Paraskeva has been appointed First Civil Service Commissioner, and **Janet Gaymer** Commissioner for Public Appointments.

In the Constitution Directorate of the DCA, **Judith Simpson** has taken responsibility for all devolution work into the Constitutional Settlement division, **Belinda Crowe** has become head of the Information Rights division, and **Antonia Romeo** has returned to become head of the division dealing with royal matters and the Crown Dependencies.

Meanwhile, in the Conservative Party reshuffle, **Oliver Heald** remains Shadow Secretary of State for Constitutional Affairs but takes on the role of Shadow Chancellor of the Duchy of Lancaster. **Lord Kingsland** has become Shadow Lord Chancellor and Shadow Minister for Legal and Constitutional Affairs. **David Mundell** and **Cheryl Gillan** have moved to Shadow Secretary of State for Scotland and Wales respectively.

The members of the Conservative Party's **Democracy Task Force**, set up by David Cameron and chaired by **Kenneth Clarke**, are **Andrew Tyrrie**, **Sir George Young**, **Lord Butler of Brockwell**, **Sir Christopher Foster**, **Ferdinand Mount** and **Laura Sandys**.

In the Liberal Democrats, **Simon Hughes** has been appointed shadow secretary for constitutional affairs and Shadow Attorney General, while **Jo Swinson** has become the new Shadow Scottish Secretary.

International Constitutional Focus: Canada

The new Conservative government in Canada has published a new Federal Accountability Act, which aims to

- put an end to the influence of big money in the political parties
- stop former ministers, staffers and senior public officials from using insider connections to profit from public service
- empower officers of parliament such as the Information Commissioner, Auditor General and Lobbyist Registrar to hold government to a higher level of account
- clean up government contracts, appointments, polling and procurement
- extend the scope of the Access to Information Act
- establish an independent Parliamentary Budget Office.

The new Prime Minister Stephen Harper has also announced his intention to introduce legislation to provide for fixed term parliaments.

CONSTITUTION UNIT NEWS

Church and State

In April the Unit published a major report by Bob Morris. It is a mapping exercise which carefully analyses the relationship between the Church of England and the British state. The report also contains detailed appendices by Frank Cranmer about the relations between Church and State in other European countries, particularly in Scandinavia where they also have a long history of an established church; and by John Lucas about the process of disestablishment in Ireland and Wales. The latter do not provide viable models for disestablishment in England, because neither had to confront the core of the constitutional settlement fashioned between 1688 and 1707.

This stage one report does not consider the merits or demerits of disestablishment or other options for change. That is to be done in stage two of the project, which will include a conference at St Katharine's in London in July. The government's position has been that establishment is primarily a matter for the church, and it is for the church to make the first move. But that may start to alter if the Bishops do not retain their seats in the next round of Lords reform, or if (as reported) Gordon Brown favours divesting the state's patronage to appoint Bishops and other senior church appointments.

Governance of Parliament

As part of the ongoing Governance of Parliament research project, the Constitution Unit recently published an 'issues and questions paper' entitled *Governing the House of Commons*. The purpose of the paper, authored by lead researcher Dr Meg Russell and assistant Akash Paun, is to stimulate discussion on and invite responses to a range of questions relating to how the Commons manages its business and organises its internal structures and procedures. To view the paper and to submit a response, please visit the project homepage at: www.ucl.ac.uk/constitution-unit/research/parliament/governance-of-parliament.html.

Lords Project Update

Meg Russell and Maria Sciara presented a paper at the Political Studies Association, entitled 'Why does the Government get defeated in the House of Lords?'. This looks at the contribution of Labour rebels, Conservatives, Liberal Democrats, Crossbenchers and Bishops to the defeats in the Lords from 1999-2005. The full paper is available on the project website, along with our regularly updated list of Lords defeats. See: www.ucl.ac.uk/constitution-unit/research/parliament/house-of-lords.html. Two further conference papers are planned for the summer.

Freedom of Information Research

The Unit is undertaking a study of how the UK's national print media used the FOI Act in the year since the law came into force. For most people the media are the only source of information about FOI and its impact; thus, the focus of the study is how journalists use FOI and what information they ask for and obtain via FOI. As well as generating quantitative data on the media's use of FOI, the project will explore how the media's use of FOI might affect the public's overall trust in government.

The Unit has also been awarded nearly £3,000 by the ARMA International Education Foundation to carry out a comparative study on national FOI regimes in the UK, Canada and the United States. ARMA International is a not-for-profit association and the leading authority on records and information management in North America. The research paper will be presented by the Unit's Research Fellow Sarah Holsen at ARMA International's 51st Annual Conference in San Antonio, Texas in October 2006.

Information Society Module

The Constitution Unit is expanding the scope of its course offerings with the approval of a new module for the School of Public Policy's Masters degree programme. The new course, *Governance of the Information Society*, will be taught by Research Fellow Sarah Holsen during the second term of academic year 2006-07. The course will explore the 'rise of the information society' and address issues and topics such as globalisation, information rights, privacy, new forms of crime and deviance, the knowledge economy, and inequality.

CU Personnel Changes

January 2006 saw the departure of Hayden Thomas from his position in the Unit's Freedom of Information team. In May, Honorary Senior Research Fellow Mark Sandford departs to become Research and Evaluation Manager at the Electoral Commission and Office Manager Philip Diamond takes up a post in an environmental NGO. Philip's successor is Vicki Spence. The Unit's other new recruit is Mark Glover, as part-time Administrative Assistant on Freedom of Information.

And finally...

Congratulations to Meg Russell, the Unit's Senior Research Fellow on Parliament, who was awarded the Political Studies Association's Richard Rose prize for contribution to the study of British Politics.

