Electoral Reform Society

Democracy Made in England

Where Next for English Local Government?

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Contents

Foreword

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In the context of the changing nature of UK governance, England remains an anomaly. While the centres of power in the rest of the UK have shifted away from Westminster over the last two decades, for England these changes have been limited.

Too often any transfer of decision making-powers has come as an afterthought – and where reforms have taken place these have been driven from the centre and done little to genuinely empower local government or the communities in which people live.

As a result, England remains one of the most centralised nations in Europe as measured by the local control of resources and the over-dependence on Whitehall decision making.

Unlike in Scotland and Wales, the citizens of England have been largely ignored when it comes to devolving power away from Westminster – England is the only part of the union whose people have not been consulted or offered a referendum on how they wish to be governed in the past 20 years.

But with a renewed discussion around where power should lie and devolving decisions away from Whitehall, there is an opportunity to address the lack of democracy across England and look again at devolution within it.

Ahead of the 2019 General Election the government promised 'full devolution across England so that every part of our country has the power to shape its own destiny'. A promise of devolution that now feels long forgotten. Instead, we saw the long-awaited White Paper dropped and in its place the debate turned to 'Levelling Up' instead.

The term has become one of the most commonly used phrases in politics – politicians of all stripes and none have now adopted it as their go-to slogan to refer to a variety of initiatives. At its heart, levelling up is about tackling the long-standing inequalities across the UK but has, so far, failed to provide the answers to England's democratic deficit.

What we see remains a 'Westminster-knows-best' approach, where decisions are taken in Whitehall as to what power should be given away, not in the communities that want them.

The first principle of devolution should be that the people of England should have the right to decide on how they wish to be governed.

It's clear that, so far, those calls for greater powers, for the large majority of councillors and authorities have not been met. A survey by the Electoral Reform Society of almost 800 local authority representatives found that two thirds feel they lack the powers to properly represent the needs of their local community.

It is clear that, for many who serve their communities at the coalface of local democracy, questions remain unanswered about how relations between the centre and localities can be better structured in favour of local decision making. With so many local councillors feeling powerless to serve their constituents' needs, we must find a better balance between those two levels of government that truly serves the interests of communities across England.

This report begins to set out how a new relationship between national and local government can be created. How a policy of devolution in England could be developed

and the principles which should underpin such a move. It is not for the centre at Westminster to decide how local communities should see themselves and how they should be governed, but to set out how those communities can choose their own governance, how citizens can themselves reinvigorate local democracy.

Now is the time to rebuild our local democracy but, to do that, England can no longer be an afterthought.

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Part 1. Unfinished Business

Introduction

What about England?

For too long, democracy in England has been taken for granted and allowed to wither. Devolution, the process of transferring decision-making powers from the centre to localities, has been an afterthought in England, framed as an issue affecting the other parts of the UK. Indeed, it has become commonplace for constitutional observers to claim that 'England is the gaping hole in the devolution settlement.'[1] How democracy in England could be reinvigorated has not been a top priority.

Devolution to Northern Ireland, Scotland and Wales was, and continues to be, accompanied by considerable discussions about democracy, identity, and place within the union, and has led to the creation of strong sub-national institutions with democratic elections via proportional representation and significant policy responsibilities for devolved competences.[2] Although recent events – such as the passage of the EU (Withdrawal) Act and the Internal Markets Act – have cast doubt on its extent, the devolved settlements enjoy accepted status within the constitution.[3]

The same cannot be said about England – both the governance of England as a whole and devolution *within* England have received far less attention over the years. English local government does not enjoy a

similar status as the devolved settlements and has been subjected to frequent, top-down reorganisation for the past half century. Where some form of decentralisation has been considered, as with the recent establishment of combined authorities led by an elected mayor, the process has been led by the centre and has occurred in a piecemeal, top-down manner, focused on economic efficiency and the technocratic delivery of central government priorities.[4]

Considerations around democracy and representation have been completely missing from successive governments' approaches to devolution within England. Unlike Scotland and, to a lesser extent, Wales, where constitutional issues have been subject to considerable public debate, citizens' engagement in debates about democracy and governance arrangements has been limited in England. Public dialogue around how people wish to be governed and where they want power to lie, such as that which preceded and accompanied the establishment of the Scottish parliament,[5] has not been fostered in England. Apart from those living in London and the North East at the time of the 1998 and 2004 referendums respectively, English citizens have rarely been given the opportunity to decide how they wish to be governed beyond the hyper-local level. This contrasts with the situation in Scotland and Wales, where people themselves were asked directly to approve their new constitutional settlements.

This democratic deficit is compounded by the fact that England, outside of London,[6] is the only part of the UK which does not use a form of proportional representation for some of its elections. This leaves vast swathes of the English electorate represented at all levels by representatives for whom they did not vote – with consequences for citizens' feelings of political efficacy and empowerment.

The purpose of devolution, as opposed to decentralisation or delegation of some responsibilities, is to give an area a stronger voice and representation, and the ability to make change happen from the bottom up. Real devolution in England, built upon strong democratic foundations, would allow localities to take back control of their future from Westminster's centralising grasp.

The current government committed to 'levelling up' and to devolving power to people and places across the UK as a core priority of its 2019 election-winning manifesto.[7] After an almost three-year wait, the government's recently published levelling up white paper, which replaced the earlier commitment to a devolution white paper, seems to offer some hope that things may be beginning to shift, albeit slowly.

The covid-19 pandemic has highlighted how the current settlement in England is no longer sustainable and how it might work better – the pandemic exposed the inherent weaknesses in the 'Westminster-knows-best' approach and demonstrated the importance and resilience of local government and a place-sensitive approach. Despite the vital role played by English local authorities during the pandemic, they continue to have very little say over policymaking and limited powers to effect change at the local level.

Something must be done to address the lack of democracy across England. This report aims to show why devolution within England must be comprehensively reformed and charts some of the ways in which a revitalised English local democracy might be achieved. This is important not only to address the democratic deficit within England but to help answer questions about the future of the union itself.[8] While not attempting to address the issue of the governance of England as a whole, by looking at devolution within England, this report begins to answer one crucial part of the 'English question'.

Devolution in the spotlight

The image of metro mayor Andy Burnham suddenly discovering, during a press conference outside Manchester town hall, that Greater Manchester was being placed into a higher tier of coronavirus restrictions in October 2020 perfectly encapsulated the current state of devolution in England – local leaders enjoy visibility and soft power, but in reality almost all crucial decisions continue to be made at the centre, with limited consultation and dialogue, and imposed on the localities. Attempts to deal with the pandemic locally and provide policy input were hindered by local leaders' lack of real powers and resources.

But this image also exemplified the, albeit limited, progress that has been made when it comes to devolution in England. In 2011, there was only one devolved authority in England, the Greater London Authority.[9] In 2017, when the first 'metro mayors' were elected in the newly-created combined authorities, most people did not know much about the devolution proposals (a poll found eight in 10 respondents knew little or nothing about the then government's plans)[10] and were unsure as to the usefulness of an additional layer of politics.[11] Now, mayoral combined authorities (MCAs) are becoming an established part of the English constitutional set-up – 41 percent of England's population (roughly 23 million people), including Greater London, live in an MCA.

Attitudes towards and the salience of devolution have changed in no small part because of the covid-19 crisis, which has 'raised the public consciousness of place' and the benefits of local solutions,[12] allowing local leaders to come to political, media and public prominence in their attempts to respond to the pandemic, and to gain clout in their ability to speak up authoritatively for their areas. A YouGov poll in November 2020, for example, showed that 56 percent of residents of Greater Manchester approved of mayor Andy Burnham's handling of the pandemic, with only a

fifth disapproving.[13] The opposite was true of the Prime Minister, with 61 percent of respondents disapproving of how he handled the pandemic and only around one in four (23%) approving.

In addition to increasing in visibility, local government also demonstrated its flexibility, responsiveness and resilience in responding to the pandemic by, for example, supporting local infrastructure and services, despite a decade of cuts, while highlighting the limitations of the UK's centralised system of government in directing resources during the crisis.[14]

The newly increased prominence of English local government and devolution has led academia, civil society, and politicians to consider how the English settlement might be improved.[15] In late 2020, the Labour Party announced it would be launching a UK-wide constitutional commission to 'consider how power, wealth and opportunity can be devolved to the most local level' and said it would 'start with listening to people in their local communities'.[16] English metro mayors called for a constitutional convention or people's assembly to consider how power could be 'brought closer to the people', and to tackle the centralisation and lack of adequate powers and funding at the local level in England.[17]

The government is also committed to devolution and to reducing geographical inequalities as part of its 'levelling up' agenda. Then Chancellor Sajid Javid announced a devolution white paper at the 2019 Conservative Party conference and this was included in the party's 2019 election manifesto, which called for 'full devolution across England […] so that every part of our country has the power to shape its own destiny.'[18] Alongside the pledge to 'get Brexit done', the levelling up agenda has been seen by many as one of the reasons behind the Conservative's success at the 2019 general election, especially among traditionally non-Conservative voters who opted for the party that year

– levelling up spoke to the real concerns people had at the uneven pattern of social and economic development,[19] and appeared to offer a way of tackling the 'geography of discontent'.[20]

"I do not believe that, when the people of the United Kingdom voted to take back control, they did so in order for that control to be hoarded in Westminster. So we are going to give greater powers to council leaders and to communities."

UK Prime Minister Boris Johnson, 2019[21]

Although it has taken almost three years, the levelling up white paper – which replaced the white paper on devolution promised in the government's manifesto – was finally published in February 2022.[22] The white paper sets out proposals to tackle the 'geographical inequality which is such a striking feature of the UK' and commits the government to meeting a number of missions in this regard, including empowering local leaders and communities. In the paper, the government reaffirms its commitment to 'extend, deepen and simplify devolution across England so that by 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution with a simplified long-term funding settlement'.[23] While still in its initial stages, the white paper offers a promising starting point for considering devolution in England – including from a democratic standpoint – much more in depth than has been possible to date.

An emerging political community

The United Kingdom is one of the most overcentralised and regionally unbalanced countries in the industrialised world – compared with 26 other developed countries, it ranks near the top of the league table on most measures of regional economic inequality.[24]

England, in particular, remains one of the most centralised countries in Western Europe and is still run primarily through powerful UK-wide institutions, displaying all the hallmarks typical of the British political tradition and its Westminster model of government: centralisation, executive dominance, a majoritarian electoral system and two-party adversarialism. The regions and localities within England are themselves highly unequal, and there are huge disparities in wealth among them.[25]

In part, this centralisation can be traced back to the United Kingdom's historical origins as a collection of nations. In part, it is a consequence of England's size (it comprises 84 percent of the UK's population) and its economic and political dominance vis-à-vis the other constituent parts of the UK (all the UK-wide institutions are located in London), which has at times led to a reluctance at the centre to consider England/Englishness as distinct for fear of threatening the union.[26] The main assumption underlying both the empire and the post-war unitary British state was a view of the union as the expression and extension of English interests. Acknowledging the existence of England and English interests as distinct would have required conceding that the UK was now a multi-nation, rather than union, state.

But Brexit and, more recently, the covid-19 pandemic have brought to the fore the inherent weaknesses in this constitutional set-up. Devolution to the nations did not result in a change of approach in Westminster, meaning that the UK government continues to govern both England and the UK with the mindset of a unitary state, although, in many areas, it is the de facto government of England. In most UK-wide forums, the UK government now adopts the 'dual-hat' role of speaking both for the UK as a whole and for England,[27] raising concerns of conflicts of interest and the appropriate representation of English interests in UK-wide discussions.[28] Combined with the current

government's increasingly Anglo-centric muscular unionism,[29] which believes Whitehall-knows-best when it comes to governing the UK, this leads to all sides losing out – a government rooted in England purports to speak for the union as a whole, while England and its specific interests suffer by neglect.[30]

To date, devolution in England has not challenged Westminster politics – new forms of democratic engagement and participation have not been introduced in response to public preferences,[31] as in Scotland, in great part because the English have never been asked how they would like to be governed at the national and sub-national levels. Unlike the other nations, people in England have been shut out of such bottom-up democratic participation, with governance arrangements being largely settled from the centre behind closed doors. The introduction of the little-known institutional solution to the governance of England in the form of the now-repealed English Votes for English Laws (EVEL) and the establishment of 'devo deals' and combined authorities in selected areas of England all took place at the centre – indeed, the repeal of EVEL in July 2021 happened without even a parliamentary vote.

Such lack of debate and consultation makes it difficult to measure public demand around devolutionary structures in England. There is no clear consensus around the preferred form, geography and extent of devolution, with public opinion surveys not producing a clear picture as to what geographical and cultural communities people identify most with (whether their local council or region, for example).

