

# Public Administration and Constitutional Affairs Committee

## Oral evidence: [The work of the Department for Levelling Up, Housing and Communities, HC 1066](#)

Thursday 1 March 2022

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; Rachel Hopkins; Mr David Jones; John McDonnell; David Mundell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson.

Questions 1 – 138

### Witness

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

### Examination of witness

Witness: Rt Hon Michael Gove MP.

Q1 **Chair:** Good afternoon and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee is holding an introductory session into the ongoing work of the Department for Levelling up, Housing and Communities on a wide range of matters that fall within the remit of the Committee, including the Department's recent publications on the intergovernmental relations review and the long awaited Levelling Up White Paper. We are joined this afternoon by the Secretary of State for Levelling Up, Housing and Communities, and Minister for Intergovernmental Relations, Michael Gove, for the first time in his capacity since the reshuffle last year. Secretary of State, good afternoon. Could I ask you to introduce yourself for the record?

**Michael Gove:** Hi, William. It is a pleasure to appear again in front of the Committee. The Department that I now have the privilege to lead is similar to but slightly broader in its responsibilities than the old Department for Housing, Communities and Local Government, so we haven't been shorn of any responsibilities but we have acquired some additional ones. These are responsibilities that were exercised principally by the Cabinet Office with respect to everything from electoral law to



## HOUSE OF COMMONS

relations between the UK Government and the devolved Administrations and related matters.

Q2 **Chair:** On that theme you guessed my first question so well, but can you give us a comprehensive overview of what policy areas have moved across to your Department and what related areas remain within the Cabinet Office?

**Michael Gove:** Almost all of the responsibilities—constitutional responsibilities for want of a better word—that were exercised by the Cabinet Office have moved over to the new Department. It is still the case that there are some specific responsibilities for constitutional matters that rest with the Cabinet Office, most particularly some of the sensitive matters that relate to dealings with the royal household, appointments and so on. They are managed from the Cabinet Office. Most of the things that people would think of as the day to day working of the constitution—elections, devolution and so on—are the responsibility of this Department.

Q3 **Chair:** This is a technical question, really, but will the change in responsibilities be reflected in the Department's revised outcome delivery plan?

**Michael Gove:** Yes, absolutely. One of the things we are looking at, at the moment, is how we can improve the outcome delivery plan. One of our aims, for example, constitutionally—and this was certainly articulated in the Cabinet Office—was to strengthen the Union. I recognise that there are Members of this House and other legislatures who believe that it would be better for part of the United Kingdom if they were to become independent. It is the Government's stated policy, for instance, to strengthen the Union, so that will be part of the outcome delivery plan and the means by which we hope to do so, consistent with Government policy, will be outlined there and the resources allocated to it as well.

Q4 **Chair:** Mr Chisholm told this Committee a few weeks ago that intergovernmental relations remain the responsibility of the Cabinet Office, and yet you are the Minister for Intergovernmental Relations. Can you provide clarity on how that arrangement will work in practice?

**Michael Gove:** In a way, everything was the responsibility of the Cabinet Office Minister in the past, knowing particularly, given the augmented responsibilities that CDL has and the fact that MCO is now sitting in the Cabinet, they have a wide brief. But the specific machinery of making sure that relations with the devolved Administrations on a day to day basis are running as well as possible rests with my Department. Officials who were working in the Cabinet Office to that end are now working in my Department but I should say that the lead official in this area, Sue Gray, is a permanent secretary, both in my Department and in the Cabinet Office as well.

Q5 **Chair:** It is very interesting that you should mention Ms Gray and, of course, I will repeat our request that she should come and give evidence



## HOUSE OF COMMONS

before this Committee on matters to do with Greensill. I will not tempt any further answer from you at the moment, other than we are quite serious in asking you that.

The machinery of government changes can take some time to be completed in full, and the way you describe it would suggest a seamless transition. How long do you reckon the change and the settling down will take?

**Michael Gove:** I think it is pretty much complete. Obviously, it takes a bit of time for everything from the transfer of IT to the provision of the physical accommodation, but the team that was responsible for everything from elections through to relations with the devolved Administrations is now sitting in the Department. I am sure it will be the case, as with any machinery of government change, that there may be an i to dot or a t to cross. So far it has been pretty seamless, but if there is evidence of any raggedy edges of course we will do our very best to clear that up.

Q6 **Chair:** Thank you very much indeed. Just moving on to the Elections Bill, which has been a thorny issue for some, many of those with an interest in the sector have urged the need for an urgent consolidation of UK electoral law. We are disappointed that the Elections Bill, as is, has not been that vehicle. Do you have any reflections on the need to consolidate UK electoral law and when the Government might see fit to do so?

**Michael Gove:** Yes, I think the case for a consolidation is a strong one. I would not say—and again opinions can differ—that it is the single most urgent area of work in the constitution, but once the Elections Bill is on the statute book then I believe that we can pause, take stock and consider what a consolidation of law might look like. I would suspect that that would not be something that we could conclude in the lifetime of this Parliament, but if the Committee and others wanted to make specific recommendations about how we could accelerate that then, of course, we will consider them.

Q7 **Chair:** You mention that some might say perhaps that it is not the most urgent of matters to do with constitutional law. What is in your view?

**Michael Gove:** The most urgent?

**Chair:** Yes.

**Michael Gove:** I think the most urgent thing that we need to do is to make sure that people can have confidence in our electoral system and also that the relationship between the centre, the UK Government and both the devolved Administrations and local government is set aright. I think that is work in progress but I think we are making progress.

Q8 **Chair:** You still highlight there the issue that is of urgent reform is electoral law, but that slightly contradicts what you said before in that some would say that wasn't urgent.



**Michael Gove:** No, I think it is important that we get the Elections Bill through. I think it will ensure that our democracy is in an even more robust position than it was before. I think that, as ever in government, sometimes you bring forward legislation that will potentially address abuses or enhance the operation of an arm of government—in this case a critical part of our constitution—and then you can pause and say, “Okay, these steps having been taken and they were necessary, let’s look again overall”. A common dictum in government is not to make the perfect the enemy of the good. The perfect would be a consolidation of all electoral law but I think a good thing is making some of the changes that the Elections Bill promotes.

