



# Select Committee on the Constitution

## Corrected oral evidence: Future governance of the UK

Tuesday 20 July 2021

2 pm

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

Evidence Session No. 8

Virtual Proceeding

Questions 100 - 109

### Witnesses

**I:** Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office; Sue Gray, Second Permanent Secretary to the Cabinet Office.

### USE OF THE TRANSCRIPT

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## Examination of witnesses

Rt Hon Michael Gove MP and Sue Gray.

Q100 **The Chair:** This is the Constitution Committee of the House of Lords. We are conducting an inquiry into the future governance of the UK. Today we are taking evidence from the right honourable Michael Gove MP, who is the Chancellor of the Duchy of Lancaster and Minister to the Cabinet Office, and from Sue Gray, who is the Second Permanent Secretary to the Cabinet Office. Good afternoon to you both, and thank you for joining us.

Perhaps we could start with the general outlook of the Government and their vision for the union and the way forward. I think you may be aware that this committee has in previous years said that there was an absence of principles guiding devolution and an absence of identity for the union. Can you, Minister, outline how you see the union in 2021 going forward, and what is the strategy for strengthening it, if you think it is necessary?

**Michael Gove:** Thank you very much, Chair. I think it is very important to stress that the union is not an historical artifact. It is not a dry set of constitutional arrangements. It is a living, breathing success story and it is a project for the future. The United Kingdom is a model nation—multi-ethnic, multicultural and, of course, multinational in its composition as a state. If you look at what that means, it means that we have institutions that are robust and adaptive, but we can also point to successes precisely because of the plural nature of the United Kingdom.

If you look at the United Kingdom Cabinet, if you look at the United Kingdom Parliament, indeed if you look at those in all our parliaments and assemblies, you will see not just a wealth of talent but a diversity of backgrounds that you will not see anywhere else in Europe. You have to look to other countries such as Canada, or New Zealand even, to see that diversity represented at the top level in politics, and indeed in parliaments.

Similarly, our institutions are open to talent and built on the principles that underpin the union—respect for the rule of law, respect for diversity—and have that adaptability over time. I think that we should be proud of the resilience of our institutions but, in particular, proud of the values that they project at the moment. If you look at everything from the integrated review into how we can project UK hard and soft power across the globe in defence of our values, to the proposals on levelling up, which are determined to make sure that we extend opportunity more equally across society, you can see both an external and an internal vision for the United Kingdom overall.

Of course, it is impossible to talk about the United Kingdom without talking about the cultural and other cross-fertilisation that goes on within the UK. We want to champion and extend that, to make sure that the institutions in which we take pride, and which reflect the distinctive traditions of different parts of the United Kingdom, can be fostered and supported. You see that in UK government support for the Edinburgh Festival. You see it in the way we recognise that institutions such as our

great universities in Scotland, Wales and Northern Ireland contribute so much. Of course, it feeds across into how we organise ourselves constitutionally, but the most important thing about the union is to recognise that it is a family of nations and a nation of families, and if we concentrate solely on the constitutional wiring then we miss the bigger picture.

**The Chair:** But we do have to look at the constitutional wiring as well. You used the word resilient as your description of where we are now. I think you will be aware that both the Scottish Government and the Welsh Government have used other words and said, in their view, to a certain extent, that the union is in a very fragile position. Both Governments believe that the UK Government need to show respect for the devolved Administrations—I am sure you would agree with that—and to have a partnership approach. They also say it should be a partnership of equals. Do you have views on that?

**Michael Gove:** Yes, I absolutely endorse the view that it should be a partnership approach. In a way, I think the proof is in the doing. Every week, for example, I chair a meeting with the First Ministers of the devolved Administrations and the Deputy First Minister of course from Northern Ireland, to look at the progress we are making in the fight against Covid. During the whole of the last 15 months, or more, of this crisis there have been regular meetings, whether that is through inter-ministerial groups or other fora, to make sure that the views of the devolved Administrations are heard and reflected, that we share good practice, and that we acknowledge where other parts of the United Kingdom are doing particularly well, and we celebrate that, as well as provide support.

For example, throughout the whole of the pandemic, it has been the case at certain times, when there have been strains on ambulance services in Scotland, that those who take calls for the ambulance service in England have stepped into the breach. Similarly, the UK Armed Forces have played a role across the United Kingdom in helping the rollout of the vaccination programme. I could go into other areas beyond health, but I think that is probably the most salient. At the same time, we are seeking to conclude a review of intergovernmental relations to make sure that these intergovernmental meetings can be put on an even more stable and sustainable footing. And of course we are always open to arguments from the devolved Administrations about how we can improve our constitutional settlement overall.

The only other thing I would say is that, while on a day-to-day and week-to-week basis Ministers have very good relationships with their counterparts in the devolved Administrations, it is necessarily the case that Ministers in the Scottish Government have a different constitutional vision, so there is an incentive for them, when a political platform is provided, to try to amplify what they perceive to be weaknesses in the constitutional settlement and to downplay the day-to-day effectiveness of our arrangements, but of course their arguments will be assessed on their merits.

**The Chair:** You acknowledge the need for partnerships. The phrase that they use in both Scotland and Wales is a partnership of equals.

**Michael Gove:** Oh yes.

**The Chair:** Do you take that on board?

**Michael Gove:** It is certainly the case that it is a partnership, but one thing I would say is that Wales, England, Scotland and Northern Ireland all have an equal stake in the United Kingdom. Every citizen of the United Kingdom needs to be treated on a basis of absolute equality. But it is the constitutional position that there are some functions that are reserved to the Westminster Parliament. I think it is important that we recognise that the United Kingdom is not a loose confederation of four parts. It is a living breathing success story, an historical success story, and a model for the future.