To make matters worse, England only has experience of Westminster's adversarial electoral system, which puts politics first, place second.[32] While devolution in Northern Ireland, Scotland and Wales led to the break-away from Westminster's 'power-hoarding majoritarianism', this remains fully in place in England.[33] With the exception of London, England is

the only part of the UK that does not use a form of proportional representation for some of its elections – an anomaly in the UK. Because of the dominance of two-party politics to which First Past the Post (FPTP) leads, a range of voices are effectively excluded both at Westminster and local levels. Local government in England, meanwhile, continues to be blighted by local 'one-party fiefdoms'.[34] Not only does this skew political representation in England, but citizens themselves feel like they have very little influence over decision-making as a result of the broken political and electoral system, which does not allow them to input into decision-making and which leads to many votes being effectively ignored at election time.

Such inequality, centralisation and lack of opportunities to participate in democratic processes have manifested themselves in feelings of low efficacy and anti-politics, disempowerment, and low turnout and participation in England. For example, a YouGov/BBC survey of 20,000 English adults in 2018 found extremely low levels of political efficacy: only 12 percent of people felt able to influence the decisions that central government makes that affect where they live, and almost three quarters (72 percent) thought that Westminster politicians do not reflect local concerns.[35]

Feelings of distrust have increased over the past 75 years both in scope and in the negativity of grievances.[36] People in England are dissatisfied with the constitutional arrangements through which they are governed,[37] although the public is split over the few available options for change (except for regional assemblies, for which people consistently display very low support).[38]

Something must be done to address these feelings of disengagement, lack of political efficacy and unfair treatment in the UK's constitutional set-up – a strong, genuinely empowered democracy needs to be rebuilt in England.

The importance of local government

So why might a revitalised local government and genuine devolution in England be a solution to this malaise?

Local government plays a key role in any democratic system, offering the 'most accessible layer of institutionalised democracy'.[39] Despite having been considerably weakened over successive decades, it has taken on many new frontline roles and has become much more prominent in people's lives, especially where central government is perceived to have failed, as demonstrated during the covid-19 pandemic.[40] Local government shows how a place-based approach to democracy might change our politics for the better.

One of the potential strengths of English local government is the link it can offer between place, local leadership and communities themselves.[41] Democratically and fairly elected local leaders are more knowledgeable of and responsive to the interests of the communities they serve at the local level, and can act as a conduit between localities and the national level.

"Councils are at the heart of their local areas. As place leaders and with a democratic mandate, they are the only agency which can bring together local people and ensure that everyone has access to the public services which communities need to thrive."

Local Government Association, 2020[42]

People themselves value place-based leadership and display strong levels of satisfaction with their local area. A June 2020 survey by the Local Government Association (LGA) found that councils 'have never been more trusted by their residents to make decisions for them.'[43] Seventy-three percent of respondents to the LGA survey said they most trusted their local council to make decisions about how services are provided in their local area, while only 18 percent most trusted the government. Further, 71 percent of respondents

'singled out local councillors, as opposed to members of parliament (14 per cent) and government minsters (eight per cent), as the individuals they most trust to make decisions about how services are provided.'[44]

Globally, we have been witnessing a greater trend towards decentralisation,[45] but in England, the Westminster system continues to hold people back from having a genuine say over how they wish to be governed and over the future of their communities.

1 Local Government in England

The history of devolution within England is one of ad hoc, piecemeal, top-down reforms united in their lack of a clear vision – devolution in England remains very much unfinished business.

Although devolution within England does not require local government restructuring,[46] the two have often been conflated, with devolution frequently being made contingent upon local government reorganisation. This has been the case with the recent 'devo deals', where the devolution of powers was subject to the establishment of combined authorities with a directly elected mayor.

Considering the structures of local government and the changes that have been made is necessary to understanding the development of devolution in England. It is to this issue that we turn in this chapter.

What is local government?

Local government is a form of sub-national government, the levels and types of which vary. In Germany, for example, there are two levels of local government in each state (Land) – districts and municipalities – while Ireland only has a single layer of sub-national government (city and/or county councils).[47] Smaller and multiple tiers of local government are common internationally. A report by the OECD found that 'multi-tier local government is the norm internationally', with only 31 countries (out of the 101 studied) having a single tier of sub-national government (47 countries had two tiers and 23 three tiers).[48]

The purpose of local government is dual.[49] First, it provides for an additional layer of democracy to that available in relation to central government: it ensures the political representation of citizens at the local level; it is publicly accountable for local decisions and the implementation of national ones; and it fosters local engagement. Second, it is responsible for providing a variety of public services, such as social care, education, housing and planning, and waste collection.

The powers and autonomy enjoyed by forms of sub-national, decentralised government can vary quite considerably, as shown in table 1, from ones that only enjoy some administrative responsibilities or the dispersion of some central government functions, to ones that have much more autonomy, including over taxation, spending and public finances. Devolution is the highest form of decentralisation, with local government exercising quasi-autonomous power and control over transferred policies. As will be seen in later sections, England can be placed on the lower end of this scale – rather than devolution, England has delegation with some political decentralisation.[50] Internationally, however, the trend is one of greater decentralisation of state functions through 'administrative deconcentration' and political devolution.[51]

Table 1: Forms of Decentralisation

Table taken from: Pike, A. Kempton, L., Marlow, D., O'Brien, P. and Tomaney, J. (2016). *Decentralisation: Issues, Principles and Practice.* Centre for Urban and Regional Development Studies: Newcastle University.

Level	Form	Characteristics
Low	Administrative	Administrative functions and responsibilities undertaken at the sub-national level.
	Deconcentration	Dispersion of central government functions and responsibilities to sub-national field offices. Powers transferred to lower-level actors who are accountable to their superiors in a hierarchy.
	Delegation	Transfer of policy responsibility to local government or semi-autonomous organisations that are not controlled by central government but remain accountable to it.
	Political	Political functions of government and governance undertaken at the sub-national level.
	Fiscal	Autonomy over tax, spending and public finances ceded by central government to sub-national levels.
High	Devolution	Central government allows quasi-autonomous local units of government to exercise power and control over the transferred policy.

The structures of local government in England

Unlike in Northern Ireland, Scotland, and Wales, where there is a single layer of local government (11, 32 and 22 unitary authorities respectively),[52] the landscape of local government in England is more fragmented and overlapping, with functions, powers and resources depending on the specific type of arrangement, and its shape has changed (and continues to do so) over the years.

There are three forms of sub-national government in England: local authorities, combined authorities, and the Greater London Authority.

Currently, there are 333 local authorities in England, and these can be divided into two-tier and single-tier authorities:

- In two-tier areas, authorities share local government functions. County councils are responsible for social care and some aspects of transport and education (providing around 80 percent of services). District councils manage neighbourhood services, such as waste collection.
- In single-tier areas, one authority carries out all local government functions. Single-tier areas include: unitary authorities, London boroughs, metropolitan districts (effectively unitary authorities – the name is a relic of past organisational arrangements), and two sui generis authorities (City of London and Isles of Scilly). Around 62 percent of the population in England is covered by a single-tier authority.

Table 2: Principal Councils in England

Source: Local Government Information Unit (n.d.). Local Government Facts and Figures: England. https://lgiu.org/local-government-facts-and-figures-england/

Type of authority	Number of authorities
Two-tier	
County councils	24
District councils	181
Single-tier	
Unitary authorities	58
Metropolitan districts	36
London boroughs	32
City of London	1
Isles of Scilly	1
Total	**333**

In both types of authorities, councillors are elected every four years using First Past the Post in single- or multi-member wards, with voters having as many votes as there are seats. The number of seats up for election can vary. In the majority of councils (68 percent), all council seats are elected at the same time; in 30 percent of councils, elections take place by thirds three years out of every four; and in two percent of councils, half of the seats are up for election every two years.[53]

Both two-tier and single-tier types of local government are termed 'principal councils'. Below the district level, there are also around 10,000 'local'

councils, such as parish and town councils.[54] All areas of England are also covered by a Local Enterprise Partnership (LEP), a voluntary body established in 2010–11 following the abolition of Regional Development Agencies, which coordinates economic development and growth policy in local areas. LEPs are not formally accountable to local authorities and thus to the electorate.

In some areas, unitary authorities have joined together into a 'combined authority' with a directly elected mayor in order to access devolved powers from central government. There are now ten combined authorities (CAs) in England, nine of which have a directly elected 'metro mayor' (mayoral combined authorities or MCAs; the North East CA does not have an elected mayor).[55] Devolution in London is distinct from MCAs – the Greater London Authority, with a directly elected mayor and the London Assembly, was established following a referendum in 1998 and legislation in 1999.

Metro mayors and the mayor of London are elected using the Supplementary Vote, although the Elections Bill currently in parliament would change the electoral system used to elect mayors and Police and Crime Commissioners to First Past the Post.[56]

There is quite a long way to go to ensure diversity in local government – indeed, until the election of Tracy Brabin as mayor of the West Yorkshire combined authority, all metro mayoral positions were occupied by men. Although demographic data on councillors are not officially collected, an LGA census of local authority councillors in 2018 found that almost two thirds (63%) of councillors were male, while 36 percent were female.[57] Ethnic minority representation is also very low – a study by the University of Manchester found that only seven percent of local councillors in the UK come from an ethnic minority background, compared with 10 percent of MPs and 14 percent of the population.[58]

A history of piecemeal reforms

Unlike many other countries, where local government flourished even prior to the nation-state, and indeed motivated its creation, England has a much more limited experience of strong local government. History and politics both play a part.

England is a prototypical unitary state, in which power was centralised very early on in its history,[59] and has long experienced being governed as a single unit by a powerful individual at the top. During the late 19th and early 20th century, with the 'imperial' parliament's attention being turned overseas,[60] there had been a brief flowering of strong, decentralised local government – 'municipal government' – primarily in big towns and cities. But post-1945 and following the end of the empire, parliament turned its attention back to governing the UK and England, and the implementation of large-scale reforms, such as the creation of the welfare state, necessitated decisive, top-down, centralised governmental intervention – this led to the hoarding of power at the centre and consequent weakening of English local government.[61] As a result, England has an 18th century governance for a 21st century country.[62]

Since then, devolution across England has been pursued with different rationales and different purposes, as reflected in the structures and geographies of local government. In this section, we chart some of the most relevant changes made to local government in England.

The 1972 Local Government Act

Until 1972, local government in England was still based on Victorian-era legislation – the Local Government Act 1888, which established elected county councils in England and Wales and allowed for larger towns and cities to opt out of county government and become

county boroughs, and the Local Government Act 1894, which established district councils.

The 1972 Local Government Act (LGA1972) was a significant reorganisation of local government in England (with the exception of London, which had been restructured in 1964),[63] which established the dual structure of local government with county and district councils. Since 1974, when the Act came into effect, a number of these were replaced by unitary authorities as part of later restructurings, most notably following the 1992–5 and 2007–9 reviews of local government.

In contrast to discussions around and pressure for devolution in Wales and Scotland in the 1970s and 1980s, English devolution was not as salient during this period. Following the 1972 Act, few changes were made to local government in the 1970s and 1980s, with the most significant being the abolition of the six metropolitan county councils and the Greater London Council in 1986.

1990s: Regionalisation

One of the options for devolving power in England that has been subject to considerable discussion over the years, has been the establishment of a regional tier of government for England – a policy typically associated with the Labour Party.[64]

The 1992 Labour Party manifesto contained a commitment to a regional tier of government for English regions with responsibility for economic planning and transport, which would have later formed 'the basis for elected regional governments'.[65] The party's 1997 manifesto committed to setting up Regional Development Agencies (RDAs) to coordinate regional economic development and to introducing legislation to allow people in each region to have their say in a referendum on whether they wished to have a directly elected regional government (regional assemblies).[66]

In 1999, the Labour government established RDAs and 'Regional Chambers' – a 'form of regionalism, if

not by stealth, then certainly by default.'[67] In 2003, the Labour government announced that the first three referendums on directly elected regional assemblies would take place in the North East, Yorkshire, and the North West. All three referendums were set to take place on 4 November 2004, although only the North East referendum went ahead.[68] In an all-postal ballot, the public voted by almost four to one against a directly elected regional assembly – this 'overwhelming rejection killed the idea [of regional devolution] dead.'[69] To this day, the North East referendum is adduced as a counterargument to proposals for regionalisation in England.