Q9 **Chair:** Another saying is, “If not now, when?”

**Michael Gove:** Again, the point about my limited experience of government is that it is all about prioritisation. I cannot remember what the quotation was from Aneurin Bevan, but I am sure that John will remind me. I think it is—what is it? The language of socialism is priorities—I cannot remember it precisely but something along those lines. The religion—there we go.

Q10 **Chair:** Thank you for that reference. If I could just ask about the Bill and, in particular, this Committee’s belief that it should be subject to post-legislative scrutiny after five years of operation, the precedent being the Fixed-term Parliaments Act 2011. The Government omitted this recommendation from their response and only committed to the Government carrying out post-legislative scrutiny. They did not specify how and when that would be done. As you are with us this afternoon, might you commit to include a parliamentary post-legislative scrutiny commitment on the face of the Bill?

**Michael Gove:** I cannot do so in this Committee because any such commitment would have to be agreed across government, as part of a collective process. One of the things that I will do, reflecting on the points that have been made by the Committee, is to consider how the Committee and Parliament can have confidence in any post-legislative scrutiny mechanisms that we have in place.

Again, I think the circumstances of the passage of the Fixed-term Parliaments Act were slightly different from the Elections Bill. However, I do understand the importance of ensuring that, with constitutional measures, the Commons is assured that there will be a prominent role for it and its Members in having a chance to review the impact of constitutional legislation.

Q11 **Chair:** In that the prelegislative scrutiny was minimal or non-existent.

**Michael Gove:** I think that legislative scrutiny has been exhaustive and high quality and I think that the debates have been—

**Chair:** Pre, though, before the process.



**Michael Gove:** One of the things about legislation is we can rely on both the Commons and the Lords and, indeed, this Committee, to bring to bear a gimlet eye on the clauses that are being brought forward, bring to light any defects and encourage the Government to do better.

**Chair:** Yes, and whether the Government listens to those is a different matter.

**Michael Gove:** Indeed it is.

**Chair:** If I can go on that cheerful note to David Jones.

Q12 **Mr Jones:** On the issue of the Government doing better, the Committee has had correspondence from the Royal National Institute of Blind People who have expressed concerns about changes within the Bill. The institute says that too much is now left to the discretion of returning officers. Is there any reason why the legal protection for blind and partially sighted people could not be maintained as a requirement in the Bill?

**Michael Gove:** I and other Ministers, Chloe Smith, Kemi Badenoch, take these concerns very seriously. We have an expert working group that looks at how we can ensure that people who are blind or partially sighted, or indeed living with any other disability, can participate fully in our democratic life. There are some technical questions—on which I am not an expert I have to say—about the suitability of various different devices in order to help those who are blind and partially sighted vote. The advice that we have received is that it is better to use guidance as a way of updating the way in which returning officers and others will operate, so that, as technology and other aids to voting advance, the returning officers can be flexible. Again, in preparation for this Committee hearing, I looked at some of what the RNIB had said and I will take away some of those concerns and ask officials and Ministers if we are providing the absolutely highest level of protection to the blind and partially sighted.

Q13 **Mr Jones:** That is very helpful. Turning now to the strategy and the policy statement for the Electoral Commission, the Government justify this by saying that that is what it does for other regulators, Ofcom and Ofwat and so on. But those regulators are actually implementing Government policy and the Electoral Commission is supposed to be independent of Government. Why does the Government think that that is an appropriate comparison to make?

**Michael Gove:** I think all regulators should be distinct or at arm's length from Government, but obviously Government will set policy overall within that context and regulators will operate with operational independence. To take Ofcom as a comparison, there has been a recent debate obviously about the advisability or otherwise of Russia Today being able to continue to broadcast in the UK. Ofcom regulates access to broadcasting platforms. Ministers can express an opinion on that in broad terms but, quite properly, it will be Ofcom that will decide that. It is at arm's length.



In the same way we felt that, given some of the flaws that had been brought to light in the way in which the Electoral Commission has operated in the past, a strategy and policy statement would be helpful. The key thing about the strategy and policy statement is that it would be analysed, scrutinised and debated and then adopted by the House of Commons, but the Electoral Commission would retain operational independence throughout.

Q14 **Mr Jones:** To what extent could it depart from that?

**Michael Gove:** The chair and the chief executive and the board of the Electoral Commission would have full operational independence and they would be—as they have been in the past—charged with making the individual regulator decisions, which quite rightly should be made at arm’s length by an independent body.

Q15 **Mr Jones:** Because, as you know, the Committee asked that the Bill should be amended to give effect to the Government’s stated intention that the statement would not amount to a power to direct the Electoral Commission. The board of the Electoral Commission has now written to you expressing concern that its independence is being threatened by the provisions of the Bill, so why will the Government not accept that there should be a legal safeguard against a future Government—clearly, not the present one—deliberately or unintentionally misusing the power?

**Michael Gove:** Ultimately, it is Parliament that is the safeguard because Parliament will decide whether or not any strategy and policy statement that is put forward is acceptable. There is always the theoretical risk that a future Government, possessed of a Commons majority, could act in a particular way that would queer the electoral pitch but there is nothing intrinsic to a strategy and policy statement that the Commons will vote on and debate. There is nothing intrinsic to that that compromises the independence of the Commission.

Q16 **Karin Smyth:** To continue that, the Electoral Commission itself has written to you just to say that it is very strong in its view that the proposals are inconsistent with the role that an independent Electoral Commission plays in a healthy democracy. The independence is fundamental to maintain the confidence and legitimacy of our electoral system. You have just said that in the Government’s view the commission remains independent. It clearly does not think it remains independent, so there seems to be an impasse there. We have also had numerous submissions to us about that. Do you propose to review those provisions in the light of that impasse and those submissions?

