HOUSE OF LORDS

Constitution Committee

Corrected oral evidence: The future governance of the UK

Wednesday 30 June 2021

11 am

Watch the meeting

Members present: Baroness Taylor of Bolton (The Chair); Baroness Corston; Baroness Doocey; Baroness Drake; Lord Dunlop; Baroness Fookes; Lord Hennessy of Nympsfield; Lord Hope of Craighead; Lord Howarth of Newport; Lord Howell of Guildford; Lord Sherbourne of Didsbury; Baroness Suttie.

Evidence Session No. 3 Virtual Proceeding Questions 30 - 45

Witnesses

I: Professor John Denham, Director, Centre for English Identity and Politics; Professor Michael Kenny, Director, Bennett Institute for Public Policy.

Examination of witnesses

Professor John Denham and Professor Michael Kenny.

Q30 **The Chair:** This is the Constitution Committee of the House of Lords. We are conducting an inquiry into the future governance of the United Kingdom and our witnesses this morning are Professor John Denham and Professor Michael Kenny. Welcome to you both.

You have both written quite a lot about the England question, which is not a reference to last night's football, but you have both been quite vocal in your views. Can you start this morning by giving us a very brief overview of where you are coming from on this issue.

Professor John Denham: Thank you very much and thank you for the chance of giving oral evidence. Briefly, I think there are two problems. One is that within the union at the moment England is badly governed, so England, a nation of 55 million people, has no machinery of government. It is governed variously by government union departments, some of which are union-wide, some of which are England-only, and some of which are England and Wales. That gives us no coherence to the government of England.

Secondly, it is the most centralised nation in Europe, if you measure it for example by how much money is raised or spent at subnational level.

Thirdly, it obviously has no national expression of national democracy, which is a problem not just in formal democratic terms; it means that, unlike the other nations of the union, there is nowhere where England can imagine itself or discuss its future as a 21st century nation.

One set of problems is that England ends up being badly governed. The second problem, which we will perhaps come back to later, is that at the moment England's Government provides the union Government that governs the union as though the union is the extension of England, rather than taking into account the views of the other nations. The other side of the problem is that, on the one hand, England is badly governed, and on the other a union Government based almost entirely in England act as though the interests of the other nations are secondary.

Professor Michael Kenny: I would go a little bit further back to indicate my interest in this topic. For some while I have been working on questions about English identity and, going right back to the mid-1990s, the question of whether people were hanging more on a sense of English identity. I think there were different reasons why they were starting to do that. Then we move about 10 years later into the mid-2000s and you begin to see some political expressions of English identity, which I certainly think predate Brexit and more recent events. Englishness in a sense becomes a force that has some political dimensions to it as well as think a cultural resonance for many people.

I think those trends bump into the issues of governance that Professor Denham has just elaborated. Now one of the interesting questions, and an important question for the future of the union, is how the English feel

about the union of which they are a part. Most of the emphasis in the politics of the union is, of course, placed on developments in Scotland and what is happening in Northern Ireland with the protocol.

It seems to me that the somewhat neglected and absolutely crucial question here is what the English feel about the union, which in some ways they are only waking up to and beginning to engage with. I think there is a very interesting question about whether the English feel passionately involved and engaged with the union or to some extent remain indifferent towards what happens in those other parts of the country.

The Chair: Professor Kenny, you are saying in some respects it is only just beginning to get through in England, but you are saying that it started in the early 1990s, which is pre-devolution.

Professor Michael Kenny: Yes. I think there is pretty clear evidence about feelings of Englishness, as opposed to Britishness, because of course in England it has long been and still remains the case that many people see the two identities as interchangeable. Thinking of football, it was at the Euro 1996 football tournament, before devolution, that people began to pick up the flag of St George and to wave it and to find meaning in those expressions of English identity.

On the point about waking up, looking back at the introduction of devolution, one of the striking things now in hindsight is the extent to which devolution was always framed as an issue for other parts of the country. The English were just not particularly engaged by their politicians in those debates and discussions. For many people in England, I think devolution is still poorly understood. Indeed, I suspect that many people will have been quite surprised, if not shocked, by in the context of Covid the realities of devolution in terms of the kinds of powers that different Governments now hold.

Q31 **Lord Sherbourne of Didsbury:** Good morning. I want to direct my question to Professor Denham, because I read his submission to the committee with great interest. He covers two areas in his report. One is the nature of the centralised Government in England, which creates particular problems, but I want to focus my question on the other subject that Professor Denham raised, which is the position of England in the current devolution settlement.

So long as we have English votes for English laws, what are the practical—I emphasise practical—downsides and problems for England in the current devolution arrangements? What practical effects has it created for England?

Professor John Denham: I would make a number of points. The first is that English votes for English laws does not create a voice for England, or a national forum. One only has to look at *Hansard* in the House of Commons to see that England as England is never discussed. I think that is a real issue. I often find in my work on English identity that I get the challenge, "Why is so much of English identity tied up with ideas of England in the past?" To some extent, that is because, if you are not

allowed to debate the future, as they do in other parts of the union, you get stuck with your symbols of the past. EVEL does not provide that space for national debate.

The second problem is that there is no government of England. Nobody sits down and says, "How do the various policies of different parts of government create a politics and a policy for England?" The Marmot report this morning on Greater Manchester health inequalities, for example, is a very good example of two things. It shows that we have a lack of joined-up government in England that can deal with complex problems, and it shows that the centralisation of England leaves somewhere like Greater Manchester without the resources and the powers devolved to local level to enable it to make progress on those issues.

Centralisation therefore has a double effect that means that, first, we do not have joined-up policy for England as a nation and, secondly, we do not get devolution within England because there is no machinery of government to devolve it from.

You could also say that, because the Prime Minister is effectively First Minister of England and the Prime Minister of the United Kingdom, the Prime Minister never has a focus on England as a place of policy and political delivery, because the Government's attention is so much on the union. England suffers by neglect, I would say, and unfortunately that has got worse in recent years, partly because the politics of this Government are quite centralising, which has enabled Whitehall to seize power back and say, "Yes, we think government is always best done from London by people who know what they are talking about". We have to challenge that culture of the union state as well.

Lord Sherbourne of Didsbury: I can understand the point you make about the problems that arise from centralisation, and you have various proposals for dealing with that, but could those problems be dealt with within the current devolution arrangements?

Professor John Denham: I have looked for a long time at what happened with RDAs when I was a government Minister under the new Labour Government, and I have looked at the devolution deals that were brought in by the coalition Government, which I think are now slipping out of favour. The reality is that none of them successfully shifted power and resource out of Whitehall on the scale that was needed. I think that tells you something about failure at the centre of government. Yes, of course, Lord Sherbourne, in principle it might be possible under the current arrangements. It seems to me to be very unlikely to do that, because there is no coherent machinery for government at the centre. Some reform at the centre is, I think, a precondition to the sort of devolution that England needs.

