Monitor

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Voters want choice in voting methods

The elections held on 10 June 2004 were notable in three respects. First, there was a mild increase in turnout for the European and London contests. This partly vindicated the Government's decision to combine the European and local elections. Second, minor parties—notably the UK Independence Party—performed strongly. Third, there was an extensive further piloting of postal voting, against the wishes of the Electoral Commission.

Last year, the Commission indicated that two regions—the North East and East Midlands were suitable for further piloting of postal voting. The Government then added another two regions, Yorkshire and the Humber and the North West. This caused the Commission some concern, since it wanted a clearer statutory framework—notably providing for individual voter registration—before more extensive pilots were conducted. Concern was also expressed by members of the House of Lords, who voted against the Bill establishing the pilots five times. Peers were particularly concerned about the potential for fraud. They forced the Government to provide for ballots to be accompanied by witness statements, rather than security statements signed by voters themselves. The Act eventually came into force on 1st April, leaving little time for the logistics prior to the poll. In particular, there was real concern whether all the ballot papers would be delivered to households in time.

In the event, the pilots delivered what appeared

to be good as well as bad news. On the positive side, turnout in the four pilot regions was over 5 per cent higher than for the non-pilot regions. But on the negative side, there were problems with the delivery of ballot papers and allegations of fraud. The Commission's report on the four pilots largely discounted the claim that fraud was substantially higher among the pilot regions. A public survey conducted for the Commission by ICM also found high levels of satisfaction with all-postal voting among people in the pilot areas. However, there was also more concern about fraud among those in the pilot areas than in non-pilot areas. Across Britain, people also indicated a clear preference for choice in the way they voted, with only 5 per cent opting for the option of all-postal ballots.

The Commission's main recommendation was that all-postal voting be scrapped, with postal voting on demand being retained. However, it also recommended that the all-postal referendum on a regional assembly for the North East on 4th November go ahead as planned. The Government is currently considering whether to abandon all-postal voting, although the Local Government Minister, Nick Raynsford, indicated that it would be likely to do so. The Commission also recommended that responsibility for elections and referendums be allocated to a single department, not split between the Office of the Deputy Prime Minister and the Department for Constitutional Affairs.

The whole episode has highlighted the role of

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The Constitution Unit

Director: Professor Robert Hazell www.ucl.ac.uk/constitution-unit email constitution@ucl.ac.uk phone 020 7679 4977 fax 020 7679 4978 the Electoral Commission and its relation to government. While the Commission has an advisory rather than executive role on matters of electoral law, it is an important constitutional watchdog whose advice deserved to be taken more seriously. The Government's actions over the electoral pilots succeeded in undermining both the legitimacy of the new voting arrangements, and the authority of the Commission.

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Wales: Bonfire of the quangos

In the biggest Welsh government shake-up since the creation of the National Assembly in 1999, the Welsh Development Agency, ELWa (the Education and Training body), and the Wales Tourist Board will be abolished from 1 April 2006 and their staff and functions absorbed into the Assembly Government civil service.

As the First Minister Rhodri Morgan told the Assembly on 14 July as it was going into recess, the three bodies "represent two thirds of quangoland in Wales" with some 1,600 staff and a combined annual budget of some £920 million. He said, "The shape of the Assembly Government will become more governmental because by merging the staff currently employed by the quangos with our existing departments, it will give us far more firepower, more critical mass, more ability to generate distinct Walesoriented policies, more opportunities for staff to specialise in policy areas in their careers, and less of a distinction between making policy and implementing it."

And he added: "How much further we go in shrinking the quango state will depend on the outcome of further work into the remaining bodies and how analogous they are to the three specified today. If others need to remain separate from Ministerial control and accountability they will. But I doubt that will apply in many cases. They may fit into the range of current agencytype and arms length models already present inside our administration, such as CADW (the heritage and listed buildings organisation), the Wales European Funding Office and Wales Trade International, or the Wales Industrial Development Advisory Board, and the Social Services and Care Standards Inspectorates for Wales."

The announcement came out of the blue,

taking the Opposition parties by surprise. The organisations themselves were informed only minutes before hand, prompting the WDA's chief executive Graham Hawker to resign on the spot. Economic Development Minister Andrew Davies hinted that disagreements over the strategic direction of the organisations had motivated the change. He referred reporters to a speech he made at the Wales Labour conference in March when he attacked "those who feel they have the authority and right to set the agenda and priorities for their quango".

