

Levelling Up, Housing and Communities Committee

Oral evidence: Intergovernmental Relations, HC 1247

Monday 27 March 2023

Ordered by the House of Commons to be published on 27 March 2023.

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Members present: Mr Clive Betts (Chair); Ian Byrne; Mrs Natalie Elphicke; Kate Hollern; Andrew Lewer; Mary Robinson; Nadia Whittome.

Welsh Affairs Committee Member present: Geraint Davis.

Scottish Affairs Committee Member present: Dr Philippa Whitford.

Northern Ireland Affairs Committee Member present: Sir Robert Buckland.

Questions 1 -114

Witness

I: Rt Hon Michael Gove, Secretary of State, Department for Levelling Up, Housing and Communities.

Examination of witness

Witness: Rt Hon Michael Gove.

Chair: Welcome to this afternoon's session of the Levelling Up, Housing and Communities Select Committee. It is a pleasure to welcome the Secretary of State for Levelling Up, Housing and Communities, the right Hon. Michael Gove, who is going to answer questions about intergovernmental relations.

Before I come over to the Secretary of State with some questions, I ask members of the Committee to put on record any interests they may have that may be relevant to this inquiry. I am a vice-president of the Local Government Association.

Kate Hollern: I employ a councillor.



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Nadia Whittome: I am a board member of One Nottingham.

Geraint Davies: I employ a councillor from Carmarthenshire.

Mrs Elphicke: I am a vice-president of the Local Government Association.

Sir Robert Buckland: I was a councillor in Carmarthenshire, or Dyfed as it used to be, but that was many years ago.

Chair: We will not ask how long.

Mary Robinson: I employ a councillor on my staff team.

Q1 **Chair:** Okay. Thank you, Secretary of State for coming this afternoon. Among your many widespread responsibilities in the Department—levelling up, housing, local government, local government finance, building safety and planning, you are also responsible in Government for intergovernmental relations, which are the relationships between the UK Government and the devolved Administrations. Could you explain to the Committee, and probably the wider viewing public, how it is that you assume this responsibility and how it fits into the key and core responsibilities you have in the Department?

Michael Gove: Yes. It was the case in a previous role, when I worked in the Cabinet Office, that I had a similar set of responsibilities. As the Committee will appreciate, the United Kingdom Government co-operates and interacts with the devolved Administrations, and Andrew Dunlop, when he published a report at the request of the then Prime Minister, Theresa May, suggested that there be someone within the Cabinet who assumed responsibility for that. It is an open question as to whether or not it should be in the Cabinet Office, in my Department or in another Department, much as the role of Minister for Women and Equalities will sometimes be exercised by people who are Secretary of State in different Departments.

The key thing is making sure that there is someone who has the flexibility and the support to be able to do that role within my own Department, because of the particular place-based responsibilities that we have, including for issues such as investment zones and freeports. There is a natural overlap between what the Department seeks to do within England, and indeed across the United Kingdom, and IGR.

Q2 **Chair:** I suppose it might logically be thought, and previously it was the case, that the Cabinet Office, at the heart of Government, might be a more natural place for responsibilities dealing with matters that are across the United Kingdom Government and that involve relationships with the devolved Administrations. Is it therefore not so much a matter of logic that these matters sit in your Department, but a matter of personal interest that they have followed you from the Cabinet Office to your current role?



Michael Gove: I am certainly very much personally interested in these areas, absolutely, but I think there is no perfect location for these responsibilities. They mesh with constitutional responsibilities, but some of the constitutional responsibilities, or responsibilities for the constitution, sit naturally in my Department—for example, voter ID and the integrity of the electoral process, because it is local government that delivers elections. There is a natural overlap, but I accept that it could be the case that intergovernmental responsibilities could be exercised by a Cabinet Office Minister or, theoretically, by another Minister who also had responsibilities beyond simply those within his or her own Department that covered England.

Q3 Chair: On another issue that we might look at, it has been suggested to us on a number of occasions that your Department is significantly overcommitted. Post Grenfell, the Department has had a major workload on building safety. There are clearly issues around the regulation of social housing, there are big reforms in the private rented sector and there is a continuing challenge on local finance. We have difficulty getting responses to our Committee reports, many of them going back months, in some cases years. The local government ombudsman has just written to us, saying they are still waiting for a response to their triannual report, which was done 18 months ago. The voter ID information that the Electoral Commission asked about was quite a bit late to come out. Do you feel your Department has the capacity to do all these things and intergovernmental relations on top?

Michael Gove: Yes, I do, and additional resource moved from the Cabinet Office to the Department. But your question gives me an opportunity to apologise to the Committee and to other parliamentarians for the slow pace with which we have dealt with correspondence, particularly from MPs. It has not been good enough. However, the permanent secretary and the departmental leadership team are leading a programme of work to improve that.

There is of course a distinction between responding to correspondence and responding to official reports from this Committee and elsewhere, and we do need to do better, but I don't think it is a capacity issue; I think it has been about having the right management structures within the Department.

Q4 Chair: Right. Well, it is good to know that at least that is on the agenda. After this meeting, would it be possible to have a timetable as to when we are going to get responses to our reports?

Michael Gove: Yes, of course, and my apologies again.

Q5 Chair: That would be helpful.

One idea was that, to take on the work of intergovernmental relations, an IGR secretariat should be established. It has not been established, so who is doing the work that it should be doing?



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Michael Gove: For each meeting of, for example, an interministerial group, whoever happens to be in the chair will have their Department service that meeting, with the support of other Administrations. For example, it was recently the case that an IMG dealing with issues specific to my Department was chaired by the Welsh Government, and Welsh Government civil servants prepared the ground for that. There has been a barrier to getting the secretariat up and running, because of the lack of a Northern Ireland Executive at the moment, but so far there has not been any complaint or concern about the way in which individual secretariats have worked together, and we should shortly have the full independent secretariat in place.

Q6 **Chair:** The word "shortly" appeared. What does "shortly" mean?

Michael Gove: I hope within the next three months.

Chair: By the end of the year?

Michael Gove: Certainly before we all go away for the summer recess.

Chair: That almost sounds like "soon" rather than "shortly".

Michael Gove: Yes.

Chair: Okay. Moving on to the framework for IGR, Nadia.

Q7 **Nadia Whittome:** Secretary of State, can you explain the purpose of the new IGR framework? Is it knowledge exchange? Is it about dispute resolution? Or is it to serve as a forum for joint decision making?

Michael Gove: An element of all three. The first thing is that we want to make sure that there are fora in which the United Kingdom Government and the devolved Administrations can come to a shared view on issues of common concern. We don't always—sometimes we agree to disagree. So far, however, there has been no need to have recourse to the dispute resolution mechanism that we have established. The frequency of the meetings and the fact that they do not tend to generate much news or controversy is an indication to me, at the moment, of the broad health of these arrangements.

However, again, the nature of the meetings will vary depending on the nature of the Government Departments concerned. To take DEFRA—the Department where I used to work—there will be all sorts of questions of common interest, even though, obviously, everything from farming support to environmental regulation in certain areas is devolved. There is a lot of close working there. There are fewer occasions, for example, for the Department for Education and Education Ministers in the devolved Administrations to meet, because there is less interconnection and overlap, but only slightly less. Again, it depends on the Department.

Q8 **Nadia Whittome:** Could you say what the primary focus of the IGR's new framework is? What is it supposed to be? Or maybe you could put it into ratios.



Michael Gove: I don't know if I could put it into ratios, because it depends on the issues. One of the points made in the report on intergovernmental relations for the year 2022, which was published earlier this month, was that, as events change, so the frequency and the nature of meetings change. For example, we stood up a significant number of meetings to deal with the consequence of the war in Ukraine and, in particular, the impact of accepting refugees under the Homes for Ukraine scheme here. We could not have anticipated that that would be the focus of so many meetings, as it was with covid in the past and as it was, for example, during the events after the Queen's death.

There is an element of responding to events but, overall, there needs to be a regular tempo so that Ministers can stay in touch to resolve issues that come up. For example, it will be the case that DEFRA Ministers will need to make sure that, when negotiations take place over fishing stocks, for instance, since Scotland has a larger fleet than the rest of the United Kingdom put together, but the UK Government negotiates on behalf of all of us, there will, naturally, be close working between the Scottish Government and the UK Government.

Q9 **Nadia Whittome:** Can the IGR framework facilitate effective joint working between Governments, or does it fundamentally depend on the personality—I know that this brief has followed you around—and the political will of leaders within Governments?

Michael Gove: Like all political relationships, if it is the case that you have individual personalities or parties that do not want to operate collaboratively, that can gum things up, but that sometimes happens within Governments themselves and even within political parties themselves—relationships are not always as harmonious as they should or might be. However, “so far, so good” is the approach that I would take. The striking thing to me is that the Scottish Government and the United Kingdom Government take very different views on all sorts of questions, but during these meetings, Scottish Government Ministers, almost without exception, operate in a constructive frame of mind in order to deliver for the people of Scotland.

Q10 **Nadia Whittome:** What does this new framework offer to the devolved Governments and to UK Departments that was missing under previous arrangements?

Michael Gove: I think a greater degree of certainty and agreement. When Mike Russell, formerly of the Scottish Government, was my effective counterpart on this he, entirely understandably, wanted things to be placed on a surer footing, and I believe that that is what this does. However, like almost everything constitutionally, it can evolve, and if it is felt that the individual Governments want to add, subtract or amend, they can do so, but I do believe that there is a greater degree of certainty. Also—again reflecting on personality—it is undoubtedly the case that the Prime Minister's own presence at the British Irish Council, his calling together of the Heads of Government and his meeting with



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Nicola Sturgeon and Mark Drakeford in the autumn of last year helped put this new framework on a positive footing, because of his leadership.

- Q11 **Nadia Whittome:** Apart from the Prime Minister's presence, what aspect of the new framework would you say provides greater certainty?

Michael Gove: The principles of agreeing an independent secretariat, rotating chairs and frequency of meetings, and an understanding of which IMGs will cover which areas—so, the F:ISC covering matters that Finance Ministers need to discuss, and also clarity that, when it comes, for example, to foreign affairs, there is an IMG that covers relations with the EU and one that governs trade, but of course other foreign affairs matters are quite properly a question for the UK Government because they are reserved questions.