**The Chair:** We will move on to some of those details shortly. Let me call Lord Dunlop first.

Q101 **Lord Dunlop:** Good afternoon to you both. Perhaps I could ask you about public attitudes to the union. The Cabinet Office undertakes opinion research into these matters. What does the research tell you about attitudes to the union? What implications do the findings have for the way the UK is governed, now and in the future?

**Michael Gove:** I think that opinion about the state of the union overall is out there for all to see. There is no hidden information that we have in government that students of these matters cannot access through publicly available open source work. It seems to me there are several things to say.

The first is that, within Scotland, the Scottish National Party wants to create a sense of inevitability about our drift towards separation. It wants to suggest that there is somehow aetiology—that Scotland's journey is out of the United Kingdom, and that every step constitutionally along the way over the course of the last 20 or more years is in that direction. In order to create that sense of inevitability, it has to maintain a sense of momentum, and that momentum was checked at the recent Holyrood elections. It is also the case that, as well as that momentum being checked, we have subsequently seen a subsidence in support for separation in Scotland.

I think it would be quite wrong for anyone to be complacent about the situation—and we are certainly not—but I think that it is important to recognise what is driving the SNP's agenda here. More broadly, I think the critical thing from all the research that I have seen is that people want to see Governments work together. It is when all Administrations in Scotland, Wales and Northern Ireland are working together that people feel that their politicians are being genuinely responsive. People want the devolution settlement to be respected. They want an acknowledgement and a recognition that their respective parliaments or assemblies are adding value and that there should be co-operation and collaboration. It

is in that spirit that Sue and I have been taking forward work on the intergovernmental review and in other areas, because we want to show that in practical terms you can add value when all Governments work together.

**Lord Howarth of Newport:** Good afternoon. Minister, you have delivered yourself a paean of praise for the state of the union and you have expressed your satisfaction with the Government's stewardship of the union. You also said that you thought that there was a different constitutional vision in Scotland and in Wales, so let me ask you about the Government's constitutional vision. Does the unionism of the Government led by Boris Johnson have a different character from the unionism of Harold Macmillan, or Alec Douglas-Home, or Margaret Thatcher, or Theresa May? Does it differ from traditional Tory unionism?

**Michael Gove:** I do not believe it does, in essence, but I do believe that circumstances change, and we have to take account of that. I think the first Conservative leader to embrace the idea of devolution was Ted Heath with the declaration of Perth. There were subsequent debates within Conservative circles about devolution, but we now know and recognise that devolution works. But I think it is fair to say that, when the devolution settlement was established in 1999, at that time there was an assumption on the part of people within the Labour Party—and there is no criticism here; it is just historical, I think—that the areas to which power was being significantly devolved, London, but particularly Scotland and Wales, would be likely to be in Labour hands for generations to come, and therefore quite a lot of the work of making sure that devolution worked could be mediated through party structures.

Everyone has had to live with different Administrations of different political colours, in Scotland, Wales and Northern Ireland, and in Westminster, and that has meant we have needed to move to a slightly more formal—I hope not less friendly—approach to make sure that disagreements can be mediated effectively. I think that the Prime Minister's unionism is of a piece with the unionism of Labour, Conservative and, in some cases, Liberal Democrat politicians, in that he believes in the strength of the United Kingdom as a modern progressive state, and he also recognises, as I referenced earlier through levelling up, the importance of working to overcome disadvantage in different parts of the UK.

**Lord Howarth of Newport:** Is it your understanding that the Prime Minister thinks that devolution was a mistake and, if so, do you disagree with him?

**Michael Gove:** I do not believe he thinks it was a mistake. I think he shares the historical analysis that I have just outlined about some of the ways in which Labour envisaged devolution could be managed. It is certainly a historical analysis that I believe he shares, but that is not an argument against devolution—quite the opposite. It is just a recognition that devolution was set up under certain political circumstances, and to make sure devolution succeeds and flourishes and prospers, you need to renovate and rehabilitate institutions, hence the need for the review of intergovernmental relations, to make sure that there are appropriate fora

and that the sorts of conversations Donald Dewar and Gordon Brown would have had within the Labour Party are now the sorts of conversations that Rishi Sunak and Kate Forbes will have through a properly constituted committee.

**The Chair:** I will bring in Lord Hennessy and then Lord Howell.

Q102 **Lord Hennessy of Nympsfield:** We have received some fascinating evidence from Philip Rycroft, who was doing Sue's job in the Cabinet Office a few years ago, and Michael Kenny, about what they called the degree to which the UK had become a kingdom of strangers in the so-called era of devolve and forget. I appreciate fully the intimacy and efficacy of the working relationships that Covid has brought—I really do—but I think there is something in their overall analysis about Whitehall being less familiar with Scotland than it was in the days when I was first interested in these things, in the 1970s, 1980s, and 1990s even.

Michael, if I may put it this way, your political trajectory is very interesting. You are the modern equivalent of John Buchan from Kittybrewster and the nearest thing we have to a Lord of the Isles at the Cabinet table. What do you think it is about Scotland now—Scottish society, government and politics—that your Cabinet colleagues and Whitehall officials least understand?