2010s: 'Devo deals' and Mayoral Combined Authorities

Mayoral combined authorities now cover vast swathes of England – if Greater London is included, 41 percent of England's population (representing 43 percent of economic output but just 14 percent of land area) now lives in areas with some form of mayoral devolution deal.[70]

The impetus for the 'devo deals' can be found in the aftermath of the 2014 Scottish independence referendum. In addition to promising further devolution to Scotland, Wales and Northern Ireland, then Prime Minister David Cameron announced that there would be a 'wider civic engagement about how to improve governance in our United Kingdom, including how to empower our great cities.'[71] This policy was based upon a plethora of think tank reports published in 2014 and which, in turn, drew upon the 2012 independent report by Lord Heseltine on how to increase UK growth,[72] which had proposed a fully unitary system of local government in England.

The first devolution deal, for the Greater Manchester Combined Authority, was announced in November 2014.[73] Following the 2015 general election, the Conservative government set out its commitment 'to building strong city regions led by elected mayors,

building on the ground-breaking devolution deal with Greater Manchester in November 2014.'[74]

Combined authorities are formed by the coming together of two or more unitary authorities, which agree a bespoke 'devo deal' with central government in order to obtain some devolved powers. An exception is Cornwall, whose 'devo deal' devolved powers to the county council rather than to a CA. To date, all devolution deals have initially been negotiated and agreed in separate, private, bilateral meetings between government teams and local authority leaders. After a deal was agreed and published, the local councils involved had to approve their participation in the deal ('ratification').[75]

Devo deals typically consist of a 'menu with specials', with metro mayors having different powers and budgets. Most deals include the devolution of powers around further education, business support, economic development, planning and land use, and local transport. In some cases, such as Greater Manchester, unique powers (the 'specials') are devolved as well, such as over housing and health.[76]

Metro mayors make decisions about policy and spending alongside local authority leaders in their area, who may have different political standpoints or belong to different parties, and decisions must be signed off by a majority of council leaders. Metro mayors retain an effective veto over combined authority decisions in most areas, meaning their approval is needed to take a decision forward. Important decisions, such as on spending or local transport plans, can be rejected by a two-thirds majority of council leaders. Some decisions require unanimous approval from the mayor and CA members. This is unlike the situation in London, where the mayor can take decisions without reference to the boroughs.[77]

There are now nine mayoral CAs and one non-mayoral CA (North East). Having a directly elected mayor is seen as key to the success of the 'devo deal'

model, as they can provide a single, clear point of accountability, while being supported by a cabinet made up of local authority leaders and representatives of local economic sectors. By speaking 'with a single and democratically mandated voice' for their local area, mayors are seen as offering visibility for their community at the national level.[78] Their election via the Supplementary Vote helps prevent unpopular candidates being elected on a small plurality of the vote, as can happen under First Past the Post, thereby ensuring that these important executive roles can command the support of a broad range of voters.

Present: Moves towards unitarisation and the levelling up white paper

In addition to the creation of larger forms of sub-national governance in the form of combined authorities, the past decade has seen renewed calls for the creation of more unitary authorities across England,[79] on the grounds that they can 'facilitate more integrated decision-making, better service delivery, greater local accountability and empowered local communities.' [80]

The trend has been towards creating fewer, larger local authorities, something which the current government seems to support, having called for the creation of larger unitary authorities (covering a population of around 300,000–700,000) based on existing district and county areas.[81] In July 2021, then Local Government Secretary Robert Jenrick announced the creation of three new unitary authorities in Cumbria, North Yorkshire and Somerset,[82] following an invitation to submit proposals in October 2020.[83] New UAs had also been established in Buckinghamshire, Dorset and Northamptonshire in 2019–21.

Scale, efficiency and value for money are the principles underlying recent restructurings and calls for unitarisation. Questions of scale and, in particular,

the optimum population of any new form of sub-national government, have dominated debates, with the thinking being that larger authorities – with over 300,000 people – would help achieve economies of scale, although evidence on this count is equivocal both in the UK and elsewhere.[84]

It is believed that unitary authorities can offer a single local government perspective, replacing multiple political leaderships and officer teams (and thus multiple strategies and perspectives), which might enhance the efficiency of policy-making, service delivery and planning.[85] Advocates of unitarisation also argue that having a single-tier of local government would be less confusing for the public, who might not understand the difference in responsibilities between county and district councils.

Another recurring argument is that moving to unitary local government would save public money by reducing administrative overhead costs for example, although studies of previous restructurings suggest that the level of anticipated savings might not necessarily be achieved, and that it is difficult to isolate the financial effects of restructuring from other changes/savings.[86]

The research both in the UK and internationally does not seem to suggest that there is an optimal structure, size or pattern of local government, and casts doubt on arguments centred on economic and administrative efficiency and simplicity to the detriment of other criteria. While some studies find no significant relationship between population size and turnout, others suggest that merging local authorities into larger units might negatively affect 'democratic responsiveness', leading to 'reduced political participation and satisfaction with the political process, and reduced turnout in elections.'[87] Research has also found that *smaller* authorities are correlated with higher internal and external political efficacy,[88] whereas larger authorities have a negative effect on people's levels of community attachment and democratic

participation, including voting, contacting local officials, attending meetings, and political party activity.[89]

The recently published levelling up white paper makes it clear that only county councils and unitary authorities will be able to access the full suite of devolved powers available, and that these areas should have a population of at least 500,000.[90] Unlike previous approaches, the white paper recognises the importance of geographies of identity, place and community in determining which areas can access devolved powers, but still maintains the requirement that these correspond to functional economic areas (e.g. whole counties) reflective of where people live and work.

The paper also sets out a new devolution framework for England, extending devolution beyond metropolitan areas. Nine counties will be invited to commence negotiations for new 'county deals', while a new mayoral combined authority deal will be agreed with York and North Yorkshire, and existing MCAs will be expanded, including in the North East, Greater Manchester and the West Midlands (the latter two of which will be able to access 'trailblazer deals' for further powers).

Recognising the limitations of a one-size-fits-all approach to devolution, the white paper establishes three levels of devolution, each with different powers and functions. Level 3 (the highest) would allow areas to access the full suite of powers available, contingent upon having a single institution or county council with a directly elected mayor (reflecting the government's preferred option for devolution). Level 2 areas would be able to access somewhat more limited powers, but would not be required to introduce a directly elected mayor. Level 1 areas would only be able to access core powers, although having a directly elected mayor and/or a single institution/county council would not be required.

While not making devolution conditional upon local government reorganisation and not being overly prescriptive about the level at which devolution should take place, the government appears to be still wedded to making devolution contingent upon specific local government structures.

Conclusion

The landscape of local government in England is complex and highly centralised. Successive reforms have done little to genuinely empower local government, being primarily top-down changes to the structures of sub-national governance, which have not challenged the dominance of the central state. Local government restructuring in England has not been conducted in response to local leaders' demands and it has involved the public only in limited ways – although advisory referendums have been held in some areas, restructuring does not require the consent of the affected councils and the public to express support for a change.

Among the many changes to local government, one of the unifying trends, particularly since the 1990s and more significantly since the 2010s, has been the reorganisation of local government into fewer, ever-larger units (Unitary Authorities).

Although the recent levelling up white paper seems to be moving away from the top-down imposition of centrally decided structures, it still requires local areas to meet specific criteria in order to access devolved powers. It remains to be seen whether the white paper will result in genuine devolution, with real power and autonomy granted to localities.

Part 2. What Are the Problems with English Devolution?

Introduction

Part 1 described the current state of local government and devolution within England and flagged some of the problems underlying the English devolutionary settlement.

Part 2 looks at these issues in more depth and attempts to show how the problems with English devolution have less to do with the structures of local government and more with its underlying approach. The current set-up is not what is holding democracy back in England, nor is finding the ideal structure or optimal size for sub-national government in England the panacea it appears to be.

Rather, the underlying principles, motivations and approaches to devolution are the problem – a centralised devolutionary process, combined with the lack of genuine power handed down to the local level and the absence of democratic considerations, have led England to have devolution 'in name only' and highlight the case for reform.

2 Missing Power

Devolution in Scotland, Wales and Northern Ireland was founded on the values of self-determination, national pride and the right of people to pursue their own priorities. While differing in type and scope, these devolutionary settlements attempted from the outset to genuinely devolve power and responsibilities away from Westminster and were instituted with local engagement and debate among the population.

This has not been the case in England. Here devolution has not been employed as a mechanism for shifting the balance of power away from the centre, bringing it closer to the people and fostering a healthy local democracy. Instead, it has been led by the centre in pursuit of primarily economic incentives, and has not resulted in an empowered local government with real autonomy from Westminster.

"The English devolution process starts from the presumption that the default position is the status quo, and that local areas need to make strong arguments in order to be 'granted' devolution."

Centre for Governance and Scrutiny, 2020[91]

This chapter explores how centralisation and lack of power have acted as a barrier to genuine devolution in England.

'Centralisation on steroids'[92]

"By any comparative standard, England's governmental structures are among the most centralized in any democratic society. The corollary of this is that English local government is particularly weak and lacking in autonomous authority"

Professor Ailsa Henderson and Professor Richard Wyn Jones, 2021[93]

Devolution within England has taken place in a highly centralised and top-down manner. It has never deviated from the British political tradition's power-hoarding and hierarchical approach to governance, nor posed a serious challenge to the Westminster model of parliamentary sovereignty and executive dominance by creating genuinely empowered localities.[94]

The process of devolution within England has been centralised and centred around Westminster – from the structures on offer to the powers granted to local areas. The forms of devolution available are 'highly constrained and limited',[95] and maintain the hierarchical relationship between centre and localities,[96] rather than creating a new settlement among equals based on trust and partnership. There has been limited consultation with localities as to whether the forms of devolution on offer are appropriate for their areas and, generally, structures have been imposed top-down onto local areas wishing to access devolved powers.

The powers and resources granted to localities are similarly limited and dependent on the centre, with the government 'determining the terms on which it will outsource specified programmes and projects to local governments'.[97] Localities have not genuinely been empowered to act as autonomous alternative centres of power. As a result, some argue that 'delegation' might be a more accurate term to describe current arrangements, while others view them as a form of 'elite co-option' of local leaders to deliver central

priorities,[98] or as 'more administrative and task based decentralisation than the devolution of power.'[99]

The perception that England has been offered only decentralisation, not genuine devolution, is reinforced by the fact that successive reforms by different governments have been characterised by their lack of a clear, comprehensive, long-term framework for devolution, which would have set out its purpose and principles. This has led to the patchwork of arrangements currently in place. Different areas have varying powers, autonomy and systems in place, and there is little to no broader understanding of and engagement with the devolution agenda among affected communities – unsurprising if 'devolution' is viewed merely as the delegation of some policies by the government of the day, rather than as a way of reshaping how and where people are governed.

Indeed, successive approaches to devolution have been technocratic and short-termist, motivated by the pursuit of the priorities of the government of the day and the 'efficiency gains and improved economic growth' made possible by decentralisation,[100] rather than the creation of genuinely empowered localities and a healthy local democracy, reflective of people's sense of place and identity. This economic/technocratic outlook is reflected in the ongoing discussions around the level at which devolution should take place and the optimum population size of local authorities described in Chapter 1.

"If local authorities are seen primarily as deliverers of national public services, decision-makers may favour larger authorities on the grounds of effectiveness. If they are seen more as local forums for the expression of democracy and citizenship, decision-makers may prefer smaller authorities."

Dr Mark Sandford, 2021[101]

This economic incentive has also led to an inconsistent approach to devolution, with faster-growing areas, large cities and 'metro-regions', being prioritised by the centre, while others remain locked out of the process.[102] Current devolutionary arrangements do not allow for all English localities to access the full suite of devolved powers on offer, leading to inequalities and divisions to persist (e.g. between metropolitan and rural/coastal areas).

The 'devo deals' of the late 2010s exemplify Westminster's approach to devolution. The deals were conceived at the centre as a 'functionally efficient means to achieve agreed policy outcomes',[103] and presented as the sole way of accessing devolved powers, provided each area was willing to join in a combined authority and, usually, have a directly elected mayor. Their purpose was 'repeatedly framed in terms of economic growth, regeneration and concepts such as functional economic geography',[104] rather than as a means to strengthen local democracy.