- Q12 **Nadia Whittome:** On your first point, do you think the fact that an independent secretariat has not yet been agreed undermines that?

Michael Gove: It will obviously be better when an independent secretariat is in place but so far that has not created any problems. No one is objecting to the creation of an independent secretariat; it is just taking longer than we would have wanted.

- Q13 **Nadia Whittome:** How can it be a strength, then?

Michael Gove: Because the spirit of having a secretariat that operates, whoever happens to be in the chair, to facilitate agreement between the Governments is already there in the way in which all the Governments are operating. However, there was a commitment to have an independent secretariat, it was a request of the devolved Administrations and we do not have a problem with it, but, inevitably, just making sure that it works has been, I don't want to say impeded, but certainly delayed while we wait for the Northern Ireland Executive to reconstitute.

Chair: Exploring further the operation and the structures, Natalie.

- Q14 **Mrs Elphicke:** I want to build a bit more the structure and organisation. How do you feel you can ensure that there is the right number of, and the right priority given to, these meetings, particularly the meetings of the Heads of Government Council, being mindful of the fact that it met only once in the whole of last year, which I think we would all agree was a busy year? How do you ensure that these meetings are in place and are getting the necessary priority?

Michael Gove: The Prime Minister has impressed on all Secretaries of State and their ministerial teams the importance of regular and respectful contact. Again, a lot depends on demands or requests from the devolved Administrations to address particular issues.

There were about 270 meetings between Ministers last year, and that reflects both the need for regular meetings in some areas and the need for a greater tempo when new issues arise. If it is felt that meetings occur insufficiently frequently, or that they do not make progress, given



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the starting points of the different Government Departments, it is open to the devolved Administrations to raise that. Obviously, the devolved Administrations have some disagreements with what the UK Government is doing, but overall I think the manner in which we approach those discussions and those agreements to disagree is broadly constructive.

Q15 Mrs Elphicke: In terms of the number and priority of those meetings, do you think one or two meetings a year is adequate, or would you like to see, for example, four meetings scheduled a year, and those would just go in the diary?

Michael Gove: My view is that the Heads of Government meetings should be quarterly. The Prime Minister will not necessarily always be able to be there, but there certainly should be a senior Cabinet Minister there on behalf of the UK Government. Other meetings occur as and when. I think DEFRA meet something like eight times a year. Again, it will depend on issues and demand, but everything is agreed between the respective Administrations.

Q16 Mrs Elphicke: How do you assure yourself of your oversight of how that system is working for the devolved Administrations?

Michael Gove: Within the DLUHC, the team that prepare the annual report, who are the same people who are responsible for fixing those meetings and anticipating those questions, can bring it to my attention if any Government Department is being difficult or obstreperous—that has not occurred yet. Again, I operate on the basis that we know that all Government Departments are living up to their responsibilities and that these meetings are occurring, but it is always open to the First Ministers of Scotland and Wales or other members of their Administrations to raise it direct with me or with the PM if they think they are not getting the time and the attention they need.

Q17 Mrs Elphicke: Do you agree that that would be enhanced by having the regularity of quarterly meetings?

Michael Gove: Yes, exactly.

Q18 Mrs Elphicke: It sounds as if the structure that has been set up for the meetings is dependent on the devolved Administrations asking for or arranging them.

Michael Gove: Yes, to an extent, within an IMG, the Ministers will agree what their forward work programme will be and when they next need to meet. It is a bit like with Cabinet Sub-Committees or small ministerial groups within Government; you would expect them to meet fairly regularly, but if the issue is rising up the agenda—if it is migration or whatever—they will meet more frequently to address it, and then they will go back to a more regular tempo once the particular issue requiring close attention has been cracked.

Q19 Mrs Elphicke: Although every area is reactive to events, there is a



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particular framing and responsibility in relation to devolution, because there are certain obligations to be discharged by particular Administrations. How do you satisfy yourself about the balance reflecting the differences in devolution responsibilities between Scotland and Wales, while also making sure you fully include Northern Ireland?

Michael Gove: There is a particular challenge with Northern Ireland when the Executive is not in place, but we still talk to Ministers and MLAs, and the Northern Ireland civil service do a great job in making sure that Northern Ireland's interests are listened to and paid attention to in these meetings.

It will be the case that, in those conversations, Welsh Government Ministers will be aware that Scottish Government Ministers may exercise powers that they do not have in Wales. But, normally, that understanding means that, in conversation, a Welsh Government Minister might recognise that the Scottish Government Minister is going to take up a slightly bigger bit of the bandwidth in the meeting because they have more on their plate.

Q20 **Mrs Elphicke:** Would that be something that you would monitor?

Michael Gove: That sort of happens just through the way the agenda is shaped. The agendas are always agreed beforehand. They are agreed by consensus. It is very rare—I cannot recall an occasion for years now—that an issue that any Government has wanted to have on the agenda has not been raised. Generally, Ministers operate in a collegiate fashion. All Ministers have other pressures on their time, and a Welsh Government Minister, for example, will want to make sure that their time is used effectively in an IMG so they can get on with delivery elsewhere in their portfolio.

Q21 **Chair:** There has been quite a big variation in how often the IMGs meet. Health, transport and justice have not met at all. Is that because there is nothing to discuss?

Michael Gove: Again, meetings are at the request of each of the Administrations. On health, even though IMG meetings are not frequent, there are, or have been, lots of meetings between individual Health Ministers. During covid, Matt Hancock, Jeane Freeman, Vaughan Gething and Robin Swann were talking almost daily. When the issues require it, there is good joint working.

Q22 **Chair:** Does that imply that the IMGs are a bit of an artificial construct and that when you need to talk, you just get on and talk?

Michael Gove: It is just like being in Government. Within Government, you will have Cabinet Sub-Committees and small ministerial groups that meet formally with an agenda in order to make sure that some issues are properly addressed in a formal way. But, in the same way, sometimes within Government you will have bilaterals to address issues, so there will sometimes be a bilateral meeting between, say, the United Kingdom



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Government Minister and the Welsh Government Minister to address questions specific to England and Wales. The IGR structure is there to give reassurance and a guarantee that if the normal—we hope new normal—successful interaction between Administrations is not working, there will always be, and I hesitate to use the word “backstop”, the opportunity to use the IMG structure to resolve things.

Chair: Moving on now to some issues that you might be alluding to there in terms of dispute resolution, Mary.

Q23 **Mary Robinson:** The Government’s 2022 IGR review created a new dispute resolution procedure. What problem was this new dispute resolution procedure attempting to solve?

Michael Gove: I mentioned Mike Russell, the current SNP president and former SNP Minister covering these areas. He and others felt that it was important to have a dispute resolution mechanism so that he and others would know, in the event of not being able to reach a consensus, or not being able to agree to disagree, but requiring some sort of escalation, that there was a process there. The process was designed by the Governments together. So far it has not had to be used, because most of the potential disputes are either resolved through conversation or correspondence, or it is accepted that there is a political difference of opinion or strategy that is simply a reflection of the different mandates that Governments have.

Q24 **Mary Robinson:** That begs the question, with things being collegiate, done by consensus and so on, of whether it was really needed in the first place.

Michael Gove: In a way, creating it is a sign of good will—was a sign of good will. That good will has continued to prevail, so the mechanism has not needed to be used. It is like an insurance policy in a way. It is an expression on everyone’s part that we want to work together, but should the worst come to the worst, the mechanism exists. In a way, having agreed it and having it mean that it is less likely to be used, but it is there—in case of emergency, break the glass.

Q25 **Mary Robinson:** So the measure of its effectiveness will be that it is never used?

Michael Gove: That it should be used as little as possible, yes.

Mary Robinson: I look forward to measuring that effectiveness.

Chair: Give the nature of our deliberations, we have guests today from Scottish Affairs, Welsh Affairs and Northern Ireland Affairs Select Committees, and they have quite a few issues to raise, particularly, initially, around policy and constitution matters.

Q26 **Geraint Davies:** Mr Gove, there is concern across the country, of course, about the EU law revocation Bill and about essential rights and protections in the areas of employment and the environment suddenly



falling out of bed by the end of the year if they are not assimilated into UK law or being watered down. In both Wales and Scotland, there are devolved powers on the environment and workers' rights. Can you tell us what agreements you have with those Administrations to ensure that, on any rights and protections that Wales and Scotland want to retain, we have a cast-iron guarantee that we are not shooting blind, as it were, and that those Administrations can put appropriate protections in place and avoid them falling out of bed?

Michael Gove: Yes. I would say two things. First, since we left the European Union and up until this point, the Scottish and Welsh Governments and some political parties have expressed fears that we would see a deterioration in environmental protection and labour protection. That has not come about. We have not done that. That has been as a result of the commitments that the UK Government entered into during the negotiations over Brexit, and it is also there in the TCA. Past performance is not always a guide to future performance, but I think it is fair to say that the footsteps in the snow of this Government—the path that we have trod—show that we do not want to go down that route.

Of course, a question is raised by the timetable in the retained EU law Bill, but—I will be making this point to Ministers from the devolved Administrations when we meet to discuss the Bill—we are seeking to ensure that our statute book is in an orderly fashion, looking at every piece of retained EU law and deciding whether we want to retain, amend or ditch. I think that, in the overwhelming number of cases, by the end of this calendar year we will have decided that we want to retain.

Q27 **Geraint Davies:** There is a concern that there are thousands of laws and that some may fall out of bed inadvertently. In Wales and Scotland, there will be key rights and protections that we would like to ensure do not fall out of bed. Can you give a guarantee now that, when the sun sets at the end of the year, we will not end up in a situation where the Welsh and Scottish Governments are saying, "Hold on, we have lost these rights and protections. Had you told us before that they were likely to fall out of bed, we would have done something about it"? Can you give us that undertaking today?

Michael Gove: Yes. It will not happen through inattention. It is always possible that there might be a disagreement over what future regulations should be between Administrations. For example, there is a specific disagreement between the Scottish Government and the UK Government over the appropriateness of gene editing—something we can do outside the EU. The National Farmers Union are very pleased that gene editing legislation has been passed for England. The NFU in Scotland are disappointed that the Scottish Government has decided not to go down that route. That is a perfectly legitimate difference of opinion between two Administrations consequent upon Brexit, but it will not be the case that we, through the automatic operation of a guillotine, allow regulations to fall out of bed that all of us would agree should be maintained.