Q32 **Lord Dunlop:** Good morning. The historian, Sir Tom Devine, has argued that the Anglo-Scottish union has been largely stable and successful for most of its 314-year existence, because England is dominant in terms of size and weight within the union but has never sought, for the most part,

to dominate. Do you agree with that assessment? How strong do you think the dissatisfaction is within England for the way it is governed, and how real is the risk of England being more prepared to flex its muscles in the absence of changes to the way it is governed?

Professor John Denham: There is a lot in that question. If I could pick it apart a bit first, I think that historically, for a large part of the period, Sir Tom Devine's observation is correct. But the idea that England could be subsumed within the union began to become problematic as soon as the unitary state that was forged after the Second World War began to feel the strains of Scottish nationalism and of national aspirations in Scotland and Wales.

We have switched, if you like, from a position where you kept the union going by not allowing England its own national identity to a situation where an England that dominates the union by virtue of delivering Government who only win elections in England is now the problem. In other words, to keep the union going now we need to give England an expression, whereas it may well have been a truth in the past that you did not need to do that or should not do that. That is the first point.

The second point is twofold and is about views in England. My own view is that the evidence suggests that the people in England and particularly those who emphasise their English identity have quite strong views about wanting, for example, English laws to be made entirely by English MPs. They tend to be more in favour of a Parliament than against it. They want England's issues prioritised over those of the union. These only occasionally come to bear in politics; they undoubtedly did so in Brexit and have done so in recent elections.

There is no seething dissatisfaction perhaps about the way England is governed at the moment, but there is a big dissatisfaction in the rest of the union about the way in which an English-based unionist Government are conducting themselves. England's contribution to the current problem is that it is electing an Anglocentric British nationalist Government who are alienating other parts of the union. I might say, Lord Dunlop, that you captured some elements of that in the report that you produced recently.

The political expression of Englishness is certainly creating problems for the rest of the union at the moment.

The Chair: Professor Kenny, do you want to add to that?

Professor Michael Kenny: Yes, if I may. I have two points. I agree with Professor Denham's account. I would add, though, that I think there is dissatisfaction in parts of England with London-based government, if I can put it that way. That is one of the strands that has been a driver for an upsurge of a sense of English identity. It is not the only one. but I think that is part of the story.

In that sense, parts of England have become much more like other parts of the country in their perception of how governance in the country works and the perception that the Government are too biased towards the interests of London and the south-east region.

On the Anglo-Scottish union, I certainly would not want to challenge Professor Devine's account of it—I am sure he is right—but I think it is important to see that historically there have been recurrent moments of English anxiety, if not occasionally hostility, towards the view that Scotland has become too influential at the centre of government. That is something that you can see in the recent past in the new Labour period, but certainly has historical precursors.

The West Lothian issue becomes the contemporary form that that issue takes. There was real irritation, and a sense of grievance actually, when during the second Blair Government's term some controversial legislation was passed that only affected England because of the whipped vote of Scottish MPs.

I think that sense of mild irritation at the perception that the centre of government is too open to or too minded towards the interests of Scotland has rumbled along. I agree with Professor Denham that this is not a raging hostility, but there is a sense of irritation and grievance there which, connected to my first point, means that in certain parts of England there is quite a deep discontent with the territorial sense of which interests are being given most of a hearing by the centre of British Government.

Q33 **Lord Hennessy of Nympsfield:** Can I ask you a two-part question? The first is a Nye Bevan question. Remember he famously denounced opinion pollsters as taking the poetry out of politics. I know that measuring the emotional geography, which is very hard to do at the best of times, is almost beyond the reach of even the most sophisticated polling, but Mike has looked at the history of all this. Is there a benchmark or two that you could help us with when, in England, we have slipped into a position in many people's minds of indifference or hostility towards the union, a good-riddance one? Do you think there are crucial moments, or are we approaching that now? I will follow up with a second question in a minute.

Professor John Denham: Perhaps I can give an anecdote to measure the change. I first met Lord Dunlop when we were both in different ways supporting Vosper Thornycroft's warship yard in Southampton in the 1980s to win orders. At that time, although there were national differences, this was very much seen as British warship yards competing for orders for the British Royal Navy. By the run-up to the referendum in Scotland, when all the remaining warship work was taken away from the shipyards down south to put them on the Clyde, that was absolutely seen by everybody in the Hampshire area as a political sop to Scotland to keep them in the union. The idea of British shipyards and the British Royal Navy had gone out of the window. If I can give you a 20-year period of time in which those attitudes changed, that is my anecdotal example, perhaps.

Professor Michael Kenny: I am delighted that Professor Denham went first so that I could gather a better answer to that question. There are some different moments that I would want to pick out. Let me very briefly mention three. The referendum in the north-east in 2004, while

not directly about the future of the UK or devolution, was a very important moment. It was when Labour presented its plans for a model of regional devolution, and against all the odds, it seemed, that was voted down by the people who turned out for that poll.

It seems to me that that was an important moment, because that was the beginning of a process that we are more familiar with now, which is partly about Labour's relationship with part of its working-class base, but is also about a perception that the model of governance that worked in London, effectively—a vision of England as perhaps carved up into regions—did not enjoy popular support. I think that was important.

I think also of the 2015 general election; you will remember those images of Ed Miliband placed in Nicola Sturgeon's pocket. The current that shot into that general election campaign brought home the extent to which some people in England are concerned about the prospect of having a Government who would be dependent upon, in this case, a nationalist Scottish party. It was very live. It was possible to bring that to the surface of politics.

My third moment is Brexit. I think it is quite clear, and polling has shown this since 2016, that for a large number of English Brexit-supporting voters delivering Brexit is a more important priority than necessarily what it might do to the UK union. That is a price that a large number of people are prepared to pay.

Q34 **Lord Hennessy of Nympsfield:** My final question is a Gladstonian one. You will remember that in the 1880s he looked at and talked about the need for home rule all round. If we do a Mr Gladstone this morning, what do we see? We see dissatisfaction all around the kingdom, for different reasons of course. Do you think that we have already separated in the mind as a kingdom?

Professor John Denham: I think we need to see ourselves as on the transit train from a unitary state, the one that was created very largely after the Second World War, towards a union of nations. It seems to me that trying to reassert the union over the nations will not be possible politically. We need to reimagine ourselves and say that there are very good reasons to maintain ourselves in union as a voluntary union of nations, or nations and Northern Ireland if you prefer. We are at an uncomfortable place within that at the moment, where the union has lost its power to be the decisive thing that defines us, but we have not yet had the imagination to see where that can take us.

One of the things that worries me a lot at the moment is that the future of the union is defined by the task of persuading a majority of Scots not to vote for independence. That may be achievable, but if we end up with a situation where most Scots would like to leave but a significant number do not think they can, where rising numbers of people in Wales, particularly young people, are intrigued by independence, where the community politics of Northern Ireland continue to play out post-Brexit and where a good half of the people of England do not really care whether the union continues or not, this will not be a happy kingdom. So

we have to find a new basis to be together and a new sense of purpose that makes sense for the 21st century and not for the 19th or 20th.

Professor Michael Kenny: It is important to remember that the union has always meant different things to the different parts of the country. I am wary of attempting a simple answer to your question, Lord Hennessy, because I just think that what unionism means, what its roots are, what are the objects of its attachment, are quite different in Scotland, Wales, Northern Ireland and England.

