

MONITOR

Issue 19

The Constitution Unit Bulletin

June 2002

Regional Rejig

After many months of waiting (partly attributed to Tony Blair's rejection of the initial draft) the regional government White Paper, *Your Region, Your Choice: Revitalising the English Regions*, was published on 9 May 2002. Unfortunately, it was a fast news week: the White Paper had to compete against Stephen Byers's latest round of troubles, the Potters Bar rail crash the following day, and Robin Cook's announcement on House of Lords reform on 13 May.

Nevertheless, the White Paper could prove to be an important landmark, although it is a cautious document. It does not propose the devolution of substantial executive powers to elected regional assemblies. But those powers that are devolved cover a wide range of policy areas, establishing future assemblies as potential 'all-rounders'.

John Prescott has not been given a free hand. The gap between the ambitions for 'revitalising' the regions, and the tools on offer to elected regional assemblies is vast. There is no attempt to build

a rationale for the proposed basket of powers. They clearly represent a political compromise. Reading between the lines, much of the White Paper consists of reassurance to sceptical ministers and departments.

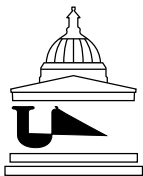
Executive powers offered consist mainly of the Regional Development Agency, European funding, and local housing allocations; the other powers on authorities, and more surprisingly, a power to borrow.

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Cabinet Reshuffle Moves Regions and Local Government to Prescott



The Cabinet reshuffle following the departure of Stephen Byers has allowed John Prescott to take over responsibility for local government and the regions, so reducing the overlap with the old DTLR. Perhaps the prospect of a Scottish MP (Darling) taking over responsibility for English local government was too daunting. Elections has gone to the Lord Chancellor's Department, under Yvette Copoper. The new office of the Deputy Prime Minister is an strange mixture of the rump DTLR services department, and the policy unit functions of the Cabinet Office.

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a new Select Committee to examine the merits of Statutory Instruments.

The Procedure Committee is to produce a report on the implementation of the proposals by 8 July. Some will need dovetailing with similar reform proposals (eg a new Select Committee on SIs) in the Commons. Crucially the Commons has yet to agree similar mechanisms for pre-legislative scrutiny and carry-over for the package to work as a whole. The impact on the Parliament Acts has yet to be dealt with (House Magazine May 13) and it may take several years for pre-legislative scrutiny to become the norm.

Modernising Select Committees

The Modernisation Committee proposals to revitalise the departmental select committee system suffered an unexpected setback in the Commons on May 14, when plans for a new Committee of Nomination were thrown out on an ostensibly free vote. No Cabinet Minister voted with Robin Cook. This was despite the approval of select committee chairs in the Liaison Committee in its report in March 2002 (HC 692).

the Filkin affair had been a public relations disaster. Mrs Filkin argued on 20 May that separate powers for the Commissioner were necessary to achieve sufficient independence. The full evidence can be read from www.public-standards.gov.uk.

claim that there would be a 'shortfall' in expenditure on health in Wales equivalent to £180m, prompting it to table a debate demanding a recasting of the formula on a needs basis. This, it claimed, would benefit Wales by an extra £800 million a year.

oppositionalist politics still practised by the parties was brought up short by the chancellor's initiative to allow the devolved administration to borrow at low interest, for urgent infrastructural investment, if it got its revenue-raising act (higher rates and water charges) together.

And, amidst the provincial alarums and excursions, an assembly committee produced an eminently sensible report on Northern Ireland in Europe, while the north-south institutions and the British-Irish Council continued their steady progress.

Scotland

The Procedures Committee of the Scottish Parliament has been taking evidence this quarter considering the extent to which the principles set out by the Consultative Steering Group are being realized in the actual operation of devolution. Its four principles were: sharing power between the people, the legislators and the Executive;

could be switched between separate budget streams. They will also benefit from increased funding, rising to a total of £1.7bn in 2002-03.

The Centre

The consultation period on the size of the Scottish Parliament ended on 29 March 2002 with almost 230 responses reaching the Secretary of State for Scotland, Helen Liddell. She indicated that responses had been received from MPs, MSPs, trades unions and local authorities, among others, and that details of the submissions would be made public in due course. Further details can be

own right, re-named and appropriately re-housed...[with] the Judicial Committee continuing alongside so long as the demand for its separate services continues'.

Following the delivery of Lord Steyn's Neill Lecture, 'the Case for a Supreme Court' at All Souls, Oxford, Lord Irvine had dismissed the calls for reform as 'rather wearisome' (*Financial Times*, 15 April 2002). Lord Steyn had suggested that a 'major obstacle' to the creation of a new supreme court for the UK was the position of the Lord Chancellor. The Lord Chancellor responded by suggesting that Lord Steyn's argument amounted to little more than a demand for a 'grand new architectural venture' (*Financial Times*, 15 April 2002).

Freedom of Information

The Information Commissioner issued Part 1 in a 4 part Employment Practices Data Protection Code. Its stated aim is to strike a balance between a worker's legitimate right to respect for his or her private life and an employer's legitimate need to run its business. See www.informationcommissioner.gov.uk.

The Lord Chancellor's Department has released guidance on subject access requests under the Data Protection Act. See www.lcd.gov.uk/foi/dpasaguide.htm

The Lord Chancellor's Department has issued an interim report on statutory provisions concerning disclosure of information. The report lists provisions that prevent disclosure that will be repealed or amended. See www.lcd.gov.uk/foi/foidoirpt.htm

The Freedom of Information (Scotland) Act was passed by the Scottish Parliament on 24 April 2002. No timetable for implementation has been announced but it must be fully in force by 31 December 2005.