Q28 **Geraint Davies:** You mentioned the EU-UK Trade and Co-operation Agreement. My understanding is that there is concern in the EU about the EU retained law Bill—namely that we are going to sweep away all these laws. In terms of levelling up, there is concern that we will end up in an uncompetitive situation and that this will accentuate divergence, in particular between Northern Ireland and Britain, which is supposed to be mended by the Windsor framework. I think the Prime Minister said that he would avoid further divergence, but the whole basis of the EU retained law Bill is to create divergence, isn't it? What discussions have you had with the EU, and what reassurances have you given them? Isn't it the case that, otherwise, they may take pre-emptive remedial action against the UK?

Michael Gove: I don't think they will. I don't think they can take pre-emptive action of the kind that you mention.

Q29 **Geraint Davies:** We are going to throw everything in the dustbin unless we positively take it out, aren't we? That is the nature of the revocation Bill.

Michael Gove: Reviewing every piece of legislation does not mean that the majority of it will go. In the same way, when the Chief Secretary to the Treasury analyses every Government budget, it is not the case that he or she is looking to vaporise the majority; he or she is just looking to fine-tune here and there. I don't think that, just because every piece of EU law is being looked at that, it means there will be a huge abandonment of regulatory certainty in a number of areas.

Q30 **Geraint Davies:** Let me put it another way. If there is a concern that various key standards and protections will be removed, there will be concern that that will reduce business costs and there will no longer be a level playing field and, at that point, the EU may choose in certain markets to invoke tariffs or restrictions. Has that concern been raised with you? What is your response to EU concerns that that is the case?

Michael Gove: No, I don't think so. All the evidence since the Prime Minister has taken office has been that he wants to use the opportunities that Brexit provides to diverge in those areas where we have secured the freedom to do so, but it is not his intention to operate the TCA in such a way as to get the EU to use any of its provisions against the UK. Indeed the whole spirit of the Windsor framework was designed to de-escalate some of the conflict that had arisen as a result of our desire to make sure that the protocol operated effectively.

Q31 **Geraint Davies:** How do you judge the environment? The UK has broken its word on the Northern Ireland protocol and is moving ahead with the retained EU law Bill, which is basically saying that we do not want these laws and we will pick and choose a few. Meanwhile, we have a situation where our honey, apparently, is full of Chinese sugar. So why should the EU trust us, moving forward on this?



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Michael Gove: There are three things. The first thing is on the principle of the protocol. The UK Government made it clear to the European Union that it needed to change its approach because the protocol was not working on the ground in Northern Ireland and, to be fair to the EU, they changed. So the arguments that had been made about the unworkability of the protocol as applied by the EU—arguments made by politicians in Northern Ireland, by the UK Government and by every Prime Minister since the protocol was established—have been accepted. That is the first thing.

The second thing is that I don't know about Chinese sugar in British honey—

Q32 **Geraint Davies:** That may be a problem. Britain did not seem to know its honey was impregnated until the EU found out, because we don't do the proper tests, do we?

Michael Gove: I am not aware of the sugar/honey scandal, but I would say that there have been a number of occasions, including the horsemeat issue, when individual EU countries have not lived up to EU rules and there have been food standard issues in the UK as a result. I do not want to cast aspersions on any individual EU country, but when it comes to high standards of food safety and in other things, the UK sets high standards in the interests of our own citizens as well as for reasons of trade. However, some people—and your questions reflect this fairly—have thought that the retained EU law Bill will lead to a deterioration in standards, but that is not the intention and that will not happen.

Q33 **Geraint Davies:** Do you have a process in place now where your civil servants are working hand in hand with the Welsh Government and the Scottish Government to be sure we are identifying potential losses of protections and rights, so that if the UK decide to withdraw from a protection or right, at least the Scottish and Welsh Governments can try to fill the gaps?

Michael Gove: In each area, each Government Department is looking at its stock of EU law and regulation. As I said, there are some areas where the UK Government has decided to take different approaches—gene editing and financial services, for example. Those approaches provide new opportunities for business and individuals here. But things like protection for workers or means of maintaining high environmental standards are not diluted and they will not be.

Geraint Davies: Okay. I will leave it there.

Q34 **Dr Whitford:** Secretary of State, before I start, you were saying that no standards were being reduced, but I just have to comment on the sewage discharges around the English coast, which would not have been considered acceptable in the past and which are obviously exercising people all around England who swim, surf or sail. That is something quite dramatic that has been happening and that is upsetting a lot of people



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who live here, but it would not have been acceptable under previous water standards.

Michael Gove: It was not acceptable, but the reason we know about it now is that we have better monitoring of what is going on.

Q35 **Dr Whitford:** But the Government gave permission for it to happen, which I do not think they would have done—

Michael Gove: We did not know beforehand. Is it the case that, since we left the European Union, there has been a slackening in the rules in order to make the situation worse? No, quite the opposite. There has been increased investment. Now, should there be more investment in wastewater treatment works? Should there be greater action by the water companies? We can debate those things. But it is a myth to imagine that our departure from the European Union has led deliberately to a lowering of standards here. It is actually the case that we have greater transparency than ever before. We are aware of sins that are being committed that we were not aware of before, but just because we were not aware, that does not mean that those sins were not being committed—they absolutely were.

Q36 **Dr Whitford:** I don't think the big slicks of sewage that swimmers and surfers are sharing pictures of were really that hideable while the UK was still in the EU.

Michael Gove: We had this problem with water companies before. That is why, when I was at DEFRA, I made it clear that they needed to improve their performance. It was before we had left the European Union that I explained that to them.

Q37 **Dr Whitford:** But things are worse now—

Michael Gove: No

Dr Whitford: —with sewage discharge.

Michael Gove: No. We are better informed.

Q38 **Dr Whitford:** Okay, but do not necessarily have a better quality of seawater.

If I could move on, it is estimated that there are 3,700 pieces of retained EU legislation and, apparently, agriculture, forestry and fishing, all of which are devolved, account for a large share of them. In making the decision to sunset at the end of this year and therefore risk things being lost, as the previous speaker highlighted, the UK Government has simply forced this workload on to civil servants not just here but in the devolved Governments, because they have to review all those within their competence. Was there any discussion before moving forward with this plan about how easy it would be for the devolved Governments and their civil services to go through all the legislation that pertains to them?



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Michael Gove: There was a lot of discussion in the run-up to our departure from the European Union about the need to maintain common frameworks, which we do have and which have been successfully applied.

Q39 **Dr Whitford:** But the UK Government has said the sunseting will impact on every single common framework.

Michael Gove: Yes, because the process is one of rigorously checking and re-checking the fitness and appropriateness of EU law in every circumstance. As I mentioned to Geraint, my judgment and the judgment of other Ministers is that the overwhelming majority of that regulation will remain in place, but where there is an opportunity for the UK to benefit from a new approach, we should take it.

Q40 **Dr Whitford:** But is sunseting not a dangerous way to handle such an enormous number of regulations? Would it not have been better to pick out the ones the UK Government wants to change? Initially, we were told it was about 2,000; then, it was suddenly 3,700, and other people are quoting over 4,000. So what about the ones we have not found, that are away in a drawer somewhere?

Michael Gove: Keeping the statute book in good order is a good thing to do; it concentrates people's minds, and I have every confidence that Ministers will be able to crack on and do that work.

Q41 **Dr Whitford:** Time is not elastic though. We have a quite short time until 31 December, when all these things will fall, whether even the UK Government want them to fall or not. Is that not simply a dangerous way to do things? Doing this in a positive manner, rather than with a sunset clause, would have been more sensible.

Michael Gove: When the law was introduced, it was a way of making sure that we did not have a situation where people put off the necessary work of reviewing the statute book. It is our responsibility as Ministers, and voters would expect us, to know what the law is and to crack on with either confirming that it is fit for purpose now or not.

Q42 **Dr Whitford:** So you don't think it was a kind of PR move by the former Business Secretary to say we will get rid of all of this by the end of the year, regardless?

Michael Gove: No.

Q43 **Dr Whitford:** The former Business Secretary, Jacob Rees-Mogg, also said that the devolved Administrations are also decision makers in this and therefore can protect all the areas that are devolved.

Michael Gove: Yes.

Dr Whitford: But now, in the presence of the internal market Act, we know that that is no longer the case, so, in essence, the devolved Governments are only setting or maintaining a standard for their own producers, because, through the internal market Act, they cannot keep



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out anything from anywhere else in the rest of the UK or that is imported into somewhere else in the rest of the UK. Before the internal market Act, the devolved Governments could set their food standards, food safety standards and environmental standards. Does this combination of the two pieces of legislation not drive a coach and horses through devolution?

Michael Gove: No, I don't think so. There are all sorts of areas where the devolved Governments can take a different view. We have seen that, for example, with the proposals for the deposit return scheme that the Scottish Government have brought forward.

Dr Whitford: Which is currently being threatened by the internal market Act, according to the Scottish Secretary.

Michael Gove: I think, to be fair, it is more that it has been threatened by the poor delivery by the Green MSP who is the Minister responsible for it. It has been threatened by Circularity Scotland, and it has also been threatened by the Finance Minister in the Scottish Government, who said that it was being poorly implemented.

All we have sought to do is to help and to say, "Look, we are going to have a deposit return scheme south of the border as well. Can we do everything possible to make it work?" But, putting that issue aside, the very fact that the Scottish Government can proceed with it shows that you can have a different approach.

On the broader point, if Scotland were independent from the rest of the UK and in the European Union, it would not be able to have different environmental rules of the kind you mention because it would be governed by EU law with direct effect.

Q44 **Dr Whitford:** Except the EU single market allows derogations on the basis of environmental policy and public health. One of the problems is that the internal market Act does not. That is why the single-use plastics legislation was held up for so long. It was because of the internal market Act and how long that process has taken.

Michael Gove: The UK internal market Act takes the principles of the European single market and applies them within the United Kingdom.

Dr Whitford: But without a derogation.

Michael Gove: It is the same Cassis de Dijon principle, and that is because if you are going to have an internal market within the United Kingdom, or a single market within the European Union, you need to be able to place goods for sale on that market that can have free circulation within that market. Otherwise, it is not a single market or an internal market.

