Monitor

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Elected regions hit the buffers

The Government's plans for elected regional assemblies were killed off on 4 November by a decisive vote against the concept in the North-East, generally expected to be the region most favourable towards the idea. The question 'Should there be an elected assembly for the North-East region?' elicited the following response, on a respectable turnout.

Yes	197,301	22.1%
No	696,519	77.9%
Spoiled	12,538	
Turnout	893,829	47.7%

Formally, a referendum cannot be held again in the region for seven years. Politically, however, this branch of the Government's constitutional reform programme is now at an end. The Draft Regional Assemblies Bill published on July 22 2004 will not now be introduced to Parliament, and the Deputy Prime Minister confirmed on 8 November that further referendums planned for the North-West and Yorkshire & Humber, which were originally 'postponed' in July (see Monitor 28), would now be abandoned.

Although almost everyone involved in the North -East referendum was taken aback by the size of the 'no' vote, the eventual rejection of a regional assembly came as little surprise to campaigners and close observers alike. During the campaign, the more the details of John Prescott's package became clear—the potential cost to council taxpayers, the constraints likely to be exercised by Whitehall on the extremely limited powers

on offer, and the perception of another tier of well-paid politicians—the more people moved initially into the undecided category and, finally, into the 'no' camp.

The No campaign struck a chord with a few catchy sound bites—notably 'vote no to more politicians'. The most enduring symbol was a huge, inflatable white elephant intended to give the impression that the proposed assembly would have few powers. The message from the Yes campaign, 'Yes4theNorthEast', was more complex and difficult to get across—namely that while powers were limited, more would assuredly follow as the new body bedded down.

Yes4theNorthEast gathered together an impressive list of regional personalities from the sports entrepreneur and commentator, former Olympic athlete Brendan Foster, to the president (and many players) of Newcastle United FC and the independent mayor of Middlesbrough, Ray Mallon. Its campaign video, featuring a catchy

MA Course in Democracy and Democratisation

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The Constitution Unit

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song from the Manchester band M-People, emphasised pride and passion in the context of the strong regional identity of the north east. By contrast, the local political class and regional MPs were conspicuous by their absence. John Prescott campaigned assiduously, but had only the briefest support from the Prime Minister (despite his being a North-East MP) in a joint photo-opportunity with Charles Kennedy, leader of the Liberal Democrats. This reflected private doubts about elected assemblies or opposition to the package on offer amongst many politicians. But it also meant that de facto two separate campaigns were running— Yes4theNorthEast, which deliberately tried to avoid the political class, and the Deputy Prime Minister's exhortations. There seemed to be limited contact between them.

The Yes campaign tended to concentrate on regional pride and cultural factors, assuming that these traditionally strong aspects of regional life would win the day, but many who assumed there would be an automatic 'yes' from the region's 1.9 million electors slowly realised that this regional identity would not easily translate into political expression. By mid-October, the No campaign had a seven-point lead in a poll commissioned by the Northern Echo and Prescott was spending half his weeks in the north east. The No campaign presented eerie images of politicians alongside the none-toosubtle message of 'do you want more of them?' The draft Bill also became, in the event, a useful prop for them, as they brought it to every debate and concentrated fire on the weakness of the powers on offer.

The insistence Government's that the introduction of unitary local government must go hand in glove with the creation of elected regional assemblies also led to threatened county and district councils fighting each other 'like ferrets in a sack', according to one chief executive. The referendum included a second question asking voters to select one of two options for unitary local government—either unitary county councils for Northumberland and Durham or a pattern of merged district authorities. Collectively, the region selected merged district authorities by a small majority, though areas around the two county seats (Morpeth and Durham) preferred unitary county councils by as much as 2 to 1, with areas more remote from the county seats preferring the alternative by a similar margin.

In the aftermath of this decisive rejection, the future for *regionalisation* is unclear. It is likely that Regional Development Agencies and unelected Regional Chambers will remain in place for the foreseeable future. Some noises were made about an 'extension of new localism', or even a revival of the idea of elected mayors—the latter, incredibly, from the previously opposed John Prescott. But no policy initiative is likely this side of the next General Election.