Speculation immediately mounted about the dangers of "state control" of cultural quangos such as the Arts Council of Wales, the National Museum and the National Library. And while the announcement was met by applause from Labour AMs in the Assembly chamber, Professor Kevin Morgan, who led the Yes Campaign in the 1997 referendum, questioned the absence of debate: "We are told that the abolition of the quangos will make their functions more accountable. But accountable to whom? To politicians in the Assembly or to the wider electorate in civil society? Quangos like the WDA have been held accountable in a whole series of ways—through their board, through targets set out in the remit letter from the sponsoring minister and, most visibly, through public scrutiny before the Assembly subject committee. This stands in stark contrast to the degree of public accountability of bodies which have been absorbed into the Assembly, like Wales Trade International for example, which has been subject to less public scrutiny since it left the WDA."

The timing of the announcement was linked by commentators to Rhodri Morgan's retreat from an early endorsement of the Richard Commission's proposals on primary legislative powers for the Assembly. It was suggested that the so-called "bonfire of the quangos" provided him with a populist message to counteract criticism that he was caving in to a refusal by Number 10 to contemplate putting a commitment to legislate for more powers for Wales in Labour's manifesto for the general election expected in 2005. Instead, he said an alternative route would be to enhance greater use of framework-type legislation for Wales at Westminster, giving the Assembly more scope to decide and implement its secondary legislative powers.

This idea was elaborated in "Better Governance for Wales", a policy paper published jointly by Rhodri Morgan and Secretary of State for Wales Peter Hain in August. It promised that if re-elected Labour will publish a White Paper setting out options for change. However, attention was immediately drawn to a qualifying "could" in the commitment:

"The White Paper would state an intention to enhance the legislative powers of the Assembly and could set out the options for achieving it. All options would end the Assembly's status as a corporate body so as to provide better government and clearer scrutiny and accountability.

"One option would be to grant the Assembly

enhanced Order-making powers to make new legal provision for Wales in defined fields within the responsibilities currently devolved to it, including a power to amend or repeal relevant earlier legislation in these fields. This would in effect apply the principle of framework legislatively retrospectively. Parliament would continue to be the appropriate body to pass Wales-only primary legislation outside the areas covered by these Order-making powers (for example, the proposed Bill to create an older People's Commissioner for Wales) and Sewel-type measures on an England and Wales basis. As with the ending of corporate body status, this option would require a Government of Wales (Amendment) Act. This sort of Order making powers could be extended gradually over the devolved fields, or related to specific pieces of legislation..."

"Another option would devolve primary law making powers to the Assembly in those areas where functions are already devolved (agriculture, economic development, education, health, housing, local government etc). This option would also require a fresh Government of Wales (Amendment) Act and would be subject to a post-legislative referendum."

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Parliament

Questioning the powers of the Lords

With reform of the House of Lords' composition shelved until at least the next general election, attention has shifted to the chamber's powers and procedures. In May frustrated ministers suggested that they might seek to cut the Lords' formal powers. In July the report of a group of Labour peers set out some concrete proposals. The group, elected by Labour members in the Lords, was chaired by former health minister Lord Hunt and included former Lords Chief Whip Lord Carter among its other members. The group's report (Reform of the Powers, Procedures and Conventions of the House of Lords) proposed a range of measures and suggested that Labour's manifesto should

include a commitment to reform.

The report expressed concerns that conventions in the Lords are breaking down since reform in 1999, with a greater propensity to defeat the government, including a defeat over the 2003 Queen's speech and one defeat on secondary legislation. It concluded that 'the House has undoubtedly become more assertive' and that 'relying on informal constraints and understandings is no longer sustainable'. The key proposal was a revised Parliament Act, which would set out more clearly the powers of the Lords. However it would also restrict these powers by replacing the Lords' veto over statutory instruments to a power of delay and applying the Act to bills starting in the Lords as well as the Commons. The group emphasised the importance of the Lords continuing to have

a meaningful delaying power over primary legislation, but declined to suggest what this should be. Other proposals included a new Joint Standing Committee to seek agreement between the two chambers over disputed bills. streamlined legislative process, more predictable voting hours (including the possibility of delayed divisions) and stricter regulation of peers' behaviour in the chamber. These proposals will doubtless find sympathy in government. However, the Lords remains in control of its own procedures and legislating to limit the chamber's powers against its will would be politically perilous. Unless coupled with the long-awaited reform of Lords composition a bill to strengthen the executive against parliament would be unlikely to win public support.