Q45 **Dr Whitford:** In Europe, the standards are agreed and debated among all the countries. The problem for Scotland is that, if they are trying to maintain a higher standard at the moment and some part of the rest of



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the UK—England is obviously the biggest part; it dominates economically—decides to go for a lower standard, there is nothing Scotland or Wales can do about that. Greater divergence will put pressure on the Windsor framework.

Michael Gove: If Scotland were independent from the rest of the UK and in the EU, Scotland would not be able to, for the sake of argument, stop imports of meat produced to a standard that it did not consider to be appropriate.

Dr Whitford: But if that were on a public health basis, yes it would, and obviously it would also be at the top table in making that decision.

Michael Gove: Scotland is at the top table in the UK Cabinet.

Q46 **Dr Whitford:** Seriously?

Michael Gove: Well, you have Alister Jack as Secretary of State for Scotland—

Q47 **Dr Whitford:** For Scotland?

Michael Gove: Yes.

Q48 **Dr Whitford:** Really?

Michael Gove: Yes.

Dr Whitford: It does not feel like it.

Michael Gove: There have been Secretaries of State for Scotland at the UK high table since 1885.

However, I think we have seen, and we are seeing, an example of divergence, or a different approach, within the UK on investment in forestry, the deposit return scheme, and the nature of support being given to farmers on a territorial basis between Scotland, Wales and England. We do have successful devolution and the benefits of a single market.

Q49 **Dr Whitford:** But not from the point of view of quality, as in food safety or food standards so—

Michael Gove: No, if there were a public health emergency—

Dr Whitford: —the Scottish Government or the Welsh Government can set a standard, and can say they want to remain within the EU standard through this retained EU law process, but they will only be setting that standard for their own farmers and their own producers, because the internal market Act means that something from elsewhere, which may be imported into the UK, could be sold in Scotland.

Michael Gove: What would an example be if Scotland were independent and within the European Union—



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Dr Whitford: I am not asking about that. I am asking about—

Michael Gove: But it is a direct parallel. If Scotland were in the EU, it could not stop, for example, Romanian food coming into Scotland.

Q50 **Dr Whitford:** Secretary of State, we are talking about the threat of 3,700 standards and regulations being lost in literally eight months. We are not talking about an independent Scotland, which is something that you are not even going to allow us to make a decision or express an opinion on.

Michael Gove: The inference I draw from your questions is that Scotland somehow enjoys lesser protection through the UK internal market Act than it would enjoy were it an independent country within the European Union, and I cannot see what—

Q51 **Dr Whitford:** We have less devolution than prior to this. I am not talking about an independent Scotland. I am talking about standards that the Scottish Government was able to control five years ago and will not be able to control now. They will only be setting standards that impact their own producers. They do not control what is sold in Scotland.

Michael Gove: How could Scotland control what was sold in Scotland beforehand if it came from a European Union jurisdiction with which Scotland disagreed?

Dr Whitford: But it doesn't. It is the threat in this of taking standards away and reducing standards, even if in error when the standards are lost.

Michael Gove: You are imagining a potential future mischief that does not exist and you are positing an alternative that also did not exist. I am at a loss. It goes to the heart of the weakness in the case for independence made by the SNP, because it is independence within the European Union. What Scotland wants to do is to proclaim formal independence from the rest of the United Kingdom and then accept membership of a broader political union in which Scotland would have less control over everything—its economy, environment and all the rest of it—than it does at the moment. You make the case very well, because the SNP has to make the case, that, somehow, there is some sort of mischief generated through the UK internal market Act. If there were SNP politicians arguing for an independent Scotland outside the European Union, that would be an intellectually coherent position, although I think it is still damaging for Scotland to be independent, but independence within the EU is an oxymoron.

Q52 **Dr Whitford:** Naturally I disagree—Brexit has been a disaster—but I was not trying to debate independence.

Chair: Well, we probably have done anyway, and we are probably not going to resolve the issue round the table this afternoon, but it is still interesting for the rest of us to listen to the discussion. We need to move



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on now to something else that is particularly relevant and particularly interesting, and that is the UK shared prosperity fund.

- Q53 **Andrew Lewer:** There has been considerable resistance to the design and implementation of the UK shared prosperity fund from the devolved Administrations, and they remain unconvinced that SPF money matches the previous EU funds such as the ESF and ERDF. How do account for this vehemence that you have short-changed them?

Michael Gove: If I were a politician from a different party running an Administration elsewhere in the United Kingdom, I would be always strongly tempted to say that I was being short-changed by the UK Government. It is the Mandy Rice-Davies phenomenon.

- Q54 **Andrew Lewer:** Yes, indeed, but in order to further illuminate the decision making and go beyond that famous nightclub singer, have you shared your workings with the devolved Administrations and, if not, would you do so to help mitigate the cliff edge that they talk about?

Michael Gove: We have. Again, to be fair, sometimes, when this argument is made, account is not taken of the fact that there is still European funding or, rather, that there are European budgets to which we have committed, and we are funding projects that were created under the EU, all of which are slowly declining, and then the UKSPF is filling up the slack. But it is also the case that, sometimes, some other Administrations would not count the money that we are, for example, spending through the levelling-up fund, the community ownership fund or other UK-wide funds. However, we are more than happy, to share our working. I am confident that our manifesto commitment pledges—we were very clear about matching the amount that was spent within the devolved Administrations and Cornwall—are being upheld.

- Q55 **Andrew Lewer:** Are there some examples, where there has been a request for an extension of this funding for another year or two, that you think may have some merit? Or is that issue closed?

Michael Gove: We want to replace the EU's method of allocating this money with our own, but, within that, to ensure that there is no detriment in terms of quantum.

To take a case in point, the Secretary of State in the Department for Work and Pensions, and indeed some of the devolved Administrations, have argued that, in forthcoming years, more UK shared prosperity fund money should be allowed to be spent on skills and helping people at the edge of the labour market to benefit, in the same way as the ESF was designed to do, and we have moved the way in which we are looking at UKSPF funding in the future in response to that. I think that the Secretary of State for Work and Pensions is making the argument that people in the devolved Administrations were making.

- Q56 **Andrew Lewer:** We talked about the IGR framework earlier. Do you feel that it is adequate to facilitate dialogue on disputes and issues over the



UKSPF?

Michael Gove: I would hope that it would be, but I will keep an open mind.

Q57 **Sir Robert Buckland:** Secretary of State, two perspective. The first is from my brief time as a territorial Secretary and develops the point that was made when we started to get shared prosperity funding out to local authorities in Wales. It was about the way in which the UK Government calculated the benefit and particularly about the perceived disadvantage, in the eyes of the Welsh Government, of cities and the perceived weighting of allocation to perhaps more sparsely populated areas. My view was that that probably was a good thing, but the point was being made that the way in which the UK Government was calculating that allocation was somewhat different from the standards being used by the Welsh Government. I don't think there is anything wrong in principle with different bases of allocation, but do you think that has caused any complication or lack of understanding?

Michael Gove: I think it may have led to concerns being expressed by some. A similar, fair set of points was made by Members of the Scottish Parliament as well. It is difficult, always, when you are coming up with criteria to allocate funds to please everyone. If you move from one set of criteria to another to take account of some of the weaknesses in the first set, there is always the risk that a new group of people will be disgruntled.

One thing I would say, just as a general observation, is that both Cardiff and Swansea have historically and quite rightly done well out of support from both the Welsh Government and the UK Government, and they are flourishing as a result. As you would know far better than me, it is in the nature of Wales's society and economy to make sure that communities that are further from those two economic powerhouses benefit.

Again, to be fair to the Welsh Government, when we were discussing two new freeports for Wales, one of the points made there was that there were two bids that crossed the threshold—originally, we were only going to back one. Rather than making an invidious Sophie's choice between south-west Wales and north-west Wales, we decided collectively to back both. That is a reflection of the fact that, when you are dealing with Wales's economy and society, you have to balance so many different criteria.

Q58 **Sir Robert Buckland:** Yes and when we put the freeport bid document out, which I put out in the summer, we accommodated the Welsh Government's legislative framework, and the results have been extremely beneficial for both north and south Wales.

Michael Gove: Yes, I think so. Again, the Welsh Government originally had some concerns about the levelling-up fund and the UK shared prosperity fund, and concerns are still expressed. However, I think the reality on the ground has been that, while not every local authority has



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received everything that it would have wanted, those local authorities that have, have been pleased with how the process has operated.

- Q59 **Sir Robert Buckland:** It has created a very healthy relationship between local authorities in Wales and Whitehall and Westminster that perhaps has not been to the forefront as much as it should have been in the past.

Michael Gove: I think that is absolutely right, and I think that the UK Government has a responsibility to have a good relationship with local government across the whole United Kingdom, including in Northern Ireland.

- Q60 **Sir Robert Buckland:** I strongly agree. Can I ask about Northern Ireland, wearing my Northern Ireland Affairs Committee hat?

I think the Chair of the Committee raised this issue with you in oral questions today. Evidence that we took last week from community groups and agencies in Northern Ireland shows that they are coming very close to midnight when it comes to funding. The end of the month saw, for them, a pretty dramatic timetable, with people being laid off and services being lost. What assurances can you give the Committee that your Department will work with the Northern Ireland Office and indeed the Northern Ireland Departments to make sure that that cliff edge is avoided?

Michael Gove: The Minister for Levelling Up, Dehenna Davison, has been working incredibly hard on this. She was in Northern Ireland just the other week, in Portrush. She has been working to ensure that we deal with the cliff edge that you mentioned. I think I am right in saying that the total amount of ESF spending we are talking about here is something like £26.9 million, and Dehenna is developing a package. I cannot say more yet because it is still being finalised, but I hope people will see that it fairly reflects the need to maintain that quantum, although it might be allocated in a slightly different way.

- Q61 **Sir Robert Buckland:** In the next three months, even if it is only tide-over, we need something very urgently.

Michael Gove: You have raised this very clearly and consistently with me, as has Simon Hoare and other MPs. We are well aware of the need to deliver quickly. Dehenna has been talking to the NIO and to people on the ground in Northern Ireland. I should also say that the Secretary of State for Transport raised this with me because of the relationship that he has with a number of disability charities as well.