**Michael Gove:** We took very seriously what the Electoral Commission says but when the strategy and policy statement is produced then the House of Commons will have an opportunity to analyse it. As has often been the case, individuals or institutions will express concerns about what they think the Government might do and then the reality can sometimes be very different from the fears that are understandably expressed, and I



think the requirement to have regard to the strategy and policy statement is entirely apiece with the way Government approach other regulators. Therefore, I hope that we will be able to convince the commission and others that their fears are not going to be borne out by events.

**Q17 Karin Smyth:** This Committee, the Electoral Commission itself, all the submitters, all the experts in the field, seem to be on one side of this and the Government are remaining on the other side. I think what we just heard is that you are stating what the statement will be and hearing back from everybody to establish whether you are correct and independence is maintained, but put it through Parliament. How will that discussion happen with the commission and perhaps ourselves to come to another view?

**Michael Gove:** Again, there are a number of statutory consultees. The commission will offer its view. Individual parliamentarians will offer their view and then the Commons quite rightly should decide. Parliament is sovereign in this respect. Within that, I should say that the case for reform of the Electoral Commission has I think—in a different context, because I do not want to put words in anyone’s mouth—been acknowledged by those who are the new management there. Also, the investigation into electoral fraud that was conducted by Sir Eric, now Lord Pickles, did draw attention to some deficiencies in the way in which the Electoral Commission had operated with regard to elections in the London Borough of Tower Hamlets, so it is not the case—and I do not think anyone would argue—that the Electoral Commission has been a body that has done everything perfectly—

**Q18 Karin Smyth:** I will just interrupt you there, sorry. The Committee’s report was very clear, there was clear evidence on that, and I do not think that anyone is arguing that any institution is not capable of reform. I think the concern remains that we expressed our concern about the lack of consultation. Do you accept that concern that the consultation was not adequate?

**Michael Gove:** No, I don’t. I think that people often feel that they have not been consulted adequately when others take a different view.

**Q19 Karin Smyth:** Obviously, we are here doing that work on behalf of Parliament, scrutinising you. That is not just sending an e-mail. That is our job. I think it would be helpful—we can perhaps tease this out later—to look at the process by which either the board themselves or this Committee can actually respond in detail to the proposals in order to come down perhaps on a different side that the Government are right after all. Of course, if the Government are right after all and independence is maintained, and all the experts in the field come to the Government’s conclusion, we would not have an impasse but perhaps we can establish what that process might be in the Committee.



## HOUSE OF COMMONS

**Michael Gove:** Yes. What we would like to do is make sure that the House of Commons can debate and then vote on the strategy and policy statement. The precise means by which we can do so is something that I think will be arranged through the usual channels in order to make sure that all parties in the House of Commons feel that this is a process that is being given appropriate scrutiny.

Q20 **Karin Smyth:** With all due respect, we all know how busy the parliamentary schedule gets and the ability of all our colleagues—indeed, ourselves—in Parliament to scrutinise effectively. That is our role but that is something perhaps that we might want to come back to on behalf of our colleagues.

**Chair:** I think so, Karin, yes.

**Michael Gove:** Yes. When the strategy and policy statement is published, I am sure that the Committee will want to look at how it was brought together, how it was arrived at, what the basis of the judgments made within it are, and I would be more than happy—if I am still in post—to return and to answer questions.

Q21 **Chair:** We look forward to that day, cheerfully, as we enjoy this session particularly, but in terms of the strategy and policy statement you said the Commons quite rightly should decide, so will it be amendable?

**Michael Gove:** Again, I think that is something that will be a matter for the business managers of both parties to conclude.

Q22 **Chair:** It will be amendable or take it or leave it. How do you imagine that it will—

**Michael Gove:** I do not want to run ahead of myself but I think that by the time that something comes before the House of Commons, as a strategy and policy statement, I suspect that it probably would not be the case that on the Floor of the House people would be subediting it. I think that in advance of it coming to the House of Commons—

Q23 **Chair:** Why wouldn't they?

**Michael Gove:** Because I think when you have a strategy and policy statement that is going to be voted on then by that stage you will have already had the debates and the discussions about the wisdom or otherwise of this or that proposition.

Q24 **Chair:** I would suggest it would be a take it or leave it vote.

**Michael Gove:** Again, no decision has yet been taken definitively on how the Commons would vote but it would be the Commons that would decide.

Q25 **John McDonnell:** Forgive me, Secretary of State, I just do not get the impression that you appreciate the seriousness of what we are dealing with. The letter from the chair of the board is extremely strong. It is expressing concerns. We are not talking about this Government but the



potential of a future Government influencing the electoral system. This is not about regulating the provider of a public service or other service. This is a regulator that actually ensures that there is a robust foundation for our democracy and what you are introducing here—I will just use the football analogy—is like having one team write the rules of the game that will instruct the referee without even any form of VAR involved whatsoever. To have an unamendable statement makes it even more crippling of the process itself from the accusation that could be levelled against any Government of interfering in the very foundation of our democracy, which is the electoral system. Don't you appreciate the importance of the maintenance of the confidence in the process?

**Michael Gove:** Oh, completely, and that is why Parliament will be sovereign. To extend the VAR analogy it will be Parliament that will be in the position of deciding whether or not this is offside or not, and the key thing—

**John McDonnell:** Not on an unamendable statement.

**Michael Gove:** I suspect, John, that you and I were both eager watchers of the Carabao cup final, although we might have been supporting different teams, the red and the blue. The key thing there with VAR is you have a decision: Romelu Lukaku's goal is offside and that is it. So, Parliament will decide: do we adopt the statement or not? But prior to the strategy and policy statement being put before the House of Commons, I expect that there will be intense scrutiny of what the Government propose and one of the things that I mentioned was that this Committee will obviously have a role in that, and I would be delighted to return to the Committee to go word by word or line by line through it in order to try to reassure you that the rules that we are putting forward are those capable of commanding support across the House.

Q26 **John McDonnell:** We can amend legislation that sets the rules of our democracy and other aspects but not amend this statement?

**Michael Gove:** It will be the case that you will have the opportunity to reject it, but it is also the case that the precise means by which we take the strategy and policy statement through is something that will be decided by the process of business managers across the House coming to a conclusion about what is fair, right and reasonable.

