

M O N I T O R

Issue 13

The Constitution Unit Bulletin

Dec 2000

The State and the Nations

In December the Constitution Unit launches its latest book, *The State and the Nations: the First Year of Devolution in the UK*. The book brings together the first fruits of the Unit's £1m 5-year research programme on The Nations and Regions: the Dynamics of Devolution, which is funded by the Leverhulme Trust. The book will be launched at the Unit's first *State of the Union* Lecture at Westminster on 11 December. The lecture, which was to have been given by Donald Dewar, will now be given by Robert Hazell.

'I had sent Donald the proofs of our book, and I was really looking forward to his response', Robert Hazell said. 'We have dedicated the book to his memory. I must now give a lecture which is worthy of him'. The lecture will highlight two of the key findings

Devolution and the British-Irish
Council. (cont. p.2)

State and the Union cont from p.1

The closing chapters cover changing public attitudes to devolution and the Union, and the new governance arrangements in London. Like the rest of the book, they contain a mine of useful and up-to-date information. The aim is to provide a complete contemporary record, with all the relevant facts and figures: in all the book contains over 70 charts and tables. As a volume of record the book should provide an essential up-to-date guide for practitioners, and for students and teachers. The Unit plans to produce a similar book each year for the next five years, to provide a comprehensive account of devolution as it unfolds, and to explain how devolution reshapes the British state and its component nations.

- To order the book *The State and the Nations: The First Year of Devolution in the UK*, complete the flyer enclosed with this mailing.
- To attend the lecture please complete the events flyer enclosed.
- To order the text of the lecture, please complete the publications order form.

Devolution

Wales

The National Assembly was put on a completely new footing in October with the announcement of a coalition government between Labour and the Liberal Democrats. At a stroke the Assembly executive was provided with an assured majority and a programme for government, two attributes that had eluded it during the first year of devolution. This transformation came with a price tag, however: two seats in the cabinet for the Liberal Democrats with their leader Michael German becoming Deputy First Minister in charge of Economic Development, while his

capacity thus to cement the partisan ministerial

McLeish's first moves in office have been less sure-footed. His first appointment was Peter McMahon, political editor of the Daily Mirror, to act as spin doctor and a flurry of announcements followed designed to reassure the public that Henry would be in touch with their concerns. He has promised a policy review to weed out initiatives without popular support - spun to the media as a 'dump the crap' programme - and is committed to involving backbench MSPs (most of whom voted for McConnell) more closely in policy development. The first hints from the policy review process have been promises for (yet another) 'bonfire of the quangos' and a second look at the UK government decision on funding of long term care. All of which has led to a heightened sense of confusion and uncertainty - not unlike the feeling eighteen months ago when devolution first began.

English Regions

Over recent months signs have emerged that English regional government - the constitutional reform that dare not speak its name - may be about to come out of the closet. It is no secret that Labour's (always limited) enthusiasm for English regional government fell in the aftermath of the narrow Welsh referendum vote and the London debacle. While there is still a strong strand of scepticism inside highest echelons of the government, there are signs that the regional question is moving slowly back up the political agenda.

Major developments in recent months have included the provision of new resources and 'increased flexibility' for Regional Development Agencies as an outcome of 'Spending Review 2000' and reiterated in the Pre-budget Statement. Hitherto, RDA chiefs had complained that multiple lines of funding and accountability were hindering their ability to meet declared objectives of economic regeneration. RDAs will see their combined budgets rise by £500 million per year by 2003/4. Also, from the next financial year, the government will combine the resources from three departments (DETR, DTI, DfEE) into a 'single pot'. As yet, it remains unclear what 'increased flexibility' will amount to in practice.

A further significant development has been the publication of an 'Action Plan' by the newly created Regional Co-ordination Unit. This unit was established in the aftermath of the report by the Cabinet Office's Performance and Innovation

Unit, which looked at ways of improving the delivering of central government programmes in the regions. Like RDAs, Government Offices for the Regions (GOs) will also have access to a single budget comprising contributions from the three lead departments. In addition, staff from other departments (e.g. MAFF) will be located within GOs in order to facilitate more 'joined up government'. It is clear though that the RCU will exercise tight central control over the activities of GOs.

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The second meeting of the British-Irish Council scheduled for 31 October, was cancelled following the death of Donald Dewar.

