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Summary of Key Points

- Devolution to Scotland and Wales throws up related questions about the government of England. These fall into two broad kinds: giving England a stronger political voice; and devolving power within England.
- To rebalance the Union, England could find a stronger political voice through an English Parliament, or English votes on English laws.
- To devolve power within England, possible solutions include: regional government; city regions; stronger local government; elected mayors.
- The Conservatives have focused on rebalancing the Union, arguing for English votes on English laws, and reduced Scottish and Welsh representation at Westminster. They are opposed to regional government. Labour have focused on devolving power within England, strengthening the regional tier, but failed in their attempt to introduce elected regional assemblies.
- An English Parliament would create a federation of the four historic nations of the UK. Such a federation could not work because England would be too dominant. No heavyweight politicians have espoused it, and support for the idea remains flat.
- English votes on English laws does command mass support. It seems only logical and fair. But technically there is no such thing as an 'English law', and politically the difficulties are even greater. It would create two classes of MP, a parliament within a parliament, and could lead to political instability.
- Two partial solutions would help correct the underlying problem. The first would be to reduce the number of Scottish and Welsh MPs, to reflect their reduced role. The second would be proportional representation, which would help reduce Labour's exaggerated representation in Scotland and Wales.
- Most of the solutions to devolve more power within England are feasible, but unlikely to happen. Elected regional assemblies are dead for the time being. Strengthening local government, city regions and elected mayors are unlikely to make much headway. Administrative regionalism will continue to grow.
- Regional government in England is the only solution which offers an answer to both versions of the English Question. It could help to give England a louder voice within the Union; and it would help to decentralise the government of England. But defeat in the North East referendum has raised the bar. Any future proposals for elected regional assemblies would need to offer a stronger set of powers and functions, to show that they could make a difference.

Abstract

Devolution to Scotland and Wales throws up related questions about the government of

Decentralising the government of England

- 1) Does England too need devolution, to break from the excessive domination of the central government in London?
- 2) Can this best be supplied by elected regional assemblies; administrative regionalism; city regions; stronger local government; elected mayors?

Continuation of the status quo

Or do the English want none of the above, with no separate representation or political voice, and no share in devolution either?

These questions have come onto the political agenda as a result of devolution to Scotland and Wales. They are big issues, issues which will determine the future shape and nature of the UK as much as the future government of England. Devolution has already profoundly changed the UK's system of government, but it extends only to 15 % of the population. England with 85% of the population for the moment is left out. If the English ever choose to opt in, the choice they make will have huge consequences not only for the government of England but for the whole future of the Union.

Different versions of the English Question

Improving the government of England, or strengthening England's place in the Union?

The 'purely English' version of the English Question asks: how can we improve the government of England? Interest in regionalism as a possible solution goes back to Fawcett (1919) and Cole (1947) (Tomaney, 2006). It springs from longstanding concerns

devolution. It is epitomised in calls for an English Parliament, or English votes on English laws. These calls are made in a wider, UK-level context, a call to rebalance the Union by strengthening the place of England following devolution to the smaller nations of the UK.

Is the English Question static or dynamic, an elite or mass level question?

Answers to the English Question can vary, depending on whether the question is asked of the general public or of political elites; and whether the respondent takes a static or dynamic view. There is as yet little awareness of these issues among the general public in England, giving rise to a static view: the English masses show little concern about devolution in Scotland and Wales, and no demand for devolution for themselves (Curtice 2001, 2006). In November 2004 that was dramatically confirmed by the No vote in the North East regional referendum, when the voters in the North East region rejected the Government's proposals for an elected regional assembly by four to one, despite strong campaigning by the Deputy Prime Minister in this solidly Labour region.

At elite levels there is greater awareness, more sense of the anomalies and the potential political dynamic unleashed by devolution. Countries like Spain show that asymmetrical devolution, confined initially to the historic nations, can spread over time to other regions which originally showed no interest. But there is a clear political divide, with Labour in favour of developing the regional tier of government, and the Conservatives strongly against. Instead the Conservatives favour English votes on English laws, and reducing Scottish and Welsh representation at Westminster.

What are the answers to the English Question?

In this next part we set out all the possible answers to the English Question, and evaluate them in terms of their feasibility and their probability. This last is gauged in terms of the support they have attracted among elites or the general public. Most are found seriously wanting in either their feasibility or their probability, and some in both. For those who regard the English Question as a quest for the Holy Grail with a magic solution to be discovered if only we search hard enough, this is profoundly disappointing. But the English Question does not necessarily have a magic solution. Like other big historical questions, it is a shorthand title for an intractable problem (or set of problems) which is not susceptible to an easy solution.

