

The foot and mouth Bill

Britain, along with some other European countries, has recently been visited with the cattle plague or murrain known as foot and mouth disease. It therefore became necessary to postpone the county council elections appointed by Act of Parliament to be held on May 3. This required an amending Act, so the Elections Bill was introduced and rushed through both Houses using the guillotine.

The point was a simple one. The parties were more or less agreed on the need for postponement. It might have been expected that the Bill would therefore be nodded through without debate. Anyone who thought that stands convicted of abysmal ignorance of the way the British constitution works.

In fact there was a great deal of parliamentary debate on this Bill. I take the Lords committee stage, report stage and third reading, all on April 9. Why was there so much to discuss, when all that was being done was postponing county council elections by a month from May 3 to June 7? Surely this was simple enough? In fact it was not simple at all, and a lot of loose ends needed tidying up. Here are some of them.

County councils have an annual meeting, which takes place just after an election. Decisions on service delivery are arrived at, following the establishment of a new council. If the previous council year is suddenly extended by a month this has obvious budgetary and other effects. Everything is suddenly thrown into disarray.

During an extra month various things may happen to councillors. Some will die; others will resign. The political balance of a council may change, resulting in a change of control. For the LibDems Baroness Hamwee called this "a dribbling away of democracy". Another peeress put the matter graphically.

Baroness Scott of Needham Market: I am aware of the immense practical difficulties in trying to run a council on a month-by-month basis. Not least is the great difficulty in relation to the 25 per cent of councillors who do not intend to stand again in May. They will gradually either drift off and not turn up to meetings or, quite possibly, hand in their resignations and then there are no provisions for by-elections. That will leave areas unrepresented, councils changing hands, and so on.

Another difficulty is that people will have incurred expenditure which the postponement of the elections may render abortive, the printing of leaflets mentioning the original date being an example. Is the Government to compensate them for this, and if so in what way? A peer raised a more substantial electioneering difficulty.

Lord Monro of Langholm: It is desperately important for candidates to meet the people. Years ago, one had perhaps 60 or 70 meetings in village halls over a period of three or four weeks but nowadays local government and parliamentary elections increasingly involve walkabouts. That means meeting the people in the streets and villages. However, that is exactly what we do not want to be happening if foot and mouth has not substantially diminished in a few weeks' time.

This reminded peers of the fear that if the pestilence did not abate it might well be no easier to conduct the election campaign in June than it would have been to conduct the original one in

May, and then where was the point of the delay? For the Government Lord Bassam said there was no perfect solution, and for the sake of the tourist industry it was necessary to have certainty. Some date had to be chosen, and the Government had picked this one. He might have added that they had done so more or less arbitrarily, and at random. No one can know when this current scourge of foot and mouth will end. The Bill was founded on guesswork.

Baroness Hanham put her finger on the point that was in the back of everyone's mind: "I am concerned that in this Bill we are not talking about local elections but the general election".

We all know, because he made it clear, that Tony Blair always intended to call a general election for the same day as local government elections were scheduled to be held, namely May 3 2001. Foot and mouth, a visitation from elsewhere, exposed the folly of such long-term plotting. It also exposed the folly of those who, like Baroness Gould of Potternewton, still say "I firmly believe in having fixed-term Parliaments, just as we have fixed dates for local elections". When will these people learn the wisdom of the old saying that while man proposes God disposes?

This Bill produced something previously unheard of. The Minister circulated to peers an explanatory document which was constantly referred to in the debate as "the compendium letter". Will this strange illuminating screed be made public by being included in Hansard? No. Why not?

Francis Bennion
www.francisbennion.com

2001-017 151 NLJ 573 (20 April).