Parliament and the Public

In June 2004 the House of Commons Modernisation Committee published the report of its inquiry on Connecting Parliament with the Public (see below for details). This followed wide consultation and evidence gathering, including a public meeting, feedback from visitors to Westminster and a survey of MPs. The committee recommended a number of changes, including more outreach work with young people and improved educational resources at Westminster, new facilities for visitors including better signage and tours on Saturdays, more co-ordination across departments of the House, and a new central press office. One difficult issue remains the establishment of a visitor centre at Westminster, which is strongly supported by MPs but for which it has so far proved impossible to find appropriate accommodation. The search for this continues, though interim arrangements are being made for a new 'security and reception centre' aimed at improving the welcome for visitors as well as Parliament's safety. The headline-grabbing element of the report was the proposal that visitors to the Commons cease being referred to as 'strangers'. However, the committee concluded that the single most important thing that Parliament could do to extend public access was improve its website. It proposed a 'radical upgrading', with the possibility of new systems of email alerts, and greater use by committees

of online consultations.

In the meantime the Hansard Society's Commission on 'Parliament in the Public Eye', chaired by Lord Puttnam, continues its work. It too is looking at Parliament's communication strategy and accessibility, as well as the media's presentation of Parliament. Interim conclusions are expected in the autumn, with the final report in the first half of 2005. Evidence is still being invited, and can be sent to: commission@hansard.lse.ac.uk.

The Modernisation Committee is now enquiring into scrutiny of European matters in the House of Commons, with suggestions from the Leader of the House (and chair of the committee) Peter Hain that Britain's new European commissioner might give regular evidence to a joint committee of MPs and peers. The committee is also carrying out an inquiry into the sitting hours of the House of Commons, in response to continued grumblings about the changes implemented in 2002. Any further changes will be made after the general election, when the current temporary arrangements expire.

Connecting Parliament with the Public, HC 368, 16 June 2004

Impeachment proposal

A motion signed by eleven MPs has been placed before the Speaker of the House of Commons to impeach the Prime Minister over his conduct during the events leading up to the war in Iraq. Adam Price, Plaid Cymru MP for Carmarthen, has led the move, on the basis of a report from two academics. The right of impeachment has not been used since 1848, and it is claimed that the Speaker is obliged to grant a debate on the basis of just one signature: whether this long-unused parliamentary procedure is open to practical use remains to be seen.

Constitution Committee investigates the Legislative Process

The Constitution Committee of the House of Lords, chaired by Lord Norton of Louth, is conducting a wide-ranging inquiry into the

legislative process. Oral evidence sessions began in May and have included the Leaders of both Houses, the Chief Parliamentary Counsel, Robin Cook MP (with Meg Russell of the Constitution Unit, who acted as his Special Adviser when he was Leader of the Commons), and representatives of the group Parliament First. Issues explored included the opportunities for parliamentarians to make greater use of evidence taking in legislative scrutiny, through use of special standing committees or scrutiny of bills in draft, the effects of the sessional cut off and merits of 'carry-over', the possibilities for post-legislative scrutiny, and the ways that the two chambers can best co-ordinate and complement each other's legislative work.

Supreme Court and Judicial Appointments Commission

In an unusual move, the Constitutional Reform Bill had been referred to a Select Committee after its Second Reading in the Lords in March. The committee was chaired by Lord Richard and included the Lord Chancellor Lord Falconer amongst its 16 members, and had power to amend the bill. The committee heard evidence from a wide range of witnesses, including the Lord Chancellor and the law lords, and reported on 2 July (HL 125).

The committee was sharply divided on abolition of the office of Lord Chancellor and the case for creation of the new Supreme Court. Nor could they agree on the adequacy of the provisions in the bill for guaranteeing judicial independence. But they did agree that the Concordat agreed between the government and the Lord Chief Justice in January should be enshrined in legislation, setting out the division of functions once the LCJ becomes head of the judiciary in place of the Lord Chancellor.

The committee supported the proposed Judicial Appointments Commission. Merit should be the sole criterion for appointment, and the Lord Chancellor tabled amendments which would further restrict his ability to reject a candidate selected for appointment by the Commission. In the case of the Supreme Court, the bill was amended to provide that the Minister should receive the name of only one candidate, instead

of two to five names.

They committee agreed that the Supreme Court should be established as a non-ministerial department, funded directly by the Treasury (rather than being administratively run by the DCA), and that the Minister should not have power to amend the Supreme Court's rules.