**John McDonnell:** In dark and less smoke-filled rooms.

**Michael Gove:** Again, I was briefly and ingloriously a business manager and I recognise that business managers are not the most popular people necessarily in the House of Commons, but they are necessary in order to keep things operating in the right way. I am confident that if the business managers of Labour and other Opposition parties believe that there is a flaw in this process they can engage energetically on the Floor of the House and elsewhere in order to get the process right.

Q27 **John McDonnell:** Not necessarily the individual Back Bencher that they



are concerned with.

**Michael Gove:** Again, it is in the nature of Parliament that if an independent Back Bencher makes a very strong case and commands public support, I am sure that will have an impact on the decisions that business managers make. All I want to do is to stress that I am not in a position myself here to make that judgment but what I can do is lay out the sort of process that is likely to prevail.

**Chair:** Thank you. Well, God bless the business managers. Ronnie Cowan, please.

Q28 **Ronnie Cowan:** Thanks very much. We have all heard so far that through this Bill we are going to suppress voter ID by putting photographic evidence. Northern Ireland has seen evidence of a drop in people voting. If that is extrapolated across the United Kingdom you would lose 1 million people who would not vote. We have also heard evidence that this will directly affect the BAME community, the disabled community, the aged community.

You are watering down the electorate for your own means. You also want the power to direct the Electoral Commission, which we have just heard is robustly defended. The commission does not want that. Nobody seems to want that, apart from the Government. Last night we voted through a Bill to suppress the right to peaceful protest. Do you feel you are engaged with the grassroots of your community and do you understand why many people feel that their democratic rights have been suppressed by this Government?

**Michael Gove:** Let me look at each of those as quickly as I can in turn. On the first, I do not think a requirement for photographic identification is anything other than a means of ensuring the integrity of the poll.

Q29 **Ronnie Cowan:** As I said before, you are attempting to solve a problem that doesn't exist. We have it working in one place in the United Kingdom and the evidence from there is that it has suppressed the vote.

**Michael Gove:** I think all the evidence is that in Northern Ireland, in the past, we have had personation in some elections and what we now have is a system that commands a greater level of confidence. There is no barrier to anyone acquiring the necessary identification in order to fully participate in our democratic life.

It seems to me that, given some of the problems that we have had with personation and with electoral fraud and so on, that ensuring the integrity of the poll is a good thing. No one argues that it is somehow a grotesque imposition or a restriction of civil liberties in order to establish the security of someone's identity when they are exercising their democratic rights.

Q30 **Ronnie Cowan:** The level of personation in the rest of the United Kingdom is what?



**Michael Gove:** Again—

**Ronnie Cowan:** I could tell you, if you want. There are a lot of zeros that come after the decimal point.

**Michael Gove:** In which case, then we—and I would argue that as well as personation there are other examples of electoral abuse but there is no problem in requiring people to produce that ID. It seems to me that it is a perfectly legitimate—more than legitimate, a necessary way of ensuring that you can have confidence, which we would all like to see, in every electoral outcome. It is not just Northern Ireland. It is also in the internal democratic procedures of the principal Opposition party in the House of Commons that voter ID is required in order to vote, and understandably and rightly so.

Q31 **Ronnie Cowan:** So, Age UK was wrong when it told us that it would stop people from voting?

**Michael Gove:** I cannot see who it would stop from voting and in what way.

**Ronnie Cowan:** Presumably people that Age UK represent.

**Michael Gove:** I cannot see any problem. One of the things that is a feature of our electoral system is that it is, quite rightly, the case that there are no barriers to any citizen from exercising their democratic rights and I cannot see, I have not yet seen, any argument that suggests there is somehow, through a requirement to produce appropriate identification, any bar to any individual on any basis in any way.

You raised two other points. One of them was relating to the Electoral Commission. Again, as I mentioned earlier, I think that it will be the case that the strategy and policy statement will be scrutinised by this Committee. It will be put before the Speaker's Committee and Parliament will form a judgment on it.

On the third point about the right to protest, the right to protest is a cherished one. It is also the case that we cannot have a situation where people who are abusing that right stand in the way of emergency workers who are giving aid and comfort to those whose lives are at risk.

Q32 **Chair:** Thank you. Can I ask in terms of the voter ID, the Committee asked for the Government to set out the criteria that was used for the proportionality assessment for introducing the voter ID requirement? Will you provide this?

**Michael Gove:** Yes. I think you are concerned that we have not provided all the data. We will do everything we can to provide all the data required in order to show why it is that we have made this judgment.

Q33 **Chair:** Is there the data? Answer that question.



**Michael Gove:** When it comes to judgments about how we back up this policy, we are an open book. Whatever we have done we will share with you.

Q34 **Chair:** If it was on a printed page that would be sufficient.

**Michael Gove:** I imagine there are many, many printed pages that run through it all.

Q35 **Chair:** Again, if you will share those, it will just convince us of your argument, Secretary of State.

**Michael Gove:** I am sure that there are many people out there who would think that when you are doing something as important as voting that we should know who you are. As I say, the experience in Northern Ireland but also the internal democratic procedures of most political parties would justify that, but I am more than happy to labour even more intensively in the vineyard to bring the Committee with me.

Q36 **Chair:** It should not require too much labour if it is readily available because you made a decision based upon it.

**Michael Gove:** I will labour even more intensively to justify the basis on which we have made that decision.

Q37 **Chair:** Do you have to come up with the figures to provide us or do you have them already?

**Michael Gove:** I know that it is the case that the overwhelming majority of people can easily access voter ID.

Q38 **Lloyd Russell-Moyle:** On this voter ID point, I have asked yourself and your colleagues, Ms Smith and Ms Badenoch, I think it was who took over, a number of times for the rationale on what pieces of voter ID are acceptable or not. I would like to see the widest possible acceptance and the Bill has drawn a slightly slimmer acceptance of what is acceptable. I have asked numerous times what is the basis for that decision of what is and what isn't acceptable.