**Michael Gove:** That is a brilliant question. I am flattered by the analogy and I wish I had an ounce of John Buchan's talents. Your point is a fair one overall in that I think there has been a retreat in the mindset, and I do not think it has been restricted to any one party, in understanding every part of the United Kingdom equally. Respect for the devolution settlement—genuine respect—has sometimes become a case, exactly as you say, of devolve and forget. Within each of the devolved Administrations, policy and politics have developed in their own way. There is a lively and strong media in Scotland, Wales and Northern Ireland covering politics there. It is sometimes the case that angels in any party fear to tread into those jurisdictions because they worry that they will not be familiar with how politics has evolved, they may unwittingly generate a reaction, and, therefore, there has been that reticence. I would not say there has been any single area where people are less well informed than they should be, but I do think that there is a job of work to do to re-knit some of the relationships, particularly in civil society.

To take a case in point, it is manifestly the case that education is a devolved responsibility, but it is also the case that universities in Scotland, and indeed Wales and Northern Ireland, are world-class institutions and that UKRI helps to provide some of that support. I personally would welcome more collaboration at every level with a sharing of information on what works and what does not work educationally. I personally would welcome more students from different parts of the United Kingdom spending time, whether in FE or HE or even at sixth form, in different institutions. I think these are the sorts of things that we should do to make sure that, whatever constitutional future we

have, we do not become estranged from each other. I think your point is spot on.

**Lord Howell of Guildford:** Good afternoon, Michael. I am sure you are right talking about working together injecting a much greater element of respect to the other nations. You may be right that opinion is shifting in Scotland towards a moderate view and away from a hard-line republican separatist independent story, but we have had in front of this committee some very hard-line views, questioning the sovereignty of the union Parliament. Really my question is: is this our starting point? Are we determined absolutely to preserve the benefits of the United Kingdom based on the sovereignty of the union Parliament? If that is the aim, should we not be making a far stronger case, drawing from both history and indeed a very different future, on why something like the United Kingdom fits into the 21st century? There is a tremendous story there that I do not seem to be hearing.

**Michael Gove:** I think you are absolutely right, David, and if you are not hearing it, that is my fault. As I mentioned earlier, states evolve over time, and I think there is something about the historically loose and baggy nature of Britishness that is of great value, because in a world where the diversity of a nation's population is a source of its strength, being able to be proudly British and proudly Scottish, proudly gay and Welsh, proudly Jewish and Northern Irish, all these things are an example of the direction that states want to go to make the most of the opportunity available to their people.

While I bow to no one in my interest in and pride in British history, I think it is important for us to look at the institutions we have inherited and ask: are they reflecting the values of now? I think they are. I mentioned earlier the diversity in the UK Parliament, and, to be fair, in Holyrood and the Senedd and in so far as possible, given the specific circumstances of Northern Ireland, the Northern Ireland Assembly, you have that diversity, which is a source of strength, and we should celebrate it. We should be saying more about it. We should also be open to arguments about how we can improve things.

I have a very high regard for the First Minister of Wales, Mark Drakeford. Mark's view on the constitutional future is not one that I share, but I benefit from conversations with Mark about that. Again to be fair, Mark's position is not universally held within the Labour Party, but it is a very important one, and I think the important thing for both of us to do is to agree where we can, and, where we disagree, seek to learn from one another. That, if I may say so, is just a very British way of going about things.

**The Chair:** Lord Howell, did you want to come back?

**Lord Howell of Guildford:** It leaves me still a bit uneasy. There is this issue of the sovereignty of our union Parliament. If that is what we are building a better future around, then we are quite right to point to the fact that, from 1707, Scotland really took off, culturally, industrially and everything else. It has been a fabulous union, and we want to try to show that the union of the future will be

really good for Scotland.

**Michael Gove:** Yes.

**Lord Howell of Guildford:** Taking account of everyone's views is all very nice, and sovereignty is a pretty difficult thing to deal with, but if you take account of the views of people quite opposite to you who are determined to go in another direction, that is not much good. We have to tell the story and I still say I am not hearing quite the full story of the past, the present and the future, particularly the technologically driven, data-driven future that I would like to hear.

**Michael Gove:** In which case, again I can only apologise. Whenever there is an opportunity to do so, and the vaccination programme recently provided such an opportunity, pointing out that this was research in which the UK Government invested and the benefit of that investment was felt across the United Kingdom—the bottling plant in Wales, the Wockhardt factory in Wrexham and the Valneva plant in Livingston were just as much a part of that success story as anywhere else—that is a story that I am keen to tell.

Similarly, the UK is leading the world in the fight against climate change, an issue of global significance, which is particularly, but not exclusively, of concern to younger people because they will be inheritors of the decisions that we make now. On climate change we have COP 26 taking place in Glasgow, the investment in the Centre for Energy Transition, which I visited recently in Aberdeen, and a concentration on renewables across the UK. These are all examples of working together. And I think when we cheer on Team GB at the Olympics shortly, we will see something of the same modern face of Britain represented as a source of pride to all. But, David, you are absolutely right that this is a story that we cannot leave to others to tell. We have to make sure that we are continually updating it and making it sing.

**The Chair:** Minister, if, as you say, a lot of our relationships are based on respect and partnership, why did the Government get into such difficulty on the internal market legislation? Co-operation did not seem to be the word there and, indeed, the actual White Paper referred to the UK as a unitary state rather than a union state. Surely that is an example of where things have been going very seriously wrong in recent months.

**Michael Gove:** I would say three things. First, as a result of our departure from the European Union—and again opinion divides across the United Kingdom, or opinion divided in the past, I should say, about that decision—we needed to put new institutions in place, and the UK internal market Bill was the means by which we did that. Because the Scottish National Party and some in Welsh Labour took a different view on Brexit to us, entirely understandably, they would use debates about the UK internal market Bill to make their arguments. The third thing is that, now that the UK internal market Bill is in place, it is not the source of contention that some had prophesied that it would be.