Sir Robert Buckland: Thank you.

- Q62 **Geraint Davies:** Mr Gove, I wrote to you before the Budget about the imminent loss of 1,000 university jobs across Wales due to the cliff-edge ending of EU structural funding, which will end something like 60 projects and 1,000 jobs, many of them in Swansea, in my constituency. Across the UK, the situation is something like 166 projects. Universities UK and



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Universities Wales have been asking for bridge funding for next year so that these vital jobs, which are essential for green growth, can continue. The costs we are looking at are something like £71 million in Wales and £170 million across the UK—about 7% of the shared prosperity fund. Are you looking at this? The shared prosperity fund, of course, puts all its money into local authorities, and this money—the EU structural fund money I have talked about—goes directly into universities that are working with business to generate new research and innovation jobs for the future? What are you doing about it?

Michael Gove: I have had a look at the range of projects and, until you had written to me, I have to be honest, I had not appreciated the scale of research funding that had come from European funds to universities in Wales, and you are right that many of these projects are very promising and important. I am talking to the Secretary of State for Wales, the Secretary of State at the Department for Science, Innovation and Technology and the Secretary of State at the Department for Education about what we can do to ensure, wherever possible, continuity or even enhanced funding in these. Thank you for bringing it to my attention.

You are also right that the UK shared prosperity fund, welcome as it is, because it is given to local authorities, is not the appropriate vehicle to provide support at this stage.

- Q63 **Geraint Davies:** If I may give you a taste of what we are talking about here, in Swansea a project with Tata Steel is providing cladding for buildings, which will enable us not just to take solar energy but to store it for the future. There are schemes whereby we would dig up waste plastic and convert it into carbon nano tubes to put into electric vehicles. There are schemes to convert steel slag heaps into billions of pounds-worth of assets—iron ore, zinc, hydrogen and so on. These are vital future green exports that are needed for the growth recovery that we have been sadly waiting for for years, but this is about to be completely killed at birth if this funding does not come along. In terms of the assurance you are giving now for those 1,000 jobs in Wales and more across the UK, you are saying that you are going to have conversations but, realistically, what can you do to get Treasury into shape so that this vital seedcorn money is there for the future prosperity of the UK?

Michael Gove: The projects that you mention at Swansea University are impressive. Whether it is in Cardiff, Swansea, Aberystwyth, Bangor, Lampeter or Wrexham, it is important that we continue to support wherever we can. Your points are very well made, and the concern is shared by other Ministers.

- Q64 **Geraint Davies:** On the issue of the overall aggregate amount of money, you will know that the Welsh Government has suggested that the shared prosperity fund globally amounts to something like £1.1 billion less as an ongoing process than the EU structural funding, and the Government promised not a penny less. Is there any review of this? You will be aware, of course, of the gross value added in Wales, and average wages, if you



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like, are 73% of the UK average wage. Therefore, we do need this investment to pump up productivity and growth.

Michael Gove: Yes, I quite agree. It is also the case—I mentioned it beforehand—that the investment zones that the Chancellor of the Exchequer announced at the Budget can play a part as well.

There are all sorts of challenges that the Welsh economy has. As we move towards the decarbonisation of steel, we need to make sure that the right balance of investment from the private sector and others is there for Port Talbot. We need to recognise that some of the entrenched problems in the valleys are partly linked to connectivity and partly linked to the decline of industries that have not been replaced in some of those communities.

Wales also has enormous potential, and Wales's higher education institutions exemplify that. That is why the points that you raised earlier weigh very heavily with me.

- Q65 **Geraint Davies:** On that point, you made mention of connectivity there. You may be aware that, over the last couple of decades, Wales has had a 1.5% of rail enhancement investment, for 5% of the population. In contrast, Scotland has its population share of 8%, and when HS2 moves forward, Scotland will get its 8% population share, which is about £8 billion, but Wales will not get anything—it will not get its 5%, or £5 billion, share. Will you at least consider the case for Wales to have a higher share of HS2 so that we can begin to increase that connectivity, strengthen the Union, move towards net zero, and raise productivity and gross value added? As I say, it is 73% of the UK average in Wales, and 94% in Scotland, but they get their population share and we do not.

Michael Gove: I think that the HS2 argument, which I have heard many times before, is a bit of a canard or a cul-de-sac. However, I do agree with you that we do need to think about improving connectivity overall in Wales. I think that the decision last week to establish a freeport in Anglesey only reinforces that. One of the things that we do need to think hard about is connectivity along the north Wales coast to Cheshire and Merseyside, but we also need to think about north-south connectivity in Wales.

- Q66 **Geraint Davies:** Yes, there are a few mountains in the way. Can I finally say, then, ignoring HS2 and given that we have only had 1.5% for a 5% share of the population and that there are 3 million people living in Bristol, Cardiff and Swansea—that economic region—in terms of reconnecting and rebooting the Union and helping that whole south Wales and south-west region, can you look again with your colleagues at the amount of investment there so that we can give Wales the tool to do the job and to lift it off its knees after so much lack of investment?

Michael Gove: It is a happy coincidence that the former champion for the western gateway, Mark Harper, is now Secretary of State for Transport. On the point you make about Bristol, Cardiff and Swansea—



let's not forget, along the way, Newport and Port Talbot—they will all benefit and are benefitting from his close attention.

Geraint Davies: We need a Welsh Harper.

Sir Robert Buckland: Chairman, I should declare my interest as chair of the APPG for the Western Gateway, and I had a former, strong interest in it when I was Secretary of State. Forgive me for not saying that.

Q67 **Dr Whitford:** Looking not just at the quantum of funding but the actual way that it is delivered in comparison to European funding, previously the Scottish and Welsh Governments got to set strategy and local authorities got money every single year without having to spend money on writing a business case, putting forward a tender and competing with other local authorities. The criteria were also clear on things like deprivation and rurality. Are the criteria clear now? If you are trying to level up deprived areas—not like what we saw in the second round, where if someone had had even quite a small pot of money in the first round, they were ruled out but were ruled out after the process, so they had wasted money on making a bid—and to change areas of deprivation, surely you have to keep inputting money, not go, “We gave you £2 million and that should suffice.”

Michael Gove: Sure. I think those are fair questions. We have to look at all the funding in totality, and in the first round of levelling-up fund allocations money did go to Glasgow and, indeed, to Aberdeen. In this round, Dundee and bits of urban Fife benefited as well. There were areas that did not get funding in the first round that did this time. There will be a third round. There are other tools at our disposal.

Q68 **Dr Whitford:** Why do it in that way, instead of local authorities at least knowing, “This is your share on the basis of your population challenges to level you up and lift you up from poor economic performance or deprivation. You can count on this and you can plan projects.” Otherwise, looking at the local authorities in Scotland, there will be some that do not get anything until round 4 or 5, so they are sitting with no funding.

Michael Gove: No funding in those circumstances—

Dr Whitford: In this programme.

Michael Gove: —from this programme, but the programme is designed explicitly to encourage local authorities to come forward with propositions that have a robust business plan behind them, and work done on that business plan is not work wasted, because there are future rounds of funding as well. For example, Aberdeen City Council, under its previous leadership, brought forward a proposition to, essentially, revive the area just behind Union Street—between Union Street and the train station, the market area there. That was very thoughtfully worked out. It was a project that deserved the £20 million that has gone to it. There will be other projects that we will back as well. I think there is a project in East



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Lothian associated with Cockenzie and Port Seton power station, which was very carefully thought out.

It is also the case, of course, that individual local authority areas will be receiving their money as part of the allocation that the Scottish Government decides on in its budget process every year through the block grant.

Dr Whitford: But we are talking about this.

Michael Gove: Oh, no, exactly.

Q69 **Dr Whitford:** They used to get European funding. They all got it. They all got it every year. It was very clear how much any area would get. Now, my constituency did not get anything, and the top half of my constituency is one of the most deprived areas in the UK. It did not qualify, yet there are areas across the UK that are actually quite wealthy that got funding. In what way is it levelling up?

Michael Gove: No, that is true. I think that one of the reasons for that is that we had criteria that looked at productivity. There is an argument as to whether or not we should have used productivity as the determinant rather than deprivation. Obviously, there are some areas that have lower productivity but are less deprived. They often tend to be rural areas. It goes back to the point that we were discussing earlier. If you have a set of objective criteria that guide your hand when allocating money, it will always be the case that there will be people who can say, "This different set of objective criteria would be fairer." That is a perfectly legitimate debate.

Q70 **Dr Whitford:** Are the criteria published and have the devolved Governments agreed them? They used to control at least the strategy for the European money, whereas now they are cut out. They do not have any input to this at all now.

Michael Gove: It is published. It needs to be consistently UK-wide. What we are adding as the UK Government, as we discussed, comes on top of what the Scottish Government decides, and it is perfectly open to the Scottish Government to decide that in its allocation of funds to local authority areas it takes a slightly different approach.

I noticed just on my way in here that they are having to close swimming pools in Aberdeen as a result of decisions that the Scottish Government has taken over the allocation of funding. It could be the case that the Scottish Government takes a different approach, but our criteria are clear and established and we will defend them, and I am sure that the Scottish Government will defend its criteria.

Q71 **Dr Whitford:** But the Scottish budget did not get uplifted with inflation, it is completely limited and they have no borrowing powers, and this used to be money that they were able to use to drive employment and drive up productivity in an area.



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Michael Gove: Sure, but it was also the case that the EU had rules about how that money could be spent. You could only spend ESF—

Dr Whitford: As does the UK Government.

Michael Gove: Indeed, exactly, yes.

Q72 **Dr Whitford:** It is less and, in actual fact, the problem is that it is not necessarily going to achieve the title of levelling up if someone can only get one pot of money and not another pot of money for five or six years.

Michael Gove: You are naturally concerned that, having received money once, you can never receive money again, and while that was the case in this one round, it will not be the case in future rounds.

Q73 **Chair:** To follow up, Secretary of State, before we come on to some issues of gender recognition—something completely different—I have two points. On the issue around the universities that Geraint mentioned, is it possible to have a note to the Committee eventually about what is finally decided in terms of resolving this problem?

Michael Gove: On Wales?

