

England, Devolution and sub-regional policy: a federal approach?

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Introduction

The ideology of Britain as a unified state has been deeply embedded in popular political culture (Gartside and Hibbert 1989) although the UK technically 'is not a unitary state' (McLean and McMillan, 2005) because it depends upon the two constitutional contracts of the Acts of Union of 1707 and 1800 (McLean, 2010). Even so, it has a long history as a single national state. Yet in less than two decades it has seen major devolution of power from the Westminster Government to Scotland, with lesser degrees to Wales and Northern Ireland and a call, last year, for full Scottish independence. Although the Westminster political elite seems more interested in party political advantage in the forthcoming election rather than major reforms of the political system in order to cope with these changing circumstance, political reform clearly has a major role to play in current political debate.

The reaction to the Scottish Referendum

In the aftermath of the Scottish referendum, David Cameron announced his intention in future to have 'English votes for English members (EVEL).' Several leading figures, not least Bogdanor (2014), explained the unreality of this position and the unfortunate implications for cabinet government that could ensue. William Hague has now announced the Conservative Party's actual proposals (Telegraph 03/02/2015) which amount to plans that laws relating to England, or England and Wales, could only be passed if they were approved by a committee of MPs representing those nations, forming an "English veto". Gordon Brown for Labour (Guardian 04/02/2015) suggests this is a cynical attempt at party advantage and Hague himself has admitted that if implemented a UK Labour government dependent on seats in Scotland for its majority, could have difficulties introducing laws relating to issues like education, transport and health in England in the event that such a committee were dominated by English elected Conservative MPs. Brown is concerned that EVEL may undermine the integrity of the UK and instead calls for a constitutional convention to cover a range of issues like Lords reform, regional reform and voting reform (Guardian 04/02/2015). He is concerned that playing party politics will encourage further the successes for the SNP and lead to the fracturing of the UK. If long term reform of the system of government in the light of further Scottish devolution is the aim then a Constitutional convention is probably inevitable, though the consequence of this would be that reforms will take some time. Brown in turn has been criticised by the Conservative MP David Davis (Guardian letters

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05/02/2015) for his earlier contributions to the present state of play. Davis himself says he prefers a federal solution which as he points out, is not being offered to the public by any of the political parties.

There is much to be said for a federal solution which would require that the powers and rights distributed to each level of government are clearly defined (Bealey, 1999). Under the present arrangements, even the powers of the Scottish parliament are not inalienable but are dependent on the goodwill of Westminster (McLean, 2010; McLean, I. and McMillan, 2005). However, a simple federal solution wherein England, Scotland, Wales and Ireland form the second tier of government below a UK Westminster parliament itself presents many difficulties. England constitutes nearly eighty-five per cent of the geography, population and economy of the UK and this kind of asymmetrical federalism is potentially highly unstable (McGarry, 2012, Unlock Democracy, 2011; Peeters, 2007). Greater symmetry could be achieved by further devolution within one or more of the constituent 'nations' so that it became a federalism of regions. So, although the previous Labour government's plans for regional assemblies were quickly dropped when seen to be unpopular in the North East referendum, there is much that is attractive about the idea of further devolution at least within England.

Devolution within England

The original regions were created for administrative purposes and were very roughly of a size somewhere between Scotland and Wales. Had the idea of directly elected Regional Assemblies caught the popular imagination they could have offered political entities somewhat comparable in size to the other 'nations'. Clearly, no government is going to reintroduce them at the present time. However, the City Regions advocated by both the Conservative and Labour Parties could offer some kind of solution (Blick and Jones, 2009).