Nor can the English Question be answered purely in intellectual or logical terms. It is a political question, about the governance of England, and the answers must ultimately come from the English people. Academics can highlight the inconsistencies and instability inherent in an incomplete process of devolution, and lay out the range of possible solutions. But ultimately only the English people can say for how long they are willing to tolerate the anomalies thrown up by devolution, and whether they are ready to vote for change.

To summarise the conclusions, and to show how few of the solutions hold out much promise, it is helpful at this stage to set out a skeleton of the argument in the form of a table.

Table 1: Summary evaluation of institutional answers to the English Question

	Elite support	Mass support	Comments
Strengthen England's place in the Union			
English Parliament	Low	Low: 15 per cent in 2003 poll (Curtice, Table 6)	English Parliament would risk being as overburdened as Westminster, and equally remote
English votes on English laws	Conservative party policy in 2001 and 2005	60 per cent support in England, 50 per cent support in Scotland: Curtice, Table 7	Becomes live issue if UK government has small majority. Unlikely ever to be implemented by a Conservative government
English independence	Negligible	Negligible	Hard to envisage England unilaterally declaring independence from rest of UK
Decentralise government of England			
Elected regional assemblies	Labour party policy (1997 and 2001), and Liberal Democrat policy. Opposed by Conservatives	25 per cent in 2003 (Curtice Table 6): highest in North, lowest in South and East.	Little likelihood in near future following defeat in Nov 2004 referendum in North East. Powers proposed for elected Regional Assemblies were very weak
Administrative regionalism	Labour party policy	Little public knowledge or interest	Regional chambers exist, and powers and functions slowly growing

An English Parliament

An English Parliament would appear to be a neat solution to the fundamental asymmetry in the devolution arrangements. It would create a federation of the four historic nations of the UK, each with its parliament enjoying significant devolved powers. It is an idea which was considered by the Speaker's Conference on Devolution in 1919. More recently, it is the solution propounded by the Campaign for an English Parliament, a pressure group founded in the late 1990s in response to devolution in Scotland and Wales.¹ But it is one thing to create such a federation; quite another to make it work. The fundamental difficulty is the sheer size of England by comparison with the rest of the UK. England with four fifths of the population would be hugely dominant. On most domestic matters the English parliament would be more important than the Westminster parliament. No federation has operated successfully where one of the units is so dominant. Examples are the West Indies federation, in which Jamaica had more than half the population; the first Nigerian federation, and early Pakistan, where in both cases one of the states had more than half the population. In the post-war German federal constitution of 1949, Prussia was deliberately broken up into five or six different states to prevent it being disproportionately large and dominating the new Germany. Although all federations have some units much larger than others, as a general rule among existing federations no unit is greater than around one third of the whole, to avoid it dominating the rest. If this logic were accepted, England would need to be broken up into smaller units for a federal solution to work – something which is anathema to the Campaign for an English Parliament.

The Campaign for an English Parliament has remained stuck on the political fringe. It has attracted neither elite nor mass support. In the 1997 Parliament it attracted the interest of some backbench Conservative MPs, but no heavyweight politicians, have come out in support. Perhaps because of this lack of elite support, mass support for the idea of an English Parliament remains low and shows no sign of increasing. In the first five years of devolution, support for an English Parliament remained flat at between 16 and 19%, while support for regional assemblies crept upwards from 15 to 24 % (Curtice, 2006 6.1). An English Parliament 8ament has

The technical difficulty is identifying those English laws on which only English MPs would be allowed to vote. Strictly speaking there is no such thing as an English law, in the sense of a Westminster statute which applies only to England. The territorial extent clauses in Westminster statutes typically extend to the United Kingdom, Great Britain or England and Wales. Many statutes vary in their territorial application in different parts of the Act (Hazell, 2005). In theory the Speaker could identify in advance those clauses or amendments which apply only to England, and rule that only English MPs could take part in those divisions (Hadfield, 2005). But the complexity and confusion resulting from excluding non-English MPs from some votes but not others in the same bill would be immense. Only with the introduction of electronic voting at Westminster would it become feasible, because that would enable the voting terminals of non-English MPs to be disabled or discounted in divisions in which they were deemed ineligible to vote.