Chair: Well, generally about the whole issue of university funding because universities outside Wales, I understand, are affected equally by the fact that they cannot get funding now in the way they used to get from EU funds.

Michael Gove: Yes. I am aware of the particular situation in Wales, and there is the Horizon programme separately, but yes, of course.

Q74 **Chair:** Thank you. Secondly, the other big issue around shared prosperity is a general concern that the timeframe for the Government scheme for shared prosperity is very limited compared with the time limits for the European regional development fund or ESF funds, which went for seven years. In some cases, the schemes that are needed to make a difference have longer time periods than the two years. Is it possible to have words with your colleagues in the Treasury to just think that there may be exceptions here to the normal Treasury time-limited requirements?

Michael Gove: I completely understand and sympathise with that point.

Chair: Does that mean anything is going to happen or not?

Michael Gove: I hope so.

Chair: Okay. We might keep an eye on that and come back to you on that one as well. Moving on to gender recognition, Philippa Whitford.

Q75 **Dr Whitford:** The UK Government have used section 35 to block the Gender Recognition Reform (Scotland) Bill. We are talking about dispute resolution and the intergovernmental relations structures. Do you think that they are going to contribute to resolving this issue?



Michael Gove: I hope that we can resolve the issue. The Secretary of State, when he invoked section 35, made it clear that he wanted to work with the Scottish Government to ensure that there could be appropriate legislation that did not have an adverse impact on equalities, and that is the UK Government's position.

Q76 **Dr Whitford:** Can you tell me what the adverse impact on the Equality Act is, and what changes would the Scottish Government have to make to the reform Bill to make it acceptable to the UK Government?

Michael Gove: I think the Bill was flawed in a number of ways. The principle that an individual could self-identify as of a different gender, when they were still palpably biologically the gender that they were assigned at birth—the gender that any physician would acknowledge was manifestly the case—allowing people, including sexual offenders, access to women's spaces, has to be addressed. To be fair to the new leader of the SNP, he acknowledged that the legislation that had been in place, that would have allowed someone like Isla Bryson—I believe that is the gentleman's name—to have access to a women's prison, was inappropriate because this character was, in Humza Yousaf's own words, "at it". You cannot have a situation where legislation allows someone to assume a particular gender identity when they are predators.

Q77 **Dr Whitford:** Can I just point out that that is under the current legislation and the new legislation has not been allowed through? The new legislation did include an amendment that meant that sexual offenders could be refused a certificate and the police would need to be informed if anyone is on the sex offenders register and, therefore, could be refused a certificate. The case that you cited is under the current legislation.

If I can just highlight something from the Equality Act, it gives examples of someone undergoing treatment and someone who chooses not to. It says that section 7 of the Equality Act replaces similar provisions in the Sex Discrimination Act 1975 but changes the definition by no longer requiring a person to be under medical supervision. The World Health Organisation has got rid of the diagnosis of gender dysphoria. Since 2012, multiple countries have moved towards legal, statutory self-identification—it is not that Scotland has lost its mind. Are there some changes within the Bill that could be made where the UK Government would still accept the principle of self-identification in a legal, statutory method as opposed to its being based on a diagnosis?

Michael Gove: There is so much there. The first thing is that it will be a collective Government decision, but I will speak for myself. You cannot change your gender just by saying that you are a different gender. Self-ID—

Q78 **Dr Whitford:** The Equality Act talks about someone who has proposed, started or completed—so it includes "proposed". One of the examples—this is UK Government legislation, the Equality Act 2010—gives the



example of someone simply making a decision, telling their manager at work, and the manager making arrangements. That is the Equality Act.

Michael Gove: We should all show sensitivity towards people who feel that the gender that they were assigned at birth does not reflect who they truly are, but we have a situation that does allow—has allowed—spaces that should properly be women-only spaces to be open to people who are predators, and we need to address that question.

Q79 Dr Whitford: How would you prevent predatory men, if they even just simply wear a frock, from going into women's toilets? Indeed, under the current legislation, someone must live in the required gender for two years before they can get a certificate, so the system actually requires someone to do that, to use the spaces of the other gender before they can get a certificate.

Michael Gove: You can demonstrate the commitment—the seriousness of intent—to change the gender that you were assigned at birth in a number of ways. We know, because it is an observable fact, that there are individuals who have sought to exploit this system. To my mind, the most important thing is to protect women, and we need to protect women from these people. The legislation that was being put forward by the Scottish Government, that would have allowed individuals at the age of 16, after a remarkably short period, would seem to me to have been wrong.

Take a couple of steps back. I have enormous sympathy with people who are facing these challenges, but after what we have seen with what happened at the Tavistock clinic, after what we now know because of the—

Dr Whitford: The Scottish Government has no proposals to allow children to change their gender.

Michael Gove: No, exactly, but I am making a broader point here. The broader point is that if we are going to deal seriously and sensitively with these issues, we need to recognise that there have been people who have been pushing a particular view on this question. It does not just go against common sense; it has imperilled the ability of women and of young people to live fully realised lives. The reason why I stress that is that you are absolutely right: it is not just the case that the legislation that was being brought forward by the Scottish Government needs to be considered; our whole approach to this question needs to be given care and thought as well.

Q80 Dr Whitford: The Conservative party under the former leader, the MP for Maidenhead, announced in 2017 that she would be bringing forward legislation. That was, indeed, the Conservative policy until September 2020. It is already the state in Ireland, Belgium and Denmark, so what exactly will be the UK approach to taking a modern approach to people who are transgender? The diagnosis of gender dysphoria is no longer



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recognised medically by the World Health Organisation, so what will be the plan, and what change should the Scottish Government look at that would allow this legislation to go forward? Or will the UK Government never consider self-ID?

Michael Gove: The first thing is that we will work with the Scottish Government to establish—it will be the Secretary of State for Scotland who will be doing that, with the support of the Minister for Women and Equalities—what changes can legitimately be made to legislation within the competence of the Scottish Parliament that do not have an adverse effect on the Equality Act.

Q81 **Dr Whitford:** What is the adverse impact on the Equality Act? I have read you out two pieces of it, which are totally in keeping with the Scottish Act.

Michael Gove: There are two things. It is the case that the legal advice that we received from the Attorney General and from the Advocate General for Scotland was very clear. There was a statement that the Secretary of State for Scotland released at the time that pointed out the impact on women-only spaces and the protection that should be afforded to women that this legislation would bring forward. So there is that. But the other thing is self-ID. You cannot have a situation where someone says, “I am a man” one day and a woman—

Q82 **Dr Whitford:** That is not—it is a statutory legal process. If you are making a fraudulent declaration, you can go to prison for two years. There is no proposal to be a woman on a Saturday and back to a man on a Monday. That is trivialising something that is quite important for people.

Michael Gove: I would never want to trivialise the situation, but what I would want to do is to uphold the principle that we should protect women’s spaces. I am afraid that the case for self-ID has been used by people to weaken the protection of women’s spaces, and that is wrong.

Q83 **Dr Whitford:** Yet, under current legislation, someone can change their passport and their driving licence without a gender certificate, which are the two main forms of identification. This is allowed under current law.

Michael Gove: I think that the situation at the moment needs to be reviewed overall and, within that, the situation that the Scottish Government took forward needs to change as well. There is certainly a recognition on the part of the UK Government that the principle of self-ID, as commonly understood by so many, turns what is a very sensitive question into a matter of charged identity politics, and charged identity politics that risks undermining some of the gains in women's protection that have been secured over the last 30 to 40 years.

Q84 **Dr Whitford:** Even though this is the approach in many countries since 2012.

Michael Gove: Well, I worry that they have it wrong.



Chair: I think we just have to move on. There is a difference of view, and it has been an interesting debate. Natalie, did you want to follow up on that?

Q85 **Mrs Elphicke:** Very briefly, if I may. I wanted to come back to the process and procedures question that we were exploring today. There are two specific examples where we have seen a conflict between the UK Government and the Scottish Government—over the gender recognition reform Bill and the second independence referendum. On the process and the management of this relationship of intergovernmental relations, we have spoken a lot about consensus, and these are issues of conflict—one might say deliberate political conflict. How are those playing out in terms of these meetings that are happening, when one part of the Union has a different view of its own competence from the legal position?

Michael Gove: It is the case that the framework of legislation from the Scotland Act onwards lays out, to the satisfaction of most people, a pretty clear delineation of where reserved and devolved competences lie. It is always possible for people either to be uncertain or to push at what they consider to be ambiguities. Ultimately, these matters can be resolved in the Supreme Court. With respect to the belief on the part of the Scottish Government that it had the competence to be able to have an independence referendum without a section 30 order, the Supreme Court was clear about what the legislation said. It did not form a judgment on the wisdom or otherwise of independence, but it was clear then. If it is the case—I do not believe it is for a moment—that the section 35 order that the Secretary of State for Scotland invoked is wrong, then the Supreme Court, or rather reference to the Supreme Court, is always an option available to the Scottish Government.

Chair: We are moving on now to the Sewel convention with Geraint Davies.

Q86 **Geraint Davies:** Can I link the Sewel convention to the exchange we have just heard? What we just heard is a case from Philippa Whitford as to why the gender recognition legislation going through the devolved Administration of the Government of Scotland was correct and, from you, why it was perhaps deficient. But wouldn't you agree that, in principle, devolution is the right to be wrong or right? It is not that Scotland can decide what it likes so long as the UK agrees. That is what the Sewel convention and devolution consist of. Aren't you just breaching the Sewel convention by interfering, irrespective of how cogent your arguments may be? I do not agree with them personally, but let's assume they are cogent. You are breaching the whole devolutionary settlement.

Michael Gove: I don't think so. The principle of devolution, as legislated for, is that there is a clear delineation about what is reserved and a clear delineation about what is devolved. The UK Parliament, where we are all equal, has decided that that is an appropriate delineation. It is always the case—this is why section 35 is in the Scotland Act and why SNP MPs at the time voted for it—that implicit in devolution is that if the Scottish



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Government, the Welsh Government or the Northern Ireland Executive take a decision outside their competence that has an effect on the rest of the United Kingdom, the United Kingdom Government can act.