When the committee stage of the bill resumed on the floor of the House in July, the government was defeated when the Lords voted to retain the office of Lord Chancellor by 240 votes to 208. The bill is to be carried over into the next session, when the government will try to reverse some of the defeats in the Lords in the House of Commons. There is still a risk that the bill may be lost in the run-up to the election.

In the June issue of the Monitor, in our article on the new Supreme Court, we incorrectly stated that Lord Falconer had undertaken to amend the Constitutional Reform Bill to say that the new court will not come into being until a building is ready. Lord Falconer has given an assurance that the government would not enact legislation on the new Supreme Court without ultimately providing suitable accommodation. But he added that in the interim it might be necessary for the new Supreme Court to continue to sit in the House of Lords while the new building was being fitted out. We apologise to Lord Falconer and to our readers for misrepresenting the government's position.

Civil Service and Royal Prerogative

Lord Lester's Civil Service (no 2) Bill passed all its stages in the Lords in March and was sent to the Commons. The bill puts the Civil Service Commissioners on a statutory basis, gives them power to conduct investigations on their own initiative, and gives statutory backing to codes of conduct for civil servants and special advisers. The bill also requires the Prime Minister to lay an annual report before Parliament on the numbers, roles and responsibilities of special advisers.

The report of the Public Administration Select Committee on reforming the Honours system was published on 13 July. The report recommended:

- a simpler system with four honours instead of the current 16;
- replacement of the Order of the British Empire with a new Order of British Excellence;
- ending the Orders that are given almost exclusively to civil servants and diplomats;
- phasing out knighthoods and damehoods;
- a new Honours Commission which would remove civil servants from decision making on honours.

The Select Committee's report on the Honours system was an extension of its enquiry into the Royal Prerogative, on which the committee reported in March. In *Taming the Prerogative* the committee argued that the prerogative powers represented unfinished constitutional business and should now be put on a statutory footing. The main powers exercised by Ministers are:

- the Prime Minister's ability to appoint and remove Ministers, to recommend dissolutions, peerages and honours, patronage appointments (including the Church of England) and the appointment of senior judges;
- the making and ratification of treaties, and the conduct of diplomacy;
- the deployment and use of the armed forces, including the declaration of war;
- the organisation of the civil service.

Devolution

Regions at the crossroads

John Prescott's plans for elected regional assemblies in the north of England were widely reported to be in tatters after the deputy prime minister was forced, on July 22 2004, to 'postpone' two of the regional referendums (in the North West and Yorkshire & Humber). The North East, always favoured by Prescott for a 'pilot' exercise, will now be the only region to test public opinion in an all-postal ballot on November 4 2004. The eleventh-hour reversal prompted headlines of an "embarrassed" deputy prime minister in "retreat", with his devolution project "wrecked". But both Prescott and his local and regional government minister Nick Raynsford who had to explain the 'postponement' to intrigued, yet delighted Conservative MPs, and bewildered Liberal Democrats—were at pains to insist that referendums could still be held in both postponed regions. That will certainly not happen this side of a general election, with Conservatives gleefully claiming that Prescott's project has been kicked into the long grass.

Officially, the deputy prime minister backtracked because of concerns over the practicalities of postal voting in the three regions. The Electoral Commission's report on the postal votes, on 27 September, was severely critical of the Government's use of all-postal voting in four regions for the European elections (see page

1) but somewhat controversially gave its seal of approval to holding an all-postal referendum in the North-East.

In reality, however, growing unease among backbench Labour MPs, fearful of lively 'yes' and 'no' campaigns exposing party divisions seven months before a likely general election, undoubtedly prompted the u-turn. More than half the Labour MPs in the north west, for instance—27. plus three ministers—had written a joint letter to Prescott expressing their concerns and asking for a referendum to be postponed. Worse for Prescott in his home county, the Labour peer Lord Haskins, who chairs the 'Yes for Yorkshire' campaign, had publicly raised doubts in the Yorkshire Post over whether a referendum could be won.

Close associates of Prescott say he faced covert pressure from the Prime Minister at two meetings leading up to the u-turn. But he did apparently extract a promise that Tony Blair would help launch a 'yes' campaign in the north east—where, after all, he is a regional MP—a week or so before Labour's annual conference in September.

Tensions between Prescott and north west Labour MPs are understandably high. But after one middle-ranking minister close to Downing Street apparently told Labour whips that she was inclined to side with the 'no' campaign in any North West referendum, Blair became nervous, fearing that referendums in the North West and Yorkshire & Humber—where there are a string of key marginal seats—could further undermine the party's fortunes following big reversals in local and European elections in June.