Though without the high political profile of EVEL, the Coalition Government has been slowly pursuing its plans for some limited devolution to certain 'City Regions' in line with Heseltine's recommendations for regional economic growth (Heseltine 2012). London has, exceptionally, had considerable devolved powers for many years and is generally seen as a success. The Core Cities group has for many years been seeking greater powers for its members. It was made up of the eight largest English cities, but has recently extended membership to include Glasgow from Scotland and Cardiff from Wales. In response to the Smith Commission report (2014) their Chairman said: 'What's good enough for the Scottish Parliament should be good enough for big cities across the UK' (Core Cities: press release November 2014). The Core Cities are now arguing for substantial devolved powers on a par with those already devolved to London (Core Cities: Glasgow Devolution Summit Agenda Final). Such a deal has recently been agreed by the Coalition Government with Greater Manchester (<http://www.agma.gov.uk/>) with the proviso that they must have a directly elected City Region Mayor. The Coalition Government has been very keen on the creation of directly elected mayors as a means of providing strong democratic leadership, though the idea has proved relatively unpopular so far with the general public. However, there are still only ten Core Cities and it has recently been suggested that the elevation in the status of Manchester has caused some dissension within their ranks (Jenkins, 2015). Even if the Greater Manchester model were extended to all Core Cities they alone hardly constitute a solution for the rest of the UK or the whole of England.

The Key Cities Group, which comprising the twenty-three next biggest cities in England, are also seeking greater powers for their cities (<http://keycities.co.uk>). Their recently published Charter for Devolution (Key Cities 2014) sets out clearly two options for future devolution. The first option is the devolution to cities of specific powers like skills training, welfare and transport, the establishment of a single property board for each city to control local and national public sector assets and to give cities local tax raising powers. Their second, more radical option is that, in addition to the powers above, cities would have a single income stream with all ring-fencing removed from their budgets, which would be agreed 5 years in advance so that they would have proper budgetary control rather than, as now, most local spending being determined either directly or indirectly by Whitehall (Key Cities, 2014). At the same time, cities would have to institute robust governance and accountability structures and work within nationally agreed outcomes. The Key Cities support their argument through many examples of its own members' best practices.

The approach of the Key Cities group would certainly offer more local control over economic growth and welfare with a reasonable coverage across England. However, rural areas are not included except in so far as they exist within the 'work, shop and leisure' footprint of one of these cities. The Labour Party through its Adonis review has also supported the idea of greater powers to cities and has made mention of 'County regions' in a similar context. (Adonis 2014). This would seem to be an extension of the powers of existing Local Enterprise Partnerships (LEPs). However, the Local Enterprise Partnerships as they exist so far present many problems (CURDS 2013). As we have argued (Smith and Wistrich, 2014) there are issues of competence of governance arrangements and of the experience of some of their business chairs and their support staff. In particular, Local Enterprise Partnerships whilst containing local authority members on their Boards and often utilising local authority support staff, nevertheless have no democratic mandate.

So, while the creation of a series of sub-regional entities like City regions / County regions could definitely encourage (sub-) regional economic development and a more rational local development planning and provision regime, it would need to be properly democratised. At the moment LEPs are business dominated and depend entirely upon stakeholder input. In City Regions, while they include local authority representation on the Combined City Authority Boards, democratic representation remains somewhat indirect. This may change with the creation of City Region directly elected mayors but London is perhaps not the best exemplar of this model since the directly elected Mayor appoints his own deputies not from local councillors but directly from non-elected persons, with the main role of councillors becoming that of scrutiny. If applied more generally this raises a wide range of issues regarding the role of councillors and whether there is a need for so many of them.

It is believed that the public were unenthusiastic about Labour's Regional Assemblies for two main reasons. First, their brief and their powers were somewhat vague (Harding et al., 2006). Secondly, they were seen as yet another level of government when government itself was unpopular (Curtice, 2006). Yet government and politicians, particularly national ones, seem even less popular today.

Relations between Sub-regions and Westminster

Developing the sub-regions in a democratic way raises two other kinds of questions: How many levels of government do we want? What relationship do we want between sub-regional and national government?

a) levels of government

As Henig (2002) has argued all the reorganisations of local government through the 1970s, 80s and 90s had left a system of local government lacking functional effectiveness and with very limited historical resonance. The subsequent failure to adjust local authority boundaries in line with changes in population size and economic developments was 'an even bigger mistake' (Henig, 2006). The Total Place experiments of the last Labour Government (Leadership Centre for Local Government, 2010), now resurrected in a pilot scheme under the Coalition, appear to have reduced administrative costs with no reduction in efficiency but have not addressed democratic issues. The creation of City regions could give an opportunity to revise local authority boundaries in terms of the 'work, shop, live' footprint of cities and so make representation more meaningful and functional. If transport planning is to be devolved it surely needs to be planned over this functional area.

