

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

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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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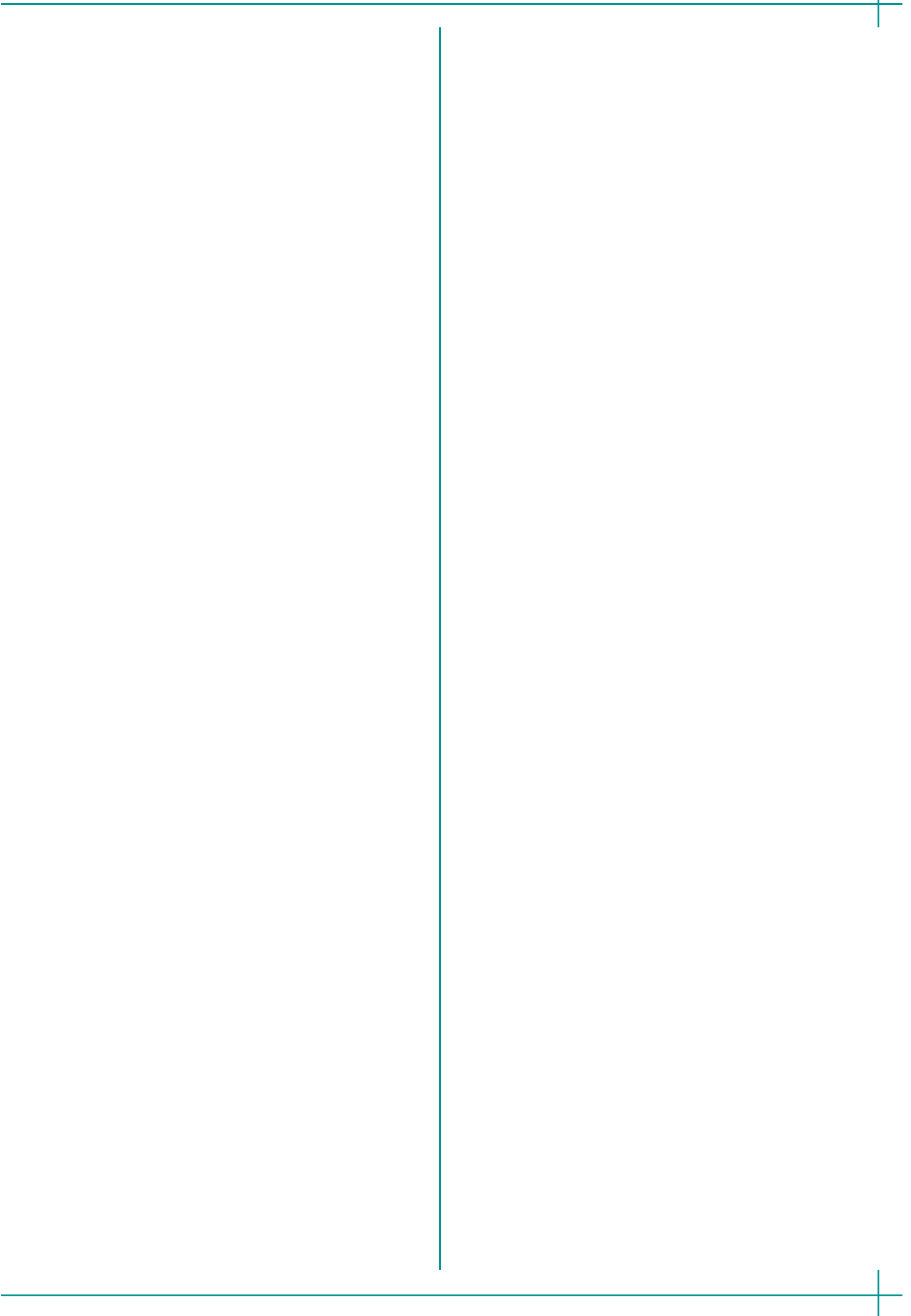
Wales: Bonfire of the quangos

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 Wales-oriented 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 agency-type 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 about of the blue,



legislative process. Oral evidence sessions began in May and have included the Leaders

- 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

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

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reported in March. In *Vc okpi"vjg"Rtgtqicvkxg* 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.

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 a few changes!

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 balked 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.