That said, I wonder if the problem is more that the union of the heart is what has declined here. I think people's sense of a quite deep-rooted sentimental, almost unspoken attachment to the union, which certainly in my lifetime I remember being a stronger force among my parents and their generation, is what has dissipated, and that what we are left with is a union that has to be forged through the mind, has to be presented in perhaps a more instrumental way or discussed and presented rationally to people. As we know, that is not as emotionally appealing to some people as is the lure of independent nationhood. It seems to me that it is the depletion of those stocks of emotional capital for the union that is part of the problem here.

The Chair: Lord Dunlop, shall we go back to how that dovetails into your questions?

Q35 **Lord Dunlop:** I have a question about English votes for English laws, but perhaps I could slip in a supplementary to Professor Denham before that. You argue in your evidence that one of the aims of a reform is to constrain the ability of England or an English-based Government to act on behalf of the union as a whole. What are the practical implications of that? Does it imply that union-wide policy can proceed only if all parts of the UK agree, and what happens if they do not?

Professor John Denham: The first thing to say is that we need to understand that we need a change from the winner-takes-all, first-past-the-post culture of our politics. If you are going to have a devolved polity, leadership depends crucially on respecting others within the system who have their own autonomy and their own legitimacy, and leadership becomes one of managing those relationships, not simply of saying that the union Government decide and that is it. Of course those tensions are there, and we are never going to get away from the fact that England is by far the largest, and at the moment wealthiest, part of the union and is likely to have more say than others.

I think there are things that we can do to bring those relationships out into the open honestly. In practical terms, obviously the Supreme Court came to a decision about the Sewel convention, but I do think that we need to find ways legally of guaranteeing the rights in their devolved areas of devolved Administrations—and, indeed, of England itself in my model.

I would like to see a UK Cabinet in which the nations are represented. I think it is utterly anomalous at the moment that the Secretary of State for Education for England sits in the United Kingdom Cabinet and tries to

issue instructions to Scottish schools about which songs they should sing, but there is no representation of those who are responsible for education in Wales, Scotland, Northern Ireland and the union Government.

Why do we not imagine a system in which the Cabinet only has people in it who have union-wide responsibilities, plus the First Ministers of the nations, to imagine operating government as though the different parts of it work? Will that resolve the tensions you raise? No. Does it give us a better chance of resolving those tensions and working out the best way forward? I am sure that it does.

Q36 **Lord Dunlop:** Thank you for that, and I am sure others will want to pursue that further. Coming to English votes for English laws, there was a report in the *Times* recently that the Government plan to revoke the EVEL procedures in the House of Commons. To both of you, what do you make of this development, and do you think there are ways of improving the working of EVEL as an alternative to revocation?

Professor John Denham: I am going to suggest Professor Kenny goes first, because he has done all the serious academic work about EVEL. Then I will make more political comments, if I may.

Professor Michael Kenny: Thanks, John. Can I very briefly go back to the question you asked Professor Denham, Lord Dunlop? On the question about whether disagreement will be with us, and whether it is possible to imagine a UK and a system where there is no disagreement, of course not, but it does point to one of the structural problems or institutional weaknesses of our model of devolution, which is that we have not attended seriously to building a machinery to bring the different Governments and Heads of Government together. As you know that is a much more typical feature of other systems, which have various kinds of decentralisation within them. It does seem to me that some of the very public rows that we have had about both Brexit and Covid might to a degree have been mitigated or handled differently had such a machinery been in use and a culture of partnership working built across it.

Let me turn to EVEL. I was somewhat surprised to see that report, and it does appear that the Government are looking seriously at revoking EVEL. The surprise is that this is a Conservative Government, and it was a fairly recent Conservative predecessor Government who introduced EVEL, in part because they thought that the West Lothian question, one of the structural overhangs of the model of devolution that we have, needed to be answered. I think the current Government at the very least need to explain why they think the West Lothian question no longer needs to be answered in this particular way.

If the underlying motivation is that this is a potential irritation to Scottish nationalists and that this may be a way of winning some people back to the union cause, that is a surprising view, because EVEL has very little salience anywhere in the UK and has been raised as an issue only by a handful of SNP MPs.

I suspect that the underlying motivation is the different view: that this is a way of rather symbolically indicating the Government's disquiet with the principle of legislative consent, which of course is expressed through the Sewel convention in relation to devolved Governments. EVEL was set up in part to mimic that process; it does it imperfectly, but it is a simulacrum of legislative consent.

It does seem to me that that is quite a major step to take, and I think the Government would be well-advised at least to look hard at how EVEL has operated. As Professor Denham says, I have done quite a lot of work looking at this operation, particularly in its first two years, and while it is certainly true that EVEL is very complicated and is not loved by many MPs, it has succeeded in the sense that it has not been a problem and has not really got in the way of legislative outcomes. Of course, it is also there potentially to address what could be an existential issue in British politics, which is that we have a Government who do not carry the support of the majority of MPs in England and try to legislate on English matters.

I think it would be very helpful at this point to hear more about the Government's reasoning and to be reassured that they are committed to evaluating how EVEL is operated.

Professor John Denham: I think in the short-term it has little practical impact, because EVEL has not made much difference to Parliament, it has not given England a voice. It does, as Professor Kenny says, make it easier for a non-Conservative, non-English majority Government to govern, although possibly not that easy.

I think the symbolic and political importance is great. It is a clear sign that this is an Anglocentric British nationalist Government who want to assert the unitary state and, within that, the idea of a separate political representation of England makes no sense. It does potentially open up a wider debate about England than we have been having, because if the Government are taking us in the direction of saying, "We don't want any representation or manifestation of England within the constitution of the union", it possibly opens it up to others to take a different view.

Mention was made of opinion polls, and, interestingly, the one change to the constitution that has always had a majority of support in every opinion poll for 20 years has been the idea that non-English MPs should be excluded from making English legislation. If we ask how we take things forward differently, for example, I would say that I have long been a supporter of a dual-mandate Westminster. A bit of me would like to wake up tomorrow with an English Parliament, and there are many practical reasons for that, but going there in one fell swoop is impossible. A dual-mandate Westminster in which English MPs sat on occasion to determine English legislation and to discuss English affairs would be in tune with English public opinion and would not ruin the constitution of the union. If I were going forward from EVEL rather than backwards, that is what I would propose.

Lord Dunlop: Do you think that the fact that EVEL has not created that voice for England is a matter of political choice rather than the structure

of EVEL? You have England-only MPs, the Committee stage, and legislative Grand Committee. The fact that particularly that latter stage has not been used to have a debate about England-only issues is not to do with the structure. That is a choice that has been made.

Professor John Denham: In part that is true. I accept that. In part, that reflects the fact that the culture in Westminster is somewhat out of step with the English public. The political party that I represented in Parliament, the Labour Party, will always talk about Britain when it means England. There is very little political culture of addressing England as England, even though millions of people in England talk about England as England as a natural part of their everyday life and conversation.

