



Public Administration and Constitutional Affairs Committee

Oral evidence: [The work of the Department for Levelling Up, Housing and Communities, HC 1213](#)

Wednesday 22 March 2023

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jo Gideon; John McDonnell; Tom Randall; Lloyd Russell-Moyle; John Stevenson; Beth Winter.

Questions 1 - 146

Witness

I: Rt Hon Michael Gove MP, Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations.

Examination of witness

Witness: Rt Hon. Michael Gove MP.

Q1 **Chair:** Good afternoon and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee is pleased to be joined by the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations, the right hon. Michael Gove MP, to examine the work of his Department.

In this session, we will be following up on a number of issues raised in our recent reports on "Governing England" and the "Work of the Electoral Commission", as well as looking at the operation and functioning of intergovernmental relations one year on from the publication of the "Intergovernmental Relations Review". Mr Gove, good afternoon.

Michael Gove: Good afternoon.

Chair: I'll kick off: when do you anticipate your constituency is likely to be part of a combined authority with a directly elected mayor?

Michael Gove: I have to recuse myself from those discussions because, as you could imagine, quite properly when it comes to decisions about devolution deals with different parts of the country, if a Minister is representing a particular constituency likely to benefit from the same,



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they have to remove themselves from the process. My colleague, Dehenna Davison, was one of the beneficiaries of the devolution deal that took in County Durham and she, who leads on this process, recused herself from that. So I have recused myself from any discussions about what will happen in Surrey, although I know that Dehenna is talking to a number of counties about what their future might be.

Q2 **Chair:** In your constituency or the wider county? Have you recused yourself for the whole county?

Michael Gove: The whole county.

Q3 **Chair:** Has Dehenna Davison mentioned any of it to you at all?

Michael Gove: No.

Chair: We will have to ask her, in that case.

Michael Gove: Yes.

Q4 **Chair:** Do you detect a groundswell of enthusiasm for such a move in your constituency?

Michael Gove: I have not asked, but I would think that the view, if I can judge it from what some of my councillors have said, is that they would be enthusiastic about changes to the way in which Surrey is governed, yes.

Q5 **Chair:** Including having a directly elected mayor?

Michael Gove: I think some of them would love it.

Q6 **Chair:** They are very welcome to write to us to express their enthusiasm.

Michael Gove: Absolutely.

Q7 **Chair:** In terms of not asking the question, that is the general approach, isn't it? The question is rarely asked, if an area would like to have such an imposition placed upon them.

Michael Gove: Some would regard it as an imposition; others would regard it as a liberation. I think part of the evidence that we have so far suggests that when we have directly elected mayors and combined mayoral authorities, they have been able to drive, in particular, economic development and progress.

In the debate on the Budget yesterday, I was able to highlight the achievements of Ben Houchen. I am a huge fan of his, but I think the same could also apply to many other mayors.

Q8 **Chair:** What is the framework by which you assess their success? How do you measure it?

Michael Gove: In so many different ways. First, politically, I think the fact that Ben Houchen was re-elected so handsomely is a vote of



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confidence in his leadership. There are other mayors, including Andy Street, and geographies that perhaps one would not think of as automatically inclined collectively to be Conservative. Andy's success in being re-elected with an increased majority reflects on his success as well. You can see that success in, for example, the work that has been done in the Tees Valley on Teesport, the freeport that has been secured, as well as the way Ben has been successful in making sure that the Tees Valley is a potential investment zone; the development corporations that he is bringing forward, not least in Middlesbrough; and the way he used his powers right at the very beginning of his time in office to rescue Teesside Airport and to turn it into both a passenger and a freight airport that has been successful. All these things count as successes for the model.

Q9 **Chair:** So the model rests upon the individual office holder rather than the model itself?

Michael Gove: Throughout history, the success of particular political innovations has often rested upon the character of those who have taken on those responsibilities.

Q10 **Chair:** How on earth are we going to cope when they are not there?

Michael Gove: That is democracy.

Q11 **Chair:** It is, but would you have such confidence in the model?

Michael Gove: Yes, because I think there are observably people who might not have taken on local government responsibilities who have chosen to because of the powers available to mayors and combined authorities. Ben Houchen took on that responsibility when young— younger even than some Members of Parliament—and has been a success. Andy Street, who had a hugely successful business career at John Lewis, decided to enter government but did not want to be a Member of Parliament. He did not want to be based in Westminster and Whitehall; he wanted to be in the West Midlands, where he was brought up, but he also wanted a role where he could make a difference. Similarly, Andy Burnham, who had served at the highest level in Labour Cabinets under Gordon Brown and Tony Blair, decided to absent himself from Westminster because the opportunity as Mayor of Greater Manchester to make a difference attracted him.

There is an analogy, though it is an imperfect one, with the system of governors in the United States, that being governor of a state in the United States is a significant executive responsibility that attracts people of talent.

Chair: It would not have escaped your attention that we are in the United Kingdom, not America.

Michael Gove: Yes, that is why I said that it was an analogy but not a perfect one.



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Q12 **Chair:** So you don't have the view that local government in this country evolves over time and has certain qualities to it rather than the imposition of a model from overseas?

Michael Gove: Of course it evolves. In previous conversations about local government, people often lamented that figures of the calibre of Joseph Chamberlain did not seem to be in local government in either the numbers or perhaps with the prominence that we might all have wanted to see. I don't think anyone can say that mayoral combined authorities have failed to attract people of talent.

Of course, the very first was established under Labour, the Mayor of London, and you had figures—inevitably controversial—but nobody can say that Ken Livingstone, Boris Johnson and Sadiq Khan are second-rank political figures. They are all people of substance and weight about whom strong opinions of course are entertained, but they have made a difference in London.

Q13 **Chair:** Do you think our colleagues in London would have that view, Mr Gove?

Michael Gove: Obviously views will be coloured by partisan consideration but while I can think of very few areas where I would agree with Ken Livingstone, I think it is undoubtedly the case that he was a consequential figure as Mayor of London.

Q14 **Chair:** What do you see as the most appropriate roles for central, devolved and local government?

Michael Gove: It always depends on the question being asked. Central Government, critically, always should have responsibility for those areas that were traditionally part of the royal prerogative—treaty making, foreign affairs, and matters of peace and war. I think it is also the case that ultimately central Government is responsible for revenue and welfare across the whole of the United Kingdom. You have to have coherence in the tax system, maintenance of a currency and a central bank and so on, and I would also argue that you should have certain universal minimum guarantees—the National Health Service, universal credit and so on. These should be uniform across the UK. However, one can also look at how power might more properly be exercised in different ways.

Take transport: I think when it comes, for example, to international aviation treaties, quite rightly they should be made by sovereign states, but when one looks, for example, at urban transport, it is often the case that a mayoral combined authority will be the logical geography for resolving metro, overland, bus and other services.

Q15 **Chair:** What is the difference between devolved and local government in the context of England?

Michael Gove: The process of devolution is the process of giving to local government or, in the case of Scotland, Wales and Northern Ireland,



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Parliaments and Assemblies, powers that had hitherto been exercised by Westminster.

Q16 **Chair:** So there is no uniform interpretation of “devolved” because it means different things in different places?

Michael Gove: At the risk of being Humpty Dumpty, of course people will interpret devolution in different ways, just as people will interpret “progressive” in different ways. I would argue that the policies of Jeremy Hunt are progressive and John McDonnell would take a different view, but we both know what we mean by it and our friends and allies are at liberty to disagree with us.

Chair: I am sure Mr McDonnell will express himself in due course but for the moment, thank you. We will go now to questions from Jo Gideon.

Q17 **Jo Gideon:** Mr Gove, do you think people in England understand where the decisions that affect their lives are made?

Michael Gove: I think their understanding is imperfect but I think the same is true across the developed and democratic world. Politics has become more complicated over time as more and more is expected of the arms of government, local and central. One can look at Germany, France, the Netherlands, Denmark, the United States, and Canada, and it will often be the case that people are aware that a central Government has certain core responsibilities, but sometimes there will be people who are razor sharp and know exactly where responsibility lies and at other points there may be, amongst some voters, a less than perfect understanding.

Q18 **Jo Gideon:** Do you think people in England can effectively influence decisions that affect their lives?

Michael Gove: Oh yes, and I think there are several cases in point.