The formal criteria for devo deals were never clearly set out, meaning that localities were unaware of the conditions to secure a deal or of what a 'successful' devolution bid looked like. This is significant given that the (limited) powers granted to CAs were only available if the proposed bid met the criteria imposed by central government.[105] If a local area sought alternative governance arrangements, then a deal would not have been forthcoming, indicating just how powerful central control was over determining devolutionary structures.[106] For example, despite local support, the 'One Yorkshire' devo deal was rejected by the government in 2019 for failing to meet its devolution criteria (only 18 of the 20 local authorities supported the proposal and the government required the agreement of all participating authorities).[107] More recently, it seems that a CA and a directly elected mayor are no longer pre-conditions for a deal, with the government extending the current devolution model to rural areas in the form of 'county deals'.[108]

Devo deals were agreed in private, bilateral negotiations between the government and individual areas, without broad consultation and engagement of the public feeding into the negotiations – an approach known as 'informal governance', with decisions taking place behind closed doors among key stakeholders.[109] While informal governance can lead to greater efficiency, flexibility and timely/streamlined decision-making,[110] it also raises concerns around transparency, accountability, wider engagement and the democratic legitimacy of the decisions being taken,[111] especially if the transition from the 'back stage' (informal, behind the scenes negotiations) and the 'front stage' (with the wider public) are poorly handled.[112] By not involving key actors and the broader public in the process, the inception of devo deals may have undermined the connection people felt with these new structures.[113]

"The UK is over centralised, and where it is decentralised that decentralisation is often undemocratic, secretive and unresponsive."

London Liberal Democrat Party councillor response to ERS survey

Involving and consulting the public would have been possible during the devolution negotiations of recent years. For example, deliberative mini-publics could have been used to gauge public opinion on the proposals and understand people's needs and priorities,[114] as was the case with the citizens' assemblies on devolution conducted by the University of Sheffield and the ERS alongside other partners.[115] While remaining advisory, such processes could have fostered public engagement and secured the legitimacy of reforms. In practice, however, citizens themselves have had little say in current devolved arrangements, leading to the paradoxical situation where 'a policy that is supposed to be democratising [was] carried out in an undemocratic way.'[116]

Box 1: The metro mayors come of age?

Directly elected 'metro mayors' were one of the requirements, alongside the establishment of combined authorities, for the devolution of some powers in England begun as part of the 2010–15 Conservative-led government's agenda. Metro mayors have come to increasing prominence in recent years, notably since the outbreak of the coronavirus pandemic led to their increased visibility across the UK as champions for their local areas. Many now argue that metro mayors 'are maturing as institutions and they have started to take root in the public imagination.'[117] Indeed, turnout increased in the 2021 combined authority mayoral elections, compared to the same contests in 2017, and the public appears to be more aware of the role of metro mayors. The Tees Valley election witnessed the most significant turnout change in 2021, with incumbent mayor Ben Houchen being re-elected with a 12.7 percentage point increase in turnout.[118]

Unlike arrangements in Scotland and Wales, and the London mayoralty, metro mayors are still a weak institution – they have limited powers and resources, lack meaningful control over funding and spending decisions, and cannot determine their own priorities where these diverge from the centre.[119] Initially, they also suffered from the weaknesses in the inception of devo deals, set out above, particularly the lack of engagement with the local population and low democratic legitimacy.

But in spite of their few formal powers, mayors have sought to increase their clout in other ways. For example, they have taken on 'orphan policies', where no level of government has a clear duty to act,[120] such as tackling homelessness or improving mental health provision. They can also rely upon a range of soft, symbolic and 'generative' powers, including those:

- to convene stakeholders from across their local area;
- to articulate a vision for their locality and use it to leverage government or private investment;
- and to use their voice to champion their area on the national stage – the 'performative element' of mayors' political leadership.[121]

As shown during the coronavirus pandemic, mayors can command attention from the national media, unlike other local government leaders. In fact, one of the purported benefits of having a directly elected mayor as part of the devo deals was the fact they could offer visibility and a single point of accountability for their local area, alongside direct election.[122]

The mayors' strong connection to 'place' appears, so far, to have been successful, especially in Greater Manchester and the Tees Valley – by 'harnessing the power of place', mayors appear to have been able to overcome the limitations of the devolutionary system and may offer a way to reinvigorate local democracy.[123]

In the levelling up white paper, the government highlighted the strengths of the mayoral model and indeed recommended its extension to other areas, including counties, making this a pre-requisite for accessing the highest level of devolved powers. The government also committed to giving more powers to existing mayoral combined authorities (MCAs). While this is welcome, such an increase in MCAs' autonomy should not result in powers being absorbed from lower democratic levels.

To date, progress on devolution has been very slow – almost 10 years after the first devolution deals were agreed, nowhere has yet the same powers as Greater Manchester. It is crucial that the targets set out in the levelling up white paper to extend and deepen devolution across England by 2030 are met.

Unempowered localities

The highly centralised approach to devolution within England goes hand in hand with the lack of real power and autonomy granted to localities. Two-thirds of local representatives surveyed for this report (67.6%) said that they do not have enough power to represent the needs of their local community – only one in three (30.5%) said they have sufficient powers.

England cannot be said to truly have devolution, which would require 'the passing over of fundamental governing, legislative and political powers (possibly irrevocably) from a central power to new governing institutions'.[124] Local government enjoys some form of delegation and decentralisation, but has little to no discretion or independence,[125] leaving England as an outlier compared with other countries, where local government enjoys much more autonomy and wide-ranging powers.[126]

"Government has boxed local government into a corner where we are responsible for raising funds through broadly unfair council tax that bears disproportionately on the poorest; and pretending that we are adequately resourced to provide top class education, safe roads, proper cycle routes away from major roads, Adult Social Care and similar key and crucial and worthwhile services. [...] This adds to the alienation from real power as local politics now replicates parliamentary techniques where winning matters more than service to the community."

South East Liberal Democrat Party councillor response to ERS survey

The political and, most importantly, democratic role of local government, through which local leaders articulate and advocate the interests of the communities they represent, is minimised in favour of its technocratic/managerial role as provider of public services.[127] This depoliticisation prevents local government from gaining policy autonomy from the centre and establishing itself as a democratic alternative.[128]

"The way devolution has been implemented in England risks being seen as a somewhat administrative and technical issue for central and local government rather than a change in governance and decision-making capable of making people's lives better."

Centre for Urban and Regional Development Studies, 2020[129]

Unempowered localities have been unable to present a real challenge to the central state and develop as alternative centres of power and forums for the expression of local democracy. Even the metro mayors, who have come to prominence in recent years (see Box 1), do not have sufficient powers, resources and autonomy to tackle local issues properly.[130]

"If devolution continues to be all of us bending our knees asking for this bit of money for this or that then we don't have true devolution"

Andy Burnham, mayor of Greater Manchester, 2020[131]

The centralised approach to devolution, combined with the lack of real power, also precludes the development of a strong collective local government voice based on common interests.[132] Both horizontal and vertical intergovernmental relations in England are underdeveloped.[133] There are no formal mechanisms for local leaders to make their voices heard at the national level and few avenues to cooperate at the sub-national level (the informal 'M10 network' of metro mayors being an exception).

The consequences of creating an unempowered local government were laid bare in the 2004 North East referendum, where voters overwhelmingly rejected the creation of a regional assembly (78 percent voted against and only 22 percent supported its creation).[134] The failure of the referendum can be attributed to a number of reasons, including the all-postal nature of the ballot,[135] and has since come to symbolise voters' rejection of an additional layer of politicians or of devolution outright. However, the fact that the proposed assembly would have had minimal powers and would not have been based on a geographical area with which people identified, played an important role in the rejection of the proposals – 'there was little reason to create another layer of politicians and bureaucrats if they weren't going to be truly empowered.'[136] Indeed, commenting on the referendum result at the time, Conservative MP Bernard Jenkin stated that 'People are fed up with being dictated to from Westminster but they don't want a toothless talking shop as offered by the Labour Party', while Liberal Democrat MP Ed Davey 'suggested the result might have been different if the government had promised the assembly more powers.'[137]

The legacy of austerity in English local government

Linked to local government's lack of power and autonomy is the issue of funding and spending. Local government is funded by a combination of central government grants and local taxes. In 2018–19, 50 percent of council funding came from central government grants, 31 percent from council tax, 18 percent from business rate revenues (collected locally but redistributed via a nationally-run system), and one percent from council reserves.[138] Compared to other countries in the OECD, the UK has one of the most centralised local government funding systems, with little local autonomy and control over fiscal decisions around spending and taxation.[139] For example, 30 percent of tax revenue is taken at the sub-national level in Germany, compared to under five percent in the UK,[140] while spending by sub-national government is 2.5 times higher per capita in Germany than in the UK.[141]

There are three main reasons why current approaches to local government funding in England are lacking. First, funding is often short-term and uncertain, meaning that authorities cannot effectively plan for the long term and ensure the sustainability of their finances and the essential services they deliver. Secondly, it is fragmented across services and departments, and how it is used is highly constrained by the centre,[142] reflecting a view of local government as the 'delivery arm of central government'.[143] Thirdly, it is often contingent upon competitive bidding for centrally allocated grants,[144] placing an additional burden on councils to obtain additional funding.

"Too often local councils are too beholden to central government and decision making is often too political with a notable lack of transparency. On top, the cost of making a bid for money can prevent some councils in launching a bid – it is ludicrous that we have to spend money to make a bid without being able to recover said moneys."

Yorkshire and the Humber Labour Party councillor response to ERS survey

As has been described more thoroughly elsewhere, the policy of austerity enacted by the Conservative-Liberal Democrat coalition completely reshaped local government finances, 'shrinking the capacity of the local state, increasing inequality between local governments and exacerbating territorial injustice.'[145] The highly centralised system of national government in England, combined with a weak local government, meant that austerity measures could be imposed from the centre onto English localities, unlike in the other parts of the UK. According to analysis by the Institute for Government, since austerity began, spending on local government fell in England by 21 percent between 2010–11 and 2018–19.[146] This is over ten percentage points more than in Scotland and Wales, which were able to prevent some of the worst cuts given their greater degree of autonomy over spending than England.[147]

In addition to reshaping local government finances, austerity also offered an indication of the centre's priorities in relation to devolution – between 2010 and 2015, the Local Government section of the Department of Local Government and Communities lost over half its funding, mostly in the local government section, which made 'these cuts one of the key drivers in restructuring local government and public service provision in Britain.'[148]

Even before the pandemic began, councils had seen a significant reduction in core funding and were facing a £6.5 billion funding gap by 2024–25.[149] The covid-19 outbreak thus only served to expose the already precarious situation of local government finances, with the National Audit Office finding that, if the government had not provided emergency cash, there was the potential for system-wide financial failure.[150] Some councils declared bankruptcy, while others had to ask the government for a bailout. Twenty-five councils were at acute or high risk of financial failure, with 92 at medium risk of insolvency.[151] Because of cuts

to local government finances, councils were less resilient and flexible in dealing with the impacts of the pandemic.

The pandemic demonstrated how vulnerable councils are to shocks and ill-prepared to deal with emerging challenges, such as housing, social care or the climate emergency, as a result of over a decade of cuts and a system of funding 'characterised by one-off and short-term funding fixes' and a 'crisis-driven approach to managing local authority finances'.[152]

In spite of this, the government seems to be continuing the top-down, centralised approach to local government funding, leaving councils with little say over the funding they receive.

"Children's Services legislation is centrally driven [and] is not provided adequate funding to ensure services can deliver continuous high quality. Current rural allowance does not account for travel required for staff to deliver Adult & Community Care Services in rural areas"

West Midlands Independent councillor response to ERS survey

Most of the government's flagship levelling up policies, including the Towns and Levelling Up funds, allocate funding based on bids submitted by individual local areas. Central government retains full discretion to determine which projects are eligible and how funding will ultimately be allocated, rather than giving each area the autonomy to decide for itself how best to spend money to boost local growth.[153] The allocation of the Towns Fund has already been subject to controversy with regards to the lack of transparency around the criteria used for determining the 100 towns which were to be invited to bid. The House of Commons Public Accounts Committee questioned the government's approach in selecting the towns, stating that it was 'not convinced by the rationales for selecting some towns and not others', and has raised 'concerns over the decisions being politically motivated'.[154] A

report from the National Audit Office had previously set out how, for some towns, ministers deviated from the recommendations of officials, and the Permanent Secretary at the Ministry of Housing, Communities and Local Government confirmed that ministers applied 'their own qualitative assessment of those towns and their eligibility for funding'.[155]

The constitutional position of local government

Perhaps the most obvious example of local government's disempowerment is the fact that local government in England has no constitutional protection, including the right to continued existence.[156] The Sewel convention does not apply in England and any form of devolution is 'contingent upon central government.'[157]

Local government in England is a creature of statute,[158] with Westminster holding absolute power over its shape, powers and responsibilities, and being able to vary these as it sees fit depending on the politics of the day. The history of local government set out in Chapter 1 illustrates how, over the past 50 years, the central state has engaged in frequent local government reorganisation and restructuring. This has had an impact on the relationship between the centre and the localities – it is not one of equals, but is hierarchical, with local government having to accept the powers, funding and spending arrangements set by the centre, while enjoying minimal autonomy.