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Research on the referendum

The ESRC is funding two studies of the November 2004 referendum in the North-East. One, directed by Colin Rallings, Michael Thrasher and Galina Borisyuk of the University of Plymouth, is a sample survey designed to provide an account of participation in and behaviour at the referendum. It covers respondents' experience of and engagement with the campaign, as well as their underlying attitudes to regional devolution in their own and other regions. Additional funding has been supplied by the Electoral Commission to enable the inclusion of questions about the all-postal electoral process. The second piece of research, directed by Adam Tickell at Bristol, Peter John at Manchester, and Steve Musson at Birkbeck, is a qualitative study of public discourse around the issue of elected regional government. Data is being drawn from primary and secondary documentary sources, interviews with key participants, and monitoring and analysis of media coverage of the referendum. Both projects are also undertaking some comparative research in the two regions where referendums were postponed—the North West and Yorkshire & Humber. Preliminary results will begin to flow in the new year.

Constitution Unit Master's Programme

A new MSc course on Democracy and Democratisation is being established in the School for Public Policy, taught principally by members of the Constitution Unit. The course will run for the first time in 2005–06. Core modules will include a module on the social bases of democracy, and a module on democratic institutional design, with the option of a module on political participation or parliaments and parties, a wide range of other options available from across University College London.

This focus of this course is on the design and creation of democratic institutions in new or old democracies. When are a given set of institutions appropriate for a society, and what will make them function? The course marries academic study of state structures such as federalism, electoral systems, new forms of public participation, local governance, and judicial oversight, necessary for constitutional design and legislation, with a practical focus on necessary institutions of democracy such

as independent judiciaries, professional civil services, effective legislatures and constitutional law. The course builds on the resources of the Constitution Unit and its wide international network.

Core courses are taught late afternoon or evenings. The course may be taken as a 1-year full time or a 2-year part-time option, or flexibly. We welcome mid-career professionals as well as practitioners seeking to expand their skills or theoretical knowledge as well as 'traditional' students. The programme will offer the opportunity to participate in Constitution Unit research and policy analysis. To apply, please contact the School for Public Policy. For further details, please see the website for the degree: http://www.ucl.ac.uk/spp/teaching/msc_dem_democ/ or the Unit website, http://www.ucl.ac.uk/constitution-unit, or e-mail Scott Greer, s.greer@ucl.ac.uk

Parliament

Lords reform: Bragg vs Tyler

Speculation has continued about the government's proposals for Lords reform. The abandonment in March 2004 of the last proposed bill ended the prospects of further change in this parliament, and shifted attention to what will happen in the next. Labour's October conference in Brighton debated the issue, as part of its review of policy for a possible third term. With some reluctance Secretary of State for Constitutional Affairs Lord Falconer accepted an amendment proposing that a reformed Lords will be 'as democratic as possible'. However, in addition to suggesting direct or indirect election, the amendment included the curious solution of 'appointment by a democratic body' as one means of achieving this end.

Before Lord Falconer addressed the conference there was much speculation that he was about to embrace the 'secondary mandate' proposal which has been championed by the singer-songwriter Billy Bragg. Under this plan, membership of the second chamber would be linked to votes cast in a general election, with members chosen from party lists at a regional level. However, voters would have no say over who these individuals were, and no ability to support different parties for the first and second chambers. This would present many with impossible dilemmas, and potentially play havoc with tactical voting. In the event Lord Falconer restricted himself to suggesting that the second chamber should be 'much more representative' and 'predominantly represent the people'. His backing away from the Bragg plan seemed to result from the poor reception it received in many quarters, both inside and outside the party. Although the scheme has already been endorsed by Commons leader Peter Hain, it is said to be opposed by the Chancellor Gordon Brown. This leaves Labour still looking for a solution.

Various groups have sprung up to offer their advice. The 'Elect the Lords' group (http:// www.electthelords.org.uk) is campaigning for a directly elected solution and is sceptical of the Bragg proposals. Meanwhile a cross-party initiative has been launched by five senior MPs. Co-ordinated by Liberal Democrat Shadow Leader of the Commons Paul Tyler, it also includes former Commons leader Robin Cook and Public Administration Committee chair Tony Wright (both Labour) and former Cabinet ministers Kenneth Clarke and Sir George Young (Conservative). In November 2004 the group announced their intention to publish a bill 'in a spirit of helpfulness' setting out a blueprint for a 70% directly elected upper house.