Take the pattern of voting in recent elections, both local and national. You can see that votes have changed. Take Stoke-on-Trent: I think the fact that people have voted for Conservative rather than Labour MPs represents their views about who will better represent them nationally, and I think some of that vote may have been down to dissatisfaction or disquiet with the way that Labour MPs seemed to be frustrating the Brexit referendum—that will have been only part of it. But then at a local level, Stoke-on-Trent City Council has had dysfunction in the past. The fact that it has such a strong and well-known local leader in Abi Brown now, reflects the fact that, from the moment Abi Brown and Jack Brereton were elected as I think the first two Conservative councillors—elected representatives—in Stoke-on-Trent, local people know that they have been hugely successful in helping to progress the economic development of The Potteries.

Q19 **Jo Gideon:** Our report indicates that people in England have a particularly low sense of political efficacy; they do not think that their voice matters. Why do you think people feel this way generally?



Michael Gove: There are reasons why across the developed world, since 2008 and possibly beforehand, there has been disquiet with democratic institutions. I have written about this and offered my own views, both in the speech that I gave to the Ditchley Foundation about three years ago and also more recently in two speeches, one to the Convention of the North and one to the think-tank Onward. At the moment, for example, in the Netherlands, you have had the emergence of a wholly new political party that had its origins in a reaction against what was happening to agricultural land as a result of a European Union directive. It was clearly the case that people in the Netherlands felt that the political system, PR, in its current form, with the parties in its current form, was not working for them. Similarly in France, you have had big changes in who people vote for, and recently President Macron has had to use executive powers to ram through pension reform which has been very unpopular with a significant section of the population. Looking at the UK—though one should not be complacent—there is generally a faster feedback mechanism and a better sense of accountability than in many other democracies, but have we got everything right? Of course not.

Q20 **Jo Gideon:** Are you confident that people know where to go when they have issues with, for instance highway maintenance, bus shelter repair, or bus services? I am thinking about potholes, because as MPs we quite often get pothole surgeries, which are not necessarily the right places to come to.

Michael Gove: Yes. Because MPs are often the most prominent and the most visible elected representatives, they are often the first port of call. In my experience, however, MPs of all parties do not work in silos; they work with local government, even with people from different parties, to make sure that problems can be resolved at the right level. If someone comes to me concerned, for example, about the provision of special educational needs support for their child, I will engage with Surrey County Council to try to get the best possible outcome. In my experience, my constituents know that it is the county council that is responsible for SEN, but often working with their MP they can effect change. It may well be the case that people will talk to a friend or neighbour who is a borough or parish councillor to make sure that they can make their case as effectively as possible. When citizens feel that services are letting them down, they almost certainly know where the responsibility lies but they will work with other elected representatives to try to bring about change.

Q21 **Jo Gideon:** How likely do you think it is that they actually see that change come in?

Michael Gove: All politics is a trade-off. It can often be the case that people are understandably frustrated because every elected tier of government has competing calls on its resources. So sometimes that change comes, sometimes there will be absolutely the snapping together of all of the reflexes of a particular arm of government to change things, but sometimes there simply will not be the resources to deliver the change required.



I will mention one area where there has been collective working. The levelling-up partnerships that my Department has initiated have meant that in Blythe, Grimsby, Blackpool and now also in Stoke-on-Trent and Sandwell and other areas, people are seeing that where there have been blockages because different parts of government had not been working together, they have now been overcome.

Q22 Jo Gideon: Both White Paper and the Government's response recognise the complexity of the system of English governance. How do the proposals in the White Paper reduce complexity?

Michael Gove: We hope by making it clear that there are essentially three tiers of devolution, decentralisation or local empowerment, and that there is a broad logic to it. As I think I have said to the Committee before, and as the Committee in its report recognises, the nature of local government in England reflects that there is a long-established and relatively stable polity, and within that there have been changes over time.

Sitting suspended for a Division in the House.

On resuming—

Chair: The sitting is now resumed. Jo, would you like to pose your final question again?

Q23 Jo Gideon: Thank you. I will repeat my final question. Both the White Paper and the Government's response recognise the complexity of the system of English governance. How do the proposals in the White Paper reduce complexity?

Michael Gove: I believe that the proposals that we lay out for three different levels of devolution, decentralisation or local empowerment do bring a greater degree of coherence to the system. However, as I have said before and indeed as the Committee has noted, a polity as long-lasting as England's local government has taken different forms at different times. You can go back to knights and burgesses in the Middle Ages and so on. Over time, local government has developed different approaches and different corporations, and it is in the nature of a country as old as England that you will not have, and should not seek, perfect uniformity.

Chair: Thank you. I will bring Lloyd Russell Moyle in now with a supplementary question.

Q24 Lloyd Russell-Moyle: I was interested in the initial questions about your great country, Surrey. I live in the neighbouring great county, Sussex—not east or west, but Sussex. Our two counties put in a joint devolution bid. It was rejected by the Department because it did not contain a mayor. Brighton and Hove put an alternative bid in, a Greater Brighton Region bid, and it was rejected because it did not have a mayor. All the



councillors and the councils supported those two alternative plans. Why can local areas, if we believe in local autonomy, not choose a devolution settlement that has the powers but provides an executive cabinet rather than a mayoralship system?

Michael Gove: I think that the original Sussex proposal you mentioned was submitted to the Department before I arrived as Secretary of State—I think. More broadly, I think that the more power that is devolved, the greater the need for accountability and having a directly elected leader or mayor provides the maximum level of transparency and accountability.

Q25 **Lloyd Russell-Moyle:** Why is that not the case for the devolved nations?

Michael Gove: The nature of the situation in Scotland, Wales and Northern Ireland depends on the unique particularities of each of those jurisdictions. In Scotland, the Scotland Act governs what happens there. A decision was taken by the Labour Government—

Q26 **Lloyd Russell-Moyle:** Yours was a principle point. So is it your view, in principle, that Wales, Scotland and Northern Ireland do not have the highest levels of accountability? Is that what you are suggesting?

Michael Gove: Well, in Scotland everyone knows who the First Minister is, and I think in Scotland you have a different approach. It is similar in Wales. By definition, it is in the spirit of devolution that I should respect how the Scottish Parliament decides—for the sake of argument—to change its electoral system.

Q27 **John Stevenson:** I have a quick question. Clearly the Government's desired outcome is to have mayors everywhere in the country?

Michael Gove: Ideally. Yes. There will be some places where it will not work, but ideally, yes.

Q28 **John Stevenson:** Why did the Government not take the policy to—I won't say "impose"—insist on one? There is a lot of groundswell support for it; there may not be political support but there is still support. Why have the Government not just taken that power?

Michael Gove: Our approach is evolutionary. Implicit in some of the questions that have been posed, and not just by this Committee, is the idea that people are being corralled or driven towards having a mayor or a directly elected leader, but some other areas are anxious to have that form of governance, areas that have not had it yet. We are trying to take an evolutionary approach. As with all changes, there will be some people who will be impatient for greater speed and others who will feel that we are driving the coach too fast. My view is that the establishment of directly elected mayors—London under Labour first of all—whatever you think of the personalities, was undoubtedly a success. Then, thanks to George Osborne and others, we have seen the model grow across England and a greater degree of success and support for it. I would very much like to see it extended, but I recognise that some people will feel that we are not moving as quickly as we should.



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Q29 **Chair:** You said that there were some places where mayors would not work. Where and why?

Michael Gove: I am a pragmatist and an empirical developer of policy. We can see over time the model being more and more successful, but by definition, there will be some communities and areas that will say they do not want that.

Q30 **Chair:** How will you gauge that, because you don't ask them, do you?

Michael Gove: A case in point, for example, is Cornwall, where it will be the decision of Cornwall's locally elected leaders and locally elected councillors whether or not they want to move to a directly elected leader system.

Q31 **Chair:** Do the MPs in Cornwall want it?

Michael Gove: Some do, yes.

Q32 **Chair:** Do you know their names?

Michael Gove: The one who is most energetically in favour is Steve Double.

Q33 **Chair:** Does he want to be the mayor?

Michael Gove: I don't know.

Q34 **Chair:** What about in the East Midlands?

Michael Gove: There is a groundswell of support for a directly elected mayor covering the East Midlands.

Q35 **Chair:** From whom, in particular?

Michael Gove: From almost every Conservative whom I have spoken to in the East Midlands and a good number of Labour people as well, although not, sadly, Sir Peter Soulsby.

Q36 **Chair:** Which Conservative Member of Parliament is most keen on it?

Michael Gove: Probably me.

Q37 **Chair:** After you?

Michael Gove: Possibly Dehenna Davison.

Q38 **Chair:** After her?

Michael Gove: Probably the Prime Minister.