For example, ID cards issued by universities and schools, by train operating companies, all which have to be proven who the person is before they can be issued. ID cards issued that might have photos on them from even councils and workplaces are not accepted unless they are of course the special—but there was no rationale to that. Was there a piece of work that worked out what the rationale was to accept some and decline others or was it purely arbitrary?

**Michael Gove:** Nothing is ever purely arbitrary.

**Lloyd Russell-Moyle:** Was it just based on who you thought would—

**Michael Gove:** No, it was in order to ensure that the integrity of the poll can command the highest level of confidence. We know, and have known, that some methods of demonstrating identity can be and have been



subverted in the past. Again, the choice is based on those which can command confidence and to which there is no impediment to any citizen acquiring.

**Q39 Lloyd Russell-Moyle:** All forms of ID have been subject to fraud in the past. No form of ID has been perfect. Would you be willing to publish that assessment of which forms of ID and the thresholds for what you would accept for ID?

**Michael Gove:** Yes, as you were kind enough to acknowledge, I think that both Chloe and Kemi have outlined the basis on which we made that decision but, of course, if there is more information that we can provide to the Committee in order to demonstrate the basis of our decision making, the rationale behind it, then of course we shall.

**Q40 Lloyd Russell-Moyle:** Would there be an ability for organisations to be able to meet a threshold so that in the future their ID cards were recognised? If universities or the NUS, for example, wanted to come forward and say, "We would like our ID card to be recognised by the Department as acceptable. What are the requirements that the Department would require for us to do it?" That would be a useful assessment to be published, so we can also improve the level of identity for everyone.

**Michael Gove:** I think that is a fair challenge. Your point is very well made, which is: the Government can see that these forms of ID are acceptable. If someone says, "Well, we have produced a method of guaranteeing someone's identity that we think is at least as robust, can you please explain to us why that is not sufficient?" I think that is a fair challenge. It would be a fair responsibility for Government to explain why they did not, and if it was the case that that organisation could properly make the argument that it was as robust I think the Government could, in those circumstances, move, yes.

**Q41 Lloyd Russell-Moyle:** How would an organisation do that or is it just a one-off?

**Michael Gove:** No, I think that we have, I believe, but of course we can always seek to work harder to make transparent what the basis is on which we argue that particular forms of identity can be trusted or more trusted than others. Again, this is an ongoing process and we can revisit, if appropriate, in the light of the point you make.

**Lloyd Russell-Moyle:** I look forward to you publishing that at some future date.

**Chair:** We are going to move onto our next section of questions. David Mundell, please.

**Q42 David Mundell:** You recently published your review that set out the new arrangements for UK intergovernmental relations, but it does not include any review or assessment of why the old arrangements were, as you describe them, out of date and dormant. What in your view, Secretary of



State, were the failings of the old arrangements and how are the new arrangements superior in terms of ambition and scope?

**Michael Gove:** All sorts of constitutional arrangements evolve and I do not want to criticise any particular Government but I will try to give a brief precis. This is just my view and it is informed by the work of Lord Andrew Dunlop. First, when devolution was established with Scotland, Wales and Northern Ireland, but particularly Scotland and Wales, quite a lot of the conflicts or disagreements between London and Holyrood and Cardiff were mediated through the party structures of the Labour party because when devolution was established there was an expectation that there would be Labour First Ministers for many years to come in both of those jurisdictions.

Then over time, obviously, with the advent of an SNP Government in Scotland but, also, with the establishment of a coalition and then a majority Conservative Government in the UK here in Westminster, which is in England, which of course is the seat of the UK Parliament, but anyway with that establishment of that Government then you had different parties, Liberal Democrat and Conservative in the UK Government, SNP in Scotland, Labour of course in Wales, and so the way in which devolution disputes were mediated through party structures was clearly inadequate. That required review and that review was more urgent, I think, as a result of some of the changes that came about as a result of Britain's departure from the European Union.

Lord Dunlop made the point that all of the devolved Administrations had felt that the degree of contact that they had with the United Kingdom Government, both its frequency and the coherence of it was less than perfect. That is why the intergovernmental relations review was set up and that is why it was concluded with support from all of the devolved Administrations and the UK Government.

Again, no devolutionary or constitutional settlement is ever going to be perfect and satisfy every party but I think that the IGR review process certainly put us into a stronger position.

Q43 **David Mundell:** In your view, what are the specific aspects of the new arrangements that lead you to the conclusion that they will be more effective?

**Michael Gove:** I think the first thing is that they have been agreed. The second thing is that everyone can look at the set of arrangements that we have put forward. We will publish, have published, the frequency of meetings. I think there is more that we can do to allow people to see how they are operating. The proof of the pudding will be in the degree of progress that is made in particular areas.

I would say one recent example of successful joint working between the UK Government and the Scottish Government was the agreement on the establishment of two new green freeports in Scotland. That is the sort of



progress, collaboration and spirit that infuses the whole of the IGR review. That is not to say that there will not be moments when there will be disagreements by definition because you have different political parties and different perspectives, but I hope that the regular reporting to the House of Commons and beyond will show that, in the main, progress is being made.

**Q44 David Mundell:** As a Committee, we asked Lord Dunlop for his thoughts on the review and, indeed, agreed earlier to publish his letter, which I am sure you will find of interest. One of the points he makes is about what plans there are to work up measurements or indicators of success that Parliament can monitor.

**Michael Gove:** Yes, again, I think it is a work in progress. The frequency with which UK Government Ministers meet their counterparts in the devolved Administrations is one measure of success. There are others. One cannot always because government for ourselves and for the Scottish and Welsh Governments and Northern Ireland Executive is sometimes about response to crises rather than about the implementation of manifesto commitments. Sometimes it will be at times a crisis that you can see the robustness of the institutions.

I would cite the success of the vaccine roll-out across the whole of the United Kingdom as an example of successful intergovernmental work that helped to inform the conclusion of the IGR review, but I think I have a responsibility—as indeed do Ministers in devolved Administrations—to report back to other elected representatives on the frequency of meetings, the nature of decisions taken and then to explain where there may have been disagreement and why we could not reach an appropriate consensus on something.