However, City regions per se will not deal with the Counties. The last Labour government was gradually moving towards a system of unitary authorities but this was stopped by David Cameron as soon as the Coalition Government was formed in 2010. Whether or not unitary authorities are the answer is a mute point but the present system is inconsistent and arguably wasteful. Abolishing District Councils would undoubtedly save further cost in administration and councillors' expenses. However, it would also require a restructuring of the Parish Councils, the majority of which do not have contested elections, in order to give some representation at a more local level. Certainly, if greater powers are to be devolved to sub-regional government, as is being proposed by both major political parties then the whole system would benefit from rationalisation.

b) relationship between sub-regional and national government?

functions

Our own research (Smith and Wistrich, 2014) clearly shows that many members of regional elites believe that there are many functions which must be performed at a level above the locality but at less than national level. The most obvious of these are those related to co-ordination of services and the setting of quality and performance standards. Local transport plans, for example, must be co-ordinated within a national system of transport to achieve efficiency. Flood control and coastal erosion need to be prioritised between different areas. Similarly, if budgetary control is to be devolved to the local level, then there need to be agreed performance standards in applying it. Even in regard to economic development, where most emphasis has been placed under the present government, there are important issues that can only be addressed by an overarching national government. The old Regional Development Agencies were criticised by the Coalition Government for failing to reduce differences in equality between the various regions. However, this is a ridiculous charge. If each region or sub-region is to maximise its own economic development, this will inevitably increase geographical diversity and inequality unless national government takes a role to remedy this. It must be the job of central government to be responsible for policies for reducing inequality between regions of varying prosperity and growth whilst each region focuses on its own development.

structures

Many people of influence are now calling for a constitutional convention. It should be obvious from my argument that the complexity of issues is such that this seems inevitable. It does not behove me therefore to offer a detailed solution to the structural reform which is required. However, some ideas have been circulating of late.

One obvious solution might be the reform of the House of Lords to create an elected chamber representing both the four 'nations' and also regional interests. This is perhaps a more suitable context in which to consider a form of EVEL rather than through Parliamentary committees, though much of the detailed policy and implementation could already have been devolved to regional/ sub-regional level. However, this raises all sorts of other issues about the basis of a franchise for a second chamber. Should it be directly elected or indirectly elected via national and regional bodies?

The Conservative Party's proposals (Hague 2015) rest on a reformed Parliamentary Committee structure. The previous Labour Government attempted to create regional ministers and a series of regional committees and a grand committee. This approach was unsuccessful because, for various reasons, the other main parliamentary parties refused to support them but anyway were somewhat cumbersome.

powers

Local Government has been pretty successful in delivering services even under recent financial constraints. The Local Government Association has complained bitterly about the massive reductions in its budgets, especially when similar reductions have not followed in Whitehall budgets (Cockell et al, 2013). However, it has also complained about the uncertainty of its budgetary situation which has undermined long term planning and of the arbitrary intervention of central government ministers in powers already supposedly devolved to them through the Localism Act (Cockell, 2013).

So which powers are delegated and agreement on the limits of such powers would need to be clearly specified. The most rational approach to this would be a federal approach both within the UK and within England. Under federalism power is divided between parliament and various provincial bodies, each of which has sovereignty within the area of its responsibilities (Bealey, 1999). This means that the regional body has clear control of its own powers in which the national body can not intervene.

Conclusions

None of this could be effected quickly. The reforms spoken of above are intimately related to one another. There is a need for a Constitutional Convention to deal with this. However, it must be a constitutional convention which is able to gain and retain the confidence of the populace. Westminster politicians have not distinguished themselves to their electorate in terms of transparency and perceived honesty. Trust in politicians has historically never been high, but in 2013 was as low as 18% (British Social Attitudes, 2013). Shifting power away from Westminster raises the possibility of a more local, more transparent, more relevant democracy. Of course, some local politicians will also fail. Some will be incompetent, some swamped by external pressures, some venal. It is always the way in any field of activity. That is why a reformed system must be transparent, clear and relevant to the population and their concerns.

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