The interaction of constitutional structures with political cultures is what makes constitutions behave the way they do. In a sense, EVEL, had it been set up as a dual mandate in Westminster, would have had a bigger impact on the way things were discussed than the procedures that we have at the moment.

The Chair: Do you not think that people think of themselves as British?

Professor John Denham: In England, the largest single group of people think of themselves as equally English and British. These days, about a quarter think they are more English than British, and about a quarter think they are more British than English. The truth is that four out of five people in England think that they are English. Being British is not the dominant identity in England. It may be very slowly getting there as a younger generation grows up that is more British than English, but among the voting public there is more Englishness out there than Britishness. To the extent that liberal cosmopolitan Britishness is quite different from the Britishness of the Englishness in Britishness, which is very English in its characteristics, I think we could say that England is a country that is significantly more English than British at the current time. How that will evolve in the future we will have to see, but that is where we are at the moment.

To think that we can use Britishness to talk about England as a place that has its own health policy, its own higher education policy, its own social care policy, and Britishness as the union and as Britain, the island of Britain, is a great confusion that does not help us. We need to talk about England as England.

Q37 **Lord Howell of Guildford:** I understand a lot of your analysis, and I totally agree that there is an obvious need for a better union. I know that begs a lot of questions, but what you were saying to Lord Dunlop does, I confess, worry me a lot. Does the proposition that England's place within the union should be explicitly and legally recognised in government and in Parliament not do the opposite of what we are all trying to achieve? It emphasises more vividly than ever before the disproportionate size of England vis-à-vis its two very much smaller but lively neighbours, two nations, on the island of Britain.

Does it not go right against the basic fact that we are in a melting pot and we have been for 300 years? Your analysis of the difference between

Englishness and Britishness does not, I think, stand up to any five-minute visit in a chat in the street. A lot of people, millions of families, have somebody of Scottish connection, or Welsh connection or Irish connection, and this has been the mould that has managed to shape Britain for the last 300 years and enabled this disproportionate factor somehow to be balanced out.

I am left wondering whether you realise where your ideas will lead. I am thinking of the phrase, "What do they know of England that only England know?"

Professor John Denham: Those are very challenging questions, but I could try to take them in turn. I believe that the way in which England is subsumed within the union Government is now the problem for the union, not the solution. Whatever may have been the case in the past, once you get a Government, as we do at the moment, who do not win a majority of seats in any part of the union other than in England and who then choose to have a very English view of the interests of the union, as was manifest in the way Brexit has been implemented, the Northern Ireland protocol and the internal market Bill, what you see is the dominance of England expressed in the name of the union.

You could argue that that was the case in the 1980s under Mrs Thatcher's Government, who were an English Government. The difference then is that you had British politics; there was no separate representation of Wales and Scotland, Labour was strong in Wales and Scotland, and Labour looked as though it could win in England and form an alternative union Government, which is what happened.

Since devolution, British politics has died, in the sense that British politics is the same two major parties fighting with varying success in England, Wales and Scotland. That has not been the case for three general elections. Different parties have won the majority in each nation in the last three general elections, and without being too pessimistic from my partisan point of view I do not see that changing in the very short term.

Now the problem with England's size is because it dominates the union, so delineating England is, I think, the single most important reform to save the union.

In terms of Englishness, you can argue this, and I do in part when I talk about identity, but my paper does not talk very much about English identity. That has come up in this discussion. There is also a practical, democratic issue. England now has no Government, but separate policy. Until 1997, England was part of the same unitary state and probably did not suffer too much from it in terms of getting its way. Now it has a separate health policy, separate education policy, you name it, but no Government and no system of national democracy.

That is an untenable situation, so I would make the case for England at least as much as a civic and democratic case. I would also pick up your very important point about identity. There is no forum at which the future of England is discussed, so we do not resolve these issues.

Indeed, there is danger at the moment of a polarisation in England between those who are more British than English and who represent one set of values and one set of demographics and one set of cities, and those who are more English than British who are in other places, who are different demographics. Enabling England to imagine itself for the future is critical to all this.

I entirely understand the points you are making, but I have reached the opposite conclusion about how we take things forward. The England problem is now best resolved by bringing it out into the open, not hiding it within the union.

Professor Michael Kenny: I think devolution changed a lot of things and it is important to have that to the forefront of our minds when thinking about this. The question about where jeopardy lies here is partly a question from a unionist perspective. Does it lie in giving some acknowledgement or some form of recognition in this case to England, the largest part of the UK, or does it lie in denying that and carrying on a tradition, which has been a venerable tradition, which rests heavily upon what I would call the elastic of English tolerance, which connects I think to the point Professor Devine has made about the Anglo-Scottish union? I think that elastic has frayed considerably for different reasons in the last 20 years, and it could now be very risky from the English perspective to assume that the English are prepared to think about the union and devolution as only being something for other people in the way they perhaps once were.

More generally on English sentiment, it is important to see that there are some important shifts under way at the popular level. How English people think about their own nationhood does seem to me to have changed in quite important ways. I do not subscribe to the idea that there is an English nationalism afoot that is about to break the union apart, but I do think there is plenty of evidence to suggest that many people in England are of the view that England ought to be given more than just cultural recognition, that there ought to be some kind of protection for English interests, which is what EVEL was trying to address, and that, perhaps more than that, there should be some sort of recognition of, a catch-up with, the realities of the post-devolved governance, which is what Professor Denham has been describing.

It does not seem to me that the English are champing at the bit to break the UK up, but I think they are becoming more engaged with the realities of the union as it is currently constituted and are perhaps more dissatisfied with some of the things that they find. It seems to me that the direction of travel that we were moving in prior to the last Government was that we would try to manage that process of giving a degree of protection and recognition without upsetting the whole apple cart. If the current Government are set on reversing that course, I think they need to consider carefully exactly what the implications of that might be, given that it would put them at some distance from I think where English opinion lies.

Lord Howell of Guildford: I do not think it is like that. I do not think

this difference between past and present Governments is quite as you describe. Professor Denham, you have been in the Cabinet, and so have I in the distant past, and you will remember that we spent a lot of time, as did our departments, worrying about what was happening in Wales and Scotland and having to aim off from the more narrow desires of the English to do what the English wanted.

I feel that you are confusing the grievance culture, which of course has always been there and has been vastly amplified in the digital age by the cell phone, the iPad and all the rest, and by the internet, and giving that a huge political prominence that it does not quite deserve. These are problems that have to be dealt with, grievances that have to be addressed sensibly, but that does not mean that you should start redefining and breaking up into fragments the explicit national sentiments, which you want to do. That is a worry that must be in most people's minds when they hear what you have to say.

Professor John Denham: If I may, Lord Howell, I think that our different Cabinet experiences are captured at different moments in time. In the Conservative Governments of the 1980s and early 1990s, what you say probably is true, and that as a union Government—you were there and you would know—they took those sensitivities into account.

I think I can reasonably say that I was in government at a period when the phrase "devolve and forget was invented—I do not know whether it was Lord Dunlop who invented it—but the practice of devolve and forget became quite a dominant feature of government. Of course, it tended to happen certainly in the early years of the Labour Government, because Labour was in power in Scotland and Wales, so things could be sorted out through party relationships, not formal constitutional relationships.