Q39 **Chair:** Who, who represents an East Midlands constituency?

Michael Gove: Neil O'Brien.

Q40 **Chair:** After him?

Michael Gove: I would probably guess Hunt.



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Chair: You are just rattling through those people on the Government payroll who do as they are told. I want to know which Member of Parliament in the East Midlands fancies themselves as the Conservative candidate and why they are such an advocate for it.

Michael Gove: Not everyone on the Government payroll does what they are told.

Q41 **Chair:** No, but they don't last very long, do they, if that's the case?

Michael Gove: Oh, I don't know.

Q42 **Chair:** We can either enjoy ourselves with this pointless sparring or can answer the question. Which is it to be?

Michael Gove: I am not sure what you are driving at.

Q43 **Chair:** I am driving at the fact that it seems to be those who would quite fancy the role for themselves who are the keenest advocates for it.

Michael Gove: If it is an attractive role, that suggests it exercises responsibility and if it is a role that exercises responsibility and accountability, we are reinvigorating the political system.

Q44 **Chair:** Going back to what you said to John Stevenson about some places where it would not work, why won't they work, objectively? If you just have a political bun fight, is that a reason not to press ahead with it?

Michael Gove: No. What one person might think of as a political bun fight, another person might consider to be people re-engaging in the democratic process. My view is that what is right is what works and the mayoral model appears to be working

Q45 **Chair:** But you said that in some places, it won't work.

Michael Gove: I am allowing myself, not quite in the words of Oliver Cromwell, I am beseeching myself, in the bowels of Christ, occasionally to think myself mistaken. I am admitting that sometimes not—

Q46 **Chair:** Oliver Cromwell is somebody else who did not listen to people, wasn't he, really?

Michael Gove: Well, he was quite successful for a bit.

Chair: John McDonnell, please.

Q47 **John McDonnell:** I come from Drogheda so I'm not really keen on discussions around the ability of Cromwell to listen to anyone.

The government responses emphasise the importance of the English devolution accountability framework. It was only published last week. Do you want to outline how it will work and what you think makes it effective as a system for accountability?

Michael Gove: The system for accountability for mayoral combined authorities?



John McDonnell: Yes.

Michael Gove: What it seeks to do is bring together and codify some of the existing accountability mechanisms, but in particular in the new trailblazer deals that we have in the West Midlands and Greater Manchester, both the mayors have been energetic in saying that they want to have an even greater degree of accountability, including having open public sessions where they can be cross-examined by locally elected representatives, members of the media and others.

In the spirit of what I mentioned earlier, democracy is organic, it grows and we develop sharper and more effective accountability mechanisms over time, but I think the degree of engagement with votes for the mayors in the mayoral combined authorities suggests that people do have a clear sense of who their candidates are and what they are capable of delivering.

Q48 **John McDonnell:** Should a local authority ultimately be accountable to the residents of their area or to the UK Government?

Michael Gove: It should be accountable to the residents, but the UK Government have a role in providing data, and ultimately there are certain moments, critical and crucial moments, where a local government entity may fail and central Government would have to step in.

A live example that is being examined by the Grenfell inquiry is Kensington and Chelsea London Borough Council. I am a great champion of the council overall, but I think it is undeniably the case that in the immediate aftermath of the Grenfell fire, the council's failure was such that central Government intervention was required, using other figures in local government to help and to make a difference. I mention that because there will always be exceptions to general rules and it is the ultimate sovereign in any realm that has to decide what the state of exception is.

Q49 **John McDonnell:** How do you determine that? Is it determined by central Government where central Government considers there isn't sufficient accountability to local residents? How do you judge that? I appreciate that it is a difficult question.

Michael Gove: It is a very difficult question and my preference ultimately—most people's preference, I think—would be to have local government exercising the maximum amount of power consistent with shared public understanding and effective delivery. Ultimately, sovereignty has to rest with one body and it is in that body that the state of exception is defined.

Q50 **John McDonnell:** The state of exception defined by whom, though? Take Grenfell for an example. Where was central Government when Grenfell was going wrong because of its failure to be accountable even to the local residents? What triggers that?



Michael Gove: In the exceptional circumstance of a local authority dealing with the immediate aftermath of a crisis, when it is overwhelmed, central Government would step in. There is another example I know from my own time in government, an example in which there was co-operation: in the immediate aftermath of the attack on Skripals in Salisbury, central government helped the local authorities in Salisbury and Wiltshire to deal with it. These are the kinds of big crises that require that level of intervention.

There is a very important set of questions about what happened before and these are lessons that the inquiry is helping to learn. There were faults on the part of Kensington and Chelsea Council, the tenant management organisation and others.

- Q51 **John McDonnell:** In the framework, you have emphasised: "The Scrutiny Protocol will also look at how mayors can best engage with residents ... MPs and other key stakeholders including an independent business voice. Government recognises that this will take significant change and the development of the Scrutiny Protocol is an opportunity to explore innovative ideas". You said of the scrutiny committee itself, "Members should be able to devote time to the role. And the committees should have the profile and cachet"—that is a Gove-ism, isn't it: cachet—"to ensure that their findings are brought to the attention of the public wherever necessary". That is an admirable expression. Can you point to examples of that in the existing structures, examples of where that actually works effectively?

Michael Gove: It relies on the political parties in opposition, or sometimes members of the same party but operating at a different level, to exercise that role. There are examples of people within local government and indeed in Parliament who have shown that they can give the scrutiny function cachet. We did not have Select Committees in the way that we do before Norman St John-Stevas. Now, Select Committee Chairs have cachet. At a local government level, we have some councils where you have opposition figures who really do a very good job. In Aberdeen, you have Ryan Houghton, who puts the current SNP-Liberal Democrat Administration under effective scrutiny. It is the case in London that there have been both different borough leaders and different Members of the Greater London Assembly who have put the Mayor under scrutiny. Depending on where you are, there are different figures who can take that role.

- Q52 **John McDonnell:** Can you name any of them who have the profile and the cachet in the mayoral system at the moment? I am not asking a trick question. I just want to know how this really works.

Michael Gove: If you look at the West Midlands, I would say that Brigid Jones, who is I think the deputy leader of Birmingham council, plays a very effective scrutiny role with respect to Andy Street's leadership. Brigid is someone who will hold Andy to account if she believes that he is not delivering in terms that she would consider appropriate, but she is



also someone who works pragmatically with him in order to deliver. That is such an instance. It has also been the case that Conservatives in Trafford and in Bolton have at different times played a part in holding Andy Burnham to account. There is a lively debate at the moment in Greater Manchester, which the Chairman is very familiar with, about clean air zones, and there you have had MPs and councillors holding Andy to account on the way forward.

Q53 **John McDonnell:** That has been the traditional role of councillors, though.

Michael Gove: Yes.

Q54 **John McDonnell:** Is the framework any different from what has gone on in the past?

Michael Gove: It codifies what we have but it is also intended to create a system wherein, hopefully, there will be a strong chairman and deputy chairman of a scrutiny committee, ideally from a party opposed to or different from the Mayor's, who acquire that reputation, as Select Committee chairs here have. I would hope that it would be the case that in Teesside the *Evening Gazette* would regularly go to whoever the Labour or Lib Dem or independent chair of a scrutiny committee was, who would acquire a reputation for holding Ben Houchen to account.

Chair: Jo Gideon has a brief supplementary.

Q55 **Jo Gideon:** Yes. It goes back to the point you made about who does not want a mayor, and I was going to give Staffordshire as an example where they had a mayor, it did not work and they got rid. Yet Stoke is in the West Midlands but not in the combined authority. With this organic growth, how do you decide which areas are going to be left out? Would you mandate those areas to have to be part of a larger combined authority? What happens to the outliers, the ones that are left behind?

Michael Gove: It is a very good point and I can try to answer your question and to better answer John's and the Chair's. There are some areas where the economic geography and the sense of identity mean that it is relatively clear what the shape of a mayoral combined authority should be and the geography that a mayor should be accountable to. In Staffordshire, you are right, it is more complicated because Stoke and north Staffordshire look to—they are separate from but look to—Cheshire, Manchester and the north. South Staffordshire, Codsall and Lichfield would look to the West Midlands. While Staffordshire is a county with a strong identity, it is difficult to know what the correct model at this stage would be.

As the Committee's report on the governance of England makes clear, at different times, whether it has been Redcliffe-Maud or other attempts to look at local government in England, we have run up against the fact that we are an old country with particular loyalties that do not always fit neatly into a perfect model. I have a preference. I think that preference



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works, based on the evidence we have seen so far, but I recognise that there will be some areas where the exercise of that preference, including by local people, will be more difficult to deliver.