The draft Bill, specifying the proposed powers and structures of elected regional assemblies, was also published on July 22. There have been few changes to Government policy since the White Paper. The most notable is the addition, to Assembly powers, of the Regional Fire and Rescue Services proposed by the 2003 White Paper on the fire service. A collection of smaller executive powers have been removed from the Government's proposals, being replaced with a wider range of appointment powers than originally envisaged. Robert Hazell and Mark Sandford of the Constitution Unit gave evidence to the ODPM Select Committee's pre-legislative scrutiny of the Draft Bill on 8 September. (For details of the Unit's commentary on the bill, see below.)

Events are moving fast in the North-East. On August 23, 1.2m households in the region received a leaflet from the Office of the Deputy Prime Minister, under the headline 'Your Say', explaining the powers and size of a proposed assembly and stating boldly that a 'yes' vote could mean elections for a full-blown assembly being held as soon as 2006.

Officially, this government information campaign will last until September 10; by September 14 the Electoral Commission is due to announce which organisations it will accredit as 'yes' and 'no' campaign groups, eligible for £100,000 from public funds (groups will be able to spend a further £565,000 if they can raise such an amount from their own resources!). On top of this political parties have spending ceilings, based on their proportion of the vote in the last local and European elections. Thus Labour can spend up to £665,000, and the Tories, Liberal Democrats and UK Independence Party up to £400,000 each. On top of this, 'accredited' individuals will be allowed to spend up to £100,000 each, raising some concern in the Commission that wealthy sources could spread money around people prepared to act simply as 'fronts' for others behind the scenes.

By October 17, voting packs will be sent to all electors in the north, which means that by the nominal polling day, November 4—when counting begins in the evening—most will probably have voted. John Prescott remains cautious. Unveiling the 'Your Say' leaflets in Gateshead on August 18, he conceded that an "awful lot of people" in the north east still remained ignorant about his devolution plans. The implication was that a 'yes' is by no means in the bag.

Constitution Unit Publication

Sandford M, Commentary on the Draft Regional Assemblies Bill (2004), August 2004, ISBN 1 903903 34 3, 16 pp, £5.00

Buy on line at http://www.ucl.ac.uk/constitution-unit/publications

Northern Ireland

The European election marked a further political watershed during the quarter: the Democratic Unionist Party and Sinn Féin placed clear orange and green water respectively between themselves and their more moderate rivals, the Ulster Unionist Party and the SDLP. Any prospect of a restoration of devolution now hinged on an agreement between the two parties with the most directly counterposed ethno-nationalist goals.

But the prime minister, Tony Blair, indicated that patience was running out. Aware of public anger in Northern Ireland about the continued payment—albeit at half rations—of the region's under-employed 108 assembly members, he indicated that renewed talks in September would be the last effort to put the architecture established on Good Friday 1998 back together again.

Yet his government—or, indeed, its counterpart in Dublin—appeared to have few ideas of its own as to how this might happen. A remarkably perfunctory private document was produced on the review of the Belfast agreement, amounting to little more than headings and certainly raising more questions than answers.

The public remained remarkably sanguine about all this. Evidence of widespread disengagement from the Northern Ireland Life and Times Survey was reinforced by indications that public perceptions of 'community relations' in the region were improving, and that only small numbers of Catholics or Protestants now feared discrimination from the 'other side'. This was against a backdrop of a falling incidence of paramilitary violence.

Whether the Treasury was so sanguine was another matter. There were growing signs during the quarter of a tightening of the financial screw on Northern Ireland. There were also continuing concerns about the weakness of accountability arrangements, including over public expenditure, under renewed direct rule. But the current hiatus did give the government the opportunity to do what a devolved administration might well have baulked at, when it decided to introduce water charges to the region.

Elsewhere, ministers continued to get on with the mundane business of government. A range of 'low' political decisions were made, albeit in the face of diverse pressures from civic actors in the region seeking to influence the current powers-that-be at Stormont

Scotland

Following the results of the European Elections, John Swinney resigned as leader of the Scottish National Party on 22 June 2004. Swinney was first elected following Alex Salmond's resignation four years ago and had been challenged by a relatively unknown activist at the previous year's annual conference. In the interim, he changed the party's constitution, altering the method of electing its leader from delegates at annual conference to one member one vote (OMOV). His resignation means that the new leader will be elected under the new system. Roseanna Cunningham MSP, deputy leader, immediately announced her intention to stand and was soon followed by Nicola Sturgeon MSP and Mike Russell (an ex-MSP). Cunningham's decision to stand for the leadership opened up a contest for the deputy's post.