In a different committee meeting I made the point that in Scotland you will hear criticisms of the Scottish Government and the UK Government at different times and in different places, but I have not met anyone in the street who has sought to raise the UK internal market Act as a source of frustration, annoyance or disorientation. It is understandable that, when you have debates about new legislation, people from different political traditions will use those as an opportunity to reinforce their arguments. That is fine and fair enough, but now I think it is a very valuable part of our effective operation outside the EU.

**The Chair:** Let us move on. Baroness Corston.

Q103 **Baroness Corston:** You have rejected the Dunlop review's recommendation for a full-time Intergovernmental and Constitutional Affairs Secretary of State. Can you tell us more about how you see your role in promoting the union across government, and what the challenges are of doing so? Is there a need for further culture change within the Civil Service to support these efforts?

**Michael Gove:** The first thing I want to say is thank you to Lord Dunlop. We have implemented or are in the process of implementing almost all his recommendations. It is simply the case that whoever does my role does something similar, if not identical, to the role that Lord Dunlop outlined. My predecessor David Lidington, his predecessor Damian Green and his predecessor Ben Gummer all saw their responsibilities in a similar light. Lord Dunlop made a specific case for a particular role that we felt was not necessary at this time. Again, the debate is open.

More broadly, I think you are right that Ministers and civil servants all recognise the need to update our knowledge and understanding of how different parts of the UK work. Much as you might upgrade an iPhone, it does not mean the technology in itself is wrong, and we need to make sure that we are keeping pace. Here I might defer to Sue, who has been leading some fantastic work in this area, reflecting of course her experience both at the centre of government in the Cabinet Office beforehand and running one of the most important departments in the Northern Ireland Executive.

**Sue Gray:** Thank you for inviting me. A big part of my work programme has been implementing Lord Dunlop's recommendations. I have just come back from a three-year term in the Northern Ireland Executive, in the Northern Ireland devolved Government, and I have learned so much by being there that I did not actually know before I left. I would have been very much a Whitehall career civil servant and I have gone to Northern Ireland and learned so much, bringing that learning back into Whitehall. We have a big programme of work on capability, to work with civil servants to get them to understand how the different parts of the United Kingdom work, what is important and that not one size fits all. Wherever you are, it may be a different solution, so we are asking people to think about that.

We are doing that work as we approach the spending review, putting the union very much at the heart of that; the levelling-up agenda and how we engage not just with the devolved Administrations, not just with the Assembly or whatever the equivalent is, but with people on the ground—how we engage, and how we listen and how we understand what is important to them. I can honestly say that I will be encouraging more of my colleagues to go and spend time in devolved Governments, and in local government, as I think that is also hugely important. We are also doing some work that will be not necessarily secondments, but getting people to think more widely, and not just about a particular aspect of an area of England that they might be familiar with. It is a big programme of work and I would say thank you to Lord Dunlop for setting my objectives really for the year.

**The Chair:** Lord Hennessy, I think you had a follow-up question here.

**Lord Hennessy of Nympsfield:** Just a quick one on the Whitehall theme. May I offer a thought and make a request? It is about contingency planning. In the run-up to the 2014 referendum the Cameron Cabinet specifically forbade Whitehall departments to do any contingency planning. The same happened in the run-up to the Brexit referendum two years later. To be frank, I thought that was a lapse in the duty of care Governments have for all the people of these islands. Could you undertake that if we have another Scottish referendum in your time that that will not happen, and there will be proper contingency planning this time?

**Michael Gove:** I absolutely take your point, Peter, and I think it is a very fair one. The first thing I want to say is that for a host of reasons I do not believe we should be having a referendum any time soon. However, should there be a referendum in the future, I think it is important that we learn lessons from the 2014 referendum. The lesson that you have pointed out is a fair one. I make no criticism of anyone involved in the Edinburgh agreement—they were entering uncharted territory—but of course we can learn from that what might be a better approach in the future.

**Lord Hennessy of Nympsfield:** Is that an undertaking? Is that a pledge, Michael?

**Michael Gove:** I hope that I will be enjoying my retirement by the time a next independence referendum comes along, but that is in the hands of others.

**Lord Hennessy of Nympsfield:** Anybody would think you were a politician.

**The Chair:** Indeed. I will call Lord Dunlop to talk about the next stages.

**Lord Dunlop:** In recent years, intergovernmental relations, as we have heard, have been characterised by a lack of trust and co-operation. We have certainly heard a lot of evidence to that effect during this inquiry. The Government have published a draft package of reforms to try to address this. What are the outstanding areas of disagreement and how easily and quickly could the

differences be resolved, in your view?

**Michael Gove:** I hope that we will get close to a conclusion there. Again, Sue has been doing an enormous amount of work here. To be fair, in the run-up to the elections in Holyrood and the Senedd, the incentive to agree on policy was slightly less, which is fair enough; that is just part of the rhythm of politics. I think the incentives are now greater and there is also a rising generation of SNP politicians who recognise that, whatever the constitutional future, if they are going to be in power and they are going to deliver for their citizens, they need to make sure there are fora in which they can do so.

One of the most difficult areas has been where the devolved Administrations would like to have their views fed into what are reserved areas. Foreign affairs is one of those particular areas. I think we can reach a way of operating that will allow all the legitimate concerns of devolved Administrations to be heard, and we can benefit from their perspective, while at the same time maintaining the appropriate distinction on what is reserved and what is devolved. I will just hand over to Sue.