The lack of constitutional protection for English local government is a thornier issue to tackle than those mentioned in the previous section, given it is intimately related to the fundamental aspects of the Westminster system, namely the doctrine of parliamentary sovereignty and the absence of a codified constitution. Whereas in federal states, for example, sovereignty can be shared between federal and local government, and arrangements are clearly set out in the constitution, in the UK '[m]eaningful devolution is impossible […] as all

devolved powers are determined by, and dependent on, the executive.'[159] This is particularly true for England, but – as breaches of the Sewel convention in recent years have shown – devolution to the nations is also a product of statute and, at least in theory, reversible.[160]

While this does not preclude a stronger form of devolution from being developed in England, as indeed we will set out in Part 3, it does raise the question of whether and how parliamentary sovereignty and an uncodified constitution can still apply in a 21st century union.

Conclusion

This chapter has looked at one aspect of the problem with how devolution has occurred in England: its overly centralised approach combined with the lack of real power and resources granted to localities. It has attempted to highlight the 'rhetoric-reality gap' between the promises of devolution and what has actually been offered in England.[161]

Local government in England and devolution remain very much 'the creature of central government'.[162] Rather than creating empowered localities and alternative centres of power, devolution has been a process of 'economic and administrative rather than democratically informed devolution', with scant attention being paid to the interests of citizens and little challenge to the structures of the central state.[163]

In order to achieve real devolution, the process needs to be completely overhauled and the purpose, role and powers of local government fundamentally reshaped.

3 Missing Democracy

The previous chapter looked at how devolution in England has been a top-down, opaque and technocratic process of decentralisation of some powers and responsibilities, rather than a genuine attempt to empower localities and engage the population. This chapter focuses on an issue related to this technocratic outlook, namely England's democratic deficit.

"democratic criteria have consistently lost out in local government re-structuring to criteria which favour managerialism, cost and administrative convenience."

Professor Colin Copus, 2018[164]

The way devolution has been conducted in England so far has failed to take broader democratic considerations into account and has done little to tackle the pre-existing, narrow forms of democracy that England has at the local level. The English 'democratic deficit' is epitomised by the First Past the Post electoral system, used for almost all elections in England, the presence of large local areas with relatively few elected representatives, a high ratio of population per councillor, and low voter turnout.

This chapter considers England's democratic deficit and highlights how, to be successful, devolution needs to address both the pre-existing flaws in England's local democratic set-up and be conducted in a way that values and enhances local democracy.

Local government as an administrative fix

The importance of fostering a healthy local democracy and ensuring democratic responsiveness has largely been missing from the debates around and the actual process of devolution in England – how devolution can be a way to reinvigorate local democracy has not been considered. While some forms of devolution, such as the requirement for directly elected mayors in CAs, seem to prima facie pay lip service to the importance of local representation, accountability, and democracy, in practice this has only been of secondary importance. Indeed, the recent government proposals to change the method by which metro mayors (alongside local authority mayors and Police and Crime Commissioners) are elected from the Supplementary Vote to First Past the Post would seem to give credit to the perception that ensuring local communities have a strong voice and representation are not as important as maintaining central control in localities.

The absence of democratic motivators is particularly concerning when it comes to devolution to sub-national government given the crucial role this level of government plays in people's daily lives. As the term *local* government itself indicates, this is a form of political representation and expression that is rooted in communities and has a clear relationship to place. It can offer an easy route for citizens to have their say on the matters that most affect their daily lives and to be involved in politics in a way that might not always be possible or accessible with national politics, which can appear remote or too complex.

Such a description, however, does not seem to fit Westminster's technocratic and top-down approach, which views local authorities as 'administrative conveniences' to deliver its priorities and to exert some form of control over sub-national politics.[165] For the centre, local government is 'synonymous with the provision of public services'[166] and is not viewed as a democratically accountable organisation in its own

right.[167] Rather than being active participants in their communities, citizens tend to be viewed as consumers, with public services being yet another transaction that is conducted in the marketplace.[168] Councillors meanwhile have little time to engage with their representative role and are placed in a defensive position vis-à-vis the citizenry, 'rather than articulating citizen views to the council.'[169]

The absence of 'place'

One of the most obvious ways in which democracy has been left out of the devolution process has to do with where devolution should take place. The issue of local identity and people's attachment and affinity to place ('affective identity')[170] has played a limited role in discussions about devolution in England, even in the face of local disquiet at restructuring attempts.[171] While the issue of the optimal size of sub-national government has been the subject of debate from an economic efficiency/technocratic perspective, the role of geography and identity, of the places to which power should be devolved and with which people identify, have not been discussed to the same extent.

Demarcating sub-national borders and achieving consensus on the appropriate geography of devolution are complex tasks,[172] particularly when there is little public debate and demand on the issue. Unlike other European countries, England lacks, for the most part, clearly defined, cohesive localities with a strong, distinct identity, which also reflect patterns of economic activity, making it hard to decide the appropriate level(s) at which sub-national politics should take place and to which power could be devolved.

Functional economic areas, reflecting people's patterns of economic activity, are frequently suggested and used as the basis for devolving power, reflecting the economic imperative underlying devolution policy thus far. But this does little to address people's sense of

belonging to a specific community and can at times not reflect people's identity.

Over the past few decades, regional structures have been seen as the simple, one-size-fits-all answer to where powers should lie in England at the sub-national level. However, a regional structure for all of England, carved up in Westminster, does not appear to be the answer,[173] as the failed attempt to impose a regional assembly on an unreceptive populace in the North East can attest.[174] Regions do not have a 'basis in popular sentiment, history or identity, and are all too prone to appear like alien impositions rather than vehicles for democratic governance.'[175] Indeed, a regional solution to English governance has consistently received lower levels of support than the status quo in the British Social Attitudes surveys.[176]

The more recent trend towards creating large unitary authorities, moreover, means the resulting layer of government might appear remote from communities and citizens, and enjoy little affective identity, leading to the problems for local democratic health described in Chapter 1, such as feelings of low political efficacy, reduced turnout and participation. Similarly, the creation of combined authorities with a directly elected mayor may work and be supported by the population in some areas (as the increased support for the incumbent metro mayors in Greater Manchester and the Tees Valley, for example, seem to attest), but may not be applicable to other localities, with different needs, such as rural areas or places with overlapping identities, which makes the creation of a 'neat' system of combined authorities more difficult.

The fundamental problem with any attempt to carve up England from the centre is thus the fact that the central state does not know where people's affinities lie, which identities are strongest amongst communities, and what type of government people want. Imposing a solution in a top-down manner, without public engagement, is unlikely to enjoy much support and

have democratic legitimacy. But so far, people themselves have been shut out of the devolution process in England. Indeed, the establishment of the 'devo deals' or local government reorganisation did not require the affected areas to give formal consent, nor was there a requirement for the public to express support for change.

The general mindset seems to be that people are not interested in such matters, even though in recent decades public expectations around how we practise our democracy have changed, moving towards more participatory and deliberative forms of engagement, such as referendums or citizens' assemblies. [177] Indeed, when given the chance, people have at times made themselves heard. For example, in a 2017 referendum, the residents of Christchurch Borough Council voted to oppose the decision to abolish the council and create a unitary authority covering Bournemouth, Christchurch and Poole – with 84 percent voting against the merger on a turnout of 53 percent.[178]

The unwillingness to accept centrally imposed structures should not impede devolution, rather these concerns should be listened to and people themselves, alongside local politicians and stakeholders, allowed to have a say on what type of structure would best suit their locality. 'Place' matters to people and should be factored into devolution considerations, an issue we will return to in Part 3.

Limited democratic responsiveness

Linked to the issue of where devolution should take place is the size of sub-national government. Previous chapters have described the current trend towards creating larger forms of local government, with unitary and combined authorities being an example of this. But increases in the size of local authorities can lead to a reduction in the number of elected representatives per area and lower levels of democratic responsiveness.

Compared to other European countries,[179] England has significantly larger local authorities and a much higher ratio of population per elected councillor (table 3). On average, a councillor in England represents around 3,300 people, compared to countries with a similar population size, such as Italy and France, where one councillor represents every 600 and 130 people respectively. In terms of local authority size, the average population per council in England is almost 100 times larger than in France.

Table 3: Population Size and Representative Ratios in a Sample of European Countries

Table taken from: Sandford, M. (2021a). Unitary Local Government. *House of Commons Library Briefing Paper no. 09056*. https://commonslibrary.parliament.uk/research-briefings/cbp-9056/

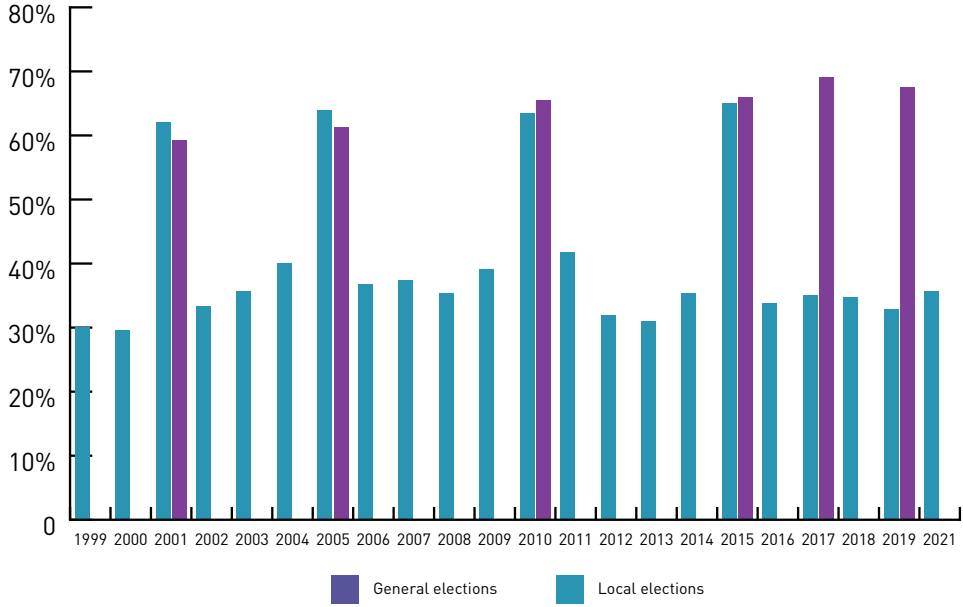
Country	Population (millions)	Lower tier councils	Average population per council	Total councillors ('000)	Persons per councillor
France	67	36,500	1,800	515	130
Spain	47	8,100	5,800	65	720
Germany	83	12,013	6,900	200	410
Italy	60	8,000	7,500	100	600
Belgium	11.5	581	18,700	13	880
Sweden	10	290	34,400	46	220
Netherlands	17	390	43,500	10	1,700
Denmark	6	98	61,000	5	1,200
England	56	315	177,700	17	3,300

Low democratic responsiveness in English local government has led some to argue against creating more unitary authorities. If unitarisation were to be extended everywhere, it is claimed that the average English council would be 122 times larger than the average council in Germany, 14 times than in Denmark, and five times the existing English average.[180]

This would be less of an issue if the resulting areas were genuinely empowered or if this was a result of a devolutionary approach that took democracy into account and valued local leaders' political and representative roles. However, a devolved settlement that combines large areas but few elected representatives, limited powers, a primarily administrative/technocratic role, with low democratic responsiveness is especially problematic.

It is thus unsurprising that levels of democratic engagement, as expressed in turnout at local elections, tend to be far lower than that for general elections – only between 30 percent and 42 percent of voters turn out at local elections (image 1), although turnout tends to be higher if local elections coincide with parliamentary ones.[181]

Image 1: Local and General Election Turnout in England since 1999



How the Westminster model holds England back

While relatively low voter turnout and democratic responsiveness can be found in other parts of the UK as well, not least Scotland which also has one of the highest population-to-councillor ratios internationally and a highly centralised devolved set-up, the English are especially disadvantaged when it comes to representation at the local level because of First Past the Post (FPTP), which exacerbates many of the other failings in the current system.

First Past the Post is a majoritarian, winner-takes-all voting system, which means candidates do not need to

secure broad support from across the electorate but are often elected on a small plurality of the vote, regardless of how few people voted for them. First Past the Post means that voters will not necessarily see their choice reflected in the outcome of the election and those who are elected will not represent a wide cross-section of the population. ERS analysis of the 2019 local elections in England found, for example, that – in nearly half of all English local councils – a single party was able to secure more than half of the seats up for election, while winning fewer than half of the votes cast across the local authority area.[182] The most extreme example was Havant Borough Council, where the Conservatives won every single councillor up for election with only 44 percent of the vote, leaving the choices of a majority of voters unrepresented.