Swinney had defeated Alex Neil for the leadership in 2000 with 68 per cent of the

vote. Neil refused to serve under Swinney and Neil and associates undermined Swinney's leadership throughout. Neil issued a statement setting out what he believed the SNP needed to do but decided not to stand this time round. His stated reason for not standing, provided without acknowledging the irony, was that senior figures—notably Alex Salmond—had declared that they would not serve under him. He felt that he would be undermined as leader even though he believed he could win.

However, the most significant event since Swinney's resignation was the late entry into the contest of Alex Salmond who had initially ruled himself out of the contest in unequivocal terms. Pressure on Salmond from ordinary members as well as some significant senior figures had forced him to change his mind. Sturgeon stood down as leadership candidate but announced her decision to stand as deputy leader with Salmond's support.

The three candidates—Salmond, Cunningham and Russell-each have been amongst the pragmatic element of the SNP; and none of the former 'fundamentalists', a term increasingly meaningless in contemporary SNP politics, is standing. This reflects the changing nature of internal SNP politics. Devolution has essentially ended the key divide which dogged the SNP since inception. However, as the contest suggests, other tensions have emerged reflecting traditional socio-economic the cleavages in modern liberal democracies. Even there, each of the candidates are broadly on the left.

Initially three candidates emerged for the deputy's position—Christine Graham, Fergus Ewing and Kenny Macaskill, the last standing with Sturgeon's support. Macaskill dropped out when Sturgeon moved from contesting the leadership to deputy leadership contests. Salmond became the overnight favourite to win the leadership but his position as a Westminster MP meant that the role of the deputy in leading the SNP contingent in the Scottish Parliament would be more significant than otherwise. Voting papers were sent out in mid August with the result being declared on 3 September.

Stop Press:

Alex Salmond became leader of the SNP, with 76% of votes cast on an 80% turnout, on 3 September. Nicola Sturgeon was elected deputy leader and will lead the party in the Scottish Parliament, where Salmond does not have a seat.

The Centre

The spending review announced in July generated much confusion from a devolution perspective. At the heart of Gordon Brown's plans lay a pledge to cut 100,000 jobs within the civil service, 20,000 of which he claimed would come from the devolved administrations and local government. Critics quickly derided the chancellor for appearing to impose his efficiency reforms on the devolved institutions. As a result the devolved institutions distanced themselves from the announcement, insisting that such decisions were a matter for them and not the Treasury. A spokesperson for the Treasury seemed to acknowledge this when quoted in the Herald newspaper as saying "it is for the devolved administrations and local authorities to determine how they derive the efficiencies they have signed up to".

The Scottish Parliament (Constituencies) Bill gained Royal Assent on 22nd July 2004. The Act provides for a decoupling of the constituencies

for the Scottish Parliament and Westminster. This allows for the number of Westminster constituencies in Scotland to be reduced from 72 to 59—thus bringing Scotland's electoral quota into line with that for England—without also reducing the size of the Scottish Parliament. Recognising the potential for public confusion over the different boundaries for Scottish and Westminster elections, the Government has announced a Commission on Boundaries and Voting Systems. The Commission, chaired by Sir John Arbuthnott and due to report in 18 months, will consider the implications for Scottish voters of having four different electoral systems and different electoral boundaries. Particular issues for the Commission will include levels of voter understanding, links with elected representatives and the voting system used for Scottish Parliament elections.

This quarter witnessed a parliamentary first as the Welsh Affairs Committee teamed up with the National Assembly's Economic Development and Transport Committee to scrutinise the draft Transport (Wales) Bill. Following acceptance by the House of Commons for new procedures allowing formal joint working between a Westminster committee and a committee of a devolved institution for the first time, the two committees set about holding joint evidence sessions in London and Cardiff.

FoI and Access to Information

1992 Environmental Information The Regulations are being updated to be brought into line with the EC Directive 2003/4/EC and Aarhus Convention, which detail international requirements for access to environmental information. Though the Directive gives until February 14 2005 for implementation, DEFRA will implement the Regulations on January 1 2005 along with the Freedom of Information Act. Consultation on both the updated EIRs' draft Code of Practice and guidance has been requested and will close on October 20. For more information, see http://www.defra.gov. uk/corporate/consult/envinfo/index.htm.