New faces in the Lords

In October it was announced that Britain's two retiring European Commissioners, former Conservative Party Chairman Chris Patten and former Labour leader Neil Kinnock, would both be appointed to the House of Lords. Kinnock stressed that he would use his appointment to argue from within for further Lords reform. Meanwhile the Liberal Democrat hereditary peer Conrad Russell died on 13 October. His departure from the upper House sparks a byelection to fill one of the three Liberal Democrat hereditary places.

Parliamentary expenses

Details of MPs' expense claims were published in October and generated huge press attention. This was a new development, linked to the introduction of the Freedom of Information Act. In addition to their annual £57,485 salary, MPs can claim various allowances, largely to cover office costs, travel to and from their constituencies and accommodation in London for those representing constituencies further afield. The publication provided a golden opportunity for the press to suggest that MPs were living a high life at taxpayers' expense. League tables of MPs were printed in many of the newspapers, with tales of 'Britain's most expensive MP', and breakdowns of which member claimed most for what. The average claimed annually was £118,000, and the highest was £169,000. However, most of the coverage failed to mention that MPs' entire support costs must come out of these allowances, and most of the monies go to pay staff salaries. The outrage expressed in the press can only have further dented public trust in Britain's democratic institutions, and resonated in the North-East where the No campaign was running a 'no more politicians' line. The prospect of such an annual jamboree may lead to reconsideration of how MPs' costs are paid. For example direct payment of members' staff by the House authorities would make the figures claimed appear slightly more pedestrian.

Meanwhile, publication of peers' allowances, followed by a review by the Senior Salaries Review body, attracted far less attention. In November it was agreed that peers' daily attendance allowance would rise to £75 (from last year's £64), office costs allowance would rise from £53 to £65, and the overnight allowance for peers from outside London would increase from £128 to £150. As a result members' maximum annual office costs will be around £13,000, and maximum personal allowances around £35,000, plus travel. In the Lords all of these allowances are linked to actual attendance and the amount claimed therefore varies widely.

The Parliament Acts and the Hunting Bill

The close of the 2003–04 parliamentary session saw dramatic 'ping pong' over the Hunting Bill. Years of argument between the two Houses, and between ministers and their own backbenchers, ended with a total ban on hunting with dogs forced through under the Parliament Acts—only the fourth time the Acts have run their full course since 1949. Three of these four instances have occurred since Labour came to power in 1997.

The passage of the Bill raised some interesting paradoxes about relationships at Westminster. The government was under intense pressure from its own backbenchers, and from the Labour Party as a whole, to implement a ban. Ministers, and particularly the Prime Minister, hoped to compromise. But the attempt to meet the Lords' concerns by implementing a 'third

way' of restricted hunting under licence failed in 2001 and 2002 when MPs refused to back the proposal. Consequently a confrontation with the Lords became inevitable. When the government reintroduced the current bill backbenchers reluctantly accepted an amendment to delay implementation by 18 months. However, fresh attempts by the Lords to allow limited hunting on licence, or to extend the delay to three years, were rejected—despite the Prime Minister's pleas for compromise. Consequently the Parliament Acts were invoked on 18 November. Through both chambers' refusal to compromise the ban comes into effect in February 2005, against the wishes of the government.

Many raised concerns about the use of the Acts for such a controversial measure. However, the result is not a demonstration of an over-mighty executive overruling Parliament—indeed, quite the reverse. It was MPs—so often characterised as powerless—who forced this result on a reluctant prime minister. Meanwhile some commentators who generally bemoan MPs' lack of spirit found themselves proposing that the use of the Parliament Acts would be somehow 'unconstitutional', since government was not behind the bill and it was passed on an unwhipped vote. Yet if the primacy of the Commons is really what matters, this is one measure on which MPs undoubtedly got their way.

Constitution Committee report on the legislative process

In October the Constitution Committee in the House of Lords published a report entitled *Parliament and the Legislative Process*. Despite the committee's location, many of its recommendations related to the Commons.

The committee welcomed the Government's formal commitment to 'pre-legislative scrutiny' of all bills in draft. However, this has not been universal in practice and government remains very much in control—deciding the timetable for consultation and largely, in practice, which parliamentary committee scrutinises the bill. The report argued that all these arrangements should be tightened up. Normally draft bills should go to a House of Commons departmental

select committee, but those where there is wider interest should go to a committee drawn either from different departmental committees or from both the Commons and the Lords. A new 'business committee' should make more transparent the decisions currently largely taken behind closed doors by the whips. This could consider whether bills had received sufficient scrutiny at draft stage, and if further evidence taking was necessary—but in any case, all bill committees should be empowered to take evidence. Additionally parliament should engage in more 'post legislative scrutiny', assessing bills' impact after they come into effect. This responsibility should be shared with Government departments, with select committees reviewing their findings rather than getting too bogged down in a large and difficult new area of work.