Q56 **John Stevenson:** You highlight that more than 50% of the population are now in mayoral combined authorities.

Michael Gove: Yes.

Q57 **John Stevenson:** I think you said this will give them an effective voice on decisions that directly affect them.

Michael Gove: Yes.

Q58 **John Stevenson:** Mayors have no say over legislation. They have remarkably little power. How then do they go about doing what they want to do in their area, particularly if the law or policy are not necessarily favourable to that area?

Michael Gove: Again, it is about the division of responsibilities. The first thing is that mayors—in particular now Andy Burnham and Andy Street—have significant powers over a range of areas that can drive economic development. It is also the case that if they want to influence national policy, then they have the standing to be able to do so and they can marshal resources and command the attention of the media. If their arguments are strong, they can shape that.

Ultimately, when it comes to having a legislature, we have a system where there are devolved legislatures in Scotland, Wales and Northern Ireland, albeit they have different, not identical, competencies, and the UK legislature. For a variety of reasons I think it would be difficult to have primary legislation being passed in one part of England by a subsidiary body that did not apply in another.

Q59 **John Stevenson:** Even their core powers are remarkably limited.

Michael Gove: They are growing.

Q60 **John Stevenson:** We still have very much centralised government in this country.

Michael Gove: Again, it is the case that we have a more centralised system than many other democracies, yes.

Q61 **John Stevenson:** If you take it in the round, we have a very ad hoc local government set-up. I think your White Paper acknowledges this and said that over the last 50 years, the issues of governance of England have not really been addressed properly. Our Committee suggested that there should be a cross-party commission on the governance of England, which would look at it in the round and probably come up with a better blueprint. You have said it is neither desirable nor proportionate. Why do you say that?



Michael Gove: I don't like the idea, or—probably the better way of putting it—I disagree with the idea that we can find a perfect answer to these questions. It is probably a bit pretentious, but the phrase I used the other day is, "With the crooked timber of humanity no straight thing is ever made." I am a Tory. I recognise that in a country like the United Kingdom, and particularly in a country as old as England, you are never going to get perfection. The other thing is that cross-party great and good working groups have their place, but when it comes to something like this I suspect that it would just be—what is the word?

Q62 **Chair:** Do you think it would be a good therapy session?

Michael Gove: Therapy?

Chair: They could just talk and no action could come of it.

Michael Gove: My view is the Parliament is the perfect cross-party institution to decide these things.

Q63 **John Stevenson:** We have ended up with a great deal of inconsistency.

Michael Gove: I think we will always have inconsistency.

John Stevenson: No, I accept we will always have inconsistency. I accept that, particularly if your argument is the good of our country and so on, and we do not need perfect. We do need good though, and we do not appear to have good right now.

Michael Gove: I think we are getting better.

Q64 **Tom Randall:** Before I come to my questions, to follow up on John's point, the Government's agenda is levelling up, which suggests moving up in perhaps a consistent way. Looking at it from a personal perspective from the East Midlands, for example, you have spoken about giving extra powers to the West Midlands where the West Midlands has an authority and has just had extra powers, too. The East Midlands does not yet have a combined authority—it will be happening possibly in the next few months—and will not have the powers that the West Midlands has when it is created. From a levelling-up perspective, how does that match that agenda? You have this sense of everyone moving up, yet there is still that inconsistency across the country.

Michael Gove: It is a very fair point. The key thing is that what we should seek to do is through a variety of means support those communities that have been overlooked and undervalued in the past to exercise more control and to secure more investment, but almost by definition that will be a process where there will be some that will accrue benefits more than others earlier. You cannot get, as it were, perfect uniformity of the improvement of the condition of every citizen. Where things come together, where you have a strong local leader, a skilled workforce, great higher education institutions and effective MPs as well, you can really make a difference and start motoring.



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However, there are some places that face particular challenges. Again, in the work that we have been doing and, indeed, reflected in the Committee's work, coastal communities have particular challenges that mean that levelling up there is more difficult. That does not mean that we should not work incredibly hard and seek a measurable difference, it is just that we are more likely to see faster progress in some areas than others because they have more latent social, economic and human capital.

- Q65 **Tom Randall:** Turning to England more broadly, the Committee's report noted the difficulties inherent in UK Ministers also being Ministers for England when discharging their duties, and the Government's response to our report emphasised the UK as a whole. Should there be a conflict between the interests of England and the interests of the UK when developing a policy, how does a Secretary of State seek to resolve that conflict?

Michael Gove: By putting the UK first. We are Ministers of the United Kingdom Government. Our responsibility is to the United Kingdom.

- Q66 **Tom Randall:** Given that there are devolved Administrations elsewhere, where Scottish interests might be talked up, that suggests that England will always come second to UK interests.

Michael Gove: There will be a range of views on the Committee here, but I don't think so. I feel we have a responsibility, those of us who represent English constituencies—not everyone will agree—to recognise that England is 85% of the population of the United Kingdom. I very strongly believe that the United Kingdom is a force for good for all its citizens and if the United Kingdom prospers and is strong, then the citizens of England benefit as a result.

For example, before legislative devolution, we had a Minister of devolution, a Secretary of State for Scotland since 1885, first established by Conservatives. It would have been legitimate, I imagine, for some folk to have argued at the time, "Why should Scotland have its own Secretary of State around the Cabinet table when England doesn't?" I think it is just part of the nature of the United Kingdom. My view is that Scotland—and for that matter Wales and Northern Ireland—enjoying the additional representation that it has strengthens the UK overall and that is good for England, but some folk will disagree.

- Q67 **Tom Randall:** Would you say that England is so large within the Union that if there is a difference it is imperceptible because of—

Michael Gove: No, I think that the way the United Kingdom works means that there is, I hope, an implicit, tacit acknowledgement on the part of Ministers that England has that weight of population. There may be examples—I cannot think of them—of occasions where Ministers have thought of a conflict of interest between England and the United Kingdom. I have been a Minister in Departments that were thought of as England only: the Department for Education, when it was just schools



and children's services, had very little bearing, apart from in exams, outside England; then I was in the Ministry of Justice, an England and Wales Department; and then DEFRA, where again it was predominantly England but they were UK-wide responsibilities; and now this Department as well. All the Ministers I have worked with have been thinking about their duties as UK Ministers.

Q68 Tom Randall: One of the measures that were introduced to even things out was the English votes for English laws measure because of the perception that the West Lothian question was a problem. English votes for English laws was scrapped because the Government did not think it addressed the problem effectively. The problem that it was designed to address still exists.

Michael Gove: No.

Q69 Tom Randall: Why do you think that is no longer the case—or was it ever the case?

Michael Gove: I think that the West Lothian question has been overdone as an issue. The United Kingdom Parliament can resolve these discussions in a mature way. For example, were it the case that we were to have a UK Government that had a minority of MPs or votes in England but a majority across the United Kingdom, there would be some folk who would object to that but I think they would be wrong. I believe in the sovereignty of the UK Parliament. I believe that we are stronger together. At certain times you can slice and dice the UK in different ways in order to try to create division. I do not think that is the right thing to do, but I recognise that there are other people who very strongly disagree.

Q70 Chair: Thank you very much. We are going to move on to matters around elections. It has been three years since the Law Commission and the Scottish Law Commission recommended comprehensive reform to simplify, clarify and improve electoral law. The Government's response to our recent report published two weeks ago describes the consolidation of that electoral law as desirable but not an immediate priority, which I think has been the position for some time.

Michael Gove: Yes.

Q71 Chair: What is the reason for the lack of action in that respect?

Michael Gove: Because we are doing so much else. I mentioned earlier that resources are finite, not just money but the time of Ministers and officials. The Department is pressing ahead with, as we saw in the Budget, levelling-up partnerships, investment zones, and work on innovation areas. I can carry on with the list but they are all more important.

Q72 Chair: You are a very capable Secretary of State. Surely you could do this little bit as well.



Michael Gove: I think that there are other things that are even more important. It is desirable, of course, but not, I think, an area that is as urgent as, say, resolving the building safety crisis or dealing with the problem in social housing.

Q73 **Chair:** There are clearly problems that are urgent, but I think that there is still sufficient bandwidth to do that. We will leave it there on that.

Could I just ask: do the Government accept that, if enacted, the Law Commission's reforms would reduce a significant amount of confusion around electoral processes?