**Sue Gray:** I suppose part of the reason why it has taken a little bit longer is me coming into post and wanting to look at the document again, and ensuring that it is as streamlined a process as we can have. I think, as CDL has said, we are nearly reaching a conclusion. I would say that I value, and the majority of officials really value, our engagement with colleagues in Scotland, Wales and Northern Ireland. They have huge amounts to contribute. I feel very strongly about this, having spent three years in the Northern Ireland Executive, about the contribution that the devolved Governments and Ministers and officials can make to the development of our policies and our services. I think it is nearly there. It has been really good engagement with all the devolved Governments as well.

**Lord Dunlop:** If I could come back in, we heard evidence from Mark Drakeford that one of the contentious areas or concerns was that, when it came this new financial committee, the dispute resolution mechanism, which he seemed very favourable towards, would not apply to financial matters and where the Treasury was involved. Is that the case, or will that dispute resolution machinery and mechanism apply also to financial matters?

**Michael Gove:** We have made progress there, but I will hand over to Sue.

**Sue Gray:** We have made progress. That was one of the remaining issues and we hope to be able to conclude that very soon. We have had good engagement with the Treasury as well, and I hope that we are nearly there on that.

Q104 **Baroness Suttie:** How important is it that the Prime Minister plays a full and active role in these arrangements?

**Michael Gove:** Very.

**Baroness Suttie:** Do you think he has played a sufficiently active role up till now?

**Michael Gove:** Yes.

**The Chair:** And has it been productive?

**Michael Gove:** Very.

**The Chair:** Could you give us examples?

**Michael Gove:** A few weeks ago the Prime Minister convened a meeting with all the First Ministers to look exactly at how we could put the entire United Kingdom on a course to Covid recovery. We had reached a point where the success so far in the vaccination programme gave us an opportunity to pause and reflect. There are at least three strands to the things that we discussed.

The first is to make sure that we continue to relieve the pressure on the NHS and learn from each jurisdiction about how we are managing the infection. The second was looking at how we could deal with what you might call public sector backlogs. Inevitably, as a result of the pandemic, children have been out of school across the UK, the backlog in elective operations across the NHS has grown, and the criminal justice system has not been as energetic as it could have been for obvious reasons—social distancing and so on—in dealing with cases. We wanted to see how we could learn from one another. I think there is some particular learning that the NHS in England can derive from the way in which the NHS in Scotland has looked at elective operations and so on. The conversation was very open in that regard.

There is a third element as well, which is economic recovery. To make sure that we deal with all the challenges of the withdrawal of furlough and other potential economic changes that come about, we need to be thinking about how we can use all the levers across the UK to keep people in jobs and to make sure that there is economic growth. It was a very good set of discussions. The Prime Minister chaired them. I do not think there was any complaint from any party there about the tone, nature or content of the meeting. While there may have been, as you would expect, divergent views about what the priorities should be, it was a good example of leadership, and it set the tone for future such meetings.

**Baroness Suttie:** Do you think the proposed intergovernmental council needs to meet more than once a year in order to work effectively and build trust?

**Michael Gove:** I do not think it needs to, but I think the more often it meets the better.

**The Chair:** Lord Howarth, you wanted to come in on this area.

**Lord Howarth of Newport:** No, not on this question.

**The Chair:** In that case, let us move on to England and I will call Lord Sherbourne.

Q105 **Lord Sherbourne of Didsbury:** A couple of weeks ago we had Angus Robertson in front of the committee and I was asking him about the Government's decision to block English votes for English laws. I asked him if he would give an undertaking that in any English legislation affecting devolved matters of Scotland or Wales—for example, education—the SNP would not vote. He gave what he called a self-denying ordinance, but it was so heavily nuanced that, frankly, I did not believe it. My question is: are you worried that, in a future Parliament where the Government have a narrow majority, it is possible, without EVEL, that the Scottish MPs could thwart an English majority?

**Michael Gove:** It is possible, but that is how the UK Parliament should work, in my view. I do not subscribe to the view that in the UK Parliament, which is legislating for the UK as a whole, one should have legislation on which some MPs are ipso facto denied the chance to vote. I think it is part of the overall nature of the union. Some 85% of the population is in England, 85% of the Members of Parliament come from England, and we need to recognise that for our union to work—and I believe it works brilliantly—there should be generosity of spirit on the part of those of us living and voting in England, and part of that comes from respecting our parliamentary traditions. In that sense, I am a unionist before I am anything else.

**Lord Sherbourne of Didsbury:** Perhaps I could ask you this: it means the West Lothian question continues.

**Michael Gove:** Yes.

**Lord Sherbourne of Didsbury:** Let me speculate for a moment on a future election where, let us say, the SNP decided to support Labour MPs for a Labour Government even though the Conservatives had more seats in England. Do you not think that would create tremendous resentment on behalf of English voters?

**Michael Gove:** If it did, and I suspect it would, it would be to the detriment of the Labour Party.

**Lord Sherbourne of Didsbury:** But that would not help the state of the politics and the state of creating unity in the union if the English start feeling resentful about the union.

**Michael Gove:** I quite agree and that is why it is important that there is a responsibility on all parties that are unionist to exercise a sense of forbearance. Sometimes the current Cabinet is accused, by the Scottish nationalists principally, of embodying a particular sort of southern English arrogance and all the rest of it. We have just been responsible for an act of forbearance whereby we have said, actually, we recognise that this is a UK Parliament, not an English Parliament, and there may be such circumstances. Those who have a care for the union will have to give some thought about how they operate in those situations. It seems to me that the decision to move away from English votes for English laws

completely gives the lie to the caricature that there is an idea of arrogant English exceptionalism that we are seeking to impose. Quite the opposite: it is a deliberate exercise of constraint, in keeping with our best traditions, and in line with recognising that, if the arithmetic in the House of Commons does not work to our advantage, it is our responsibility to win the argument and to win subsequent elections.