Constitutional Reform Bill

Following completion of the bill's passage through the House of Lords in December, the Lord Chancellor Lord Falconer said 'We now have all four pillars of our constitutional reform bill in place: the Judicial Appointments Commission, the reformed office of Lord Chancellor, the concordat with the judiciary and the Supreme Court'. He was right to sound jubilant because two of the key pillars had at times seemed at risk.

With six law lords in favour and six against the proposals, Lord Woolf's last minute support helped the government to win the key vote on the Supreme Court. The government has announced its new home from 2008 will be Middlesex Guildhall, to be refurbished at a cost of £45m.

The government was defeated in July 2004 over its proposals to abolish the office of Lord Chancellor, and in the autumn over its plans to allow the Lord Chancellor in future to be a minister in the House of Commons, and a non-lawyer. The office of Lord Chancellor is to be retained, but the government may seek in the Commons to reverse the restrictions on who may hold the post.

Draft Civil Service Bill

In November the government published its long awaited draft Civil Service bill, which would put regulation of the Civil Service on a statutory basis. The bill got a lukewarm reception. The accompanying consultation paper (which requests responses by 28 February 2005) is still asking whether a bill is necessary at all. The government has reversed its policy on agreeing

to a limit on the overall number of special advisers, and now suggests there should be no limit (including in Scotland and Wales). The Civil Service Commissioners will not be given powers to undertake inquiries on their own initiative, which they have long asked for. The codes of conduct for civil servants and special advisers would be subject to negative resolution only, so Parliament would not necessarily have an opportunity to debate and vote on them.

Devolution

Scotland

The Fraser Enquiry report into the escalating costs of the new Scottish Parliament building was published in September 2004. The enquiry was set up by Jack McConnell following a promise made during the 2003 Scottish elections. The appointment of Lord Fraser, a former Conservative Scottish Office Minister, Lord Advocate and head of the anti-devolution campaign group suggested that the primary purpose was to draw a line under the saga.

The report made a series of recommendations but its focus was largely on the specifics of construction contracts and administration rather than the operation of government. Fraser drew back from explicit criticism of politicians involved in the process preferring to criticise relatively anonymous civil servants, provoking much adverse media comment. The Daily Record headlined its coverage 'A big civil servant did it and ran away'. One politician who had been highly critical of the process remarked, 'A big politician did it and passed away', in reference to Donald Dewar. John Elvidge, permanent secretary, had little choice other than to ask a member of the Civil Service Commission to investigate whether civil servants involved had breached any rules or procedures.

More important than the report itself was the publication during the enquiry of a vast array of written evidence that would not have seen the light of day in normal circumstances for thirty years. This, more than the questioning of witnesses, will prove a rich source of material on how decisions were made prior to and after devolution. Any serious effort to learn lessons

from the saga will focus on this evidence though, for the moment at least, there seems little desire to learn any serious lessons.

As a means of drawing a line under the Holyrood project, the enquiry appears to have had some success. Politicians across the political spectrum seemed eager to grasp Fraser's report as a means of moving on. At a recent reception in the Scottish Parliament, Presiding Officer George Reid repeated his comment that the Parliament could only 'move on when it had moved in'. The new building was duly opened on September 7 2004. With the publication of the Fraser Enquiry report and the official opening of the new building focus is likely to shift away from the problems associated with the errors in decision-making around the project, mainly made before 1999, which have heavily overshadowed Scottish devolution.

Wales

At the end of November it was announced that three more quangos are to be absorbed into the Welsh Assembly Government: the Welsh Language Board, the Curriculum Authority for Wales (ACCAC), and Health Professions Wales, a body that was only established in July 2004. Meanwhile, other organisations—including the Arts, Sports and Countryside Councils for Wales—are to have their operations severely curtailed, with many of their functions, including strategic policy, taken over by the Assembly Government. Around 240 staff are expected to become civil servants as a result of the changes, which will be in place by 2007.

