

Response to the Devolution APPG inquiry on the role of central government in making a success of devolution in England

January 2020

The Electoral Reform Society is the UK's leading voice for democratic reform. We work with everyone – from political parties, civil society groups and academics to our own members and supporters and the wider public – to campaign for a better democracy in the UK.

Our vision is of a democracy fit for the 21st century, where every voice is heard, every vote is valued equally, and every citizen is empowered to take part. We make the case for lasting political reforms, we seek to embed democracy into the heart of public debate, and we foster the democratic spaces which encourage active citizenship.

What barriers currently exist in central government that limit the scope and scale of local devolution and place-based leadership?

What lessons can be learnt from the negotiation of previous devolution deals and how they have worked in practice?

One of the primary barriers to genuine, comprehensive and successful devolution within England has been Westminster's centralising hold over the process. England remains one of the most centralised countries in Western Europe¹ and is still run primarily through centralised UK-wide institutions,² which has allowed divisions and regional inequalities to fester.³

Where devolution has occurred within England, the process has itself been led from the centre. It has been characterised by a lack of decentralisation and devolution of real powers, responsibility and accountability. It has occurred in a piecemeal, asymmetric, and top-down manner, with limited attempts to engage local leaders and, most importantly, the local population, who could have provided a place-based, bottom-up perspective, responsive to the different local needs and aspirations.

Devolutionary arrangements have primarily been the result of individual areas' negotiations with the central UK government, with the latter ultimately determining which powers and resources would be devolved. They have been centred around economic incentives and competition/bidding processes amongst localities, rather than a clear, long-term constitutional plan devolving real power and control locally. This has led to the patchwork of arrangements currently in place, with different areas having varying powers, autonomy and systems in place.

Current devolution in England fails to provide real autonomy and power to all localities, which has enabled inequalities and divisions to persist (e.g. between metropolitan and rural/coastal areas). Limited powers are available to local leaders to take decisive action on issues affecting their communities, as the covid-19 crisis has exposed, with – for example – mayors having to request extra financial support from the Westminster government when their areas were put into a higher tier.⁴

1 Raikes, L., Giovannini, A. and Getzel, B. (2019). *Divided and connected: Regional inequalities in the North, the UK and the developed world – State of the North 2019*. IPPR North. <https://www.ippr.org/research/publications/state-of-the-north-2019>

2 Paun, A., Kenny, M. and McLean, I. (2018). Understanding English identity and institutions in a changing United Kingdom. *The Constitution Unit*, 29 November. <https://constitution-unit.com/2018/11/29/understanding-english-identity-and-institutions-in-a-changing-united-kingdom/>

3 Raikes, L. (2020). *The devolution parliament: Devolving power to England's regions, towns and cities*. IPPR North. <https://www.ippr.org/research/publications/the-devolution-parliament>

4 Wallace, T. and Rees, T. (2020). Tougher tiers must come with more government cash, mayors say. *The Telegraph*, 24 November. <https://www.telegraph.co.uk/business/2020/11/24/tougher-tiers-must-come-government-cash-mayors-say/>

What changes would enable better working between local and central government in their approach to devolution?

Are there changes that would enable government departments to take a more consolidated approach to devolution?

What could be done to improve the way central government departments co-ordinate and develop place-specific policy interventions?

As mentioned in response to the previous question, the process of devolution within England has been piecemeal, top-down, and has failed to directly involve local leaders and the wider public. Current devolutionary arrangements appear as opaque backroom deals, with limited external input from those affected.

The ERS believes that there should be a more transparent and collaborative approach to making decisions on English devolution between central and local governments, based on the principle of subsidiarity. This should be agreed both by politicians at all levels, who should set a clear and comprehensive vision, framework and long-term principles to guide devolution decisions, and by citizens themselves, who should be actively engaged and involved in reaching those agreements from the bottom up.

What lessons can be learned about devolution from abroad?

The principle of subsidiarity should underpin and inform any devolutionary project. This entails decisions being taken at, and power and resources being devolved to, the lowest possible level. Any reform of devolution in England should therefore take into account the level(s) at which this should take place – local, regional, sub-national – and how these interact with each other, with the devolved legislatures, and ultimately with Westminster.

International examples of both federal (Germany, Australia) and decentralised unitary states (Italy, Spain) may offer suggestions as to how devolution to/within England could proceed, particularly the levels to which power should be devolved (e.g. a combination of local, regional, sub-national and/or national).

There has been a lack of a shared public conversation around devolution in England, when compared to the other nations of the UK, and this extends to the levels of sub-national governance in England. Understandably given that people have not been directly involved thus far, there is no clear consensus around the form, geography and extent of the devolved regions or areas, with public opinion surveys not producing a clear picture as to what geographical and cultural communities people identify most with (e.g. if English citizens feel more or less English than British, or equal).⁵ Overlapping and blurred national identity attachments are common in England.⁶

International examples of different systems of governance may be a useful starting point, though we believe that it is ultimately up to English citizens themselves, engaged through bottom-up participatory and deliberative processes, to determine the form and geography of devolution in England.