FPTP is also unfair on parties and distorts results so that voters' choices are not accurately reflected in the final tallies. For example, at the 2019 English local elections, the Labour Party won less than a quarter of the vote in Basildon Borough Council – almost half of what the Conservatives obtained – yet elected more councillors.

Because of its winner-takes-all nature, FPTP disincentivises candidates and parties from standing in areas where the system means they are unlikely to get elected. Indeed, the 2019 ERS analysis uncovered hundreds of uncontested and undercontested seats – where a party is guaranteed a seat or seats due to a lack of candidates being put forward in their ward – affecting over 800,000 potential voters.[183] This lack of incentive is particularly true for smaller or regional parties, or independents, whose chances of being elected are typically low in England, given the dominance of the three main national parties in local elections. This is a clear democratic deficit for candidates, who are put off from standing because of the voting system, and for voters who lack a genuine choice when deciding who they want to represent them.

"My experience has been that most people in politics at local government level have good intentions [...] But the systems we use make it hard for good outcomes to be achieved. We have an unfair electoral system which makes councils unrepresentative, and that feeds into the way councils operate with power being wielded by Cabinets with minimal ways for members to make a positive contribution."

South East Liberal Democrat Party councillor response to ERS survey

The deficiencies of FPTP combined with the highly centralised approach to devolution in England reinforce and exacerbate each other's weaknesses. Local politics in England closely mirrors the national, with the two main parties dominating most local contests and council chambers, and nothing has been done throughout the years to open up the political space via devolution and electoral reform.

Image 2 displays the proportion of English councils controlled by a specific party or independents, and councils where no single party has overall control since 1999. As can be seen, the Conservative and Labour parties have controlled over 50 percent of all councils in England since then, with the Liberal Democrats controlling on average around six percent of councils in this period. Councils where no single party has majority control have comprised, on average, only a quarter of all councils in England and, in 2012 and 2015, as low as 14 percent. Having declined consistently between 1999 and 2012, councils without a single party majority currently make up just a quarter (25.7%) of all councils in England. The number of councils controlled by independents and smaller parties has always been extremely low.

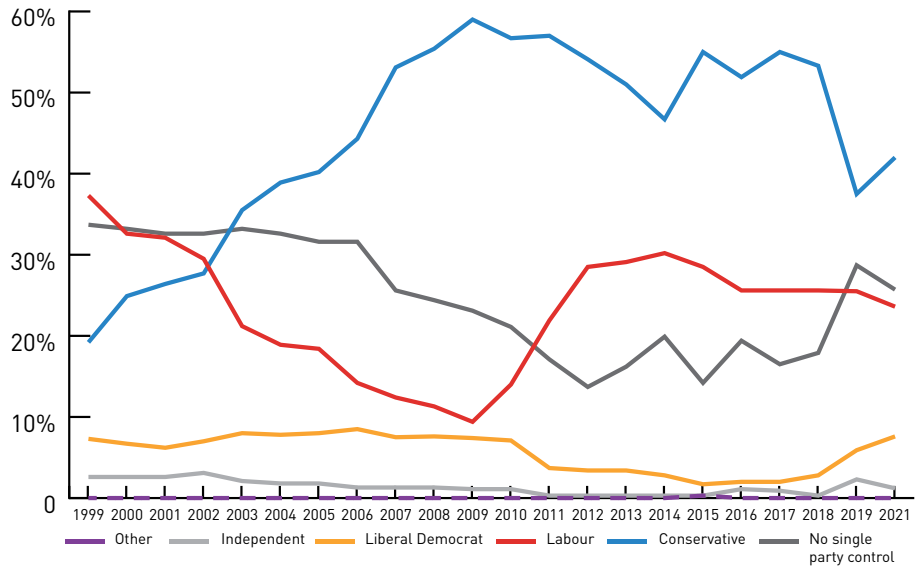


Image 2: Council Control in England

ERS analysis. Data taken from: The Elections Centre (n.d.). Council Compositions. www.electionscentre.co.uk/?page_id=3802; Open Council Data (n.d.). Council Compositions 1973–2021. opencouncildata.co.uk/history.php

The situation in Scotland could not be more different. Since 2007, Scotland has used the Single Transferable Vote (STV) system for its local elections. STV is a form of proportional representation which uses preferential voting in multi-member areas. Rather than voting for a single candidate to be elected for one seat, voters rank candidates in order of preference and elect as many candidates as there are seats. Unlike FPTP, STV typically produces results that more accurately reflect candidates' levels of support across the electorate. As candidates have a greater chance of being elected, there is greater competition for seats and a greater choice for voters at the ballot box. Image 3 displays the stark differences in council control in Scotland when compared to England. Since STV was introduced in 2007, on average around 80 percent of councils have not been controlled by a single party, but have seen power shared between parties.

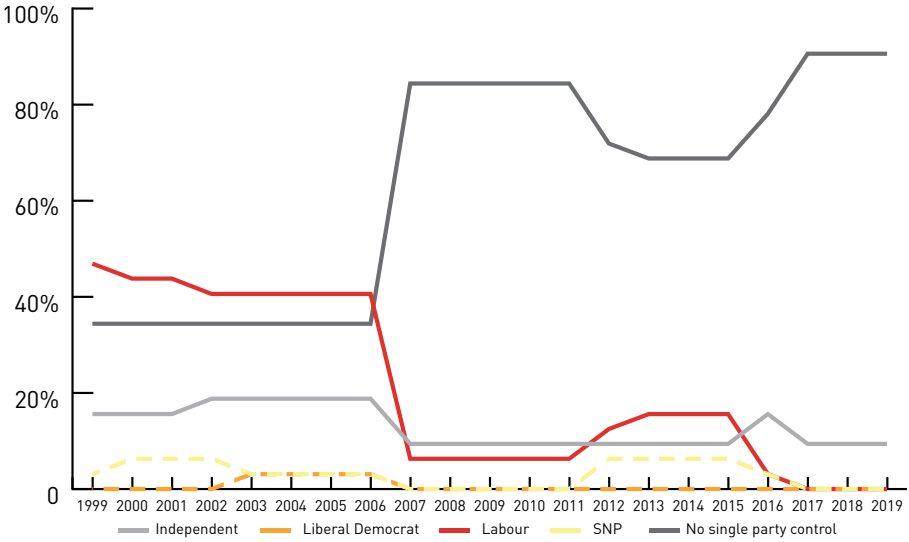


Image 3: Council Control in Scotland

ERS analysis. Data taken from: The Elections Centre (n.d.). Council Compositions. www.electionscentre.co.uk/?page_id=3802; Open Council Data (n.d.). Council Compositions 1973–2021. opencouncildata.co.uk/history.php

A similar trend is found when comparing the number of local 'one-party states' in England and Scotland. One-party states are those councils where over 75 percent of councillors are from the same party, leaving other parties or independents with little representation and incapable of providing any checks on council decision making. First Past the Post makes this possible by handing single parties undeserved supermajorities, as in the Havant Borough Council example mentioned above.

Table 4: One-Party States in England

ERS analysis. Data taken from: The Elections Centre (n.d.). Council Compositions. www.electionscentre.co.uk/?page_id=3802; Open Council Data (n.d.). Council Compositions 1973–2021. opencouncildata.co.uk/history.php

Year	Total one-party states	One-party states as a proportion of all councils	Conservative one-party states	Labour one-party states	Liberal Democrat one-party states
1999	63	16.3%	5	55	3
2000	49	12.7%	8	39	2
2001	49	12.7%	8	39	2
2002	46	11.9%	9	34	3
2003	48	12.4%	20	24	4
2004	42	10.9%	22	17	3
2005	43	11.1%	23	17	3
2006	44	11.4%	29	12	3
2007	69	17.9%	55	10	4
2008	73	19.2%	61	8	4
2009	76	21.7%	66	6	4
2010	78	22.2%	64	10	4
2011	95	27.1%	72	20	3
2012	103	29.3%	69	31	3
2013	96	27.4%	62	31	3
2014	102	29.1%	53	46	3
2015	128	36.5%	81	45	2
2016	117	33.3%	75	40	2
2017	126	35.9%	83	41	2
2018	133	37.9%	84	45	4
2019	76	22.3%	28	42	6
2021	58	17.5%	22	31	5

Table 4 shows how one-party states are an endemic problem in England – in 2018, almost four in 10 councils had over 75 percent of councillors from the same party. Although their number has decreased in the past couple of elections, almost 60 councils in England were made up largely of representatives from a single party following the 2021 local elections.

These differences are significant for democracy in England and underlie the deficit from which it suffers. National politics dominates local government, 'drawing it away from specific local political concerns or dynamics and introducing national political battles (and loyalty and discipline) into local council chambers.'[184] Given the winner-takes-all nature of First Past the Post, the scope for smaller parties and

independent voices to exert their influence is more limited in most levels of English politics.

"All the power is in the hands of the majority party, which pays little regard to the views of others. I naively thought that there would be times when consensus was aimed for."

East Midlands Liberal Democrat Party councillor response to ERS survey

Once again, the situation in Scotland is remarkably different (table 5). Even before the introduction of STV, there was a relatively lower proportion of one-party states in Scotland compared with England. All of these one-party states were Labour-controlled. However, since 2007, councils where a single party holds 75 percent or more of all council positions have completely disappeared in Scotland, showing how the electoral system can significantly affect local representation and voter choice, opening up the political arena for both candidates and voters.

Table 5: One-Party States in Scotland

ERS analysis. Data taken from: The Elections Centre (n.d.). Council Compositions. www.electionscentre.co.uk/?page_id=3802; Open Council Data (n.d.). Council Compositions 1973–2021. opencouncildata.co.uk/history.php

Year	Total one-party states (all Labour)	One-party states as a proportion of all councils
1999	5	15.6%
2000	5	15.6%
2001	5	15.6%
2002	5	15.6%
2003	4	12.5%
2004	4	12.5%
2005	4	12.5%
2006	3	9.4%

England is the only nation in the UK to use First Past the Post for almost all its elections. For over 20 years, Scotland, Wales and Northern Ireland have used forms of proportional representation to elect their legislatures (the Additional Member System in Scotland and Wales, and the Single Transferable Vote in Northern Ireland), and Scotland and Northern Ireland use STV for their local elections.[185] Councils in Wales will soon have the opportunity to choose between FPTP and STV for their local elections.[186]

If the government's proposals to introduce FPTP for mayoral and Police and Crime Commissioner elections, which currently use the preferential Supplementary Vote, go ahead, all elections in England except for the London Assembly will be conducted under this broken voting system – an anomaly not just in comparative terms (most countries around the world use a form of proportional representation for their elections), but in the UK itself.

Conclusion

Democratic considerations have been sorely missing in the English devolution debate and settlement so far – issues such as identity, place, legitimacy, and political representation have seldom featured in Westminster's calculations. They urgently need to be brought back into the conversation.

Devolution can and should be seen as a way to address the democratic deficit that is so prominent in England and to reinvigorate English local democracy. In the next part, we will look at how this might be put into practice.

Part 3. Bringing Democracy Back into English Devolution

Introduction

So far, devolution in England has been undertaken from the centre and motivated by an economic rationale. This part of the report looks at how we can bring democracy – and, crucially, people themselves – back into the devolution process, so that local government can become genuinely empowered and responsive to the communities it serves.

The first chapter looks at how we can move from a technocratic to a democratic paradigm by setting out some of the principles and values that should guide devolution in England. The second chapter offers some concrete options and a pathway for reform.

4 Democracy, Not Technocracy: Shifting the Devolution Paradigm

Local government needs to be reconnected to the people. Far from being merely the 'delivery arm of central government', local government plays a significant role in people's daily lives and is one of the first places in which people can become involved in making decisions about their communities.

Westminster's 'command and control' approach and its primarily economic rationales have led to a set-up that more closely resembles political decentralisation or delegation – only giving localities limited powers and autonomy, and downplaying local leaders' democratic role. Previous attempts at devolution failed precisely because 'none of them successfully shifted power and resource out of Whitehall on the scale that was needed.'[187]

We should move from decentralisation to genuine devolution – shifting away from the British political tradition of power-hoarding to dispersing power into the localities. Issues of identity, place, political representation and engagement need to be valued, just as much as – if not more than – the economic imperatives and cost-efficiency considerations that have guided devolution policy over the decades.

"The issue is of power and resources. Both are necessary, and currently we don't have enough of either to deliver what is needed. A third element is citizen engagement and genuine deliberation so that issues are properly examined from all angles and decisions made that have genuine local support based on informed consent.

We need less party politics and more community involvement to create long term, lasting solutions which the local population is in support of. Local government is at the mercy of national government which decides how much funding it can have and what it has to prioritise. We have responsibility for services but no freedom to raise revenue to fund them – no matter what our residents want. Local autonomy is largely a fiction."