The announcement followed the decision in July that the Welsh Development Agency, Wales Tourist Board and ELWa (Education and Learning Wales) were to be absorbed, covering what Rhodri Morgan described as 70 per cent of the quango state. However, a confidential merger proposal for the 'Big 3' quangos was presented to a Cabinet sub-group on 18 November 2004 and was decisively rejected. The reasons were because it was felt to be weak on delivery and marred by navel-gazing. Meanwhile it was revealed that the merger of the 'Big 3' quangos was estimated to be costing £35 million.

In October the Welsh Assembly Government published *Making the Connections: Delivering Better Public Services in Wales*, a consultation document on producing efficiency savings and developing a new model for the public services in Wales. The targets set for resource savings are ambitious, with a total of £600 million value for money improvements to be achieved by 2010. This is equivalent to around 5 per cent of the current total investment in public services, which in broad terms will require that public sector agencies become around 1 per cent more efficient year on year for the next five years.

In what may be a harbinger of future cooperation the three opposition parties joined in supporting a Plaid Cymru no confidence motion in the Government's health policies in November. Labour's majority survived but it was an indication of closer collaboration between the three opposition parties. The key concern was that despite big increases in health spending there has been a large rise in waiting lists in Wales since 1999 compared with the position in England where generally the size of waiting lists has been reduced.

Speculation is mounting that Blaenau Gwent Labour AM Peter Law may stand as an independent in the constituency at the UK general election, expected in May 2005. He opposed the imposition of a women-only shortlist after the current MP Llew Smith announced a year ago that he would be retiring. He objects to what is regarded as an undermining of local party autonomy. He is also unhappy at being

dropped from the Cardiff Bay Cabinet, to make way for Liberal Democrat ministers, following the formation of the coalition administration in the first term Assembly in October 2000. If he were to stand as an independent it would mean withdrawal of the whip and Labour losing its majority in the Assembly. The party would then be forced to continue as a minority administration, depending on a disparate opposition failing to unite against them, or attempt to forge a fresh coalition with the Liberal Democrats.

Northern Ireland

It was another frustrating quarter for ministers in Northern Ireland, as the second anniversary of the suspension of devolution came, and went. During supposedly 'final' talks on its restoration, chaired by the Prime Minister and the Taoiseach, at Leeds Castle in September, warm words from Sinn Féin once again met cold practicality from unionists, now led by the Democratic Unionist Party. A new element was provided by don't-take-us-for-granted threats from the jilted Ulster Unionists and SDLP that they might refuse to take part in any new, 'inclusive' government negotiated by their political rivals.

As so often before, a 'deadline' set by government turned out to be just another line in the sand. A final, final target for a resolution was, eventually, defined by the Taoiseach, Bertie Ahern, as 25 November—first anniversary of the second election to the still-virtual assembly. He warned that the forthcoming Westminster election plus the UK's foreign-policy commitments (G8 and EU presidencies) would otherwise prevent progress until 2006.

Needless to say, that day also passed, as Messrs Blair and Ahern tried frantically to persuade Messrs Adams and Paisley, in private meetings, of the merits of their (confidential) proposals on the way ahead. The latest stumble came on December 8, when a deal appeared to have been agreed only to fall on the demand of the DUP for photographs of the decommissioning process, which the IRA refused to provide.

Despite SF's initial reservations about much of the Belfast agreement (and its failure to secure the IRA decommissioning that required by 2000), it presented itself as moral guardian of the irrevocable letter of the accord. For its part the DUP, though having softened its outright opposition to the agreement, remained insistent on substantial changes, which would in effect give the party a veto over politics in the region—as well as visible evidence as to the hitherto murky business of putting arms 'beyond use'.

A post-election survey meanwhile revealed that many electors had voted for the more explicitly ethno-nationalist parties—SF and the DUP—a year earlier in the fond belief that they had, in fact, moderated their stances. This sentiment was notably not shared among those (a growing proportion) who had not voted at all.

The public administration of Northern Ireland meanwhile continued to look more and more like that of a colonial satrapy, with the direct-rule team largely ignoring public sentiment in the region, articulated in media coverage of controversial initiatives like water charges, and with the political class largely retreating into oppositionalism. Unionist politicians began openly to speculate that the mothballing of the Stormont assembly could not be long postponed.