Michael Gove: Again, it depends on what you mean by significant. There are challenges in making sure, which our electoral integrity programme addresses, that we can have confidence in our democratic system and in the integrity of the ballot. I do not think there are big problems here, so in the scale of things that it is urgent to address, I do not think they are huge.

Q74 **Lloyd Russell-Moyle:** How many people have applied for a voter authority certificate?

Michael Gove: Between 35,000 and 40,000. I think it is about 37,000-odd.

Q75 **Lloyd Russell-Moyle:** Do you know how many of them already had a valid ID?

Michael Gove: I don't.

Q76 **Lloyd Russell-Moyle:** Why is the Department discouraging anyone who has another form of voter ID from applying for a certificate?

Michael Gove: If you already have a valid form of ID, which I think 98% of the population have, then there is no need. We want to make sure that anyone who is in any doubt can apply and can secure it. We are spending money; Parliament is spending money.

Q77 **Lloyd Russell-Moyle:** If you send your passport or your driving licence off for renewal if you have just moved house, as you legally have to, you will not have a form of voter ID if you only have one. On the website at the moment it says, "Do you have any form of photo ID?" It does not ask whether it has been sent off, or whether it is available. If you click yes, it redirects you away from the site so you cannot even apply. You have to click no. Why do you think that is a reasonable thing to do when there might be many reasons that someone might need a voter ID?

Michael Gove: I think you have raised a very helpful point. When you are designing it, as a systems engineer when you are setting up a code for the provision of online services, you tend to have to do things in a binary way. You make a good point, which is that a question can be phrased in such a way that someone can say, "Well, I do" and then, of



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course, not have it at the relevant time. I think you have raised an important point that should be part of our communications.

Q78 Lloyd Russell-Moyle: Yes. Surely it is more important that you are asking whether they have a voter ID to hand or easily available or regularly in their wallet.

Michael Gove: I think that is a fair point, yes.

Q79 Lloyd Russell-Moyle: Why was there a decision to have an A4 piece of paper rather than a form of ID as we have in Northern Ireland?

Michael Gove: I don't know.

Q80 Lloyd Russell-Moyle: Do you think that will make a difference to whether people find this piece of ID useful in future elections—that they will not lose it and need to reapply?

Michael Gove: It is always possible. What we are seeking to do is to make sure with the minimum of expense and the minimum of fuss at this point that anyone who does not have or does not have to hand a valid existing form of ID can make sure that they can be identified at the poll.

Q81 Lloyd Russell-Moyle: You can surely see the problem that if next year all those same people are going to have to reapply for voter IDs because it is a perishable piece of paper that has been lost or has been crumpled up rather than a photo ID card that you put in your wallet, you are causing more costs in the long run.

Michael Gove: Potentially, but I would say two things, although I think it is a very fair point. The first is that there are very significant documents, birth, death, marriage certificates, that are pieces of paper that most of us keep.

Q82 Lloyd Russell-Moyle: You do not go walking down to a polling station in the rain on a cold evening with most of those documents, though, do you, regularly?

Michael Gove: No. It is a melancholy thing, but it will sometimes be the case, whether it is when talking to a bank or talking to other service providers, that a death certificate will be required in the immediate aftermath of a bereavement in order to deal with the inevitably sad bureaucracy. I am not in the least trying to trivialise it, far from it, but I do make—

Q83 Lloyd Russell-Moyle: I cannot remember the last time I used my birth certificate. Are you confident that—

Michael Gove: I can think of occasions where people—anyway, yes.

Q84 Lloyd Russell-Moyle: Yes, but not since I applied for a passport. Are you confident that the Government's public awareness campaign for requiring voter ID in May is significant to avoid any numbers being turned away at the polling station?



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Michael Gove: Yes. There are two things I would say. The first is that in the pilots that we ran, the number of people who were turned away was minimal. The other thing is that thanks to MPs from all parties and party activists from all parties awareness has risen. Of course, Parliament has supported the provision of expenditure to increase the awareness of the requirement.

Q85 **Lloyd Russell-Moyle:** When you say minimal, what was that constituency roughly?

Michael Gove: I cannot remember but I think it was less than 1%.

Lloyd Russell-Moyle: It was about 1,000 people, wasn't it?

Michael Gove: I cannot remember.

Q86 **Lloyd Russell-Moyle:** That would make a difference in a number of elections, would it not?

Michael Gove: It would all depend on the size of the poll, but helpfully the publicity that we are now generating will ensure that almost everyone who can be reached will be reached in order to raise awareness.

Q87 **Lloyd Russell-Moyle:** Do you expect only a 1% reduction? You expect only 1% of people not to be able to vote in the next election?

Michael Gove: I hope it will be significantly smaller than that. I hope that it will be the case that everyone eligible to vote should be eligible to vote. Again, part of the issue that we are addressing is the fact that in the past some votes were cast that were cast in a way that undermined the integrity of the ballot. I hope it will be the case that by ensuring that we have voter ID we can have, as we do have in Northern Ireland, a greater degree of confidence in the integrity of the system.

Q88 **Lloyd Russell-Moyle:** As you know, personation was almost a non-issue, whereas problems with postal votes are. You have not tackled one but you have tackled the other.

Michael Gove: I think that personation certainly has been a significant issue in Northern Ireland. It is also the case that the integrity of voter ID is something that, as recently as local elections in Tower Hamlets, has been a cause for concern. The work of Democracy Volunteers and others has shown that. We have had situations where the question of the identity of the person exercising that vote has been integral to the legitimacy of that system.

Q89 **Lloyd Russell-Moyle:** Has that ever made a difference to the outcome of any election in Britain?

Michael Gove: We know from what has happened in Tower Hamlets in the past that you have had in Lutfur Rahman someone who I think has slightly less care about the integrity of electoral systems than you or I. When you have a situation like the one that prevailed in Tower Hamlets in the past, and if you look at the Democracy Volunteers report about what



happened at the most recent elections, then yes, I think it will. There are other communities and other local authorities where this is an issue, yes.

Q90 Lloyd Russell-Moyle: I would love to see any evidence of that. As I say, there is significant evidence of problems with postal votes, including in the cases that you have mentioned, but I have not seen any evidence of any election in this country ever, particularly in Great Britain—let's take Great Britain and exclude Northern Ireland—where voter ID has been anywhere significant enough to make a change to any election outcome. Is there a number that you feel will be a cause for concern if turnout drops below it? Is there a number that you are saying, "If it drops below this, then voter ID will have caused a detrimental effect"?

Michael Gove: As the Committee knows, we are going to review the operation of the voter ID scheme.

Q91 Lloyd Russell-Moyle: Yes. We welcome the independent review, which was our recommendation.

Michael Gove: I think that is the right thing to do. The one thing I was just going to say was—

Q92 Lloyd Russell-Moyle: Who will conduct that review?

Michael Gove: We are considering which independent partner should conduct that review at the moment.

I was just going to say one thing, which is that on page 13 of the Democracy Volunteers report into the elections in Tower Hamlets, recommendation 2, "On several occasions at these elections, our teams reported that voters were not able to quickly provide the information of their name and address. In some cases, voters would lean intimidatingly over polling staff and point to a name on the register instead." There is evidence there of people clearly shielding their identity, behaving in an assertive way, in order to intimidate staff and in order to exercise a vote.

Q93 Lloyd Russell-Moyle: That sounds like evidence of someone who maybe is not able to easily communicate in English or someone who is unsure of their address, but I take your point. That might be—

Michael Gove: Voter ID would mean that that would no longer be a problem. It is an interesting fact that a higher proportion of BAME voters have IDs that they can use to vote than non-BAME voters in England, and in that sense voter ID is a way of guaranteeing that you can vote and a way of preventing some of the intimidatory practices that are certainly associated with Mr Rahman and his supporters.

Q94 Lloyd Russell-Moyle: How will we know how many people are turned away at the polling stations? Surely what will happen is that people will turn up at a polling station, a very helpful teller from one of the political parties with the rosettes outside will say, "Have you got your voter ID?" and the person will say, "Oh, goodness me, I forgot it" and they will go back. Whereas the system is to record if you have turned someone away



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in the polling station, the vast majority of people will not be turned away in the polling station, they will be turned away beforehand. They will see a poster. They will see a teller. Is your Department doing anything to collate that data?

Michael Gove: I am sure it will be the case that individuals who feel that for whatever reason they have been denied an appropriate right to vote will not be shy about letting the political party that they wish to vote for and others know, but as I say, we are going to have an independent review of how the system has worked.