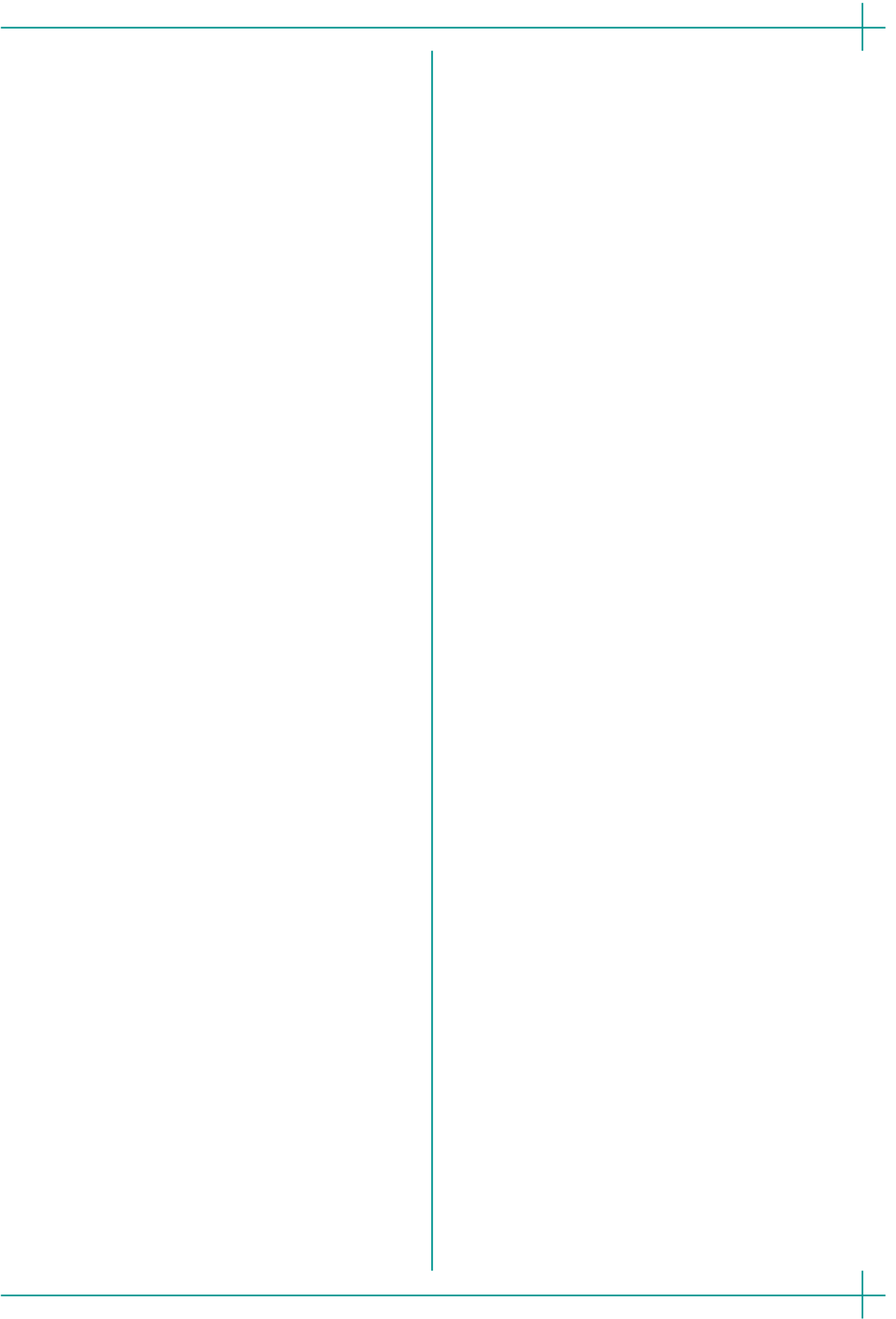
Swinney had defeated Alex Neil for the leadership in 2000 with 68 per cent of the

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 the traditional socio-economic 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.



reorganised and a new head appointed. Antonia Romeo took up her post on July 1, 2004 and oversees a recently combined FoI/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 FoI legislation, including the implementation of the FoI 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 FoI Act is nearing its early October publication date. The Guidance is aimed at helping FoI 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 FoI preparatory work, MISC 28, has been established by the Cabinet Office and publicly acknowledged. The Committee's terms of

Constitution Unit News

UCL have approved our plans for a new MA programme in Democracy and Democratisation, starting in October 2005. **GWchh'** ; **fYYf'** will be Course Director, and will teach the course with **AY['** **FiggY`** and **6Yb'GYmX**. 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 **AYfYX]h\`7cc_** leave us in June to become Senior Adviser, Information Policy and Compliance with the BBC, and **@iW]bXU' AUYf'** leave in May to become Committee Specialist with the Public Administration Select Committee of the House of Commons. ; **im'cX[Y** is leaving in October to be Research Fellow in Democracy at ippr.

GUfU\`<c`gYb 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 FoI issues in the U.S. and Canada.

; **fU\Ua`** ; **YY'** is the new Coordinator of our Law and Devolution project, and is pt o l

BulletinBoard

Constitution Unit Events

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

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The referendum on the EU Constitution

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Strategic Thinking and Cabinet Government

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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.

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

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CWhcVYf, 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 FoI implementation
- Working with media requests for information
- Understanding the key features of the FoI 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:

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