Q87 Geraint Davies: By way of example, in Wales, we have decided that people opt out of organ donation—you sign a form. In the event of an accident, we can take your kidneys or whatever it is. But in England, it is opt in. Is it the case that the UK should be able to just go in and say, “You cannot do that in Wales” in case you drive to Wales and we take your kidneys when you have a crash?

Michael Gove: It is an interesting question, and I would not be able to pronounce on it authoritatively without looking at what lawyers would say. I know you asked the question seriously and I am not attempting to trivialise it. Again, if the Welsh Government legislate in a particular area and it legislates within their legislative competence, then we in the UK Government have to accept that. There are decisions—

Geraint Davies: But you did not in this case of gender recognition.

Michael Gove: Because of the UK-wide ramifications.

Geraint Davies: So does organ donation, doesn’t it, for people moving in and out?

Michael Gove: Before invoking section 35, which is quite a serious thing, we have to look at what the legal questions are. Again, I would have to look at what the Attorney General and others said. The legal advice to me might well be, “You might find it uncomfortable, and there might be grey areas, but our judgment is that it is within the competence of the Welsh Government,” so we would have to accept it with good grace.

Q88 Geraint Davies: In general, the Sewel convention says that the UK Government should not step into areas that are devolved. In Wales and Scotland, there is a suggestion that that has happened, and you have suggested that everything is all right. How do you reconcile that? The internal market Act, of course, as has been argued, is a coach and horses through the Sewel convention.

Michael Gove: The Sewel convention quite rightly says that we should not “normally” legislate without the consent of the devolved Administrations. A lot hinges on the understanding of that word. My approach is that our departure from the European Union was not a normal event; it was a once-in-a-generation event. That raised a series of legislative and administrative challenges for the UK Parliament and for the devolved Administrations. Some of what is consequent upon that we are legislating for, and legislative consent has been withheld particularly by the Scottish Parliament and the Scottish Government for their own reasons, which I completely understand politically. But we have had to proceed on the basis of making sure that something that was voted for across the United Kingdom can work. There will always be occasions where, in the future, it is appropriate to proceed without an LCM, but I



would far rather we minimise those occasions and that it was the exception and not the rule.

- Q89 **Geraint Davies:** Do you think it should be codified? Can I ask you about the direction of travel? There is a lot of talk about more devolution in England and the like, but we have models of devolution in Scotland and Wales, in particular. Isn't the direction of travel that there is an erosion of devolution in Scotland and Wales, where the centre knows best. Meanwhile there is lip service to a bit more devolution in England?

Michael Gove: I don't think it is lip service. The first thing is that the principle of devolution, as distinct from independence, is that you give a greater and greater degree of control within a defined geographical area to the elected leaders within that area while acknowledging that there are certain things that are reserved in the interests of all to a UK-wide Administration.

We know that the nature of devolution in Scotland is different from that in Wales, and we can argue about whether Wales should, or wants to, have greater powers, but if you have the exercise of different levels of power within the UK, it is understandable, within England, you can have a greater degree of devolution being exercised by the Mayor of London—and, indeed, now the Mayors of Manchester and the West Midlands—than is the case with, say, the Mayor of a combined authority in Cambridge and Peterborough. There are precedents for that. In both Australia and Canada—common law jurisdictions, albeit federal jurisdictions—more powers are exercised by some provinces, states and territories than by others.

- Q90 **Geraint Davies:** There are, of course, examples, such as single-use plastics, where Wales wanted to ban nine categories of single-use plastics. If England bans only three, we are only allowed to ban three now, but when we were in the EU we were able to ban nine. How is that more rather than less devolution?

Michael Gove: I would have to go back to the particular example that you mention and study it in detail to see if it would have been the case that the exercise of a greater degree of autonomy in this specific area would have prevailed in the European Union as distinct from the UK, by comparing the operation of the single market to the UK internal market.

Geraint Davies: Yes, I know, but the answer is that we would have. I will hand over. Thank you.

Chair: I want to try to move on as quickly as we can through this next piece.

- Q91 **Dr Whitford:** If you look at policy around public health and the environment, it has often been the devolved Governments that have been more innovative. Scotland was the first to bring in the smoking ban and the first to bring in minimum unit pricing, which is now credited with a 13% drop in alcohol deaths. Wales was the first to put a charge on



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plastic bags. It often takes several years for the Westminster Government to follow. If the UK Government is holding back and limiting what the devolved Governments can do through the internal market Act, is that not just going to lead to a reduction in innovation in these areas?

Michael Gove: No, I don't think so. I could argue that the UK Government, in some of the areas for which it is responsible, has been more progressive. I would argue that we have been more progressive in the approach that we have taken towards support for land managers, farmers and land use, when it comes to developing public money for public goods, than the Scottish Government has. I would argue we have been more progressive when it comes to the funding of education. We introduced the pupil premium, and we have also maintained our membership of international educational comparison systems. I would argue that the English education system is now more progressive than the Scottish education system because of the changes that we have made. It works both ways.

Q92 **Dr Whitford:** As someone who benefited from free tuition, I am maybe not going to agree with you on that. Exactly what is the value now of either the Scottish or Welsh Parliaments not passing a legislative consent motion, in that, over the last five or six years, every time that has happened it is just ignored? We do not see anything result from that at all.

Michael Gove: It is the case that, across Government, we do everything we can to avoid there being an absence of a legislative consent motion, but sometimes we cannot reach that agreement. I have been in lots of meetings with other Ministers in which sometimes, entirely understandably, those other Ministers would say, "We must press ahead with this," and I and yet other Ministers in those meetings have said, "No. We can make this change, which we might not otherwise have wanted to make, in order to secure a legislative consent motion." We have done it with negotiation with the Scottish Government or the Welsh Government. It is important that we show a degree of consideration to the legitimate mandate being exercised by the devolved Administration, and that is what we always try to do wherever we can.

Q93 **Dr Whitford:** Yet the Scottish and Welsh Ministers, when commenting about the Sewel convention, felt it did not work, while you felt it worked well. Is that not a bit of a sign of complacency?

Michael Gove: I think it is a sign of a difference of opinion. I would not be complacent. I would not say that we were complacent about it. One has to look, I think, at each individual, specific area where a legislative consent motion has not been granted, and then people can fairly make up their own minds whether this is a legitimate defence of the mandate and interests of that Administration or whether it might be something that reflects the politics more than the good governance. People can make their own judgment about the UK Government in that respect as well.



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Dr Whitford: Do you think—

Chair: We are going to have to move on to English issues.

Q94 **Dr Whitford:** Sorry, finally, do you think codification and earlier consultation when legislation is being developed might improve that?

Michael Gove: Certainly, earlier and improved consultation, yes, and I accept the fact that not every Government Department has been as quick off the mark as it should be or as—what is the word?—inclusive as it should be in consultation. I think that is a fair point, and every Department has to do as well as the best.

On codification, I think there is a danger in codifying constitutional conventions too much. They are conventions rather than statutes for a reason. It is obviously a perfectly legitimate and respectable view of some—I think it is Labour party policy—to put it into statute and so on. I think it is better to preserve that flexibility, but I could be wrong.

Chair: We will move on to English devolution. Kate, can I just hold you for a second because I know that Mary has to go? Kate is going to ask some general questions about English devolution. Mary has a couple of specifics about the trailblazer deals that have been announced.

Q95 **Mary Robinson:** Thank you, Chair, and thank you, Kate. Secretary of State, you have announced trailblazer deals for Greater Manchester and the West Midlands. If these do indeed blaze a trail, how quickly do you envisage similar deals being on the table for other areas?

Michael Gove: By the end of the year.

Q96 **Mary Robinson:** Are conversations taking place with those other areas?

Michael Gove: We have just started. I saw the M10—the group of Mayors of combined authorities—virtually last week, and we want to move ahead with trailblazer deals, or the equivalent of trailblazer deals, in I would hope at least three other areas. Of course, we are also talking about extending devolution to more parts of the country. Indeed, we have signed deals with Norfolk, Suffolk and Cornwall.

Q97 **Mary Robinson:** What are the criteria for the suite of powers that will be going to these new areas? For instance, in Greater Manchester it is adult skills and so on and some of the competencies around jobs and courses. What are the criteria?

Michael Gove: How can we better equip Mayors to fulfil their mandate for economic development within the areas for which they are responsible?

Q98 **Mary Robinson:** Are the areas that you are having conversations with now bringing you their asks for the suite of powers that they need?

Michael Gove: They will, I know. The deals have been concluded. A number of the Mayors represented indicated their keenness. I know that



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Steve Rotheram, for example, will have a specific set of asks, not all of which he has yet shared with me but I know, for example, that he will.

Q99 **Mary Robinson:** Will they have the same arrangements around single-pot funding?

Michael Gove: That is the ultimate aim, yes.

Q100 **Mary Robinson:** Greater Manchester will have this as part of its trailblazer deal?

Michael Gove: That is the aim, yes.

Q101 **Mary Robinson:** One of the issues that we have had—we have come back to this on a number of occasions—around the devolved areas, is the varying levels of scrutiny given to the Mayors, particularly in respect of the powers they have. How are you intending, Secretary of State, to ensure that the best scrutiny is brought into the discussions that you will be having with the other areas, given that it has been so difficult to even get some semblance of agreement between them to the types of scrutiny that they give to the Mayors? It is all different.

Michael Gove: Yes. We have published a new protocol on scrutiny, most of which contains or codifies what already exists. It is also the case that, in the new deals, there has been a commitment on the part of both Mayors to seek to improve scrutiny by having public question times and inviting local media and, indeed, local MPs to put them under greater scrutiny. We are also keen to make sure that the scrutiny function within the mayoral combined authorities is strengthened so that, in the same way that the Chair of a Select Committee has a status and locus in holding Government Departments to account—if Government Departments are all over the place, then the Chair of the Select Committee will be on it—an identifiable head of scrutiny, or chair of the scrutiny committee, within Greater Manchester or West Midlands will, should the Mayors fail, be in a position, because they will be from an opposition party, to hold them more rigorously to account and be their conscience.

Q102 **Mary Robinson:** Thank you for that answer. Obviously, the deal has been signed with the Mayor of Greater Manchester and this will be moving forward. We are assuming that similar arrangements will be put in place with the other mayoral devolved areas. What is the role of MPs going to be?