The Judicial Committee of the Privy Council has heard its first cases arising under the Scotland Act. The case of *Montgomery and Coulter v Her Majesty's Advocate*, heard in July, sought to clarify at what point in proceedings 'devolution issues' may be raised. Judgement has been withheld pending the outcome of related legal proceedings in Scotland. In early November, the case of *Brown v Stott* was heard on appeal from the High Court of Justiciary in Edinburgh. The case involves the legality of statements obtained under s.172 of the Road Traffic Act 1988 and questions the compatibility of such statements with the right to silence and freedom not to incriminate oneself under Article 6(1) of the European Convention on Human Rights. Judgement is expected before Christmas.

Parliamentary Reform

House of Commons Speaker

Following the retirement of Betty Boothroyd, Michael Martin MP was elected Speaker from amongst 12 candidates on 23 October. The archaic procedure, in which only one name can be voted on at a time, was widely criticised, and has been referred to the Procedure Committee. The Committee has twice reported on the election of Speaker, in 1972 (HC 111) and 1997 (HC 397). It will now be able to consider the practice in the Scottish Parliament and Welsh Assembly, which elect their Presiding Officers by secret ballot.

Strengthening Parliament

The Commons approved two major changes on 7 November, to introduce timetabling for all legislation, and to defer late night divisions to another day. Timetabling was proposed in the 1992 report of the Jopling Committee, and in the first report of the Modernisation Committee (July 1997). The government failed to follow through on the all-party support for time-tabling in 1997 by changing Standing Orders. It has done so now against opposition from the Conservatives and some of its own backbenchers, who see it as unduly favouring the executive. After second reading of every Bill a programme motion will be debated setting out the timetable for the Bill, and the opposition can indicate which parts of the Bill most deserve

scrutiny. This will bring into the open discussions that have taken place between the usual channels.

On 9 November, the Commons debated the report of the Liaison Committee (consisting of the 33 Select Committee chairmen) on redressing the balance between Select Committees and the executive. Margaret Beckett MP, Leader of the House, set out the government's reservations about allowing membership of Select Committees to be determined by senior backbenchers rather than by the party whips, arguing that it would concentrate too much power in too few hands. She also denied the House the opportunity to vote on the recommendations in the Liaison Committee report, although the Prime Minister had promised a free vote during questions on 13 July. An Early Day Motion supporting the report has been signed by over 250 MPs (mostly Labour), including 30 Select Committee chairmen (EDM 1135).

Because of the 12 Bills still before Parliament in the spillover (see June 2000 *Monitor*), the Queen's Speech opening the next session will not be until 6 December.

The Hansard Society is organising an on-line consultation on the scrutiny role of Parliament from 13 November to mid-December (see

Meanwhile, piecemeal reforms have continued. The new Appointments Commission took the unprecedented step of advertising for new peers, and launched a website inviting members of the public to nominate themselves (see p.12). By the deadline of 17 November over 2,500 applications had been received. The Commission will recommend crossbench appointees only, with 8-10 appointments expected in the early months of 2001. It became evident that not all crossbench nominations will pass through the Commission, when the government announced the appointment of Betty Boothroyd to the Lords in October.

Several issues have arisen relating to the part-time and unpaid nature of the House, which has come under strain as a result of this year's heavy legislative burden. Following agreement of procedural changes in the Commons, the government suggested changes to sitting hours in the upper house. However, these were rejected by the Lords Procedure Committee in November, with concerns expressed that more daytime sittings would create difficulties for peers with paid outside interests. Meanwhile the Neill Committee reported on 16 November on 'Standards of Conduct in the House of Lords', recommending that the Lords move from a voluntary register of interests to a mandatory register of (both financial and non-financial) interests. In a separate move, the issue of peers' allowances (alongside MPs' salaries and allowances) has been referred to the Senior Salaries Review Body. They have not however been invited to comment on the possibility of salaries for peers.

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although they supported their Labour partner during a recent debate in the Scottish Parliament. In Wales, one outcome of the new Labour-Liberal Democrat coalition is a commitment to review local government electoral systems and the electoral system for the Assembly itself. Meanwhile, it has been reported that Labour and the Liberal Democrats are drawing up plans to shift English local councils to a PR electoral system.