If the technical difficulties are daunting, the political difficulties are even greater. Proponents of English votes on English laws tend to under-estimate just what a huge change would be involved. It would create two classes of MP, ending the traditional reciprocity whereby all members can vote on all matters. It would effectively create a parliament within a parliament (Hazell, 2000; Hazell, 2001; Russell and Lodge, 2006). And after close fought elections, the UK government might not be able to command a majority for its English business, leading to great political instability. These political difficulties cast serious doubt on the likelihood of English votes on English laws ever becoming political reality.

English votes on English laws would suddenly become a critical issue if (as may happen) after a future election Labour formed a government with a narrow majority, and depended on Scottish and Welsh MPs to get their legislation through. There would be talk of a constitutional crisis, but whether in reality it triggered a crisis would depend on the government's ability to get the necessary support from other MPs. It would effectively introduce a territoriality test which might be used to prevent the introduction of English laws on which only English MPs could vote.

strange *volte face* for the Conservative and Unionist party. If they seriously wanted to end the equal voting rights of all MPs, the Conservatives could no longer claim to be Unionist, but would have become an English party. An English party does not sound like a party of government. And if the Conservatives found themselves in government, would they go ahead and introduce English votes on English laws? A Conservative government with a majority at Westminster might find it more expedient to reduce the numbers of Scottish and Welsh MPs (see below) than to attempt the far more complicated task of trying to restrict their voting rights.

Two other possible answers to votes on English laws

If the English are denied a louder political voice, does English nationalism need some other outlet?

All England solutions hold no promise, and for the time being the English seem destined to be denied a louder political voice. Does English nationalism then need some other outlet? It has become commonplace even among supporters of devolution to view English identity and lack of national institutions as problematic, and to deplore the confusion of English with British (Crick, 1991). But this concern is itself confused, and misplaced.

Weak English nationalism has not necessarily been a problem. In some ways it has actually proved beneficial – England has not blocked devolution to the smaller nations of the UK. The English have been strong supporters of devolution to Scotland and Wales, with 50 to 60 per cent consistently supporting the creation of the Scottish Parliament and Welsh Assembly (Curtice 2006, Table 6.8). It undoubtedly helped the passage of the devolution legislation that there was no serious opposition to it in England, and it has also helped the bedding down of devolution that there has been no English backlash. If anything the English have become more relaxed: in England the modest opposition to devolution declined by 10 percentage points between 1997 and 2003 (Curtice 2006, Table 6.8).

It is not necessarily a problem that the English have a weak sense of national identity. It is certainly the case that English identity is closely interwoven with Britishness. On a forced choice question almost equal numbers say they are English (40 per cent), and British (50 per cent) (Curtice 2006, Table 6.9). And on the question about shared identities nearly two thirds say they are some mixture of English and British (Curtice 2006, Table 6.10). Commentators have bemoaned this confusion by the English of Englishness with Britishness. But in our history and in our institutions the two identities are closely intertwined, and cannot easily be unwoven.

Nor is there necessarily a mismatch between perception and reality. The political institutions to which the English owe loyalty are themselves a mixture of English and British. Westminster was originally the seat of the English Parliament and is now the home of the British Parliament. The English regard it as their parliament, and do not want a separate parliament (Curtice 2000 Table 8.15, Curtice 2006 Table 6.10). Most departments in Whitehall combine a mixture of English and British functions. There are no separate English departments, and no demand from the English to have a separate government of England.

Identity and institutions mirror each other. Englishness is commingled with Britishness in the English people's sense of identity, and in their political institutions. To combine Englishness with Britishness is not necessarily a sign of confusion. It is a reflection of reality (Aughay, 2006). We cannot readily disentangle Englishness from Britishness in our history or in our institutions. It is better to accept them for what they are, deeply intertwined, and allow the English to celebrate being English and British. Their political allegiance is to Westminster.

Institutional answers to decentralising the government of England

The next part considers the answers to the 'English' version of the English Question, which is about improving the government of England. The main institutional answers

include elected regional assemblies; administrative regionalism; city regions; strengthening local government; and elected Mayors.

As in the previous part, we shall assess each solution in terms of its elite support and mass support, its probability and feasibility. All the solutions are technically feasible. The real arguments revolve around their probability, and the extent to which they present

Defeat of the 2004 proposals has raised the bar. Just as in Scotland and in Wales the government came forward with a stronger set of proposals in 1997 compared with 1979,⁴ so any future government would need to strengthen as well as repackage any new proposals for regional government. That would require a degree of leadership and collective commitment from the cabinet which was markedly absent in 2004. A future government might also think it wise to uncouple the threat of local government reorganisation from the creation of a new regional tier. Unitary local government does not need to be a precondition of regional government. France, Germany, Italy and Spain have all introduced a regional tier while retaining their two tier system of local government.