Reader Offer

Territory, Democracy and Justice: Federalism and Regionalism in Western Democracies. Edited by Scott L. Greer (The Constitution Unit, UCL). Hardback. ISBN: 1-4039-9501-X

Territory, Democracy and Justice brings together experts from six countries to ask what territorial decentralisation does and what it means for democracy, policy-making and the welfare state. Integrated and international in a fragmented field, the chapters identify the importance and consequences of territorial decentralisation. The authors analyse the successes, the generalisable ideas, and the international lessons in the study of comparative territorial politics as well as new directions for research.

To order this book at the discounted price of £25 + p&p (RRP £50), enter the reference code WTERRITORY06a into the promo box when ordering on www.palgrave.com or quote the code when placing an order by email (orders@palgrave.com) or telephone (+44 (0) 1256 302 866).

(For individuals only. Not for library or trade customers.)

BULLETIN BOARD

CONSTITUTION UNIT PUBLICATIONS

- Robert Hazell (ed.), *The English Question* (Manchester: Manchester University Press, 2006). This edited volume examines the constitutional history and status of England, 'the gaping hole in the devolution settlement' and assesses the various possible answers to the English Question. See enclosed flyer for ordering information.
- Scott Greer (ed.), *Territory, Democracy and Justice: Federalism and Regionalism in Western Democracies* (Palgrave MacMillan, December 2005). Hardback. ISBN: 1-4039-9501-X. See page 7 for ordering information and discount readers' offer.
- Bob Morris, Frank Cranmer and John Lucas, *Church and State: A Mapping Exercise*. 129-page Constitution Unit report, £25.
- Robert Hazell, 'Time for a New Convention: Parliamentary Scrutiny of Constitutional Bills 1997-2005', *Public Law*, summer 2006, pp. 247-98.
- Meg Russell and Akash Paun, *Governing the House of Commons: Issues and Questions Paper*. Can be downloaded from: www.ucl.ac.uk/constitution-unit/research/parliament/Issues_and_Questions_Paper.pdf.
- Meg Russell and Maria Sciarra, 'Why does the Government get defeated in the House of Lords' (conference paper delivered April 2006). Available at: www.ucl.ac.uk/constitution-unit/research/parliament/house-of-lords.html.
- *Devolution Monitoring Reports*: January saw the publication of five reports as part of the relaunched Devolution Monitoring Programme. These reports – on Scotland, Wales, Northern Ireland, the English Regions, and Devolution and the Centre – are available for free from www.ucl.ac.uk/constitution-unit/research/devolution.

For full details of all Constitution Unit publications or to make a purchase, visit our website at: www.ucl.ac.uk/constitution-unit/publications or contact the Unit on constitution@ucl.ac.uk or 020 7679 4977.

EVENTS

- **FOI Live 2006** takes place on **25 May 2006** at the Millennium Conference Centre, London. Organised by the Constitution Unit, this event has been described as 'the foremost event on information rights issues in the UK'. Details at: www.foilive.com.
- **Sir William McKay** of Aberdeen University speaks at the Institute of Historical Research on **30 May** at 5:15pm. The subject is '**Westminster and Washington: legislative sisters under the skin**'. Full details at www.history.ac.uk.
- On Tuesday **6 June** (1pm), the Constitution Unit holds a seminar on **The New Commission on Equality and Human Rights**. The speaker will be **Sarah Spencer** of the Centre on Migration, Policy and Society, University of Oxford. Book your place at www.ucl.ac.uk/constitution-unit/events.
- On **7 June**, the Constitution Unit is hosting a book launch and seminar on **The English Question** at the Houses of Parliament. Speakers will include Lord Baker of Dorking, proponent of 'English votes on English laws'.
- On **16 June**, the Political Studies Association Parliaments and Legislatures Specialist Group holds its first conference at Sheffield University on the theme of **Reinterpreting Parliament**. Details at www.psa.ac.uk.
- The Department for Constitutional Affairs/Constitution Unit seminar series continues on **21 June** with **Lord Woolf of Barnes** discussing **Reform of the European Court of Human Rights**. Phone 020 7210 1383 to reserve.
- On Monday **25 September** at 1pm, **Ken Clarke** MP will speak at the Constitution Unit on **The Conservative Party's Democracy Taskforce**. Book your place at www.ucl.ac.uk/constitution-unit/events.

PUBLICATIONS RECEIVED

- Bural, Simon, Brendan Donnelly and Stuart Weir (eds.), *Not in Our Name: Democracy and Foreign Policy in the UK* (St Edmundsbury Press, 2006)
- Commission on Boundary Differences and Voting Systems, *Putting Citizens First: Boundaries, Voting and Representation in Scotland* (The Arbuthnott Report) (January 2006)
- Dhillon, Kiran, *Mayors making a difference* (New Local Government Network, 2006) ISBN: 1-903 447-51-8
- Dunleavy, Patrick, Richard Heffernan, Philip Cowley and Robert Hay, *Developments in British Politics 8* (London: Palgrave MacMillan, 2006)
- MacCarthaigh, Muiris, *Accountability in Irish Parliamentary Politics* (IPA, 2006), ISBN: 1-904541-31-3
- The Power Inquiry Report, *Power to the People. The Report of Power: An independent inquiry into Britain's democracy* (March 2006). At: www.powerinquiry.org/report/index/php
- The Steel Commission, *Moving to Federalism – A New Settlement for Scotland* (March 2006). At: www.scotlibdems.org.uk/conference/steelcommission.pdf.
- Susskind, Richard (ed.), *The Susskind interviews: Legal experts in changing times* (London: Sweet and Maxwell, 2005) ISBN: 042191260X



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