The Centre

In the closing months of the 2003–04 parliamentary session the Draft Regional Assemblies Bill was the most significant devolution-related piece of legislation under consideration. The draft bill was to have specified the powers to be granted to elected regional assemblies but following the 'No' vote in the North-East regional devolution referendum, the Government will not be introducing the bill.

On 23 November, the Government outlined its legislative programme for the 2004-05

session in the Queen's Speech, drawing negative reactions from the Welsh and Scottish nationalists. Plaid Cymru parliamentary leader Elfyn Llwyd argued that the inclusion of only two Wales bills out of six proposed by the National Assembly 'showed the Government's contempt' for the devolved institutions in Wales. The SNP, for their part, criticised the Government's ID Cards proposal, pointing out that the Scottish Executive opposes making the cards compulsory. Scotland will be unable to prevent identity cards from being introduced, but will be able to decide not to require their use to access devolved services such as hospitals: however, they will not be able to do so for reserved services such as pensions.

This sort of post-devolution legislative tangle was addressed in a report published on 17 November by the Lords Constitution Committee. Entitled *Devolution: Its Effect on the Practice of Legislation at Westminster*, the report suggested that, contrary to the expectations of its architects, devolution had complicated rather than simplified the legislative process at Westminster by requiring detailed, specific provisions for the devolved territories.

The report cited the current Children Bill as a good example of this, particularly with regards to whether the bill will create a Children's Commissioner for England or for the UK, and if the latter, what its relationship will be with the existing Children's Commissioners in Wales, Scotland and Northern Ireland. This latter point was addressed in a recent Welsh Affairs Committee report, which the Government responded to on 13 October 2004, rejecting the call for further powers to be devolved to the Welsh Commissioner to avoid overlap in the respective competences of the Welsh and UK/English Commissioners.

FoI and Access to Information

The Freedom of Information Act 2000 came fully into force on January 1 2005. The benefits of the law are not limited to British citizens or even residents; they extend to anyone who wishes to file a written request for information with any of

the estimated 100,000 public bodies in the UK that are subject to the law. While the Department for Constitutional Affairs is the body responsible for central government's compliance with the Act, the Information Commissioner's Office,

an independent organisation, is in charge of hearing and ruling on appeals by dissatisfied requesters.

In October, following months of uncertainty (see Monitor 28), Constitutional Affairs Secretary Lord Falconer announced that most requests made under the Freedom of Information Act would be free of charge. Only those requiring more than 31/2 days of work (or costing more than £600) on the part of central government officials will be charged to the requester (a £450/2½ days limit is placed on all other public bodies). The government's decision to make requests free to the public is in keeping with the original pledge made 'to change the culture of official information,' as Lord Falconer stated in his speech to the Society of Editors annual conference on 18 October. Although the labour it takes to process a complaint will not be charged, public officials have the right to require reimbursement for copying, printing and postage. Other countries with freedom of information legislation in place have either upfront fees (Canada CD\$5, Australia AU\$30), fees that vary according to the amount of time, number of photocopies needed to process the request and the type of information requested (New Zealand), or fees that vary depending on one's status (commercial entity, academic, etc.) as a requester (USA). The Department for Constitutional Affairs laid fees regulations before Parliament on 9 December. They are available for download at http://foia.blogspot. com/feesregsactual.pdf.

The House of Commons' Constitutional Affairs Committee report entitled *Freedom* of *Information Act 2000—progress towards implementation*, Volume I was published on 7 December 2004. In the report, the Committee states its findings of FoI readiness by the police service, health sector and local government.

Oral and written evidence given by 13 public authorities is mentioned and quoted throughout the report. The Committee concludes by criticising DCA's lack of leadership as the Fol implementation coordinating body, especially in preparing guidance to public authorities in a timely manner.

Procedural and exemptions guidance were published by the DCA on their website on 26 October 2004. Procedural guidance assists practitioners with the processing of requests and members of the public with making a request. Exemptions guidance, which includes an introduction to the 23 FoIA exemptions, a summary of the exemptions and detailed explanations of each, clarifies how and when exemptions can be applied.

The exemptions guides are available at http://www.foi.gov.uk/guidance/index.htm. For more information about the Act, please visit www.ucl. ac.uk/constitution-unit/foidp or www.foi.gov.uk.