Although it seemed last spring that the government was close to finalising fee

regulations for Fol requests, they announced a new review of the topic this summer by the Fol Working Group on Fees. The initial agreement of a 10% retrieval cost is being pitted against the Working Group's recommendation last May of an hourly fee (to be set by each department) with a £600 maximum limit for central government authorities and a 20 hour limit for local authorities. Any request that takes an hour or less would be free under this recommended scheme. The date of publication for the fee regulations will be in September or October of this year. More information can be found on the UK Freedom of Information Blog site (August 20 entry) at http://foia.blogspot.com.

The DCA's Information Rights Division has been

reorganised and a new head appointed. Antonia Romeo took up her post on July 1, 2004 and oversees a recently combined Fol/DP team. Currently the Division is responsible for the implementation of the Freedom of Information Act 2000, the Code of Practice on Access to Government Information, central guidance to Government on all aspects of information rights policy, Data Protection legislation policy, and cross-government co-ordination of Data Sharing policy. The division is also responsible for sponsorship of the Office of the Information Commissioner and of the National Archives.

At present the Division consists of two units: the Information Rights Delivery Unit and the Information Rights Policy Development and Strategy Unit. The Information Rights Delivery Unit is responsible for policy on current data protection and Fol legislation, including the implementation of the Fol Act. The Information Rights Policy Development and Strategy Unit's role is to lead future policy development on information rights issues; to lead on the UK's relevant EU and international obligations, and to fulfil the DCA corporate sponsorship role in

respect of the ICO and TNA.

The DCA's Guidance on exemption provisions for the Fol Act is nearing its early October publication date. The Guidance is aimed at helping Fol practitioners understand the exemptions to the Act and when and how to cite them in response to requests for information.

The Ministerial Committee charged with Fol preparatory work, MISC 28, has been established by the Cabinet Office and publicly acknowledged. The Committee's terms of reference are "to oversee the Government's strategy on Freedom of Information and its preparations for the commencement of the Freedom of Information Act 2000." Several senior ministers sit on the committee, including the Chancellor, Attorney General, and secretaries of state for DCA, FCO, DEFRA, Transport, Defence, DTI, the Home Office, plus the minister for the Cabinet Office and Lord Filkin from the DCA.

http://www.cabinet-office.gov.uk/cabsec/2003/cabcom/misc28.htm

People on the Move

Several changes of position are about to take place in the House of Commons. **David Natzler** will become Secretary to the House of Commons Commission and Clerk of Domestic Committees, replacing **Robert Rogers** who will become Clerk of the Journals. **Andrew Kennon** will become a Principal Clerk of Select Committees. **Paul Evans** will become head of the Scrutiny Unit.

There are also changes at the top in the Department for Constitutional Affairs. **Lord Filkin**, the minister in charge of freedom of information was replaced by **Baroness Ashton** in the September reshuffle.

Alex Allan, former E-Envoy and High Commissioner in Australia, is the Department's new Permanent Secretary, succeeding **Sir Hayden Phillips** who retired in July.

Lucian Hudson has moved from DEFRA to be the new Director of Communications.

Three non-executive members have been appointed to the board of the Department for Constitutional Affairs. **Peter Bonfield**, **Barbara Thomas** and **Lord Justice Judge** join the existing non-executive **Trevor Hall**.

Howell James, founding partner of PR company Brown Lloyd James, is the new Permanent Secretary and head of the Government Information and Communications Service, a new post recommended by the Phillis review of government communications.

lan Watmore is the new Head of E-government in the Cabinet Office.

Constitution Unit News

UCL have approved our plans for a new MA programme in Democracy and Democratisation, starting in October 2005. **Scott Greer** will be Course Director, and will teach the course with **Meg Russell** and **Ben Seyd**. Scott has also become a Lecturer in the School of Public Policy, and will take on Helen Margetts' teaching on the MSc in Public Policy from September, but will retain close links with the Unit.

Other changes this summer have seen **Meredith Cook** leave us in June to become Senior Adviser, Information Policy and Compliance with the BBC, and **Lucinda Maer** leave in May to become Committee Specialist with the Public Administration Select Committee of the House of Commons. **Guy Lodge** is leaving in October to be Research Fellow in Democracy at ippr.

Sarah Holsen is our new Research Fellow in Access to Information. She recently completed a Masters of Public Administration degree at the Maxwell School of Syracuse University. At Syracuse, she worked with Alasdair Roberts on several projects relating to Fol issues in the U.S. and Canada.