5 For some examples, see: Curtice, J. and Montagu, I. (2018). Scotland: How Brexit has created a new divide in the nationalist movement. *British Social Attitudes Survey 35*. <https://www.bsa.natcen.ac.uk/latest-report/british-social-attitudes-35/scotland.aspx>

Curtice, J. (2018). The myth of a growing sense of English identity. *UCL Constitution Unit Blog*, 14 December. <https://constitution-unit.com/2018/12/14/on-the-myth-of-a-growing-sense-of-english-identity/>

Easton, M. (2018). The English question: What is the nation's identity?. *BBC News*, 3 June. <https://www.bbc.co.uk/news/uk-44306737>

Jeffery, C., Wyn Jones, R., Henderson, A., Scully, R. and Lodge, G. (2014). Taking England Seriously: The New English Politics. *The Future of England Survey 2014*. https://www.centreonconstitutionalchange.ac.uk/sites/default/files/migrated/papers/taking_england_seriously.pdf

6 Denham, J. and Devine, D. (2017). *English identity and the governance of England*. <https://www.thebritishacademy.ac.uk/publications/governing-england-english-identity-governance-england/>

To what extent is there effective accountability in England's devolved areas?

Elections offer some form of accountability in England's devolved areas, for example in the case of the metro-mayors. But as mentioned in response to previous questions, local leaders lack real power to effect change at the local level, with many decisions still being made or constrained by the central government. This is likely to affect accountability in the devolved areas with these left to implement and be held accountable for central government policies.

As mentioned above, current devolutionary arrangements are focused on economic incentives/competition, agreed with and imposed by the centre in a top-down manner. As some have argued, 'delegation' might be a more accurate term to describe current arrangements.⁷ To truly achieve the purposes of devolution and decentralisation, and to ensure there is effective accountability, power and responsibility need to be dispersed in a *meaningful* way across and within regions and localities in England, following the principle of subsidiarity.

We must also look at how to ensure stronger accountability at the local level – currently many local areas remain dominated by one party and suffer from low turnouts, which can contribute to weak scrutiny when powers are transferred.

To what extent do combined authorities need greater control over devolved policy areas, such as skills or housing, to ensure they have enough responsibility to be held accountable for the economic performance of their areas?

As mentioned in response to previous questions, we believe that the current devolutionary arrangements have involved giving responsibility without real power.

Has government struck the right balance between bespoke deals and a standardised devolution baseline, do things need to change for future deals?

The nature of devolution within England has been described as asymmetric, particularly in relation to that of the other nations, given the varying settlements in different areas due to bespoke deals agreed with the government.

While some have called for a more standardised approach, symmetry in English devolutionary arrangements should not necessarily be an overarching aim. A single devolutionary system cannot be imposed throughout England, given the real differences that exist between areas (e.g. metropolitan versus more rural communities). What is needed is a clear plan and vision underpinning devolutionary arrangements, combined with buy-in from the centre and from the localities themselves.

How devolution develops in each area should be determined at the local level and this may lead to some asymmetry in arrangements, which respond to local needs and address existing inequalities. In this regard, asymmetry and bespoke arrangements should be welcomed as the positive expression of an area's identity and self-determination.

⁷ Kenny, M. and Kelsey, T. (2020). Devolution or delegation? What the revolt of the metro mayors over lockdown tells us about English devolution. *LSE British Politics and Policy*, 12 November. <https://blogs.lse.ac.uk/politicsandpolicy/devolution-or-delegation/>

Is the focus on devolving powers related to growth and infrastructure, rather than, social services such as welfare and health still appropriate?

The ERS does not have a position on this issue, which should be a matter for local authorities, leaders and communities. However, the covid-19 pandemic has shown how LAs might be best placed to respond to social services issues and, if so, will need appropriate and *real* powers to do so.

What reforms are necessary to increase the scope and scale of devolution in England?

How can we ensure that devolution delivers better outcomes for all communities?

How can devolution be secured for those parts of England that have so far been left out of this agenda?

To increase its scope and scale, English devolution should proceed on the basis of a clear purpose, rather than as ad hoc, piecemeal and temporary fixes to real problems and grievances, and should be guided by a clear constitutional vision, which takes into account the UK as a whole and how England interacts with the nations. Leadership from the top will be vital to helping to develop and articulate this vision, which however must be based on listening to what local people actually want so as to deliver better outcomes for all communities, including those which have so far been left out of the devolution agenda.

For devolution to truly work and be implemented effectively, there needs to be a genuine commitment to let go of power at the centre – devolution should be seen as a positive end in itself by political parties, as something not just desirable but necessary to religitimise British politics by handing down power from the centre. There needs to be discussion amongst the parties to develop and articulate a shared and long-term vision, framework and principles for devolution, which can then be deliberated upon by citizens.

Linked to this is the importance of cooperation, not competition, among localities and regions in England. So far, devolution has focused on economic incentives, bidding processes and competition for devolution deals. True devolution for England, which takes local views and needs into account, cannot and should not proceed on this basis, but should view each area as a co-creator of policy and collaborator in shaping the future constitutional settlement of England and the UK more broadly.