Administrative regionalism

If elected regional assemblies seem far, far away, administrative regionalism is strongly here and now. Administrative regionalism describes the growing array of unelected government bodies which operate at the regional level. A dense network of policy actors has gradually grown up in each region around the three main pillars of the Government Office, Regional Development Agency (RDA) and regional chamber. The Government Offices for the Regions have become the main regional outposts of central government, with representatives from nine government departments. The RDAs have seen big increases in their budgets for economic development since their creation in 1999. The regional chambers remain fledgling institutions, with modest staffs and budgets, but they provide a forum for local authority leaders to come together with business and the voluntary sector to discuss regional issues of growing importance, such as housing targets. From small beginnings these core regional institutions have grown significantly in terms of their powers, budgets, influence and effectiveness. Equally significant are the policy networks which have grown up around them. These fledgling regional institutions have begun to take on a life of their own, and to develop a capacity and focus for policy making, which suggests that 'bottom up' regionalism will continue, and continue to grow, despite the rejection of elected regional assemblies (Sandford 2005, 2006).

'Top down' regionalism also seems likely to continue, thanks to the growing interest of the Treasury in improving regional productivity and reducing the disparities in regional economic performance. Regionalism has permeated Whitehall's thinking, and the thinking of the business community. Business remains strongly opposed to elected regional assemblies, but has become supportive of RDAs and (to a lesser extent) the regional chambers in which they are represented among the social and economic partners. Regional chambers are defended by their members as 'partnership assemblies' in which the private and voluntary sector can do business together with local authority leaders. Many of them did not want to see elected assemblies, and will not regard it as a setback that they have been rejected. But it is a technocratic form of regionalism, played only by regional elites, in a way which is invisible to the general public.

This technocratic regional tier has shown an extraordinary degree of resilience, continuing slowly but steadily to grow despite any strong ideological or popular support. What are the reasons for 'creeping regionalism'? One is that regional government is the beneficiary by default of central government's deep mistrust of local government. This

⁴ By removing most of the override powers of the Secretary of State, increasing the powers of the Scottish Parliament, and changing the electoral system to PR, thus reducing the likelihood of Labour domination.

cuts across both major parties, Labour and Conservative. New functions will not be given to local government, and existing functions continue to be taken from them.

The regional tier is a 'greenfield site', with no deepset traditions, entrenched methods of working, or vested interest in the *status quo* (Sandford, 2005b). It has proved adept in adopting the policies, priorities and more fluid methods of working of New Labour. For a new government keen to co-ordinate social and environmental policies, the regional

with the cities and their leaders being perceived as neglecting the separate identities and interests of rural areas. Finally, some of the arguments advanced against city regions are similar to those advanced against regional assemblies: that they are essentially technocratic, of interest to elites not ordinary people, and at best a patchwork solution.

Strengthening local government

The main alternative to regionalism as a policy solution for excessive centralisation is to restore powers and functions to local government. Local government has become increasingly the creature of central government. The English structure of local government, with large county councils and smaller districts in rural areas, and unitary local authorities in most towns and cities, has been subjected to successive reorganisations since the 1970s which have left it battered and demoralised. There is no shortage of proposals for strengthening local government (Commission for Local Democracy 1995; House of Lords 1996; Local Government Information Unit 2002; Local Government Association 2004; Stoker 2005). What is lacking is any evidence of political will in central government to let go. Local government in turn has lowered its sights in recent years. They have recognised that New Labour did not usher in a brave new world for local government, but more of the same: more targets, more regulation, more central initiatives, tighter controls. Local government's wish list for greater freedoms is tightly bounded by the recognition that under New Labour as under the Conservatives, local government now dances to central government's tune.

This is not to ignore New Labour's own agenda for reviving local government, including elected mayors. The government further hopes to reinvigorate local government through the cabinet system (the alternative chosen by most local authorities instead of elected mayors, with executive roles given to half a dozen councillors instead of a single leader); the new power of general competence conferred by the Local Government Act 2000, to encourage greater enterprise; and strengthening the community leadership role. But the brief reference to local government in Labour's 2005 manifesto made brutally clear how conditional any new freedoms are: 'We will give councils further freedoms to deliver better local services, subject to minimum national standards, with even greater freedoms

Solutions to decentralise the government of England have included elected regional assemblies, administrative regionalism, city regions, elected mayors and strengthening local government. Most are perfectly feasible, but have question marks about their

Ultimately, only the English can answer the English Question

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