Once you get back into a position where you have a very powerful union Government whose majority depends entirely upon England and the representation of Wales and Scotland is of different political parties, the dynamics are very different. Some things can be done better to improve the machinery of government and liaison, but I do not think those will be sufficient to get us out of the problem that we are in at the moment. It seems to me that the status quo is a threat to the union. If my proposals sound radical, it is as much as anything a belief that staying where we are means that we will end up losing the union.

Q38 **Baroness Suttie:** I have a specific question for Professor Denham. Do you think there is public support, and indeed support from MPs, for what you are suggesting? The question to both of you is: do you not think there is a danger that although there is clarity on the problem there is a lack of clarity on the solution to these issues?

Professor John Denham: Let me put one big caveat. There is very little public debate about these issues in English politics. Unlike Wales, Scotland or Northern Ireland. where issues of the constitution and identity are a staple of daily discussion, these things are not discussed. We have to be cautious about saying what the public want.

What we do know is that for 20 years a majority of people in England, not just the people who feel English, want English laws made by MPs who come from England. A step in that direction would be popular, and the polling when David Cameron first proposed EVEL showed huge public backing for that particular reform.

I think that issues such as a more coherent machinery of government for England, particularly if that leads to devolution within England, as it should, would be with the grain of public sentiment.

You asked a separate question about whether MPs are in tune with public opinion on these issues. My experience is no, generally speaking. Most MPS from England have traditionally been very wary of getting into this territory, largely I think for a reason that Lord Howell summed up very well—a fear that this would open a can of worms that might make things worse rather than better. As the tensions in the union have unfolded, the need to make change becomes much more apparent than perhaps it did 10 years ago.

Professor Michael Kenny: On the question about a lack of clarity on solutions, absolutely there is. I echo the point about the absence of a sustained conversation in England with English people about these sorts of issues. That has been a very marked feature of how we have conducted our constitutional life, and that could come back to haunt us.

On solutions, part of the problem here is that some of the solutions that have been proposed are what I would call very big bang solutions. You will hear people talk about having a federal model, a very radical remake of the UK system. That is fine; we should be debating different kinds of solutions. It seems incumbent on those people to show us how we might get there. It also seems that there is a lot of talk about that kind of solution without addressing the major challenges and obstacles that lie between where we are now and getting to that point. I am very unconvinced that in the level of public opinion in England there is a real appetite for turning the UK into that kind of federal system.

We therefore need to think about solutions in quite practical terms. There are changes that we talked about—to the machinery of government, to culture—which pick up on Lord Howell's point, and the question of whether as a British Government we have enough of an all-round perspective on the UK and whether there are enough connections between Whitehall, Westminster and the different experiences and outlooks of people in different parts of the country is a huge challenge that we ought to be thinking about. I am of the view that we ought to understand the problem a bit more deeply before we reach for solutions.

Q39 **Baroness Drake:** Distinguishing between the causes and the symptoms of discontent can be quite problematic when you are looking for efficient solutions. For example, it could be argued that the view among some people that devolution has disadvantaged England could be a symptom of a deeper underlying problem such as the regional inequalities and access to financial resources, economic activity and power, which of course are not caused by and in fact predate devolution, but devolution

becomes a hook upon which there is a stronger articulation of that discontent. Both of you are very strongly arguing that the solution must include quite a heavyweight delineation of England within the constitution.

To what extent does explicitly recognising England's place within the union, or in not so recognising it, create or heighten the risks to the future of the union?

Professor John Denham: My view is that the risk of not doing it is that a Government rooted in England continue to act as though they speak for the union as a whole. At the same time, England remains with a very poor system of centralised government with limited or non-existent democracy in a bad machinery of government. Delineating England is the way both of restraining English pretensions to say, "We speak for the union" and of getting the best government for England. I think it is crucial to do this.

I think that we do it step by step. I do not believe in big bang reform, but I think that there are things you can do over a period of time to improve England's machinery of government, to delineate English affairs more clearly within Westminster and to include better representation for all the union within a union Cabinet, for example, as I propose in my paper.

Yes, I am proposing a radical vision of where we go in the future, but possibly rather strategic incrementalism in the way we approach doing it: we make reforms and let them bed in, and then we see what, if anything, needs to be done next.

Professor Michael Kenny: I am very sympathetic to the idea that there are different problems at stake here. If we want to understand the source or the causes of English discontent, we should look in various directions, and I agree that one of them would be the very entrenched issue of regional inequalities.

I think the problem is that people's feelings about those have become muddled up with or intertwined with their feelings about governance and where power lies within the country to which they belong. An issue that I think will come to the surface in some shape or form is the Government's levelling-up agenda, because the question whether you can deliver a very ambitious-sounding programme like that without some delivery architecture that involves local partners and perhaps some sort of devolved system will be a very live policy question, and they are bound to hit that question, however they answer it.

It seems to me that that is where we are with this, and that it is very hard now to separate these things out and say, "We'll just treat this as an issue of regional inequality", not least because dealing with regional inequality is so difficult. I think governance has become part of the story. I do agree that not all the causes of English discontent are constitutional in character.

Secondly, I am not sure that heavyweight delineation is what I am proposing. What I am proposing is that it is important that we look much

harder at the problem of English consent and that we no longer take it as a given that the English are comfortable with the model of the devolved union that we have reached. I do not think we are in a position to say what the English want, for the reason I gave earlier: we have not had that sustained conversation or debate. I am urging that we think harder about it and take a bit of time.

Here I am with Professor Denham. If we pretend that the problem of consent is not a major issue in our policy, I suspect that is a road to greater jeopardy in the management of the union.

Q40 **Baroness Drake:** On this issue of English interests being seen as dictating union interests, if you delineate an English Cabinet and an English Parliament and you are in a country where the ratio of the English population to the Scottish population is 10:1 when dealing with cross-union issues, why would that stop the geographic and numerical dominance of England still influencing unionist policies? How do you know that it will produce that outcome? It may increase that outcome because you have so strengthened the English identity that it becomes more assertive across union issues.

Professor John Denham: My view is when Kilbrandon opposed the idea of delineating England in the early 1970s he said that the constitution would be so unwieldy as to be unworkable. However, I think that is a pretty good description of where we are at the moment with the current constitution. We have at the moment a Government who have a majority of over 150 in England but a majority of under 90 in the United Kingdom. They are a Government rooted only in England. They insist repeatedly that their English view of what is in the interests of the union predominate, despite the views of Wales, Scotland and Northern Ireland.

The Northern Ireland protocol could only have been negotiated by an Anglocentric British national Government that put England's interests in Brexit ahead of those in the union. The internal market Bill could only have been introduced by a Government who said that what England wants out of the return of powers from Brussels is what the union must have. England's size is dominating the union to the detriment of the union at the moment.

My view is that it would be a step forward to simply allow England to have its own national democratic representation, its own domestic policy, for example on all the issues where England already has separate policy, so that the union Government no longer sets English higher education fee structures, because why should it? Why are university fees set by the union Government when they are set by the Welsh Government and the Scottish Government?