**Q45 David Mundell:** I am sure we were in agreement when Lord Dunlop's report was published that it was for Parliament not the courts to police intergovernmental relations, but the point that he has made in his most recent correspondence with us is that that requires a degree of transparency, which does not currently exist in relation to those relations and he suggests that the Government should commit to continuing to improve the quality of information provided to Parliament about its engagement with the devolved Administrations.

**Michael Gove:** I think he has a very, very good point. We publish the frequency of meetings Department by Department and so on, but I think there is a strong case—again, I do not want to force the devolved Administrations into something they might have concerns about, but my own view is that publishing in advance that we will be meeting, publishing not just who is there but what the agenda is, if appropriate, any conclusions and so on I think would be the right thing to do.

It is in the nature of government that Minister to Minister contact sometimes involves robust discussion, disagreement, and you do not want people to feel inhibited from expressing themselves robustly and I



would never want any devolved Administration Minister to feel in the least inhibited. In my experience they don't but I would not want them to feel inhibited. So, I would not want to force reporting mechanisms on them that they would feel uncomfortable with but I think that the direction of travel that you have outlined and Andrew Dunlop has outlined is a good one.

**Q46 David Mundell:** You referenced a political intent in your earlier answer. How is that to be dealt with, because I have very strong recollections of taking part in such meetings with our dear friend Michael Russell and I would emerge from the meeting and say, "What a useful and helpful meeting it had been", and Mr Russell would emerge from the meeting with a different interpretation.

**Michael Gove:** Michael is one of the most intriguing figures in British politics, thoughtful and intellectually powerful and at times a muscular proponent of his ideology.

**Chair:** All that being said, would you focus on the question rather than giving—

**Michael Gove:** No, I think it is only fair that I give a brief encomium to Michael. But, no, I think the thing is of course sometimes there will be different opinions on things. Even if you look back at the decisions of past UK Cabinets, it is sometimes the case that the recollection of one Minister and that of another—I am talking about before 2010—as to what was actually agreed can sometimes be slightly divergent. By definition, there can sometimes be disagreement but when there is agreement—progress—that is generally recorded. When I was Environment Secretary we would often have very robust discussions with Fergus Ewing but, to be fair to Fergus, when we agreed and it was fairly often then he would always be generous in acknowledging it.

**Q47 David Mundell:** Are you satisfied that there is something in these new arrangements that will be able to find a resolution to these more politically sensitive views than there has been in the past?

**Michael Gove:** I hope so but the thing is politics is politics, so there is always room for difficulty and disagreement. I hope that regular reporting, the maximum level of transparency consistent with respecting confidences of ministerial discussions will help. I also think that practical co-operation on the ground is part of it. I hope that very shortly we will also be able to conclude an agreement with the Welsh Government over freeports in Wales and I think it is by working together that we make progress. There will always be—particularly when you get closer to elections—political positioning on everyone's part but, as much as possible, my experience is that Ministers in devolved Administrations, even if I disagree with them, are actuated by a desire to serve the people who have elected them and wherever possible, they wanted to seek agreement if that was in the interests of their citizens.

**Q48 David Mundell:** In practice, how often is it envisaged that the inter-



ministerial group will meet? Will there be scheduled meetings with the ability to add in ad hoc meetings or will it be an entirely ad hoc process as it has sometimes appeared in the past?

**Michael Gove:** It has sometimes appeared like that in the past. Sometimes, because of Covid, there have been greater or lesser intensity meetings. At the moment, I chair a meeting with the First Ministers broadly every fortnight. We want to make sure that each Department meets at least quarterly, each UK Government Department with its relevant equals or partners in each of the devolved Administrations, some Departments more frequently than others. To take a case in point—and I do not want to dictate because it would be for the Ministers themselves to decide—DEFRA and the relevant associated Departments have lots and lots of issues that require discussion and resolution and I imagine that that set of Ministers would meet more frequently than perhaps some other Government Departments. I think it is also important, however, and as the Prime Minister has shown, I think, on at least two occasions recently in dealing with Covid and economic recovery, that he should bring the First Ministers together. My own preference would be twice a year or so but I recognise that it will depend on the nature of the crises that we need to resolve.

Q49 **David Mundell:** Will terms of reference for such meetings be established?

**Michael Gove:** Absolutely, yes, and that is part of the work that Sue Gray and her team are doing, to make sure that, the IGR review having been concluded, people can see that it is working and, again, challenge us to do better if necessary.

Q50 **Lloyd Russell-Moyle:** You said just there that your view was that the council, I think it was, the First Ministers and the Prime Minister, should meet twice a year.

**Michael Gove:** Ideally.

**Lloyd Russell-Moyle:** But it is scheduled to meet only once a year. Why is it scheduled so infrequently?

**Michael Gove:** That is a floor below which we should not fall. My view is the more the better.

Q51 **Lloyd Russell-Moyle:** In the old arrangement, the meetings would happen along with European Council meetings and so this floor is lower than what we previously had.

**Michael Gove:** It was agreed with all the parties but, as I say, it is a floor and the proof of it will be in the frequency with which the First Ministers meet with the Prime Minister.

I should say that there have been at least two summits to do with Covid—many more, actually—and the economic recovery, which the Prime Minister has convened, as well, of course, as the meeting that the



## HOUSE OF COMMONS

Prime Minister convened with the First Ministers of Scotland, Wales and Northern Ireland at COP. Again, I think that the test will be the operation of these meetings rather than the expectations that some may have.

**Q52 Lloyd Russell-Moyle:** Is there a guarantee that the Prime Minister will always chair those meetings?

**Michael Gove:** It is the intention that the Prime Minister should and so far it has been the case.

**Q53 Lloyd Russell-Moyle:** Does the Prime Minister have to chair the council meeting? You already mentioned that you have regular meetings—

**Michael Gove:** Exactly.

**Lloyd Russell-Moyle:** —but they are not council meetings.

**Michael Gove:** No. They are a supplement to that.

**Q54 Lloyd Russell-Moyle:** So the requirement for a council meeting is that it is the Prime Minister in the chair?

**Michael Gove:** That is the aim, yes.

**Q55 Lloyd Russell-Moyle:** The aim or—

**Michael Gove:** The only reason I pause—prevarication involves many words; I was pausing—is that a Prime Minister may at any point be indisposed or dealing with a crisis when he or she is due to be chairing such a meeting. If it were the case that it were required for the First Ministers to convene with the UK Government Minister and the Prime Minister were indisposed or elsewhere, I would not want to make the perfect—the Prime Minister chairing it—the enemy of the good, a rapid and useful meeting.