Local Government

Mayoral Elections

The strong impression gained from the first seven elections for executive local authority mayors was that this constitutional change has had some success in turning the focus of local elections to wad Cocal essueds The r5.5(smyoral Elections fdi neot)]TJT0.0014Tc0.1631 Tw[(hfolorwan ystrikt wp

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The Unit is jointly organising a seminar with the Royal Town Planning Institute on the implications of the Regional Government White Paper for planning. The seminar will be held at Harrington Hall Hotel, near Gloucester Road, London, on 3 July 2002.

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Mark Sandford will be undertaking a two-month placement within the Regional Policy Unit at the Department of Transport, Local Government and the Regions, in July and August 2002. He will carry out work on the effectiveness of Regional Chambers, focusing on the role of the social and economic partners and their contribution to greater inclusivity.

House of Lords Comparators Seminar

A one-day seminar on "House of Lords Reform: Lessons from Overseas" was held on 21 March 2002 at 11 Tufton Street, Westminster. The seminar was funded by the ESRC Future Governance Programme and organised jointly with the Department of Politics at the University of Hull. It attracted a wide attendance ranging from peers and clerks to journalists and academics, who heard four papers on the experience of second chamber reform from other states. The speakers were John Uhr (Australian National University), David Docherty (Wilfrid Laurier University, Canada), Michael Laver (Trinity College Dublin) and Gianfranco Pasquino (University of Bologna). The discussions following the papers were led by Professor Vernon Bogdanor (Brasenose College, Oxford) and Professor Donald Shell (University of Bristol), and were wide-ranging and valuable. The papers from the seminar will be published in the Winter 2002 edition of the *Journal of Legislative Studies*.

Effective Scrutiny Project

The Constitution Unit is launching a project entitled "Effective Scrutiny". This will examine the activity of 'scrutiny' in local authorities, Regional Chambers, the Greater London Authority, the devolved assemblies/parliaments, and in Parliament. The research will comprise observation and evaluation of scrutiny processes, and will recommend how the activity of scrutiny could be better carried out. It will also produce a typology of the different types of scrutiny that can take place and the different methods available to achieve them. The project is

supported by the Esmee Fairbairn Foundation. Contact: Mark Sandford, +44 (0) 20 7679 4976 m.sandford@ucl.ac.uk

Survey of Central Government Data Protection Officers

This research survey of data protection officers in central government aims to collect empirical evidence on departments' handling of subject access requests, the nature and number of requests, and use of exemptions. The Unit will publish the aggregated results of the survey in July 2002.

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The Public Interest Test in the FOI Act

When access rights come into force in January 2005, public authorities will be required to take the public interest into account when deciding whether or not to release information under the Act. This paper summarises the public interest test in FOI legislation in Australia, New Zealand, Canada and Ireland and identifies public interest factors that UK public authorities should consider.

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given to the Committee in May. See
<http://www.public-standards.gov.uk/> for
details.

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Bulletin Board

Forthcoming Unit Events

To book a free place at Unit events, please contact Matthew Butt on +44 (0) 20 7679 4977.

Unless indicated, all events take place at The Constitution Unit, 29-30 Tavistock Square, London, WC1H 9QU.

A location map can be found at www.ucl.ac.uk/constitution-unit/map.

Seminar: Fixed Term Parliaments

Tony Wright MP

9 July, 1 pm, The Constitution Unit, UCL

Seminar: Modernising Electoral Practice

Karamjit Singh: UK Electoral

Commissioner

19 September, 6 pm, The Constitution Unit, UCL

Seminar: State Funding of Political Parties

Matthew Taylor: IPPR

15 October, 1 pm, The Constitution Unit, UCL

Seminar: The Giscard Commission on the Future of the European Institutions

Gisela Stuart MP

November, The Constitution Unit, UCL, further details to be announced

The Constitution Unit State of the Union Lecture

10 December, further details to be announced

New Publications by The Constitution Unit

For other Constitution Unit publications please refer to the Unit's order form, or phone +44 (0) 20 7679 4977 to order.

RUSSELL, M., 2002. *Women's Political Participation in the UK*. London, The British Council. £3.00

BINGHAM, T., 2002. *A New Supreme Court for the United Kingdom, The Constitution Unit Spring Lecture 2002 by Lord Bingham of Cornhill*. London, The Constitution Unit. ISBN: 1 903903 10 6. £5.00

GAY, O., 2002. *The Regulation of Parliamentary Standards—A Comparative Perspective*. London, The Constitution Unit. ISBN: 1 903903 11 4. £10.00

Publications Received

FLINDERS, M., 2002. *The Politics of Accountability in the Modern State*. Aldershot, Ashgate.

WALLACE, J., 2002. *Devolution by Evolution*. London, Centre for Reform.

AUGHEY, A., 2002. *Nationalism, Devolution and the Challenge to the Modern State*. London, Pluto Press.

JONES, J.B., and OSMOND, J., 2002. *Building a Civic Culture—Institutional Change, Policy Development and Political Dynamics in the National Assembly for Wales*. Cardiff, Institute of Welsh Affairs.

Indian Journal of Federal Studies. New Delhi, Centre for Federal Studies.