You cannot do anything about England's size. It is my judgment, and I will be honest about it, that bringing England's size out into the open and developing much more formal rules of engagement and relationship between England, the other nations and the union will make these problems easier to resolve rather than harder. This is a reversal of the received wisdom of people who have looked at the constitution over the

years, but that is because of this accumulation. The end of British politics, the effects of devolution, the fact that we have separate policy regimes now means that we need to address these things in a different way.

Q41 **Lord Howarth of Newport:** I would like you to explore a bit further a line of thought that Professor Kenny began to develop a few minutes ago. I think we all accept that there is a crisis across Britain of disaffection from Westminster and Whitehall and that the future of the union is at risk. Professor Denham, you are proposing radical, large-scale institutional reform. How feasible will it be to achieve this, even in a step-by-step approach? If we look at attempts to achieve relatively minor constitutional reforms, electoral reform or reform of the House of Lords, we see that they run into the sand. How much more likely is that if you have a grand blueprint for a new constitution? Should we not perhaps be looking for a solution that is attitudinal rather than institutional?

If the problem is greedy centralisation driven by the Treasury, which is a department possessed by control-freakery, and by an ungenerous, self-aggrandising House of Commons that is disrespectful of local government and jealous of any power that may be devolved to the nations and regions, should the solution not be for Whitehall and Westminster to let go, and somehow to persuade them to do so, to allow autonomy to flourish? The forms of local democracy would be less important with a new willingness to allow autonomy. Or has the loss of belief in the union—the union of the heart, as Professor Kenny called it—gone so far that it is beyond being retrieved by an improvement in etiquette?

Professor Denham: I am not proposing a constitutional blueprint precisely for that reason. I was in the House of Commons for 23 years, and in all that time it has never been agreed that a majority of the House of Lords should be elected. It was never achieved. Even one simple thing that most people agreed on could not be achieved. I think you can take these incremental steps. You could reform Westminster procedures. You could reform the Civil Service to create a machinery of government for England. You could have a Secretary of State, a powerful figure, co-ordinate that work. These are more achievable, but I very much think that you take it in stages.

There are two things. On attitudes, absolutely we need political leadership that has a 21st century reason for there being a union; we cannot have a union because we have an empire. We are not going back to the sort of union we had after the Second World War when the Attlee Government created a centralised unitary state. There has to be a 21st century reason, and that seems to me to be the political leadership that says there are things like zero-carbon transition, a post-Brexit economy, and social inclusion that we can achieve better as four parts working together than as a single one. Yes, without a vision as to why we should have a union, the union cannot be saved by any type of constitution and it will fall apart. Do we need some changes that go along with that? Yes.

The third part of the question is: why do we not just do devolution within England? I am afraid the conclusion I have reached is that both Westminster and Whitehall are so wedded to the power that comes with centralisation and to the belief in the superiority of centralised policy-making that without shaking the system up you will not get devolution within England. Every time Whitehall does devolution it invents a system for getting local areas to do what Whitehall wants them to do. That was the same in the Labour Government through RDAs, and it has been the same with the Conservative Government through devolution deals. The radical direction of travel I want to go in is integral to making devolution in England happen. It has been talked about for so long, there have to be reasons why it has not happened.

Professor Kenny: On your first point, Lord Howarth, about the constitutional process and those types of issues, I think there is a more general issue there, which you will be well aware of. One of the challenges we face in our system—this is not necessarily a territorial issue; it is just about the absence of an agreement—is how we do constitutional change. In one sense, that is a feature of the British model of parliamentary government: we do it incrementally and we tend to do it when there is a majority of MPs in the House of Commons lined up behind the change. Even then, as Professor Denham says, it does not always come out the other end of the pipeline.

I worry in the current moment, particularly over these voting rules for the House of Commons, that if we move into a situation where the Government of the day decide on the basis of contingent political factors that they should change those rules because they do not seem to be having much of an effect, or if those rules touch on important points of principle, which I think we would all agree they do, we probably want a more rigorous, and to a degree impartial, process to consider when we should change those kinds of rules.

If the current Government, for instance, change the rules on EVEL, which you can do through a single vote of Members of the House, a future Government may decide that they will change those laws or reintroduce them. We enter rather dangerous territory on that particular issue.

On your second point about whether the answer is to have more localism and more local devolution, undoubtedly that is a very important set of questions in their own right. It is interesting to go to the realm of public opinion. Go back to opinion polls, which can be overused, I agree. It looks as though, while this discontent that we have identified is very real in parts of England, there is no overwhelming demand among the public at large for devolved government. It does not look as though there is a hugely enthusiastic mandate. There is some evidence that where devolved middle-layer government has been introduced, as for instance in Greater Manchester, people gradually become more used to it and grow into liking it. We may need to think about public attitudes in that way.

However, the trends that we are talking about here at the level of national perception, the perception of England’s interests, are much

stronger in the polling, whatever one makes of that. There is a question here about establishing a popular mandate for the kinds of reforms that we are trying to take. Then there is a separate question about how we do localism, because there are lots of questions, as you well know, about the appropriate geographical scale to which we devolve, and the right form that devolution should take.

The Chair: We will come on to that in a moment, I think. Moving on a bit, and coming back to some of those issues, Baroness Doocey has a point that she wants to bring in there.

Q42 **Baroness Doocey:** Yes. Do you believe that more significant reforms to the UK's territorial constitution are desirable, such as federalism or the proposed Act of Union?

Professor Denham: I have been involved a bit with the Constitution Reform Group, which I think has done a very useful job in setting out in a legal form what a new constitution might look like. However, I am really sceptical about the possibility of there being a single constitutional moment where we look at all these questions about Parliament, UK government, fiscal solidarity, the rights of nations, electoral systems, and all the rest of it, and everybody agrees a new document that is the way forward. That is the sort of thing that usually happens only if a country has had a revolution or has been invaded by somebody else who sets up a new constitution. I think we need to think of this differently.

I tried to argue in my evidence that if we think of the union in the future as a union of nations that come together by consent because of what they can achieve together, we should take incremental steps that move us in that direction. I set out some of those for England. I have set out some of the things that you could do about the way the UK Cabinet operates. I have set out clearly that there is a need to formalise more the relationships between the nations and the union Government because of the uncertainties now about the Sewel convention. This means a serious legal debate about the relationship between the Supreme Court and the things we are talking about. I think we are better to take a few steps, and then a few steps, and then a few steps, but always having in mind that what we are trying to preserve is not a union state that sits on top of and governs the nation but moving towards a vision of a union of nations.

If we can keep that vision in mind, we can take lots of sensible steps along the way, which over time rewrite the constitution, but perhaps in keeping with our tradition of doing it bit by bit, and then we begin to see the acts of devolution at the end of the 1990s as part of a process of change. Indeed, both of those have changed beyond recognition since the initial Labour legislation through subsequent legislation. We are used to this idea of incremental change, but we have tended to do it without a sense of direction. We have tended to do it each time saying, "This will solve it, and now they'll shut up and go away". We need to bring a sense of ultimate vision of where we want to be, and how that would be different from the union that we had two generations ago.