Graham Gee is the new Coordinator of our Law and Devolution project, and is pulling together the book which will be the project's main output.

Helen Daines, our administrator, returns from maternity leave in November. Hayden Thomas is very capably looking after our finances in her absence, and Sharon Taylor is assisting with administrative duties.

Also joining us over the summer have been this year's crop of interns. **Maria Sciara** has returned to do further work with Meg Russell on voting behaviour in the House of Lords. **Claire Wren** helped to analyse data on the constituency role of MPs, and **Ania Swirski** has been analysing the constituency roles of members of the Scottish Parliament and Welsh Assembly. **Philip Alderton** has been working with Alan Trench on devolution, **Ed Kirton-Darling** has helped on the Law and Devolution project, and **Louise Hammersley** collected data on the plans for the new Supreme Court. We are very grateful to all of them for their contributions.

Project News

New projects starting in September include two big projects being led by Meg Russell. The first, a three year study of the dynamics of the transitional second chamber, is funded by the ESRC. The second is a two year study of the autonomy of Parliament, funded by the Nuffield Foundation. Also starting in the autumn is a two year study of Church and State, which is being led by Bob Morris, an honorary Senior Research Fellow.

Unit Books on Devolution

In the autumn we plan to send to press four books on Devolution. *The English Question*, edited by Robert Hazell, and *Devolution and Power in the UK*, edited by Alan Trench, are two of the final outputs from the Leverhulme funded programme on the Dynamics of Devolution. Robert Hazell is editor of *Making the Law under Devolution*, from the ESRC Devolution programme, and Alan Trench is editor of the fifth and final volume on devolution in the *State of the Nations* series.

Useful Websites

Active Citizenship Centre, Home Office http://www.active-citizen.org.uk

Parliamentary Voting information website http://www.revolts.co.uk

Federal Trust Newsletter on EU Constitution

http://www.fedtrust.co.uk/default.asp?pageid =222&mpageid=222&groupid=6

BulletinBoard

Constitution Unit Events

Lord Richard

The Constitutional Reform Bill: The work of the special select committee

Wednesday 13 October, 1 pm

Sam Younger, Chair of the Electoral Commission The referendum on the EU Constitution **Wednesday 24 November**, 1 pm

Geoff Mulgan, former Director, Prime Minister's Strategy Unit

Strategic Thinking and Cabinet Government **Wednesday 8 December**, 1 pm

From Sleaze to Trust? Public Attitudes to Standards of Conduct in Public Life

Joint conference with the Committee on Standards in Public Life and the Public Administration Select Committee.

Thursday 21 October—see separate flyer for details.

Three Months to FoI: A Practitioners' Half-Day Preparatory Workshop

Wednesday 6 October and Tuesday 19 October, 12:30–4:30 pm

The Augustana Centre (Central London)

The half-day event consists of three workshops. Each workshop is led by an experienced facilitator and focuses on a theme central to successful implementation of FoI:

- Training public sector staff in preparation for Fol implementation
- Working with media requests for information
- Understanding the key features of the Fol Act which relate to commercial information and why this is a sensitive area

The same programme will be held on 6 and 19 October. http://www.promarta.co.uk/foi, foi@promarta.co.uk, 0870 141 7164.

Events outside the Unit

Gresham College

Professor Vernon Bogdanor is giving a series of lectures in the autumn, including:

Tuesday 21 September: Our old Constitution

Tuesday 26 October: The old Constitution

under strain

Tuesday 30 November: Europe and the old

Constitution

All begin at 6pm at Barnard's Inn Hall. http://www.gresham.ac.uk

Constitutional Law Group, British Institute of International and Comparative Law

Thursday 28 October: The Judges' Council

Friday 19 November: The Changing

Constitution

Both take place at the BIICL, 17 Russell Square, London. http://www.biicl.org

Constitution Unit Publication

Sandford M, Commentary on the Draft Regional Assemblies Bill (2004), August 2004, ISBN 1 903903 34 3, 16 pp, £5.00

Other Recent Publications

Colin Rallings et al, eds, *British Elections and Parties Review 13*, London: Frank Cass, 2003

Parliamentary Commissioner for Standards Consultation Paper: "Review of the Code of Conduct for Members", July 2004 (comments due by 16 October)

DCMS consultation paper, "Party Political Broadcasting: Public Consultation", July 2004 (comments due by 14 October).

Nevil Johnson, *Reshaping the British Constitution*, Palgrave, June 2004