Women's Representation

The government have indicated that they are considering changing electoral law to allow parties to use 'positive action' measures to increase the number of women in elected office. This follows publication of the Unit's report *Women's Representation in UK Politics: What can be done within the law?*, suggesting that such changes were possible. When asked in parliament for her response to the report, Margaret Jay said the matter had been referred to the Home Office 'to see whether legislation can be introduced' (Lords Hansard, 2 October). A new electoral law could bring Britain into line with many other EU countries, where candidate selection is considered a constitutional, rather than an employment, matter.

Commissioner for Judicial Appointments (*The Times*, 25 October 2000). The part-time, £70,000 per annum, post will involve leading the proposed Judicial Appointments Commission in the audit of the judicial appointments process, the production of annual reports on the process for the Lord Chancellor, and the investigation of complaints. Interestingly, bearing in mind recent debate over the dual mandate of the Lord Chancellor as cabinet minister and judge, the advertisement stipulates that candidates should 'in the interests of independence...not have current or recent involvement with the legal profession, the Lord Chancellor's Department or the judiciary, nor should they have a track record of political activity (other than the membership of a political party).' The appointment of a Commissioner for Judicial Appointments is no doubt a step towards greater openness in the current and 'notoriously opaque' (*Financial Times*, 25 October 2000) process but falls well short of the totally independent Judicial Appointments Commission as proposed by bodies such as the Law Society.

Sentencing

The Lord Chief Justice, Lord Woolf, has announced that the minimum sentence to be served by Jon Ve.do r J...Lts .3le, Lually ry, no007 Tc.3(8-7.1522K*0.0012 Tc04j(r)5.1(io)3.of the a1od)4(t8t7

Regional Government in England

Work is continuing on the Devolution and the English Regions project, funded by the Joseph Rowntree Foundation. The Unit's work has shifted towards a more thorough analysis of the possible options for directly elected regional government in England, in the light of the experience in London and the models of regional government overseas.

The main study is expected to be complete by the end of April 2001. It will deal briefly with the run-up to the present situation and alternatives to regional government, but will focus mainly upon the decisions to be made if elected assemblies are introduced in the English regions. These include the method of financing; the range of powers; the constitutional relationships with other parts of government, particularly the UK government; the effect on local government; the possible size and methods of election of assemblies; and how elected regional government would be achieved starting from present circumstances

The project is proceeding under Paul McQuail and Mark Sandford, and it is hoped that it will constitute a thought-provoking 'guide' to the practical and effective achievement of elected regional assemblies in England, alerting policy-

devolution in Spain, with a separate statute of autonomy for each region. The Spanish experience shows how devolution can establish a strong momentum of its own; lead to disputes over competences which require arbitration in the courts; give a boost to regional and nationalist parties; and create big political tensions over finance.

The report is now available (see publication list for details). *Contact: Robert Hazell, 020 7679 4971, r.hazell@ucl.ac.uk.*

Coalition Government in Germany

The Unit has published a short piece of research on coalition government in Germany, initiated during a visiting fellowship at the Unit by Bernt Gebauer of Freiburg University. The paper, entitled 'Coalition Government in Germany: The Formation and Operation of Multi-Party Rule',

Bulletin Board

Forthcoming Unit Events

To book a free place at Unit events, please return the events flyer enclosed. A location map for the Constitution Unit can be found at: www.ucl.ac.uk/constitution-unit/logos/find.htm

Lecture: State of the Union Lecture

Professor Robert Hazell, Director, Constitution Unit
'An Unstable Union: Devolution & the English Question'
11 December, 6.00 p.m. One Great George Street

Seminar: Can Politicians and Judges Work Together to Protect Human Rights?

Dr Janet Hiebert: Department of Political Studies, Queen's University, Canada
12 January 2001, 1.00-2.30 p.m., The Constitution Unit,
(sandwiches available from 12.30)

Seminar: The British Constitution in the 20th Century

Professor Vernon Bogdanor: Brasenose College, Oxford
15 February 2001, 6.00 p.m. The Constitution Unit, UCL

Seminar: What Works and Doesn't Work in London's New Assembly?

Trevor Phillips: Chair of the Greater London Assembly
16 March 2001, 1.00-2.30 p.m., The Constitution Unit,
(sandwiches available from 12.30)

Future Events

Canadian High Commission

Conference: Freedom of Information: what can the UK learn from the Canadian experience?

5 March 2001, Canada House, Trafalgar Square
contact: Gillian Licari, tel: 020 7258 6624