**The Chair:** Lord Howarth, is this where you wanted to come in?

**Lord Howarth of Newport:** Secretary of State, what is to be done about the English question? Will it just go away if the Government take no notice of it, or do we need more regional devolution, or if we are to pour balm on English resentment of Westminster and Whitehall should we aim to renew local government? How can the Government most productively demonstrate respect for people's sense of their geographical and social community, and a desire to take responsibility for that community?

**Michael Gove:** I think there are two things. The first is the English question however defined. I do not see any particular discontent around our constitutional arrangements, nor do I see any lack of pride in English identity or England's future overall. I am sorry, we cannot see you but you may be able to see us.

**The Chair:** We can see and hear you, so please continue.

**Michael Gove:** My apologies. Let me carry on. In reply to Lord Howarth's question, I do not get a sense of discontent in England with the constitutional arrangements, or any lack of confidence. It would be—what is the word?—obvious, but it is no less important to point to, for example, the success of the English football manager in giving voice to a modern sense of English patriotism. That seems to me both a very good thing and a sign overall of the health and resilience of English identity within the United Kingdom.

There is, however, a separate point, which I think is a very fair one. That is the need to look constantly at local government and to ask whether we have the right sort of local government, and to ask whether there is more that needs to be done to make sure that people in every part of the United Kingdom feel both effectively represented and part of that broader conversation.

One thing that is very much in the Prime Minister's mind—and it lay behind the commitment to levelling up at the general election and was reflected in the speech that he gave last week—is an openness to looking at some further reform of local government. There is also a recognition that people, who in the past had felt perhaps their communities were overlooked and unvalued, need to see that the Government are on their side and determined to champion investment in their areas and their inclusion in the national conversation.

Q106 **Baroness Drake:** Given your answer to the previous question, am I right in saying that you simply do not see a case for constitutional reforms, be

they devolution, separate Cabinets or whatever, to give England a distinctive and separate voice?

**Michael Gove:** I do not see there is that demand there. Again, I would say 85% of those of us in the House of Commons represent English constituencies, and it is in the nature of the union that there is give and take, and forbearance, understanding and solidarity. My sense is that pride in English history and identity is strong. English patriotism, as I mentioned, in the voices of a new generation, exemplified but not restricted to Gareth Southgate, is a strong and robust tradition, which reinforces my view about the strength of the United Kingdom overall. And so I do not see the need for that, no.

The other thing is that I am a Tory. I have to confess it. "Out of the crooked timber of humanity, no straight thing was ever made." Tories recognise that in constitutions there will be knots in the wood. Tory constitutions are not IKEA. They are made from oak and ash and pine and fir. For that reason, there will be an inconsistency here on an historical overhang there, but that is no bad thing. That is because these constitutions reflect our past—and human nature. They are resilient, and that is why a desire for perfect constitutional perfection and symmetry is, I think, not really very British. When we have had people who believed in perfect constitutional symmetry, they tend to have been the sorts of people who have appointed 10 major generals to run the country, and that is not something I am a fan of.

**Baroness Drake:** You went on in reply to that question that the focus should be on regional and local government and improving that situation. In the evidence that we have taken, one of the clear messages that is coming back is that there is a need for central government to release more control because it is overcentralised—particularly economic control and spending of public funds, and particularly in the regions. Do you agree that it is right that greater power should be delegated to the regions to spend the money on the priorities as they see them and they understand them, or do you have some reservations?

**Michael Gove:** I am all in favour of more power being exercised at a local level, but I would enter two caveats. The first is that we should not think in terms of regions. When there was an opportunity for the people of the north-east of England to decide if they wanted a regional government, they voted no. I think the sense of allegiance and loyalty to and affection for identity does not fit neatly into different pieces of a jigsaw puzzle in England or mark the region—north-east, south-west or whatever. I do not think from the centre we should decree what the shape of a new heptarchy should be. However, I think that we should engage with local government, and, as we have seen, and as the Prime Minister pointed out last week, when you have had mayors who have been successful such as Andy Street, there is obviously room to build on that, and to see how that model could be extended and adapted.

The final thing I would say is that, if there is an example of centralisation within the United Kingdom that has not worked, I think it has been the centralisation of power by the Scottish Government with respect to areas

such as policing and local government. What is sauce for the English goose is also sauce for the Scottish gander. I absolutely accept that we need to do more to decentralise power, but I think the Scottish Government should, and I suspect that they would probably recognise this if asked, look again at how they make sure they effectively recognise the importance of local government in Scotland.

**Lord Howell of Guildford:** I am absolutely with you on the abolition of English votes for English laws. I see your understanding. It reasserts the genuine union nature and legitimacy, and indeed sovereignty, of the union Parliament in the scheme of things. Of course there are grumbles, but someone was reminding me the other day that we have had seven Scottish Prime Ministers in the last 100 years or so, as a minimum, and that has not done anybody any harm.

May I ask you on the other side of the ledger what we need to do to compensate for ensuring that the union Parliament is at the centre of things in the future? In particular, should we pay more attention to Scotland's yearning to have a better place in the comity of nations and international affairs? It is an ancient kingdom with a huge global footprint, considering its size, but really not much say, it appears, in the grand strategy of the United Kingdom. It certainly had no say at all in the Brexit affair. Can we possibly change the direction there in giving more of a say to Scotland in the shaping of our international policies?