**Q56 Lloyd Russell-Moyle:** No. But it would be the deputy or something and not just the Minister responsible?

**Michael Gove:** Yes.

**Q57 Lloyd Russell-Moyle:** Who attends the inter-ministerial standing committee for the UK Government?

**Michael Gove:** Ideally it would be either the Prime Minister or the DPM or me.

**Q58 Lloyd Russell-Moyle:** Okay. So I am now a bit confused about if the Prime Minister sometimes attends the inter-ministerial standing committee and, I assume, chairs that, what is the difference between that and the council meeting? Or is the council meeting just a rebranded term?

**Michael Gove:** No, there is a hierarchy of meetings but it will often be the case that the inter-ministerial standing committee—

**Lloyd Russell-Moyle:** But with all the same people?



## HOUSE OF COMMONS

**Michael Gove:** That is again one of the realities of government. Sometimes there will be Cabinet meetings; sometimes there will be a Cabinet Committee meeting; sometimes there will be an inter-ministerial group; sometimes there will be a ministerial taskforce; sometimes it will be chaired by the Prime Minister, sometimes by CDL, sometimes by MCO, sometimes by DPM.

Q59 **Lloyd Russell-Moyle:** Yes, but the inter-ministerial standing committee is meant to be a standing committee of a fixed number of people, that is my understanding, with a fixed group of people, unlike the IMGs, which are thematically focused. The Prime Minister might pop in but is there a group that is the standing group, that is the regular group, that every time they meet, these are the usual faces around the table; who is that?

**Michael Gove:** Normally it would be me.

Q60 **Lloyd Russell-Moyle:** So normally it is you. At First Minister level?

**Michael Gove:** Yes. All Ministers who would be deputised by the First Minister to deal with intergovernmental relations, so for example Angus Robertson.

Q61 **Lloyd Russell-Moyle:** Yes. Of course. I get that. So those meetings that you mentioned that you have had in the last few weeks, are they inter-ministerial standing committee meetings?

**Michael Gove:** No. Most of the meetings that I have had recently with First Ministers have been, to borrow the phrase from David, relatively ad hoc. We set them up during the Covid crisis and they have proved incredibly useful and a continuation of practical discussions.

Q62 **Lloyd Russell-Moyle:** But they might morph into the standing committee?

**Michael Gove:** Yes.

Q63 **Lloyd Russell-Moyle:** How does the standing committee then ensure that the IMGs are operating effectively because that is one of its main tasks?

**Michael Gove:** Again, I think were it to be the case that as we progressed, either the First Ministers or any of their other colleagues, felt that there were problems, they would escalate them for discussion in that way.

It is also the case that if problems are emerging every day, it will often be the case that officials in each of the Administrations will contact officials in my Department or elsewhere in Government to say, "Hold on a moment; we have a concern here".

Q64 **Lloyd Russell-Moyle:** I understand that in the devolved Administrations of course you will have the First Ministers who will be responsible, but in the case of the UK Government, it is you. Have you been assured that you have the authority over other Departments to make sure they are



working?

**Michael Gove:** Well, I do not have authority over other Departments. I can try to persuade, cajole, encourage, require with a smile on my face, but it might well be the case that there are other Government Departments in the future—at the moment it is not the case, but in the future—that were not fulfilling all their responsibilities. I suspect that if I had a word with the Prime Minister, or the DPM or CDL, they would then have a word with the errant Department. So far, that has not arisen.

Q65 **Lloyd Russell-Moyle:** So it requires nice words in ears rather than any authority given to you to co-ordinate that? Because the Cabinet Office, where this previously sat, did have a kind of de facto co-ordination role across Government where it could delve a bit into other Departments but that bit of the authority has not transferred to you now.

**Michael Gove:** My role with respect to intergovernmental relations is broadly the same. One of the things that I found in the Cabinet Office is that MCO is a co-ordinator. I do chair a Cabinet Sub-Committee, which is the Union Policy Implementation Cabinet Sub-Committee. If that Cabinet Sub-Committee comes to a particular conclusion then that is Government policy so there are mechanisms but I think the critical thing ultimately is that the Prime Minister is ultimately at the apex as Minister for the Union and therefore I act as his lieutenant in these matters. If a big clunking fist is required, he can bring it to bear, but otherwise, the normal techniques of government—persuasion and cajoling—are required.

**John McDonnell:** It is your smile, Michael. It is your smile, as you mentioned before.

**Michael Gove:** Yes, a smile is always very effective.

Q66 **Lloyd Russell-Moyle:** Your smile gets me every time, Michael. I won't say which way.

Are these new arrangements intended to be forums for dialogue? Or are they intended to be decision-making bodies in areas of mutual interest? Are we going to find that out of the meetings, all sides come saying, "We have had very good, fruitful discussions", and then that is it? Or out of those meetings, will they say, "This is what has now been decided and we are going together as a Union"?

**Michael Gove:** As often as possible we want to have agreement by consensus. Sometimes, that will not occur but that is what we want to achieve.

Again, a case in point will be the approach we took towards freeports. The responsibility for the delivery of freeports is now with my Department. We discussed how we might meet the Scottish Government's concerns; Kate Forbes is the Finance Minister—

Q67 **Lloyd Russell-Moyle:** It is a bilateral discussion. I am trying to work out the multilateral forum that you have here because it is important, I



## HOUSE OF COMMONS

suspect, for the devolved Administrations also to know what mandate they are sending their Ministers on. Is it that these are discussion forums and when there is general agreement you will come out and say it, or is it that these are decision-making forums and when it is agreed there is some level of bindingness for all the parties?