Devolution within England has been disconnected from the more developed and considered settlements in the other nations, which were instituted based on local engagement and debate among the population. This has meant that devolution within England appears as opaque to and has limited buy-in from citizens.

Polling for the Electoral Reform Society in 2019 showed that just 16 percent of the public believe politics is working well in the UK – and only two percent feel they have a significant influence over decision-making.⁸ The centralised nature of decision-making in the UK undoubtedly plays a role in this.

More transparency around devolution and citizens' direct involvement in shaping devolution arrangements are necessary to properly reform devolution in England. In each region and locality, people should be actively involved in determining the devolutionary settlement for their area through consultation and deliberative democratic processes, such as citizens' assemblies.⁹ These

8 <https://www.electoral-reform.org.uk/latest-news-and-research/media-centre/press-releases/bmg-poll-just-one-in-six-people-believe-westminster-is-working-well/>

9 Garland, J. and Palese, M. (2019). *Westminster Beyond Brexit: Ending the Politics of Division*. London: Electoral Reform Society. <https://www.electoral-reform.org.uk/latest-news-and-research/publications/westminster-beyond-brexit-ending-the-politics-of-division/>

can provide a space for citizens to carefully, thoughtfully and respectfully deliberate on their future. Power and voice cannot be achieved without bringing politics closer to people, meaning bottom-up citizen involvement is necessary to ensure the legitimacy of, and trust in, our institutional set-up and democracy more broadly.

An English Constitutional Convention may be one way of addressing devolution to England, allowing for debate to flourish around England's political system as a whole and how it relates to Westminster and the devolved nations, building upon the work of local citizens' assemblies and other deliberative democratic processes, which would allow for the self-determination of English localities.¹⁰

10 For more information, see Garland, J. and Palese, M. (2019). *Westminster Beyond Brexit: Ending the Politics of Division*. London: Electoral Reform Society. <https://www.electoral-reform.org.uk/latest-news-and-research/publications/westminster-beyond-brexite-ending-the-politics-of-division/>

We know that involving citizens in complex decision-making on issues that directly affect them, including devolution, works and is effective. In 2015, the ERS was involved in two Citizens' Assemblies on devolution, held in Southampton and Sheffield. The Assemblies concluded that 'Citizens want stronger devolution with more public involvement. They want to feel part of "the revolution in devolution" and not simply to have change imposed upon them.'¹¹ Deliberative processes such as citizens' assemblies are not only beneficial on their own terms, but have spillover effects, with citizens becoming more involved and engaged politically long-term as a result.

11 Flinders, M. et al (2016). *Democracy Matters: Lessons from the 2015 Citizens' Assemblies on English Devolution*. <https://citizensassembly.co.uk/wp-content/uploads/2016/04/Democracy-Matters-2015-Citizens-Assemblies-Report.pdf>

More broadly, consideration must be given to the democratic arrangements at Westminster. Reforming the unelected House of Lords offers a chance to rebalance politics away from Westminster – and create a representative Senate of the Nations and Regions. We also must reconsider electoral systems that allow one party to win 100 percent of power – both at a local and Westminster level – in order to restore the link between voters and their political institutions.

Should the powers of the existing mayoral combined authorities be enhanced? What would this look like?

Whether powers of the existing mayoral combined authorities should be enhanced and what this would look like, should form part of the devolutionary process set out in response to the previous question, including the involvement of citizens.

What has the response to COVID-19 from Whitehall taught us about devolution?

The response to covid-19 from Whitehall, and in particular its limited engagement with local authorities, has exacerbated and exposed the fractures in the current devolutionary arrangements in England and Westminster's centralising hold over policy, while local leaders have come to political, media and public prominence in their attempts to respond to the pandemic, gaining clout in their ability to speak authoritatively about their areas. Indeed, a YouGov poll in November showed how 56 percent of residents of Greater Manchester approved mayor Andy Burnham's handling of the pandemic, with only a fifth disapproving.¹² The opposite was true of the Prime Minister, with 61 percent of respondents disapproving with how he handled the pandemic and only around one in four (23%) approving.

12 <https://yougov.co.uk/topics/politics/articles-reports/2020/11/04/greater-manchester-most-support-tier-3-restriction>

But any attempt to deal with the pandemic locally and provide policy input was hindered by local leaders' lack of any real powers and resources to effect change at the local level. Decisions continued to be made to the centre and then imposed upon localities, without any real engagement at that level.

Though the effects of differing responses to the pandemic cannot yet accurately be judged, it seems likely that local level input would have been beneficial in dealing with the coronavirus, as appears to have been the case in other countries such as Germany.¹³

13 Kenny, M. and Kelsey, T. (2020). Devolution or delegation? What the revolt of the metro mayors over lockdown tells us about English devolution. *LSE British Politics and Policy*, 12 November. <https://blogs.lse.ac.uk/politicsandpolicy/devolution-or-delegation/>