Q95 **Lloyd Russell-Moyle:** Is that terms of reference for the independent review published?

Michael Gove: Not yet.

Q96 **Lloyd Russell-Moyle:** Will you share it with us before publication?

Michael Gove: Yes.

Lloyd Russell-Moyle: You will. Thank you.

Q97 **John McDonnell:** On that point, the independent review, do you think that will be under way before the local government elections?

Michael Gove: Yes, it should be.

John McDonnell: So the potential for monitoring that issue of turn-away could be there?

Michael Gove: I think it will be the case that EROs and others will have access to the data required, but if the Committee would like me to consider how best we can gather data in order to inform the effective scrutiny of it, then I shall do so with my team.

Q98 **John McDonnell:** That would be helpful if we can get those figures.

We have had issues around the threat to safety. The Electoral Commission has updated the risk register and it includes threat to public safety due to, "problems with voter dissatisfaction or aggressive behaviour". What assessment have the Government made of the risks to electoral administrators and what extra resource will be made available to ensure their safety?

Michael Gove: We have made additional resources available to all local authorities in order to cope with the broad opportunities and challenges of changing the voter ID system. Again, it will be for local authorities to decide how they use the additional resources made available.

Q99 **John McDonnell:** Contained within that, was there an assessment of the risk and, therefore, a calculation of what resource was necessary? Some electoral administrators I know are liaising with local police and again it is looking at additional staffing specifically for safety and that sort of thing.



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Michael Gove: I will look at which local authorities have made that assessment. I was not certain that this was going to be a significant risk outside perhaps one local authority.

Q100 **John McDonnell:** I think that what has happened is that the returning officers or electoral staff in the individual local authorities have liaised with the Electoral Commission and that is why it became a concern for them. The more detail we have on that the better, obviously. We want to ensure that staff are protected overall.

The Electoral Commission also told us in its response to our report on the work of the Electoral Commission that the next tranche of changes under the Elections Act 2022 bring significant risks and that their work has already been impacted due to delays with the secondary legislation for voter ID. When will the rest of that secondary legislation be available for scrutiny?

Michael Gove: As soon as possible, and again we want to work with the Electoral Commission and other relevant authorities in order to make sure that everyone can have the maximum level of confidence in the integrity of the ballot.

John McDonnell: It would be helpful if you provided us with a copy of the detailed programme, the timeline and the plan.

Michael Gove: Yes, of course.

John McDonnell: You said in your response it would be shared with the Electoral Commission. If we could have that as soon as possible it would be very helpful.

Michael Gove: Yes, of course.

Q101 **John McDonnell:** The Government also did not respond to our recommendation in "The Work of the Electoral Commission" report to ensure that a motion is tabled for the strategy and policy statement to be debated on the Floor of the House before it is brought forward for final approval. There was considerable interest in that. Can you confirm the position now on that?

Michael Gove: By definition, the strategy and policy statement should be debated on the Floor of the House, and I will go back to business managers in order to make sure that we can do that in a timely fashion. I think I have a timetable in my notes about when that might be. Do carry on while I check.

Q102 **John McDonnell:** It would just be helpful to get that timetable in as well for when we are planning that debate. Obviously, there is some significant interest by the Committee and others on that.

Michael Gove: Of course. I will carry on looking for my timetable.

Chair: It might be better if you wrote to us.



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Michael Gove: Yes, I will do that.

Q103 **Beth Winter:** I have a general supplementary on voter ID. As you know, Mr Gove, voter ID will not apply in Wales in the Senedd or the local council elections. Have you had discussions with Welsh Government about how that may impact voter registration for the UK elections and how the differences will be managed?

Michael Gove: I have not had those discussions with the Welsh Government but I believe that the junior Ministers responsible have.

Q104 **Beth Winter:** Is there any evidence of impact on voter registration? Will the independent review be looking at this at all?

Michael Gove: Yes.

Beth Winter: It will, okay. Thank you.

Q105 **Jo Gideon:** I want to come back on voter ID and the assessment of how well it was working. Clearly, there are a large number of people who choose not to vote, whether they have an ID or not. I wondered whether you are assessing, if the voter numbers go down in a constituency by 2%, to what extent that is dissatisfaction with the voting system and to what extent it is just people choosing not to vote.

Michael Gove: Yes, you cannot know. Lloyd and John have raised some practical questions that we would have to review if there was evidence that people who were intending to vote had been frustrated in that intent. Yes, it is perfectly possible for people to feel "a plague on everyone's house" or not to be motivated to vote. Again, voter turnout will vary depending on a huge range of factors, so it is only one index that can let us know whether or not the system is working.

Q106 **Jo Gideon:** To unpack that a little bit, would the inquiry include asking a number of people who have not voted to see if that was one of the reasons?

Michael Gove: Part of it would have to be opinion sampling, yes.

Chair: Thank you. We are going to move to our final section of questions on intergovernmental relations, and Ronnie Cowan is going to kick us off.

Q107 **Ronnie Cowan:** The IGR has been in place for just over 12 months now. What is your assessment of it?

Michael Gove: It is working well.

Q108 **Ronnie Cowan:** During a PACAC session, Angus Robertson—to give him his full title, the Cabinet Secretary for the Constitution, External Affairs and Culture, Scottish Government—and Mick Antoniw, Counsel General and Minister for the Constitution, Welsh Government, both raised concerns. Are they wrong to have concerns?



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Michael Gove: No. It is both Mick's and Angus's job to represent their Governments and their parties. Of course, they will have specific issues that they will want to raise by definition. Angus and Mick will have different views about IGR and the UK overall.

Q109 **Ronnie Cowan:** Do you understand their concerns?

Michael Gove: Yes.

Ronnie Cowan: You do not share them?

Michael Gove: I take a more sanguine view.

Q110 **Ronnie Cowan:** Do you want to expand on that?

Michael Gove: I think that we have now a system that means that across the UK Government and devolved Administration Departments, there are regular meetings between Ministers in order to resolve issues. I think I mentioned before to this Committee that there are some issues that are a legacy and a consequence of the Brexit vote that sometimes lead the UK Government to require legislation to be passed that either the Scottish Government or the Senedd would not wish to grant a legislative consent motion to, but overall the vast majority of legislation that is passed secures legislative consent.

When it comes to administrative working, yes, there are sometimes tensions, but I take two recent examples. One is that in Scotland we delivered two freeports; that was a model of joint working by the UK and Scottish Governments. Recently, my Department and others have been working with the Welsh Government on the delivery of a freeport or freeports in Wales, and an announcement is imminent. I have to say that the work between the UK Government, the Secretary of State for Wales and the Welsh Government has been great.

Q111 **Ronnie Cowan:** We could argue about freeports until we are green in the face. We did not actually want freeports in the first place. What we did was we greened them up to make them more palatable and to take money back into Scotland that was taken out in the first place, but there was still a decision made by this UK Government that freeports were going to exist and we were told, "Like it or lump it."

Michael Gove: I can tell you that when the decision was made to have freeports in Cromarty and in Forth, there were Scottish National Party politicians in both those areas who were jubilant. When I went back to Aberdeen shortly after the announcement was made to visit my parents, there were SNP politicians who were openly lamenting the fact that Aberdeen had not secured a freeport. If it is a grotesque imposition, then that is not the view that is shared by Aberdeen City Council.

Q112 **Ronnie Cowan:** As politicians, we all look after our own constituencies, and when it is the only game in town then of course you want to be involved in it. The point is that it was the only game in town and that was



the problem in the first place.

Michael Gove: It is not the only game in town. It is the case, as you know, that the levelling-up fund provides additional support for local authorities from the UK Government. It is also the case that the UK Government through the community ownership fund and the UK shared prosperity fund also works with SNP and other politicians in Scotland. It is a welcome example of joint working as the levelling-up fund and other funds have been as well.

Q113 **Ronnie Cowan:** We can talk about that at length later on if you wish. Let's look at the IGR. You assured us about the secretariat. Has the secretariat been established yet?

Michael Gove: It is being established at the moment.

Ronnie Cowan: It is being?

Michael Gove: Yes.

Ronnie Cowan: So over 12 months into the process it is being established?

Michael Gove: Yes, and the four Governments work well together. There is an issue, of course, because of the Northern Ireland Executive not being in place. We all, I am sure, would like to see it in place. That has created one or two repercussions but it is the case that all four Governments are working well together and an independent secretariat is being established.