Professor Kenny: It seems to me that at least two problems stand in the way of the federal vision. One is the size of England, which we have referenced previously. Structurally that makes a federal model extremely difficult to realise. There has been an attempt to look through the history books and find parallel arguments for such a model, and I have not been convinced by any that have been advanced. That makes it a very structurally difficult option to take, even if we managed to generate the kind of consent that, as Professor Denham says, is perhaps unlikely.

The second problem, which is easy to overlook—this crops up in the context of an Act of Union—is the issue of parliamentary sovereignty, which is hardwired into our constitutional tradition and the way in which our institutions of government and parliamentary government operate. The Act of Union is a very interesting initiative, but it still makes the assumption, I think, that parliamentary sovereignty will still be in operation, which seems to me to sit in some tension with the idea that we are moving towards a model of self-governing nations. We would need to work through that.

More generally, that points to the extent to which parliamentary sovereignty remains an absolutely central feature of our system, and we would need to move in those directions to be making some very important choices about whether we wished to abridge or indeed even replace that principle.

This also seems to go back to the question of the model of devolution that was introduced by the new Labour Governments at the millennium. It seems to me that one of the most artful and fateful aspects of those reforms was a sense of whether this really changed the nature of sovereignty within the country legally and politically. That was completely put to one side.

There was a pretence that things would carry on as before, when a very different perspective on the nature of sovereignty has come to reside and sits within the different devolved governments. There have always been different perspectives on sovereignty within British politics and within different parts of the UK, but it is no longer sustainable to pretend that we can have those different perspectives institutionalised within our system of government. We need to start thinking very hard and having a conversation about parliamentary sovereignty.

Baroness Doocey: Just summarising, any of my friends who are politicians would, I think, agree with many of the points you have made both in your written evidence and today. I regularly speak to large numbers of people from a range of backgrounds, local groups and charities, and I must say that the only time I have ever known any of them to even think about the question of Englishness is when there are major football fixtures.

I am really interested in finding out where all these people are who are so concerned about better representation for England. I do not mean to detract from anything you say, and of course I totally accept that you are the experts, but why have I not met with any of them, despite the fact that I really do have a lot of involvement with a lot of groups?

Professor Denham: I recognise what you say. I think in part it is because there is a set of attitudes towards national interests, sovereignty and democracy that are strongly associated with ideas of England, but these are rarely articulated as Englishness in politics. If I can give you an example, of the people who say that they are more English than British, 70% voted leave. Of those who say they are more British than English, 70% voted remain. Nobody who campaigned in the referendum on either side came across somebody who said, "I'm leaving because it is the English thing to do", or, "I am remaining because it is British". But the ideas of sovereignty, of what should be decided by the nation rather than within the European Union, were incredibly compelling and powerful, and there has been an even more significant alignment of that sense of identity behind the current Government on the basis of its 2019 election victory.

We are in this odd position, which I entirely recognise, where these things are rarely articulated as an in-your-face thing, but they express a deeply held sense of who people are. Professor Kenny earlier said that there are many layers to this. In part, it can be resentment that prescription charges are not free, or that higher education fees are more. In part it is a sense that we come from places that feel English and have been marginalised in politics for a long period of time. In part, and there is no denying this, the people who say they are more English have been more concerned and perturbed by the impact of immigration over the past 20 years. All these things come together. That means, I think, that if we make these changes we cannot simply assume that people put all the flags out, St George's flags or whatever, and say, "Hey, we got what we wanted".

Professor Kenny has made the point that as we make institutional changes, we have to build support for them, as in Wales for example, where support for the Welsh Senedd is much stronger today than support for the Welsh Assembly at the time of the Welsh referendum. I think we can be confident, though, that making these changes would lead to better governance that people would recognise in their everyday lives, and that, ultimately, is the most important thing.

The Chair: Baroness Coston, you wanted to ask a question about sovereignty, but you may feel that your points have been answered. Do you want to follow up in any way?

Baroness Corston: Professor Kenny has certainly answered some of my questions, but Professor Denham has not. Professor Denham, does England's size and adoption of parliamentary sovereignty create impediments to reform?

Professor Denham: Yes, I think ultimately we need to imagine this as a union of nations, which suggests that sovereignty cannot rest solely in one place. I believe that. I think we started on that journey with devolution. There is a different concept of sovereignty politically in Scotland, and some would argue in Scots law, about sovereignty lying with the people, not with the sovereign in Parliament, as it is in Dicey and our constitutional traditions.

The only point on which I might respectfully disagree with Professor Kenny is that maybe we should not start from this question. Maybe the principle of parliamentary sovereignty will lie around long after it has disappeared in practice. In other words, you do not start with formally having a vote to get rid of parliamentary sovereignty, but every time you devolve power and you give people power as of right to exercise in a way that is not overruled by Westminster, you change the nature of parliamentary sovereignty. The idea of insisting on parliamentary sovereignty over the rest of the union in the way that is now being done, and that may have existed in the past, is a problem.

The Chair: That brings us to Lord Hope.

Q43 **Lord Hope of Craighead:** Thank you very much. I wonder whether the principle that no Parliament can bind its successor has a part to play in this, too. Whatever reforms you put in place are at risk of being undone by another Parliament with perhaps a different political agenda.

The point I would like to pursue with both of you is Professor Denham's idea of incremental steps. I can see that you can begin with the idea of delineating England, but as you are taking your steps along the road you will very shortly come up against the problem of regional differences. How can you tackle that without getting into the question that has been at least partly solved in Scotland of where the money comes from? Policies have to be expressed by the spending of money. In Scotland, we have our own rate of taxation, and we have our budget, and it is all very visible to us. I live in Scotland. Does your incremental step go that far along the line: the idea of an English budget for English matters, and possibly a rate of taxation for England that would be different from the rate in Wales, and so on?

Professor Denham: This is one of the areas where I will be honest and say that I am not sure I can answer all your questions as well as I would like. It is one of those areas I recognise. The difficulty is that in principle in a union of the sort that I would want, you would have a fair union-wide funding formula that included guaranteed levels of funding—whether you have regional governments is not the point—for regions of England, which you do not have at the moment. At the moment, you have guaranteed support at a certain level for Scotland coming from Barnett. You have no guarantees for English regions, and in the periods of austerity the poorer English regions lost out disproportionately within the English budget. That is where my vision would be.

That is an immensely difficult thing to do early on, not least because if you did it on day one you would almost certainly cut Scottish funding fairly quickly, and I cannot imagine anything worse for the maintenance of the union than bringing forward proposals for a union based on cutting the Scottish budget. In other words, that sort of reform, which in principle is ideal, is impossible unless you have a system of much greater trust between the nations and the union itself. You might need to find a way of saying, "Can we address some of the more egregious flaws of Barnett, which particularly relate to the funding of Wales, and on a needs basis to the poorest English regions? Can you do a political deal in which

there is no sense in Scotland of losing out, but which can address some of these issues?"