**Michael Gove:** It is a very fair point. One thing we are seeking to do through the intergovernmental review is to make sure that there is an opportunity for the Scottish Government to make sure that their voice is heard and their arguments are made. In the run-up to our departure from the European Union, there was a Joint Ministerial Committee on European Negotiations and the Minister who represented the Scottish Government position there, Mike Russell, was certainly not shy about sharing his views on these things. In one or two areas both he and Fergus Ewing, the Agriculture Minister, shaped the approach that we took towards the negotiations—not nearly as often as they would have liked, but certainly we benefited from their input.

If we look at the contribution that the Scots make to the United Kingdom on the world stage, it is not just through the Scottish Government's advice and encouragement, valuable though that is; it is also through the fact that our diplomatic corps contain many people from Scotland, Wales and Northern Ireland who do an amazing job for us. Many of those who are working in the field of international development, including people who are based in East Kilbride and Glasgow, working for the FCDO, are Scotsmen and women. And of course, it goes without saying that we could not conceive of our Armed Force, who do so much in so many ways, without representation from every part of the United Kingdom.

Certainly when we are thinking about Scotland's role on the international stage, the Scottish Government having that conversation with the UK Government is one thing, but there are Scots in all sorts of institutions that can help to influence that as well. And of course in the House of Commons you have very distinguished SNP MPs like Stuart McDonald on the Foreign Affairs Select Committee, who, for example, in their approach



towards Putin's Russia have been strong voices. When you listen to Stuart and you listen to Tom Tugendhat, you are hearing two strong voices together reinforcing the approach that our Foreign Secretary is taking towards tyranny abroad.

**The Chair:** Shall we move on to legislative consent? Lord Hope.

Q107 **Lord Hope of Craighead:** Good afternoon. My question is about the Sewel convention and legislative consent. Since time is short, may I put to you two questions in one? The first is: how important do you think the principle of consent is in our arrangements with the devolved Administrations? The second is: would you support proposals for the Sewel convention to be strengthened in some way?

**Michael Gove:** Yes and no. I believe that the principle of consent is very important. I think that the UK Parliament should only legislate in the absence of an LCM exceptionally. By definition, constitutional conventions are guides, and I would not put it on a statutory basis. I know that I am talking to one of the most distinguished Scottish judges of the century, but there are some things I would rather not see decided in the courts. It seems to me they are matters of political judgment and political consequences if mistakes are made rather than necessarily matters for judicial review.

**Lord Hope of Craighead:** I am not thinking of the courts, I must say. I am thinking of parliamentary procedures that could strengthen things—for example, some more formalised procedure by which it is understood there is a pause for thought or possibly that the Government explain themselves more fully when they decide to override the absence of consent. These are things that could be done within Parliament. That is what I am looking at.

**Michael Gove:** In which case, I think that is entirely fair. As we contemplate the fact, partly as we put in place legislation required by Brexit, it may well be the case there may be more legislative consent Motions than there have been in the past and, in those circumstances, looking at how we can explain why we are doing what we are doing, I think that is a fair point, absolutely.

**The Chair:** Lord Faulks, I think you also wanted to come in here.

**Lord Faulks:** I just wanted to ask something a little further on the Sewel convention. You quite rightly made the point that it probably is not appropriate that the matter should be justiciable, and that is of course what the Supreme Court decided. During the course of his evidence to us Mark Drakeford, on the other hand, when asked about the possibility that notwithstanding a great deal of co-operation ultimately there was no agreement by the devolved nations, thought there should be some independent body, although he was not very specific, to decide whether or not legislation should proceed. What do you think about that?

**Michael Gove:** I understand Mark's point, but I disagree. Ultimately, it is a matter for the UK Parliament—the Lords and Commons—to decide on UK-wide legislation. I think the Government should proceed with care,

caution and respect. Proceeding without an LCM should be very much by exception, but my worry is that such an independent body would be a body that set itself above the UK Parliament, and I think that would be a constitutional innovation that might lead us into difficult territory.

Q108 **Baroness Doocey:** Good afternoon. The UK Government are planning to increase direct funding in devolved areas through the shared prosperity fund and the levelling-up agenda. Do you believe this will increase support for the union? How much input will the devolved Administrations have into the allocation of such funding?

**Michael Gove:** It is vital that we have a conversation with the devolved Administrations to make sure that we are adding value, but the aim is not to increase anything other than the prosperity of individual communities. Recently I was in Aberdeen, my home town, talking to local councillors there. They put together a bid for the improvement of the city centre, which is exactly what the levelling-up fund is there to do. Initially, there had been a little bit of resistance from the Scottish National Party MPs who represent Aberdeen, but when the bid was drawn up, the SNP MPs conceded that, if that investment came, it would be good for Aberdeen and good for those whom they represent. That bid will have to be judged against others on fair criteria, but the aim is, essentially, to use the power of the UK Exchequer working with local government to improve the lives of people there and, of course, it would be foolish to allocate resource to something that runs counter to what is in everyone's interests.

The only other thing that I would say is that, on the same day that I was visiting those councillors in Aberdeen, I also talked to Kate Forbes, the Finance Minister in the Scottish Government, because we were celebrating a joint investment by the Scottish and UK Governments in a city deal programme, so I think we should work together wherever possible.

**Baroness Doocey:** I understand, but I am still not entirely clear. If, for example, the UK Government decided they wanted to do something in Scotland and the Scottish Government said, "Fine, but we believe that the real issue and what the money ought to be spent on is something totally different", and they gave you evidence to back up their claim, would you then say, "Okay, we will definitely look at that and discuss it with you so that we are both happy with what the money eventually goes on"?