South East Green Party councillor response to ERS survey

What principles should guide devolution?

As set out in Chapter 2, devolution in England has proceeded without a clear purpose or principles underlying the changes that have taken place. Instead, successive governments have promoted their own separate policies for devolving some powers and accountability, typically motivated by economic rationales.

The recently published levelling up white paper sets out four principles (effective leadership, sensible geography, flexibility, and appropriate accountability) which should underpin a new framework for devolution. But these principles fail to reflect the fact that devolution should be about democracy and empowerment – any new principles for devolution should respect and enhance the democratic importance of local government.

The following principles offer an initial template for what could guide devolution:

- **Subsidiarity**: decisions should be taken at, and power and resources devolved to, the lowest possible level. There should be a presumption in favour of devolution across all decisions that would normally be taken in Westminster and real power must be granted to localities to act in accordance with this principle.
- **Transparency and openness:** we need to move away from the opaque and secretive approach that has characterised devolution so far, with decisions being made between politicians in Westminster and a limited number of key stakeholders. There should be transparency around the process of devolution, including around how localities can access devolved powers, and openness about what is being proposed, so that local communities are informed and engaged.
- **Autonomy:** local areas should be able to act in the best interests of the communities they serve. Autonomy can be ensured at the local level by devolving fiscal powers to each local area incrementally,[188] on the basis of local capacity and circumstances.
- **Accountability and democratic responsiveness:** as the most immediate layer of democracy for people, local government's political role should be valued and reasserted. Devolution should ensure that local accountability and democratic responsiveness to citizens are enhanced.
- **Democratic legitimacy:** structures of local government and devolution should be recognised as democratically legitimate by the communities they serve – people should be able to identify with and relate to their local democratic structures. Devolution can no longer proceed without genuine public involvement.
- **Trust:** the relationship between the centre and the localities should be based on trust, with the centre having confidence in local areas to make their own decisions. Similarly, local communities should be able to trust that their leaders will listen to and represent their interests.
- **Equality and partnership:** the relationship between the centre and localities should be based on equality and collaboration.[189] Rather than viewing local government as a potential threat to its power, the central state needs to value local government as an equal partner and enable it to have the powers and autonomy it needs to govern locally.
- **Diversity:** a flourishing local democracy ensures that a wide range of voices and views are heard, enables diverse groups to be represented, and allows for different governance structures to co-exist according to each area's needs. Diversity both within each locality and across England should be valued.

Shifting the paradigm

Throughout this report, we have highlighted how successive attempts at devolution and reforms of English local government have been motivated by technocratic and economic considerations, to the detriment of local democracy and empowerment. This section explores some of the key values that can help shift from a technocratic to a democratic paradigm.

Empowering local government

One of the most basic ways to shift the devolution paradigm is by creating a genuinely empowered local government. Chapter 2 set out how devolution in England, unlike in the other nations, never deviated from the British political tradition of centralisation, power-hoarding and Westminster dominance. Decisions around devolution were taken top-down, and there was never an attempt from the centre at creating empowered alternative centres of power and a healthy democracy at the sub-national level.

As the democratic expression of local areas' interests and needs, local government needs to be valued as a meaningful, recognised governance structure. It requires real power and autonomy, not just accountability for some centrally decided priorities. Seven out of 10 local representatives (70.1%) surveyed for this report said they believed decisions for their local area should be made in partnership between the national and local levels, and then implemented locally. Over a quarter of respondents (26.7%) thought that decisions should be made entirely at the local level and implemented locally. Only four respondents (0.5%) said decisions should be made entirely at the national level, while 20 (2.6%) thought they should be made nationally, with some local input. This demonstrates just how much support there is for a paradigm shift in how we practise our democracy locally, to ensure that local government is both empowered and valued as an equal partner by central government.

The very nature and existence of local government should not be based on Westminster's changing whims but should have some form of constitutional protection. While a codified constitution would provide a solid constitutional basis for the devolved settlements both in England and in the rest of the UK, such an option would require significant constitutional change – including fundamentally reinterpreting parliamentary sovereignty. This is unlikely to be feasible in the short-term, although moves towards a confederal or federal set-up for the UK, based on popular rather than parliamentary sovereignty, are being explored, particularly by elements of the Labour Party.[190] There are other mechanisms for protecting the role of local government that do not require the recasting of the UK's constitution. The most immediately achievable would be for the UK government to re-build trust with all devolved areas (both in England and in the rest of the UK) and to commit to upholding the Sewel convention and to respecting the powers that have been devolved. While not fundamentally altering parliamentary sovereignty, a more substantial alternative might be to reinterpret its applicability, so that it only applies to powers currently reserved at Westminster and thus excludes areas of devolved competence.

Powers, funding and capacity need to be transferred away from Whitehall and down into local communities.[191] Funding for sub-national government is in desperate need of reform – it should no longer be contingent upon time-consuming competitive bids and deals, but rather funding should be flexible and long-term, allowing for more efficiency and freedom for local leaders to direct resources where they are needed.[192] Significantly, power needs to be given away as well as funding. The government's levelling up agenda is currently focused on increasing funding in some places, but this is not matched by providing areas and local leaders with real power. Levelling up should

not just be about more funding and spending power, but about areas being able to take back control from the centre. Westminster can no longer hold all the cards.[193]

Valuing place

Devolution should be much more than mere local government reorganisation and discussions about structures. The purpose of local government, the powers it needs, democratic responsiveness, and communities' identity and sense of place should now be brought back into the discussion. Rather than structure being prioritised over local needs, form should follow function.[194]

The evidence does not appear to suggest that one model is optimal or superior to the rest, with different trade-offs depending on the structure on which one ultimately decides. Unitary authorities are seen as a cost-effective option that would allow for consistency in local government,[195] as is already the case in the other parts of the UK. However, they may be too remote from citizens and communities in England, and may have a negative effect on local democratic participation.[196] Smaller units of local government – such as town and parish councils – might allow for re-engagement of citizens with local government,[197] but might be too small to tackle 21st century challenges effectively, such as addressing the climate emergency. Regionalism, meanwhile, does not appear to be a solution with which people identify.[198]

Rather than focusing on the issue of size in the abstract, solutions need to be place-sensitive and balance democracy and responsiveness with effectiveness and efficiency in the delivery of public services. One of the strengths of local government is precisely its link to place and the local leadership it provides.

"You need to root your local government organisation in a place that your community identifies with, rather than some arbitrary travel to work area or whatever else you are describing. You need buy in. You need your community to accept the building block of local government fundamentally."

Councillor Martin Tett, leader of Buckinghamshire Council, 2021[199]

There is no silver bullet or neatly packaged solution which can simply be imposed onto areas. Symmetry in arrangements might not necessarily be the answer for England, given both its size and the real differences that exist between and across areas. What 'place' means to people and what they identify with, will have to be determined by the people themselves through expansive engagement,[200] and this may lead to some asymmetry in arrangements, which respond to local needs and address existing inequalities. Rather than focusing on what appears 'neat' from Whitehall, divergence among localities should be allowed and valued as the positive expression of each area's identity and self-determination.

"The most important consistency is that residents in each part of England should feel that the appropriate powers and resources have been devolved to the organisations accountable for their area. This is far more important [than] whether devolution looks 'neat' or consistent from Whitehall."

Professor John Denham, 2020[201]

Bottom-up engagement

Citizen involvement should be an essential value underpinning devolution in England – solutions cannot be imposed top down, but rather should be built up from the local level, and enjoy people's support and legitimacy. This view is shared by many academics, organisations, and parliamentarians.[202] Citizens should be asked about and discuss what they wish to see from devolution and local government more broadly, both in

the areas seeking greater powers and across England in general. As the House of Lords Committee on the Constitution called for back in 2016, there should be 'real discussions about what those powers should be and by whom they should be exercised.' [203]

Public support is a crucial factor in building and reshaping institutions with which people identify and which they can trust and view as legitimate, but so far, citizens in England have never had a chance to discuss the change they wish to see. Indeed the failure of previous reforms – such as the regional assemblies proposed by the Labour government in the late 1990s/early 2000s – can in part be attributed to the lack of public support for what was being proposed.[204] The First Past the Post electoral system used for parliamentary and local elections in England has also meant that, because of the dominance of two-party politics in Westminster and local politics, citizens have even less of a say than their counterparts in the rest of the UK, with a range of voices being effectively excluded from political representation.

Embedding deliberative and participatory practices in English local government, such as citizens' assemblies and juries, would create spaces for citizens to learn more about the important and most immediate layer of politics they can access, and to make informed decisions alongside their local representatives. This would allow the paradigm to shift from one that sees decisions on devolution being done *to* people to one which views them as being done *with* people.[205] The local representatives who responded to our survey agreed. Almost two thirds of respondents (64.7%) said they thought citizens should be more involved in making decisions about their local area. A further third (33.2%) thought the extent of citizen involvement was about right, while only nine respondents (1.2%) thought citizens should be less involved than they currently are.

"The whole planning system needs to be changed so it is less adversarial and more about developers genuinely having to work with local residents for the betterment of the area. The citizens' juries (sortition) approach would be a much better system for making planning decisions benefit everyone, not just line the pockets of developers and help the council hit arbitrary targets to provide homes that aren't affordable for local residents."

East of England Labour Party councillor response to ERS survey

Involving citizens in complex decision-making on issues that directly affect them, including devolution, has been shown to work and be effective. In 2015, two Citizens' Assemblies on Devolution were held in Southampton and Sheffield and found that '[c]itizens 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.'[206] Deliberative processes such as citizens' assemblies are not only beneficial on their own terms, but can have spillover effects,[207] with citizens becoming more involved and engaged politically long-term as a result.

As with empowering local government and local leaders, there needs to be trust in people themselves to work with local representatives to determine the structures most suited to their area, to set local priorities and make decisions. Bottom-up engagement may help tackle the inequalities and imbalances in the current devolution settlement, especially in those areas where the currently available model (combined authority with a directly elected mayor) may not work or reflect local needs and demands. Despite concerns that such freedom may lead to a 'postcode lottery' and inequality in the delivery of public services, the current system of devolution already privileges some areas over others and leads to inequalities in England to continue to fester and widen. Common standards can be set out to alleviate such concerns, while allowing for

differences in implementation and delivery so as to ensure the expression of local choice and priorities.

Of course, bottom-up citizen involvement should not stop once devolution has been secured for local government – power should not just be shifted from Westminster to the county hall and another (albeit more local) set of politicians. Instead, people themselves should be empowered more broadly. There should be multiple ways for citizens to get involved, beyond participating in elections every few years, and a revitalised local government can help facilitate this.

Conclusion

This chapter has set out some of the principles and values that should guide a new, democratic approach to devolution as a mechanism for genuinely transferring power away from the centre and revitalising local government.

There is a growing consensus in parliament, academia and civil society on many of these principles. But political will and leadership will be crucial to helping develop and articulate a clear constitutional vision for devolution within England and the principles that are to guide it. Politicians will need to engage with each area thoroughly, including and especially with communities themselves – reimagining devolution to sub-national government in England will require buy-in from both the centre and the localities themselves.

5 Options for Reform

Proposals for how to reform English local government and devolution have not been lacking,[208] although few have considered in detail how devolution can reinvigorate the health of local democracy.

Having looked at the overarching principles and values, here we attempt to chart how democracy can be brought back into a reformed devolution process and set out some options for reform.

Establishing a devolution framework

Reform of local government and the process of devolution in England have not been guided by a clear, overarching vision of what their purpose should be and of what principles should underlie them. This has resulted in a piecemeal, ad hoc approach to change directed by the centre and imposed upon localities. In its levelling up white paper, the government has heeded the many calls for reform and has proposed a framework for devolution, to be guided by the principles of effective leadership, sensible geography, flexibility and accountability. However, this still fails to consider democracy and citizen engagement as an integral part of the process.

Any new settlement for England needs to be not only guided by a clear purpose and a comprehensive, long-term constitutional vision, but also to be

democratic. A new framework is needed which clarifies the aims and purpose of devolution, centred on a presumption in favour of devolution and local self-determination, as set out in the previous chapter. Devolution should be the default position, it should be seen 'as of right, not subject to the fluctuating enthusiasm of central government',[209] and it should be extended to all areas, including those for whom current arrangements do not work.