The Constitution Unit, in partnership with the Department for Constitutional Affairs and Information Commissioner's Office, will hold its third annual Access to Information Conference on Thursday, 16 June, 2005 at the Victoria Park Plaza Hotel in London. The one-day conference is well established as the biggest annual event in the Fol calendar. It will feature speakers from all three partner organisations as well as Marie Shroff, Privacy Commissioner of New Zealand, and other Fol experts from the UK. The event will include a choice of workshops and a drinks reception, and the day will be rounded off by a speech by Lord Falconer. For more information, please contact Michael Hanton, Fol Event Coordinator, Complete Support Group: e-mail, foi@completesupport.co.uk, telephone 0121 776 7766, fax 0121 776 7666.

Voting systems

One of the Government's constitutional reform commitments that has not been implemented is the review of Westminster's voting systems. The Labour Party pledged in its 2001 general election manifesto to review the way MPs are elected, taking into account the operation

of the new, proportional systems introduced since 1999. In anticipation of this review, the Constitution Unit established an independent commission, which reported in March 2004. According to a story in the Times newspaper in November, the Department for Constitutional

Affairs had made preparations to establish a formal, in-house, review. However, this move appears to have been vetoed in cabinet by opponents of any move to proportional representation. Meanwhile, the Arbuthnott report on the four different electoral systems in use in Scotland will issue a consultation paper in February/March 2005, and a final report is expected in December 2005. (http://www.arbuthnottcommission.gov.uk)

The Government has reiected the recommendation of the Electoral Commission that all-postal voting be scrapped. The Commission argued in August last year that the public wanted a choice of voting methods, and that imposing all-postal ballots was unsatisfactory. In its response published in December, the Government argued that there were no compelling reasons for abandoning all-postal voting. While the Government will not invite applications to further test all-postal voting in the May 2005 local elections, councils will remain free to request such a ballot. The Government also rejected the Commission's call for a single government department to take charge of policy on elections and referendums. Responsibility will continue to be divided between the Department for Constitutional Affairs (national and European elections) and the Office of the Deputy Prime Minister (local elections). The Government also issued in December its response to the Electoral Commission's proposals for reforming electoral administration.

Unit Project News: Pocket Guide to UK constitution

In November the Constitution Unit launched a new project in partnership with the Commonwealth Policy Studies Unit. The project is funded by the DCA, and its aim is to produce a Pocket Guide to the UK Constitution. The Guide will seek to increase public understanding of how the constitution works, the principles on which it is based, its importance to our democracy and issues about its future development.

The guide will be aimed primarily at new UK citizens, students of citizenship education, and public servants who would find it useful to relate their work to its constitutional background (eg the police, civil servants, local government officials).

Andrew Holden, working in the Constitution Unit, is leading the research for the first phase of the project over the new year, which will produce a framework for the Guide and map out its content. That phase will culminate in a seminar in February 2005 with a wide range of constitutional experts, to test the materials produced so far. The next phase of the project will be to develop the materials into an accessible and illustrated text. For that phase the Commonwealth Policy Studies Unit is likely to work in partnership with the Citizenship Foundation.

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People on the Move

New members of the Committee on Standards in Public Life: Rt Hon Baroness (Margaret) Jay and Lloyd Clarke (replacing Chris Smith MP and Baroness Neuberger).

Lord Williamson of Horton has taken over from **Lord Craig of Radley** as Convenor of the Crossbench peers.

In October 2004 **Lord McNally** was elected unopposed to be leader of the Liberal Democrats in the House of Lords, succeeding **Baroness Shirley Williams**.

In September, **Baroness Ashton** replaced **Lord Filkin** as the Parliamentary Under Secretary at the Department for Constitutional Affairs. Freedom of Information and Data Protection are two of her new responsibilities at DCA.

Book Review

Dawn Oliver and Jeffrey Jowell (eds), *The Changing Constitution*, Oxford University Press, 2004, 5th edition

Reflecting the rapid pace of constitutional change, *The Changing Constitution* has appeared in a new edition just four years after the fourth edition in 2000. This volume continues with two central themes. The first is organizational. The book is organized around three perspectives: legal, political-institutional and regulatory. In addition, the authors persuasively argue that the British constitution remains 'political' but is becoming increasingly 'juridified'.

