



# M O N I T O R

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## Lords Reform Stage Two: Wakeham or What?

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On 7 November, the Government presented Parliament with its long-awaited proposals for second stage reform of the House of Lords, in a consultative White Paper *Completing the Reform* (Cmd 5291). This followed the Government's manifesto commitment to implement the report of the Royal Commission chaired by Lord Wakeham.

The Government have accepted parts of Wakeham, but rejected others. In particular, the Government accept the principle of a largely appointed upper house, with a minority elected element to represent the nations and

The Government reject the proposal that all future appointments, including those representing the political parties, should be in the gift of the Appointments Commission. Lords Leader Gareth Williams explained to the House that 'political parties must be responsible for proposing those who are to represent them'. This may be *realpolitik*, but it further weakens the independence built into Wakeham's proposals. It allows the party leaders to use the Lords as a patronage bin, which the Appointments Commission could have guarded against.

Whilst making some bold proposals, in other ways Wakeham was too cautious, and out of step with international norms. It is primarily in these areas where government has stuck to the report. Publishing in January 2000, with the

the five Welsh health authorities and replace them with 22 Local Health Boards, coterminous with the 22 local authorities, were presented to Cabinet in early July without prior consultation with the Liberal Democrats. This attempt to railroad the proposals through the Coalition resulted in the Liberal Democrat Group in the Assembly taking the extraordinary step of making its own response to the formal consultation process that ensued. In it the Group called for substantial modifications to the Coalition policy, specifically an all-Wales Health Authority to keep the administration of the Welsh health service at arms length from the Assembly.

In November the Assembly Administration endorsed the May 28 Flanders Declaration by European Regions with Legislative Powers seeking more influence within the institutions of the European Union. Although Wales did not sign the Declaration when it was first launched, it is a signatory to a successor Declaration agreed by some 45 Regions attending a Conference of Presidents of Regions with Legislative Powers, at Liège in mid-November. The May 28 Declaration urged that “the role and setting of the Regions in the European policy-making process” be added to the themes debated at the 2004 Inter-Governmental conference on the EU’s constitution.

On a number of occasions First Minister Rhodri Morgan has drawn attention to the close timing of the appearance of the Assembly’s Independent Commission report on extending its powers, in late 2003, and the Inter-Governmental conference in 2004. Evidently he believes that separate arguments made at the

engagement, on the north-south axis progress continued quietly to be made.

But this business-as-usual activity was counterpointed by continuing sectarian clashes in north Belfast—their nadir when tearful schoolchildren were forced, day after day, to endure sectarian abuse and worse. And Dr Reid could no longer avoid declaring the threadbare ceasefire of the main loyalist paramilitary organisation null and void.

## The Centre

The Joint Ministerial Committee had its second plenary meeting in Cardiff on 30<sup>th</sup> October. It was chaired by the Prime Minister and attended by the First Ministers and their deputies from the devolved administrations, the Deputy Prime Minister and the territorial Secretaries of State. The press statement issued afterward suggests a strong degree of agreement and consensus, lauding the way devolution has worked so far and seeking to improve that for the future. The meeting endorsed a new version of the Memorandum of Understanding, reviewed following last year's plenary JMC but with only minor changes from the present version.

After the JMC meeting the Prime Minister addressed the National Assembly for Wales for the first time, mainly on the subject of the war in Afghanistan.

Four days earlier the Health JMC met in London, without issuing a communiqué. It is believed to have carried on discussions from its previous meeting in October 2000 on such topics as NHS modernisation and winter planning.

It was announced on 20 September 2001 that the Labour/Liberal Democrat Joint Consultative Committee was to be suspended. A statement issued by Charles Kennedy and Tony Blair indicated that 'the Committee has done useful work and it remains available to resume its work if further constitutional items become ready for discussion'. Reports indicated that the Government's reluctance to hold a referendum on proportional representation for Westminster elections and Mr Kennedy's wish to increase the standing of the Liberal Democrats as an opposition party had led to the formal severing of links (*The Times*, *The Independent*, 12 September 2001). The Committee, set up by Paddy Ashdown and Blair in 1997, met only twice since Mr Kennedy took over as leader of the Liberal Democrats.

## Towns seeking city status

The grant of city status is made under the Royal Prerogative by The Queen. It is one of the more peculiar items in the package of constitutional responsibilities transferred by the Home Office to the Lord Chancellor's Department after the election. The Queen's Golden Jubilee in 2002 is to be marked by the grant of city status to one town in England, Scotland, Wales and Northern Ireland. At the closing date for applications, the

LCD had received 26 applications from towns in England, 6 from towns in Wales, 4 from towns in Scotland and 6 from towns in Northern Ireland.

## Parliamentary Reform

### Modernisation Committee

The new Leader of the House of Commons, Robin Cook, has been developing the reform agenda which he first outlined in July at a Hansard Society conference. Under his chairmanship the Modernisation Committee has been looking at ways of strengthening Select Committees, starting with the appointments process. The hunt is on for a way of taking this out of the hands of the Whips. As an alternative to the Liaison Committee's 'three wise men', the Modernisation Committee is considering a selection panel consisting of the three Deputy Speakers and two other members from the Chairmen's Panel (hearings of 17 and 24 October). The new Liaison Committee of 32 committee chairmen was appointed on 5 November, illustrating the 'chicken and egg' problem if the selection were given to three of their number.