Table 6: Key guiding principles for devolution in England

Subsidiarity
Transparency and openness
Autonomy
Accountability and democratic responsiveness
Democratic legitimacy
Trust
Equality and partnership
Diversity

This framework for devolution should include a set of key principles, drawing upon those set out in Chapter 4 (table 6), and a menu of devolved powers,[210] which can be accessed by local areas depending on their needs, ambition and capacity (e.g. environment and energy policy, planning, health and social care). Each area should be able to access the form and level of devolution most suited to its specificities.[211]

"Perhaps more importantly, there are key areas where we need government to give local councils the opportunity/ option to act (while not mandating it). A good example here would be second/rental homes, a crucial issue [where] I live. The government could permit planning authorities to consider a switch from permanent accommodation as a planning issue – this would not require them to do so, but would give them the power if it is appropriate in their areas. This requires government to accept that there is not 'one size fits all' and allow flexibility for how local authorities deal with their area."

North West Liberal Democrat Party councillor response to ERS survey

Unlike current arrangements, the devolution framework should not be prescriptive in terms of what type of devolution is available to areas (e.g. elected mayors and CAs) and should not be contingent upon formal, opaque criteria for securing devolved powers. The framework should be light-touch and flexible and, as proposed in the levelling up white paper, it should not be contingent upon local government reorganisation or impose a one-size-fits-all solution across England. It should be developed alongside local government and other stakeholders, as recently recommended by the House of Commons Housing, Communities and Local Government select committee,[212] and further refined in consultation with people themselves.

Financial and fiscal devolution should be among the powers included in such a framework, allowing areas to take on additional autonomy from central government and make long-term decisions for their specific locality. The devolution of such powers should proceed in phases according to local capacity and circumstances, and should not preclude additional redistributive measures to ensure areas with lower revenue-raising capacity are not left behind.[213]

"[T]he onus is on Government to explain why they do not devolve it, rather than the other way round, and the funding has to follow it down to local government. There is no point giving the responsibility without the funding."

Councillor Martin Tett, leader of Buckinghamshire Council, 2021[214]

It will be up to individual areas themselves to determine the governance arrangements most suited to their localities and the powers they require, although common standards should be included within the framework to prevent the potential for 'postcode lotteries' to emerge. Not every area will decide to draw down the full suite of powers available immediately; as each area continues 'down the devolution path',[215] it

may wish to take on additional powers and responsibilities. What is crucial is that the experience of local representatives, and communities themselves, is harnessed to decide how the devolution journey should proceed in each area.

Reforming elections in English local government

The undemocratic anomaly that means England, outside London, continues to be the only part of the UK which does not use a fair voting system for any of its elections should be addressed. First Past the Post exacerbates England's democratic deficit by reducing political expression and representation and reproducing Westminster-style politics locally. An electoral system that ensures all voices are heard and represented is needed.

"The case for electoral reform – for proportional representation (PR) specifically – appears increasingly unarguable. If most Britons feel that their views are not represented, that parties are failing to perform their basic democratic functions and that Westminster politicians are out-of-touch with local concerns, then a form of PR offers an effective solution."

Professor Felicity Matthews, 2018[216]

Proportional representation for English local government would help reinvigorate democracy at the local level, ending the proliferation of one-party states and single-party domination of council chambers. As the Scottish experience set out in Chapter 3 shows, moving to a fair system, such as the Single Transferable Vote, can strengthen local democracy – eliminating one-party states and opening up councils to a diversity of voices, including independents and smaller parties.

Indeed, 15.9 percent of the local representatives who responded to an optional question in our survey, spontaneously said proportional representation as the

one thing they would pick to improve democracy in their local authority.

By making sure every voter has a choice and a voice, proportional representation might also help to address the extremely low turnout witnessed in English local elections and, by opening up the political arena, it could enhance diversity and gender equality among elected representatives,[217] which is currently extremely poor in English local government.

The Single Transferable Vote (STV) seems particularly suited to England. English local government already has many multi-member wards, meaning it would be straightforward to switch from block First Past the Post voting (where voters have as many votes as there are positions to be filled, but cannot rank them in order of preference) to STV. Rather than voting for a single candidate or party, STV allows voters to rank candidates – whether from the same or different party, or independents – in order of preference. This can allow voters to express their nuanced and, at times, contrasting views more clearly, without fear of wasting their vote or of having to choose the least-worst option. The Single Transferable Vote also gives independent candidates or those from smaller parties a real opportunity to get elected. There has been a dearth of outside voices in English local government, with the two main national parties dominating most contests and controlling most councils. STV would help address this.

Democracy is about choice and representation at all levels – something which is sorely missing in England at the moment. A truly fair electoral system would be an essential way of addressing this.

Managing centre-local relations

In addition to clarifying the purpose and aims of devolution and reinvigorating local democracy through electoral reform, the relations between the centre and the localities, and across localities themselves, need to be reformed.

Currently, England lacks any mechanism to make its voice heard both at the UK-wide level – where the UK government speaks for both the UK as a whole and England – and within England, where local government's voice is marginalised. This is largely down to the central state's approach that does not view sub-national institutions as equal partners with their own democratic legitimacy and voice.

New mechanisms for both vertical (between the centre and localities) and horizontal (across local government) relations should be created to ensure local areas are represented in the national arena and are empowered to coordinate with one another and speak collectively on common interests.[218] Immediate options for this might include the establishment of an English Leaders' or Intergovernmental Forum,[219] which could bring together local and combined authority mayors, council leaders and UK ministers. An England Office could act as a representative for local government in the UK government and serve to coordinate between central and local government on English devolved matters.[220] At a minimum, a first step should be to ensure there are mechanisms for local leaders to feed into UK-wide policy affecting England and their localities. The leaders of English localities could be included in – or at least consulted by – UK-wide committees. For example, English local leaders could take part in COBRA or other similar forums.

A reformed second chamber also has an important role to play in this regard. A fairly elected second chamber could allow for the fair and equal representation of the UK's nations and localities, and serve as a forum where all the UK's constituent parts can work together to address cross-border issues and raise sub-national interests and concerns away from the more politicised and short-term ethos of the House of Commons.[221] Including local leaders in such a reformed chamber would allow for England to have proper representation at the centre.[222]

A pathway to reform

Having considered some of the reforms that would reinvigorate local democracy and allow English devolution to flourish, in this final section we set out a possible pathway to reform.

Reforming local government and devolution will require both leadership from the top and genuine, empowered bottom-up engagement from local representatives and communities themselves.

As set out in the levelling up white paper, the government is committed to a framework for devolution. But it should go further than what is currently being proposed and ensure that the framework is developed in consultation with other parties and local leaders, and clearly articulates the purpose and guiding principles for devolution founded on democracy. 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.

While the centre is responsible for setting the overall broad direction of devolution, additional principles should be shaped with and by people themselves, as should be the specific forms of devolution that are chosen for each area. Bottom-up citizen involvement is necessary to ensure the legitimacy of, and trust in, any new institutional set-up and democracy more broadly. Forms of deliberative democracy and citizens' assemblies should be encouraged and set up across England to provide citizens with a space to discuss the future of their communities, including the role that place, identity and power might play in any new arrangements, allowing for the self-determination of English localities.

In the medium-term, such local processes could then feed into an English Constitutional Convention, which would be tasked with bringing together the work of the local assemblies and deliberative processes, and with considering England's political system as a whole and

how it relates to Westminster and the devolved nations.

This work could eventually feed into a UK-wide Constitutional Convention, which would be tasked with considering a new constitutional settlement for the whole of the UK, addressing the future of the country in a holistic manner and focusing on broader constitutional questions, such as the relationship between all the constituent parts of the UK, federalism, parliamentary sovereignty, and a written constitution.

But the establishment of any such convention should not be used as an opportunity to kick reform into the long grass. Involving local representatives and communities themselves into the devolution process should begin now.

Conclusion

While devolution alone may be insufficient to fully reinvigorate democracy at the local level, it is necessary, and this chapter has set out some of the ways in which a democratic devolved settlement can begin to be created in England.

Reform will not happen overnight, of course. Deliberative processes take time, as will the implementation of the decisions. But many things can be done in the short-term, which will allow areas to begin to embark upon a democratic devolution journey. What is urgently necessary is political leadership and a commitment to true democracy in England.

Conclusion

Devolution is a journey.[223] There is no single path that local areas in England can or should take to achieve it. Thankfully, there is no shortage of proposals for reinvigorating local government in England.

This report has highlighted some of the problems affecting English local government and has charted some of the ways in which democracy in England can be revived. In the shifting political and socio-economic landscape thrown into stark relief by the pandemic, it is more important than ever to devolve powers and responsibility so that 21st century issues, including climate change and the future of work, can be tackled more effectively.

While recognising the crucial importance of giving areas real power and autonomy from the centre, including over fiscal matters, democratic considerations can no longer be ignored. In particular, we need to ensure that people themselves – whether local representatives or citizens – are brought back into the process and have the opportunity to make their own decisions.

This shift from a centralised and hierarchical to a democratic and empowered approach to devolution should not be confined solely to English local government. Wales and Scotland should continue their devolution journey and ensure powers and resources are devolved to local areas, rather than being retained in Cardiff Bay or Holyrood.

And in England, devolution should not stop at the town hall door. As the rise of mutual aid groups during the pandemic has shown,[224] ordinary citizens are willing and capable to make decisions and determine local priorities. Local government in England should ensure there are spaces for citizens to be heard and to influence the decisions that most directly affect them.

It is time for England to rediscover genuine local self-government, with democracy, representation, and place at its heart.

Appendix: Results of the ERS Survey of Local Representatives

For this report, we conducted a survey of local representatives in England, using Google Forms and the Engaging Networks advocacy tool. We emailed all contactable local councillors (in single- and two-tier local authority areas) and local authority mayors. Combined authority mayors, for whom we did not have details, and town and parish councillors were excluded.

The survey ran from 25 January 2022 until 14 February 2022 and received 781 responses. It comprised four multiple choice questions and two open text questions (see below). All questions were optional, which explains the slightly different response rates.

Participants were informed that their responses would be anonymised, but were also given the option to opt out of having their open text answers included in the report, if they so wished.

NB: Components may not sum to total due to rounding.

Question 1: Which party, if any, do you represent?

	Number of responses	% of total
Conservative	254	32.5%
Labour	199	25.5%
Liberal Democrat	150	19.2%
Green	70	9.0%
Independent/no party or group affiliation	91	11.7%
Other (including local groups)	17	2.2%
Total	**781**	**100%**

Question 2: Thinking about your experience of local government in England, what comes closest to your view?

	Number of responses	% of total
I have enough power to represent the needs of my local community	237	30.5%
I do not have enough power to represent the needs of my local community	526	67.6%
Don't know	15	1.9%
Total	**778**	**100%**

Question 3: When it comes to where decisions are made to address the needs of your local area, what comes closest to your view?

	Number of responses	% of total
Decisions should be made entirely at the national level and implemented locally	4	0.5%
Decisions should be made at the national level with some local input, and implemented locally	20	2.6%
Decisions should be made in partnership between the national and local levels and implemented locally	547	70.1%
Decisions should be made entirely at the local level and implemented locally	208	26.7%
Don't know	1	0.1%
Total	**780**	**100%**

Question 4: When it comes to citizens being involved in making decisions about their local area, what comes closest to your view about how things work in your area?

	Number of responses	% of total
Citizens should be more involved in making decisions about their local area	504	64.7%
The extent of citizen involvement in decision making about their local area is about right	259	33.2%
Citizens should be less involved in making decisions about their local area	9	1.2%
Don't know	7	0.9%
Total	**779**	**100%**

The ERS analysed the responses to the two free-text questions thematically. Below we report the results of this analysis. Please note the sample of respondents is lower given these were optional and some representatives did not wish for their responses to be used in the report.

Open-text question 1: If you would like, please add your comments on your experience of power in local government in England

	Number of responses per theme	% of total
Higher authorities have too much power over councils	136	27.0%
It is too partisan/ there is not enough opposition power	69	13.7%
Councils do not have enough funding	68	13.5%
Power is too centralised within the cabinet/council	61	12.1%
The bureaucracy needs reform	41	8.2%
Current council works well	26	5.2%
Electorate is not represented well	24	4.8%
The officers are too powerful	18	3.6%
Other/miscellaneous	60	11.9%
Total responses	**503**	**100%**

Open-text question 2: If you could pick one thing that could improve democracy in your local authority what would it be?

	Number of responses per theme	% of total
Proportional representation	99	15.9%
More devolution/power for council	85	13.6%
Increased citizen engagement	71	11.4%
Changes to the council structure	66	10.6%
Increased funding for the council	45	7.2%
Less partisanship on the council	44	7.1%
Increased scrutiny/transparency	30	4.8%
Better coordination between different levels of government	29	4.6%
Fewer barriers of entry to becoming a councillor	22	3.5%
Unitarisation	13	2.1%
Other/miscellaneous	120	19.2%
Total	**624**	**100%**

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