My guess is that, given how long Barnett has been around, changing the Barnett formula is not the work of a committee set up for a few months to come up with something different. It is a change in politics, as well as fiscal arrangements. But, yes, ultimately I would like to see a fair funding formula across the union, which, for the foreseeable future, means that England will fund the union. One of the things that is there to keep the union together is that it will be the surplus of taxes generated out of the south-east of England and London that enables the union to exist financially. That is part of what England brings to the table.

The Chair: Before I bring in Professor Kenny, in the interests of time I will call Baroness Fookes, because I think she wanted to pursue some of the other aspects of this same area.

Q44 **Baroness Fookes:** Yes, indeed. I want to look more closely at devolution in the sense of metro mayors/combined authorities, which is the nearest, I suppose, we get to English devolution. Do you have views on how successful that has been and whether we are able to take that further in the incremental steps suggested by Professor Denham?

Professor Kenny: Let me answer that one briefly, and then I will say something about money as well.

I think it is very important that we ask that question and attempt to evaluate how that particular innovation has gone. Metro mayors have been around for a few years. When they were first introduced, one of the sceptical arguments about them, one of the counterarguments, was that because of the geographical level at which they sit they would never become popular institutions. People would not relate to them and would not understand why they had this extra layer of politicians.

It seems to me that on that metric things have gone fairly well. If you look at measures like voter turnout at elections, that has gradually started to go up. I think that for many people, in all honesty because there is a fairly low level of understanding of those institutions, partly because they are new, the very public dispute between some of the city regional mayors and the Government last October over the handling of regional approaches and regional policy in relation to lockdowns has probably made those mayors much more salient and much more familiar to people.

At the level of governance, at the level of how well they have done, it is of course a mixed story, because there are different mayors in power and different political parties. The institute I run has looked at and tried to evaluate their performance. Overall, they have been remarkably successful within the tight constraints posed by having fairly limited powers and within the limited budgets within which they operate.

There are some very interesting policy successes there. We also found that those mayoral figures have a lot of what is called soft power; they are able to convene people within their area and able to promote that

region. Andy Street in West Midlands and Steve Rotheram in Liverpool do this very successfully, and externally as well. Some of the worst fears about those institutions have not come to pass.

Your question about whether the Government might not build out from the model they currently have is absolutely key, because at the moment this system is not even half built. I think 37% of the English population has one of these mayors. The rest do not and have no equivalent system of governance, other than their local council. That is part of the confusion, I think, of English governance, which Professor Denham referenced earlier.

There is a huge opportunity to build out from that model. It is a very complicated thing to do, and it depends in part on what the Government want devolution to be for. You will have read, as I have, that the White Paper on devolution has now been replaced by a White Paper on levelling up, so it looks as if devolution has been subsumed beneath the levelling-up part of this. It is a critical question, because I do not think it is clear that we can deliver all the ambitious policy goals of levelling up without having those equivalent figures in other parts of England.

Professor Denham: Let me add to that by saying that the next stage has to be the devolution of real power. I will go back, because it is topical today, to the Marmot report on health inequalities in Greater Manchester. In most European nations that are less centralised than we are, many of the issues devolution raises—from education, to housing, to economic development, to health provision itself—lie far more within the control of some sort of institution operating at the level of something like Greater Manchester.

Our relationships at the moment are entirely based on whether central government will agree with somebody that they should be allowed a certain amount of autonomy over these things for a limited period of time. The next stage has to be for English devolution to be much more something where areas can draw down as of right as they develop the institutional structures to deliver, not something as we have at the moment that can be taken away.

The levelling-up agenda so far has taken monies that used to be spent locally and is now making them Whitehall funds that are disbursed by Whitehall Ministers. We were in a position a year ago where there was a story about England that lots of people bought into of powerful city regions with clear leadership working with universities and business on a localised industrial strategy supported by central government. There were lots of people across the political spectrum, all the different degrees of scepticism, who bought into that. That story seems to be disappearing from the Government's narrative now. I fear that rather than building on what has been done, we are going backwards just at the moment.

Baroness Fookes: I assume from what you have said that proper funding will be key to any extension of the system.

Professor Denham: It is, and it is primarily about devolving funding that Whitehall likes to hang on to for itself. Whitehall still generally thinks

that probably a Minster in the Department of Health and a health service official can work out how to tackle health inequalities in Manchester. Those of us who have been Ministers have had the illusion of sitting behind a desk, pulling on levers that are attached to nothing whatever, and pretending that we are changing things in Cornwall and Cumbria, and we just have to change our culture at the centre.

Q45 **Lord Hennessy of Nympsfield:** It has been fascinating listening to you both today, because you have laid out beautifully, although slightly depressingly, the problem that at heart, I think, is how to reconcile multiple asymmetries between four nations, between central and local, between the patchwork quilt we have of local government, and so on.

You have offered us a range of possibilities. One is an oil can to the status quo. One is incrementalism, which is the way reform normally happens. One is an element of design, which we have an aversion to in this country. The other is a big bang. Listening to you, I am reminded of what General de Gaulle said in a moment of despair about France: that it is impossible to govern a country that produces 235 different cheeses. What you have outlined is the de Gaulle problem in the British context, but what do we do next? Constitutional convention? Where do we start? If I could give you one reform each, where would it be, how soon would you do it, and where?

Professor Denham: If it is one of my steps first, it would be the step of saying that within Whitehall, within Westminster, within the Cabinet, we delineate England from the union. Lots would then follow from that. The bigger problem of the cheese, if you like, is whether we can change our political culture. The problem of asymmetry is not the asymmetry; it is the politics—I was part of this in my political career—that says that when you have won an election, you have won, and when you have won an election, you get to decide. You cannot manage a state like that where lots of people are winning different elections, each of whom has autonomy and legitimacy. The bigger challenge, to be honest, is changing a political culture that says that the best politicians are the people who can manage those relationships.

Professor Kenny: It is so hard to pick out one, because it follows exactly from the argument about multiple asymmetries that there are lots of different pieces to look at. If I were to give you a sense of my starting point, I would start at the centre. It seems to me that the assumption that devolution is someone else's problem and that we can conduct politics from the British centre on the assumption that we just more or less carry on with Whitehall and Westminster as we have been, the territorial terms, is what needs to be challenged.

I was involved in writing a report recently with former Permanent Secretary Matthew Rycroft, which led us to look at a number of institutional changes and cultural changes that need to be undertaken, I think quite urgently, at the centre of government. Some of those intercept with some of the proposals that Lord Dunlop came up with in his excellent report. The really urgent thing that we need to do here is to think very hard about what is happening at the centre of British

government and the politics that are coming out of that, both politically about the union, but also administratively in our dealings with devolved Governments.

The Chair: Thank you both very much indeed for answering our questions. I am not sure that anybody can come up with glib answers for where we are at the moment. The analysis has been helpful for us, and we will have to think further about potential ways forward and solutions, if there are any solutions, that point us in the right direction. We are very grateful to you both for your written evidence and also for agreeing to meet us this morning. You have certainly given us things to think about. Thank you all very much indeed, and thank you to the committee. As a committee we will meet again next week, but in this session we will just say thank you to our witnesses. Thank you and goodbye.