**Michael Gove:** We would certainly discuss it, but it may well be the case that the chorus from civil society, local government and others in Scotland for support was strong and unified. Of course we take account, and we always will, of what the Scottish Government says, but I do not believe it should be the case—going back, without wanting to take them out of context, to Lord Hennessy's comments—that anyone in Scotland, Wales or Northern Ireland should feel anything other than that the UK Government are their Government too. While the Scottish Government absolutely have devolved responsibilities that we respect, it should not be the case that all conversations between Scots or Welsh or Northern Irish

citizens with the UK Government should be mediated through the Scottish Government or the Welsh Government or the Northern Ireland Executive alone. They should be complementary.

**Baroness Doocey:** Finally, how much involvement will mayors or combined authorities have in the allocation of levelling-up funding in England?

**Michael Gove:** I do not know the full extent of their involvement because the Treasury and MHCLG lead on this, but it is the case that local authorities can come together with specific bids. I am privileged to know about Aberdeen's bid because the local councillors there shared it with me. I do not know about bids that may come from the Greater Manchester or West Midlands Combined Authority, or anywhere else, so I cannot draw the same comparison, I am afraid.

**Baroness Doocey:** Sorry, I was not just talking about them having the right to come together for a bid. I was asking: how much will you allow them to be involved in the decisions?

**Michael Gove:** Ultimately, that will be a MHCLG and Treasury decision, but my understanding is that MHCLG will be doing everything it can to involve all relevant parties in ensuring that spending is, in the best sense of the word, complementary.

**The Chair:** I think Lord Hennessy may wish to come back, but before I give him that opportunity, may I ask a question? You have told us a great deal today, and we are very appreciative of your answers, but if everything is going as well as you say, why is it that so many people think that the union is so fragile, and so many alarm bells are ringing in so many different areas?

**Michael Gove:** I think I would go back to what Lord Howell said, which is that this is an area of political contention. It is in the interests of the Scottish National Party, which contains many talented figures, to make the case for secession. It is also the case that there are some people in other political parties who, in the aftermath of our departure from the European Union, raised the salience of some of these issues as a means of making the case for their particular views on Brexit. That is all fair enough and I understand, but I think, as a general rule, across the United Kingdom we are very good at finding eloquent critics who can find fault with our arrangements and say this needs to change and that needs to change. Often—perhaps sometimes—those eloquent critics are right, but on the other side of the ledger I think it is also important that we take a degree of pride and confidence in our institutions.

I think there is sometimes an element of insularity here as well. I have by my bedside two or three books written by French authors lamenting the horrendous state of France at the moment, and expressing nerve-wracked doubts about the future of that country, and yet the vast majority of people in France are getting on with happy, productive and joyous lives. So yes, some people involved in politics and some people who are leaders of intellectual opinion will agonise over these questions, but for the majority of people what is really important is that government

is working for them. The constitution, as you quite rightly pointed out, is critical to that, but I think sometimes we overlook the fact that we have robust constitutional arrangements in this country: as I know, everything from an energetic judiciary that will put Ministers back in their box, through to strong devolved Administrations that will make it clear when we are overstepping the mark.

**The Chair:** But there are many people who support the union, who want it to continue, who are themselves extremely worried about the future. It is not just those people who want to break up the union who are expressing concern. It is those who want to preserve the union as well.

**Michael Gove:** I think that is fair. That is why I am always keen to hear from politicians and others who have an interest in this question. One cannot deny the fact that, with a party in power in Scotland that wants to break up the United Kingdom, we need to make sure that we listen to a wide range of voices. That is why, even though I initially misunderstood Lord Hope's original suggestion, the point that he makes about how we might approach LCMs in the future is one that is, to my mind, very wise and sensible and, similarly, the changes that we made to English votes for English laws was another reflection. A number of people had said that they felt this did not strengthen the union, and, to my mind, their arguments were sound.

**The Chair:** We will let Lord Hennessy have the final question.

Q109 **Lord Hennessy of Nympsfield:** Thank you. Michael, I relished your quotation from Immanuel Kant about the crooked timber of humanity. I also rather cherished your very traditional British evocation of celebrating a loose and baggy constitution where I think you said symmetry is somehow anti-British. But do you not think that at the moment, with the high level of discontent at all levels in the kingdom, whatever the sources of that, we need to think a little more in terms of design—a bit more symmetry perhaps and a bit more rejigging, relating one element of the constitution to the next? We have always had this deep aversion, which you have reflected in your remarks very well this afternoon, to seeing it as a system. Do you not think that the celebration of the British baggy way is something to be passed into the hands of the historians?

**Michael Gove:** Possibly, but I would say that an example of our being able to improve things is the work on the intergovernmental relations review that Sue has been leading. My analysis, which others may contest, is that, when devolution was set up, things were done through party structures, and that was informal but, for a period, effective. We now recognise that with different parties in power in different parts of the United Kingdom we need a more formal structure to make sure that this is carried on in a better and more effective way. That is why we need to put that on an appropriate footing. Adaptive yes, but accountable also, and, as I say, I am a hoary old Tory, but I also think that we need to be open-minded and there are lots of good ideas about how we can improve our constitution that come from people outside by political tradition. I

approach those propositions first with scepticism, but often acknowledging that they have the edge.

**The Chair:** Thank you very much to both of you for your time this afternoon. I think we have had some interesting answers and I hope you have found the questions provocative and they will make you reflect further.

**Michael Gove:** Absolutely.

**The Chair:** I think that what Lord Hope was saying about legislative consent could lead to some constructive developments, and I hope that that is the case. The committee will continue its work and its evidence gathering, and we hope to report before the end of the year. We may wish to come back to you with further questions, if that is possible, but we will be trying to be constructive, and we want to look at what problems are structural, what problems are operational, and separate them from the problems that are simply political. We know that is a big task, but thank you for your time in trying to give us your views this afternoon. Thank you to you both.