Q114 **Ronnie Cowan:** When you were asked about that last year, we were looking for further details as to how the secretariat would be appointed, how the head of the secretariat would be appointed, whether Ministers would be involved, how the head of the secretariat would be line managed, and how it would maintain its independence. You told us that these issues were under discussion and committed to write to us. While we have received updates that it has not been created yet, we have not been provided with any of those details.

Michael Gove: The first thing to do is to make sure that we satisfy the Scottish Government, the Welsh Government and I hope in due course the Northern Ireland Executive. My own view is that it can only work if there is consensus between the different Administrations. Of course, once that agreement is reached on all those details within and between Governments, then sharing it would be a joy.

Q115 **Ronnie Cowan:** Twelve months in, it is working quite well without a secretariat.

Michael Gove: Yes, and again the proof of the pudding is—

Q116 **Ronnie Cowan:** So why are you forming a secretariat?



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Michael Gove: The main thing is what is being delivered, and what is being delivered is initiatives that show the Governments of the United Kingdom working well together. We have seen that in the recent ebbing of support for separation in Scotland. People in Scotland recognise that the United Kingdom is working for them, which is why support for the Union in Scotland is now at a higher level than it was at the time of the 2014 referendum.

Q117 **Ronnie Cowan:** I do not know what poll you were reading; obviously a different one from me, but that is to be expected.

Let's look at what is actually happening as opposed to your hyperbole. How many of the portfolio interministerial groups have actually been established?

Michael Gove: Sixteen.

Q118 **Ronnie Cowan:** How many of them have met online through the monthly meetings schedule that was set out in the IGR review?

Michael Gove: I think that there is a variable level of performance. Some meet more regularly than others. In the "Intergovernmental Relations Annual Report 2022" we have a level of reporting on how many times each of them has met. There were 20 environmental intergovernmental meetings, 40 on health and Covid-19, 30 on Ukraine, 60 on the economy and the cost of living, 10 on transport and 10 related to the funeral commemoration of Her late Majesty during the course of 2022. There were 110 meetings between January and March between the UK Government, the Northern Ireland Executive, Scottish Government and Welsh Government, 57 between April and June, 50 between July and September, and 60 in October and September.

Q119 **Ronnie Cowan:** It sounds an awful lot but the information I have is that most IMGs have met only once or twice.

Michael Gove: Yes. There are interministerial groups but there are also other meetings as well.

Q120 **Ronnie Cowan:** The question was how often the IMGs met.

Michael Gove: Yes. BEIS, I have here 25 meetings; Cabinet Office, 26; DLUHC, 14—

Q121 **Ronnie Cowan:** Over what period?

Michael Gove: Over 2022. It is split by quarter and by Department in the report. One of the most successful was the meeting with the Prime Minister and the heads of the devolved Governments, which was held in Blackpool with the First Minister and the Prime Minister and then, of course, the First Minister of Wales joining us virtually.

Q122 **Ronnie Cowan:** Your opinion, but I appreciate that. So are we missing some IMGs? There is not one for international relations, is there?



Michael Gove: No, there isn't. International relations is a reserved matter.

Q123 **Ronnie Cowan:** What you are saying is that the devolved powers have no say in that, then?

Michael Gove: They do through the United Kingdom Parliament but ultimately foreign affairs is a matter for the UK as a sovereign state.

Q124 **Ronnie Cowan:** Surely, if you want to manage on a state of "maintaining positive and constructive relations based on mutual respect for responsibilities of the Governments", then you would want to have them at the table in those discussions.

Michael Gove: We have Parliament to debate foreign affairs questions, but foreign affairs is a reserved matter. The Scottish Government and Scottish Parliament have clear responsibilities: education, health, transport and so on. When the devolution settlement was established, the principle was clearly set out that Wales and Scotland do not have separate foreign policies. The UK has a foreign policy.

Q125 **Ronnie Cowan:** The way you are prepared to wield section 35, everything is reserved.

Michael Gove: As we all know, section 35 has been exercised only once. It was there within the devolution settlement. It was an explicit power. It was an explicit power that was exercised in order to make sure that the Equalities Act was seen as it should be, as a shield and not a sword. It is entirely open, of course, to the Scottish Government to seek to challenge that decision in the courts. Two of three candidates for leadership of the SNP and First Minister have said that they would not wish to do that. The third one I think is changing his position.

Ronnie Cowan: That is their opinion. The situation will be that you are saying—

Michael Gove: They have clearly stated it. Kate Forbes, who is a Minister, and Ash Regan, who until recently was a Minister, have both said that they would not seek to challenge that legislation.

Ronnie Cowan: That is their views—

Michael Gove: It is clear that there is a significant section of opinion within not just the SNP but within the Scottish Government that thinks that the UK Government was not only within their rights but right.

Q126 **Ronnie Cowan:** That is their views but I go back to the point that I said. You are talking about international affairs being reserved and I am saying that everything is currently reserved while you have that section 35.

Michael Gove: By definition, section 35 exists so that if it is the case that legislation passed by the Scottish Parliament infringes upon or undermines protections that it is the UK Parliament and the UK



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Government's responsibility to uphold, then the UK Parliament or UK Government can intervene. That was there in the devolution settlement. I think it was actually voted for by SNP MPs in Westminster at the time of the Scotland Act.

Q127 **Ronnie Cowan:** What about the deposit return scheme, is that likely to attract a section 35?

Michael Gove: No. My understanding is that the current finance Minister in the Scottish Government, who is a candidate for the SNP leadership, has said that it is an economic disaster. I think it is also the case that Ash Regan, another candidate, would move away from it. I personally favour a deposit return scheme overall and would want to work and would always want to work with the Scottish Government in order to deliver one. Again, the views of significant and substantial figures within the Scottish Government are that it has not been effectively delivered. To be fair, that has more to do with weaknesses of your Green allies in the Scottish Parliament than necessarily by Ministers like Kate Forbes.

Q128 **Ronnie Cowan:** The question is: is the DRS scheme likely to attract a section 35 from the UK Government?

Michael Gove: There are no plans to, no.

Q129 **Beth Winter:** I will return to the section 35 issue in a moment. The IMSC and FMSC have met about three times, which is less frequent than would be expected.

Michael Gove: Yes, that is true.

Beth Winter: I also have some figures on the interministerial relations meetings, which again vary. In July to September 2022, with the Scottish Government and Northern Ireland Executive there was only one meeting, but then with the Welsh Assembly there were 11. Can you explain what actions you are taking to improve the quantity and quality of the IMGs?

Michael Gove: Yes. They reflect the nature of events. It has been the case that particularly since the current Prime Minister took office there has been a reinvigoration of the determination across Government to ensure that all the interministerial groups meet more frequently.

I should say in fairness both to your question, Beth, and to Ronnie's that there are IMGs that do reflect those aspects of foreign policy that have a direct impact on devolved Administrations and where they have an interest. There is an EU relations interministerial group and, of course, there is one that governs trade and that has met 10 times.

It is a matter of regret that until the Prime Minister convened the prime ministerial and heads of government group at Blackpool last year there had not been more such meetings, but it is the Prime Minister's clear intent, and indeed the Chancellor's, to up the tempo in those areas.

Q130 **Beth Winter:** Yes, because if the structures are going to work, there



needs to be consistency and they need to be happening in the time. Why is there such a disparity? As I said, as an example only one meeting with the Scottish Government and the Northern Ireland Executive compared to about 14. Why is there a disparity? Is that because of the issues, you are saying, or because of—

Michael Gove: Generally, it is issue-driven.

Q131 **Beth Winter:** Shouldn't the frequency of meetings be set out in advance and those happen regularly?

Michael Gove: Yes, ideally there should be either the Prime Minister or a senior UK Cabinet Minister meeting with the First Ministers at least quarterly, yes, ideally.

Beth Winter: Ideally, and that is something you are going to strive for?

Michael Gove: Yes.

Q132 **Beth Winter:** To add to comments made earlier on, I sit on the Welsh Affairs Committee as well and the evidence that we had from the Scottish Minister and Mick Antoniw overwhelmingly expressed extensive concerns and disappointment in the fact that so far as they were concerned the intergovernmental relations groups were not working in the way that they had expected. Are you aware of those concerns?

Michael Gove: Yes. We had a conversation a wee while back with Mick Antoniw and others—I think that John Swinney was on the call rather than Angus Robertson—in which he outlined some of his concerns. My view is that we need to take them seriously, absolutely. I think things are working well, better than in the past, but there is always room for improvement.

Q133 **Beth Winter:** Moving on to section 35, which was used recently, surely if intergovernmental relations were working properly that would not have been used. Isn't it a failure of intergovernmental relations that that was used for the first time? It is unprecedented.