Michael Gove: Manifold. First, MPs can play a role in, quite rightly, asking questions or holding to account the Mayor in a mayoral combined authority, as they can with the leader of a county or district council, although obviously the Mayor exercises a greater degree of autonomy and responsibility. It is for Parliament to decide what additional steps we might want to take. It may well be the case that, as in the past, Select Committees will invite Mayors to come and give evidence, but Members of Parliament themselves have a huge range of functions in scrutinising



legislation, making the case for programmes in their own constituency and changes elsewhere. I do not think it materially changes the role that MPs have, and it has always been the case, I think, that MPs can sometimes be frustrated by a local government leader in their area from a different political colouration who may take a different view.

Q103 Mary Robinson: To be specific, what would the anticipated role be of a Greater Manchester Member of Parliament in scrutinising either the Mayor or one of the portfolios within his area of new competence?

Michael Gove: It will be the case that the Mayor is committed to a series of question times in which MPs can pursue and question, but scrutiny extends to a whole range of areas. It is up to any of us as Members of Parliament to use freedom of information requests, to work with the media, to shine a light on what we think might be poor or maladministration. I am trying to think of some of the best examples. There have been MPs from all parties who have scrutinised and held to account local government and other leaders who have been letting the side down. At different times we have seen, whether it has been Bradford Council or Sheffield Council, local Members of Parliament—even of the same party—hold their councils to account by the effective use of, as I say, FOI, media investigation or just close scrutiny of the accounts.

Q104 Mary Robinson: I suppose I would question that. A significant suite of new powers will be going to the Mayor of Greater Manchester, with a single pot, which equates in many ways to the way that devolution has been rolled out in other areas of Government in Wales, Scotland and so on. So there will be a single pot of funding and increased powers, but it sounds like the scrutiny function of MPs is going to be very similar to what it was before and we are just going to be putting in a freedom of information request to get hold of—

Michael Gove: I think that it is an evolving process and we will have to see how the scrutiny works. Ultimately, both the Mayors who have received these additional powers and this additional funding have made it clear that they want to be judged on results. In a way, there are some things that are going to be apparent. If it is the case that you are presiding over a rise in crime or that you are not delivering the transport improvements that you said you would, people will take notice.

Q105 Mary Robinson: That sounds to me like what we have now. In other words, people decide when they go to the polls whether they want to keep you in that position or not. There is no difference; there does not appear to be any particular difference. With all due respect, the Mayor would say, “Judge me by results”—it is a little bit like the Mandy Rice-Davies response. I am not sure how we are going to get better scrutiny of the Mayor of Greater Manchester, given the powers that he is going to have and the single pot of funding that is going to be within his domain to spend.



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Michael Gove: All I can honestly say is that we will see. I do believe that with his increased powers come greater responsibility and a greater focus on delivery, and that focus will be manifested in the way in which the local media operate and campaigning MPs and councillors hold the Mayor to account. Both the Mayor of Greater Manchester and the Mayor of West Midlands have said publicly, "We have the money and we have the powers now to deliver. The begging bowl model has gone. It is on us now." There is that explicit commitment on their part, and fair play to them. People will take them at their word.

Q106 **Chair:** I have seen Mary's face, and I think one or two of us might be thinking the same, Secretary of State: it did seem very much more of the same and little change. There have been a lot of words said about greater degrees of scrutiny. It would be very helpful at some point if the Committee could have a note about precisely how scrutiny will change and be strengthened under the new arrangement.

Michael Gove: I think there are two things. It is fair to say that what we have put forward so far is predominantly, as you and Mary have quite rightly pointed out, a codification or a bringing together of what already occurs. It is a bit like my response to Philippa on whether or not the convention should be codified. I think that the quality of scrutiny depends on the willingness of people to exercise that. It is as much a matter of spirit and determination as it is of creating a particular structure. You can create a structure that theoretically brings greater scrutiny, but if people do not populate it with the zeal required, then it will not work. You can have the most effective scrutiny if you have that determination.

There are some challenges overall, with the weaker position that local newspapers are in and the strains on local media overall compared to, say, 20 or 30 years ago, which mean that scrutiny across local government as a whole is perhaps not as strong as we would all like it to be. All that is a way of saying that I acknowledge that we as a Government need to do and say more to give people confidence that those who want to exercise that scrutinising spirit have the means to do so.

Chair: We are moving on to the wider issues of devolution in England and how it may relate to the other devolved matters.

Q107 **Kate Hollern:** Secretary of State, should elected Mayors in England have seats at the table of structures like interministerial groups because they do have policy responsibilities similar to devolved Governments?

Michael Gove: Sometimes, but the devolved Administrations are legislatures and, delighted as I am by the increased powers that have been given to Mayors, they occupy a different position. The Mayor of Greater Manchester or of the West Midlands is not in the same position as the First Ministers of Scotland or Wales.



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However, there are occasions when we should be discussing these things. During the covid pandemic, it was the case that there were regular meetings of what was to go on to become, in effect, an IMG that dealt with covid restrictions, and we explicitly invited, at his request, Andy Burnham to come to one of those meetings because he wanted to take up some issues on behalf of his constituents—his residents—with the First Minister of Scotland. His beef was with Nicola Sturgeon, not with me or Matt Hancock.

Q108 Kate Hollern: I remember it well. What would you say are the defining characteristics that prevent elected Mayors from being included in the IGRs?

Michael Gove: Ultimately, the Scottish and Welsh Governments are Governments—Governments within devolved Administrations—and there is a difference here. To be fair to Andy Burnham, Andy Street and others, while they would want to have the maximum degree of autonomy and responsibility, their view would be that they are not running legislatures.

Q109 Kate Hollern: Do you think there is a possibility that you will establish a separate body for local elected leaders?

Michael Gove: There is a group that they themselves have established, the M10, which they invite me and other Government Ministers to address or take part in conversations in. They work well together, and that works well, but I am always open to making sure that people in local government overall are involved in, and get to know about, the decisions and plans being entertained by central Government.

Kate Hollern: Yes, because, of course, it is not just elected Mayors. You have leaders of counties and leaders of unitaries.

Michael Gove: Precisely. Exactly.

Q110 Kate Hollern: How effectively do you think IGR structures work today?

Michael Gove: Overall, I think that they work better than people feared, so I think well. But, again, part of the test will be if the structures come under strain as a result of events. Covid was obviously very testing, but I think the structures worked well during that period. It is also the case that dealing with the influx of refugees under the Homes for Ukraine scheme was testing, and they worked well then. I think that people like Neil Gray, who is the Minister in the Scottish Government responsible for this area, would say that Richard Harrington and the Ministers responsible in the UK Government worked well on that issue. I think that they have been good so far, but obviously there is always room for improvement.

Q111 Kate Hollern: Vaughan Gething, the Minister for Economy in the Welsh Government, told the Committee that there was either little or no engagement on funding pots like shared prosperity and community renewal, and John Swinney, the Deputy First Minister of Scotland, also shared his concerns about the alignment of decision making around



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levelling up. What do you think needs to change to make these structures work better and to make them work for English leaders?

Michael Gove: I think it will always be the case that if you have politicians from different parties there will be an incentive for politicians from different parties to take a slightly “glass half-empty” view towards a UK Government of a different colour. I think you are right that we can always do better. The main thing is regular contact, seeking to understand, seeking to be clear about where we disagree, and agreeing to disagree. We obviously want to avoid, as I mentioned earlier, legislating without consent, but sometimes we will have to. Being clear about that and allowing the Scottish Government to make whatever criticism it wants of us, but being able to co-operate in other areas and not allowing that to corrode the relationship overall, I think is important.

Q112 **Kate Hollern:** That is quite a cynical view. I have experience of working cross-party, whether it be for Lancashire or even the Greater Manchester authorities. I think the voice of local leaders, regardless of political party, is important. How do you envisage that the English devolution accountability framework will strengthen local government? As I said, they do work cross-party.

Michael Gove: You are right to correct me. I said that there is a temptation. It is a temptation that some people succumb to; lots of people do not, particularly in local government, because it is in the nature of local government that people have to achieve things in almost every circumstance with an element of cross-party co-operation.

The accountability framework, I believe, puts accountability on a clearer footing, but one of the things that we want to do is to also make sure that data is there. That is why we are setting up the Office for Local Government in order to ensure that more meaningful comparisons can be made between high-performing local authorities.

Chair: Just like the Audit Commission used to do.

Kate Hollern: Yes.

Michael Gove: There is an argument that the Audit Commission became more directional over time.

Q113 **Kate Hollern:** Is there an opportunity for local leaders to feed back local priorities into processes in Whitehall?

Michael Gove: Yes. Again, one of the things that we are keen to do in the Department is to understand the experience of local government leaders when it comes to the delivery of services. Whether or not it is within this Department's purview, or whether or not it is things like the dispersal of asylum seekers or the operation of the new special educational needs framework, what we always seek to do is to learn from the experience of councils. Councils obviously would always rather that they had more money than is the case at the moment, but within that we



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get good feedback from the LGA and individual councils, and I think that policy improves as a result of our listening to them.

Q114 **Kate Hollern:** Finally, what role do you plan for Select Committees in scrutinising the delivery of projects funded by central Government?

Michael Gove: It is a big role, and the question, of course, is sometimes whether it should be the Public Accounts Committee, informed by the NAO, or a different parliamentary Committee looking at it. In my view, Government is better as a result of the work of the NAO and scrutiny Committees. Even if it is sometimes painful reading and you sometimes disagree, net we benefit from being held to account in that way.

Kate Hollern: I agree entirely but, of course, that is dependent on getting accurate data in a timely fashion for—

Michael Gove: Yes, that is true. You are right and, as I said right at the beginning in response to the Chairman's questions, we have to do better at that.

Chair: Secretary of State, that is an interesting invitation to the Select Committee to keep giving you pain. I am sure we will not disappoint in the coming months.

Thank you very much for coming to the Select Committee today and answering questions on a wide range of issues—probably wider than we normally address in this Select Committee. We have gone across the various Select Committees represented today, so that is appreciated. We will follow up on one or two issues where you have promised to come back to us. I thank all the Members from the different Select Committees for coming together today as well.

Michael Gove: Very much appreciated. Thank you. *[Interruption.]*

Chair: We do not normally get a round of applause. That brings us to the end of our public proceedings for today.