The first section provides a legal framework and analyses the fundamental legal principles upon which the British constitution is based. Taking A.V. Dicey's twin pillars of parliamentary sovereignty and the rule of law, the authors add the Human Rights Act as a third pillar. In addition, international factors such as the European Union are considered as constraints upon Parliament and the executive and as guiding principles to further 'juridify' the The political-institutional British constitution. section analyses the effects of constitutional reform measures such as devolution in Scotland. Wales and Northern Ireland and the Human Rights Act. However, the authors also analyse measures introduced to 'modernise' Parliament, the power of the executive and local government reforms. The last section looks at the regulation of power such as independent regulatory bodies, the Treasury's regulation of government departments' spending in addition to standards of conduct in public life and the Freedom of Information Act.

There are several strengths which can be attributed to *The Changing Constitution*. First, the volume is not merely descriptive. It provides neat theoretical frameworks, well-developed conceptualizations and sufficient examples to argue for the juridification of the constitution. Second, the authors identify the different facets which make up the constitution: law, political institutions and regulation (both economic and political). This is consistent with the second central theme: the authors are implicitly recognising that the British constitution remains political but analyse it in conjunction with legal norms and increased

regulation. Last, a number of insightful arguments are proposed within the overarching theme. This is clearly the case in chapters assessing the impact of such changes for the quality of democracy. Morison's chapter on models of democracy is particularly insightful, distinguishing between participatory and deliberative democracy and procedural and aggregative aspects.

Sometimes, the chapters do veer on the side of description to the detriment of speculating about and anticipating the consequences of reforms. This is most evident in the second politicalinstitutional section and to an extent in Paul Craig's chapter on Britain in the European Union. Dawn Oliver's chapter on the modernization of Parliament correctly identifies the impact of specific procedures introduced to modernize the Commons, such as the publication of explanatory notes, some pre-legislative scrutiny on draft bills, the obligation placed on the government to respond to select committee reports within two months of their publication and changes to sitting hours. She also assesses the valuable contribution which the House of Lords makes, however 'anachronistic' it may seem. The theoretical framework and conceptualisation of inter-chamber relations could have been strengthened by analysis of the impact of backbench rebellions and government defeats in the House of Lords. Links could have been made to the chapters in the volume relating to the nature of democracy (to ask which model of democracy each chamber represents) and the Human Rights Act. The Lords has acted to curb the power of the executive in its capacity as a policy-influencing body as well as a judicial body. Recent examples of this include opposing the restriction of the right to trial by jury and the delegation of power to the Home Secretary under anti-terrorism laws.

The Changing Constitution is an invaluable source of information and an important contribution to the study of the British constitution in terms of its organizational and substantive themes. At the same time, this volume is an accessible text for both students and academics interested in the areas and perspectives covered.

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BulletinBoard

Constitution Unit Seminar Series

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The New Cross–Party Proposal for Lords Reform

Sir George Young Bt MP

1pm, Tuesday 26 January

Funding of Political Parties

Sam Younger, Chair, Electoral Commission

1pm, Monday 14 February

Freedom of Information: the first three months

Maurice Frankel, Director, Campaign for Freedom of Information

6pm, Tuesday 12 April

Parliament and the Media

Peter Riddell, Political Correspondent, The Times and member of the Puttnam Commission on Parliament in the Public Eye

1pm, Thursday 16 June

Britain's Place in Europe and the New EU Constitution

Anand Menon, Director, European Studies Institute, University of Birmingham

6pm, Tuesday 5 July

Publications received

Direct elections for a reformed second chamber, by Lewis Baston, Electoral Reform Society, September 2004.

British Social Attitudes Survey 2004, edited by Alison Park, John Curtice, Katarina Thomson, Catherine Bromley and Miranda Phillips, Sage, London, 2004

Constitutional Law and National Pluralism, Stephen Tierney, Oxford University Press, Oxford, 2004

Parliament, Politics and Law Making: Issues and developments in the legislative process, Ed. Alex Brazier, Hansard Society, London, 2004

Constitution Unit News

The latest addition to the Constitution Unit team is **Akash Paun**, who replaced **Guy Lodge** in early November as Research Assistant. Akash recently finished a Master's degree at the London School of Economics, where he is also employed part-time as a teacher of English as a foreign language. Akash will support senior staff in various research projects, primarily on questions relating to devolution.

Also departing from the Unit are **Alan Trench**, senior research fellow in devolution, who leaves to start work on his PhD, and **Matthew Butt**, administrator on publications and the website, who will be joining the web development team at the University of East London.