Michael Gove: Obviously, we would rather not have used it and we used it with regret. It was the case that the Minister for Women and Equalities had been in touch with the Scottish Government and Ministers within the Scottish Government to outline some of the particular challenges as a result of bringing forward legislation in this way. It was the case immediately after the invocation of section 35 that the Secretary of State for Scotland said to the Scottish Government that we wanted to work with them in order to make sure that we could bring forward legislation that was fit for purpose.

The legislation as brought forward to the Scottish Parliament is now pretty friendless because people recognised that it would have led to a situation where women's spaces would have been open to people who were— To take a case in point, the Health Minister and SNP leadership candidate Humza Yousaf has made it clear that there was an individual in



Scotland who was deliberately seeking to exploit the legislation in order to exploit the position of women in prisons.

Q134 **Beth Winter:** Can I just intervene? The democratically elected Parliament in Scotland—whatever is happening now for me is irrelevant—made a decision that was democratic and that has been overruled by this institution. If the intergovernmental relations and the IMGs and the very structures that you are speaking very highly of were working, that should never have happened.

Michael Gove: I will tell you exactly what happened. We warned the Scottish Government about the dangers of going down this particular route. It was the Minister for Women and Equalities who did so. The Scottish Government chose—they have autonomy here, they can bring forward their own legislation—not to take account of all these concerns. These concerns were rooted in the operation of the Equalities Act and the impact of this legislation across the United Kingdom—

Beth Winter: That has since been—sorry.

Michael Gove: We took legal advice from the Attorney General and from the Advocate General for Scotland. That legal advice was very clear that section 35 was the appropriate route. That recommendation was made to the Secretary of State for Scotland. He took that step. At that time there was a fair degree of pushback, but the collapse of both support for and the case for that legislation leads me to believe that this was a wise and proportionate intervention to defend women's spaces and defend the Equalities Act. If it is the case that the victor in the current SNP leadership election, whoever that is, as First Minister wants to bring forward this legislation, I would be very surprised.

Q135 **Chair:** Could I ask at this juncture, Mr Gove—we are trying to keep it general rather than talking about the policy area—was the failure of it coming to the stage of a section 35 a problem of the relationships between Government Ministers here and in Scotland particularly? I think back to the former Prime Minister's stance of ignoring the First Minister, for example. Do you think it is more a case that the relationships had got so bad and broken down that, frankly, channels of communication were not there?

Michael Gove: No. I think it was the case that the Scottish Government, for reasons that they must answer for, decided on a course of action that was folly.

Chair: We will go back to Beth Winter but, Ronnie, do you want to come in with a supplementary?

Q136 **Ronnie Cowan:** Very briefly. At the same time, and I do not know what the timescale was, that you said you were warning the Scottish Government that they were going down the wrong alley here and it was infringing the Equalities Act, were you warning your Conservative MSPs not to vote for it? Because they did.



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Michael Gove: I think it was the case that there were four Conservative MSPs who voted for it, but I think it was also the case that every Conservative MSP voted explicitly for the amendment that Russell Findlay MSP brought forward in order to ensure that people who had criminal offences should not benefit from it. I think that is quite an important thing.

Ronnie Cowan: I am asking about timing. I am asking you about timing.

Michael Gove: I think it is an important thing that the legislation—

Chair: Order.

Ronnie Cowan: I am asking you about the timing.

Michael Gove: It was the case that the Minister for Women and Equalities wrote to and was in conversation with the relevant Scottish Government Minister before December, but we would never tell Members of the Scottish Parliament or our own party not to vote with their conscience if they believed that it was the right thing to do.

Chair: Beth, do you have any further questions?

Q137 **Beth Winter:** I do take issue with some of the comments you just made. If you look at the evidence that people like Lord Falconer produced in terms of the Equalities Act, there were no conflicts there, but you are entitled to your opinion.

What specific role did you have in these discussions as the Minister for Intergovernmental Relations? Were you involved?

Michael Gove: Yes. I chaired the committee at which the legal advice and policy advice was considered so other Government Ministers could share their views and the Law Officers could share their views before the Secretary of State for Scotland took the decision. In law, it is his decision to take.

Q138 **Beth Winter:** I have one more question, which leads on from this. I have been interested and listening to you this afternoon because you are speaking about the importance of devolution. You are talking about the establishment of more Mayors in an English context. At the same time, the UK Government are clearly rolling back devolution from devolved nations. I think that section 31 is an example, which we have covered, but the other one that we wanted to discuss was the Sewel convention. Do you think that it still operates effectively?

Michael Gove: Yes.

Q139 **Beth Winter:** Can you explain that? Can you elaborate as to why you feel that operates effectively?



Michael Gove: Because the overwhelming majority of pieces of UK Government legislation secure legislative consent motions from the devolved Administrations.

Q140 **Beth Winter:** Since May 2021, in Wales 44 legislative consent motions have been laid down on 21 Bills, and that is unprecedented. There has been a significant shift in the numbers. We are talking about things like the strikes Bill, the retained EU law Bill, police, crime and sentencing Bill, possibly the levelling-up Bill. There has been a dramatic shift in terms of the withholding of legislative consent.

Michael Gove: The Sewel convention says that one should not normally legislate without one. It is a convention; it is not something that is statutory, for good reasons. We strive across Government always to secure legislative consents and we sometimes have vivid discussions within Government, with my view always being that wherever possible we should do everything and change legislation to take account of the concerns of devolved Administrations.

However, I think I mentioned earlier that some legislation consequent upon our withdrawal from the European Union, because of the different positions taken by the Welsh Government and the Scottish Government on that question, do mean that it is more difficult to secure LCMs. The retained EU law Bill will be an example of that, but I am hoping to meet Ministers from the Scottish and Welsh Governments soon to try to minimise any degree of friction that we have over that Bill.

Q141 **Beth Winter:** How would you explain 44 legislative consent motions within the last 18 months in Wales? It is unprecedented, for 21 Bills.

Michael Gove: It is to a significant extent a consequence of the requirement to legislate as a result of circumstances, EU exit being one, which are not normal.

Q142 **Beth Winter:** There have been a lot subsequent to the EU, but we will leave that. Do you think that the procedures of legislative consent in the UK are sufficient? Does the Sewel convention need reviewing?

Michael Gove: We did at the request of the devolved Administrations do some work on looking at how the Sewel convention operated. The paper that had to be agreed by all Governments was one that I think the Welsh Minister felt did not reflect all his specific concerns about its operation. By definition, if you have a convention about how to manage conflict, there will be conflicting views about how well it works.

Q143 **Beth Winter:** I have one final question, which is related because it is about constitutional issues. Again, I applaud you for your reference to increased devolution in England. How can you justify riding roughshod over Welsh Government and the Scottish Government in terms of the levelling-up agenda? You are going straight to the local authorities and bypassing the devolved structures. How can you justify that?



Michael Gove: The answer is in the enthusiasm with which local government in Wales and Scotland has responded. This is an interesting debate that has been happening during the course of the Scottish National Party leadership election. There has been a sense there that there has not been devolution within Scotland down to local government and there has been interest from the Convention of Scottish Local Authorities in our programme of strengthening local government in England. When I have been talking to Welsh local authority leaders from all parties, they have been pleased to see the UK Government working with the Welsh Government and providing additional cash and resource.

Q144 **Beth Winter:** I know that the Welsh Local Government Association has written to you and others several times raising concerns. It raises significant questions about the respect that the UK Government have or have not for the democratic structures of the devolved nations.

Michael Gove: I think that people in Wales have two Governments and they want to see them working together. In particular, they want to see the UK Government making sure, as we do, that we spend more per capita in Wales than in England in order to deal with some of Wales's historic challenges and to make sure that we do level up and bring prosperity to areas that have not always had a fair allocation of resource and attention in the past.

Chair: The final question is from Jo Gideon.

Q145 **Jo Gideon:** Several common frameworks have been fully set up and as part of this they are meant to have a one-year review. Has this taken place?

Michael Gove: I believe so and I believe that Minister Felicity Buchan has been doing so.

Q146 **Jo Gideon:** If that is the case, why has Parliament not been involved or informed?

Michael Gove: I will make sure that Parliament is and I will talk to Felicity. I am not blaming her; it is my fault that you have not been informed.

Chair: Thank you very much, Mr Gove. If there are any further elaborations on answers, you are, of course, welcome to write to us. Thank you for your time, albeit disturbed by a vote. We are grateful.

Michael Gove: Thank you very much.