Other ideas for strengthening Select Committees under consideration by the Modernisation Committee include payment of Committee chairs; and the proposition that committees need not necessarily reflect overall party balance. This could make life difficult for Conservative backbenchers, who with their diminished numbers already find it difficult to devote enough time to committees.

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## **Snub to Standards Commissioner**

The House of Commons has advertised the post of Parliamentary Commissioner for Standards.

mid-October. The committee has now produced

arisen in respect of the need to be able to detain terrorist suspects who could not be deported (and against whom there was insufficient evidence for a prosecution in this country). Interestingly, the Government did not seek to derogate from the equivalent right to liberty contained in Article 9 of the UN International Covenant on Civil and Political Rights. It was also the only signatory to the ECHR to seek to take such a step.

The Joint Parliamentary Committee on Human Rights heard evidence from the Home Secretary and in its report published on 16 November questioned the need for the derogation. It also expressed particular concern over extensions to the powers of the police and security services that were unrelated to the fight against terrorism but were included in the Bill. Similar views were expressed by the Home Affairs Select Committee and by Human rights NGOs who expressed strong reservations over other contentious



phased timetable, starting with central government and rolling out at six month

The Scottish FOI Bill was introduced into the Scottish Parliament in SetS007iT{Th}0 -1.2174 TD0.0hThra

intervals to the wider public sector. This phasing was strongly supported by Elizabeth France, the Information Commissioner, because it would enable the public sector to learn from each other's experience; and it would enable her progressively to build up staff and expertise.

The Prime Minister has decided that instead of a phased timetable the new access rights will come into force throughout the public sector in a single Big Bang in January 2005, four years after the FOI Act was passed in November 2000. Publication schemes are to be introduced in phases, starting with central government in November 2002. The only individual access rights in the meantime are to personal records under the Data Protection Act 1998.

'top up' seats) should be reduced from 5% to 4%. The committee did, however, reject unanimously the proposal that 'dual candidacies', where candidates appear on both the constituency and list parts of the ballot, be abolished. The impact of abolition, the committee, believed, would be to disadvantage small parties who may not have the personnel to field different constituency and list candidates.

The committee's report is available at:  
<http://www.clerk.parliament.govt.nz/publications/index.html>

## **People on the Move**

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**Shirley Williams**

Barry Winetrobe, *Realising the Vision: a Parliament with a Purpose. An audit of the first year of the Scottish Parliament*, see back page or publications list enclosed for details.

Contact: Robert Hazell, [r.hazell@ucl.ac.uk](mailto:r.hazell@ucl.ac.uk), tel: 020 7679 4971.

### **Regional Government and Public Health**

This paper, by Scott Greer and Mark Sandford, examines the progress of public health policy within the new regional structures in England. It compares the experience of London, with its directly-elected Mayor and Assembly, with the East Midlands, perhaps the most progressive of the regions but having only a voluntary Regional Assembly. The paper is funded by the Leverhulme Trust.

The authors argue that public health, by virtue of its interstitial and permeable nature, is an ideal competence both for the regional tier in general and elected regional assemblies in particular. It links to, and works through, many other policy areas, permitting joining-up to take place. In any case, in the absence of executive power that

# Bulletin Board

## Forthcoming Unit Events

To book a free place at Unit events, please contact Matthew Butt on 020 7679 4977. A location map for the Constitution Unit can be found at: [www.ucl.ac.uk/constitution-unit/logos/find.htm](http://www.ucl.ac.uk/constitution-unit/logos/find.htm)

**State of the Union Annual Lecture 2001**  
**A Modern Parliament in a Modern Democracy**  
**Rt Hon Robin Cook MP**  
 10 December 2001, 6.30 p.m.  
 Chancellor's Hall, Senate House, University of London with reception to follow.

**Seminar: The Work of the new Constitution Committee in the House of Lords**  
**Professor the Lord Norton of Louth:** Professor of Government, University of Hull  
 29th January 2002, 6 p.m., The Constitution Unit

**Seminar: The Reform of the House of Lords**  
**Baroness Jay of Paddington:**  
 Former leader of the House of Lords  
 19th February 2002, 6 p.m., The Constitution Unit

**Seminar: The Joint Committee on Human Rights: Past, Present and Future**  
**Professor David Feldman:** Legal Advisor to the Joint Committee on Human Rights  
 14th March 2002, 6 p.m., The Constitution Unit

**Seminar: Lessons from the First Three Years: the role of the Parliamentary Commissioner for Standards**  
**Elizabeth Filkin:** Parliamentary Commissioner for Standards  
 15th April 2002, 6 p.m., The Constitution Unit

**Spring Lecture: A New Supreme Court for the United Kingdom**  
**Lord Bingham of Cornhill:** Senior Law Lord  
 The Constitution Unit and UCL Faculty of Laws  
 1st May 2002, 6 p.m., UCL venue – t.b.c.

## Forthcoming Events

**Public Meeting: Roundheads or Cavaliers? Debate on the Reform of the House of Lords**  
 Thursday 13th December 2001, 7-9 p.m.  
 Westminster Central Hall  
 Speakers invited: The Lord Chancellor, Baroness Williams, Rt Hon Lord Strathclyde, Billy Bragg.  
 contact: Charter88 tel: 020 8880 6088.

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