**Michael Gove:** I cannot bind the Scottish Government.

Q68 **Lloyd Russell-Moyle:** But you can say, "You have morally promised to do that".

**Michael Gove:** No, exactly, and that is what we seek to do. There are properly reserved and devolved powers but I think part of it is, for instance, dealing with the Covid crisis where all the Administrations worked well together and even though there were understandable divergencies over approaches to certain public health measures at certain points, on the things where we needed to work together, we did.

**Lloyd Russell-Moyle:** Okay. Thank you.

Q69 **Mr Jones:** I would like to talk about the secretariat that is provided for under the new arrangements and which is to be independent and is to consist of officials from all Administrations. When do you anticipate that the secretariat will be established?

**Michael Gove:** Sue Gray and her team are working to establish it at the moment and we want to make sure, for precisely the reasons that you mentioned, that it is open to people from the civil service who are currently working for the Scottish and Welsh Governments and to people who are working for the Northern Ireland civil service as well.

Q70 **Mr Jones:** It is supposed to be independent. How will that independence be secured?

**Michael Gove:** I think again that it is through its effective operation. The fact that it will be a collaborative effort, with officials who know that they have a responsibility to serve all these Administrations in order to achieve progress wherever possible, and I think that in the best traditions of the civil service we will see that. Just as a for instance, I have been struck and indeed impressed by the way that people who work for the UK civil service and who have worked for the UK Government have gone on to work for the Welsh Government or the Scottish Government and have given objective and independent advice to Ministers in those Administrations while also serving those Ministers in the discharge of their mandates. Again it is one of the strengths of the civil service that people can appreciate. If given a task and given a responsibility and required to operate with independence and impartiality, they can do so.

Q71 **Mr Jones:** As you have just pointed out, apart from Northern Ireland in this country, we had a unified civil service, and yet the provisions are that officials will come from various Administrations but of course they are all working, as you quite rightly say, for the same civil service. How



long would an official have to work for a particular Administration to be regarded as belonging to that Administration?

**Michael Gove:** It is a very good question and I would say two things. The first is that what we would like to have are people who are currently working for each Administration, nominated by either the Permanent Secretary of the Welsh or the Scottish Governments or by other officials within the Welsh or the Scottish Governments or, as you say, from the Northern Ireland civil service. We operate by a rule of thumb rather than by saying, "You automatically qualify as a Welsh Government civil servant after two weeks, six months or whatever".

The second thing, though, very much to your point, is that one of the things that I am very keen to encourage is more people from the UK Government to work in, and get an understanding of, the devolved Administrations and vice versa. That is something that, again, Sue Gray is seeking to lead.

Q72 **Mr Jones:** You have indicated that the permanent secretaries would be involved in the selection for the secretariat.

**Michael Gove:** Ideally.

Q73 **Mr Jones:** Would Ministers be involved?

**Michael Gove:** I think, as ever, it will sometimes be the case that Permanent Secretaries will inform Ministers about personnel or other decisions within their Department but ultimately, the management of individual civil servants and the progress of their careers is a matter for the civil service. I would expect—it is not for me to say—that for the sake of argument, JP Marks would say to the First Minister, "These two or three or six or seven talented people will help staff the secretariat". I would not imagine it would be a case of the First Minister or Angus Robertson would seek to hand pick people for it, but it would be a matter for them.

Q74 **Mr Jones:** There will, I suppose, be a head of the secretariat.

**Michael Gove:** Yes, and we want to proceed by consensus and we are in discussion with officials in the devolved Administrations at the moment about how the independent secretariat would work. We learn by doing. It was a request of the devolved Administrations that the secretariat be independent. I can see why they wish that to be the case. They will form a judgment as to whether or not they think its independence is sufficient over time.

Q75 **Mr Jones:** The head of the secretariat will be appointed by negotiation.

**Michael Gove:** I hope by consensus, yes.

Q76 **Mr Jones:** Who will be the line manager of the head of the secretariat?

**Michael Gove:** Ultimately, every civil servant in the country, the ultimate person at the apex is the Cabinet Secretary, so the Cabinet Secretary is



## HOUSE OF COMMONS

the line manager of the permanent secretary of the Scottish Government, JP Marks, so ultimately it will be the Cabinet Secretary.

Q77 **Mr Jones:** What about the Northern Ireland civil service?

**Michael Gove:** We would have to ensure we had a situation that commanded the confidence of the permanent secretary of the Northern Ireland civil service. We have had, Sue herself is an example, people who have worked for the UK Government and then worked for NICS and come back, but I am sure we could provide assurance to the Northern Ireland Executive properly constituted and to the Northern Ireland civil service and the permanent secretary there that their concerns were being properly taken account of.

Q78 **Mr Jones:** The Cabinet Secretary would be the line manager of all the officials in the secretariat, including those from the Northern Ireland Government.

**Michael Gove:** I would want to make sure that whatever memorandum of understanding we eventually arrived at it was one that the Northern Ireland Executive felt was appropriate.

Q79 **Mr Jones:** Would you let us have a note on that because it seems there is more detail yet to be worked out about that.

**Michael Gove:** Yes, absolutely.

Q80 **Mr Jones:** I would like to talk about the dispute resolution process. You have already mentioned that the Prime Minister was the ultimate arbiter. That goes back to the days when all the Administrations were effectively Labour Administrations and that is no longer the case. The dispute resolution process now proposed still leaves the possibility that disagreements will not be resolved and in that case a statement has to be made in the relevant legislatures. Presumably they would be made to both Houses of Parliament.

**Michael Gove:** Yes.

Q81 **Mr Jones:** You still have an unresolved dispute, which you would not have had under the old system.

**Michael Gove:** Yes, we explain that we have not secured a resolution, but ultimately in those areas that are matters of reserved policy, the Prime Minister will decide. In those areas of devolved policy, the First Ministers will decide. Sometimes one simply cannot reach agreement but the business of government will go on with appropriate decisions being taken at an appropriate level.

Q82 **Mr Jones:** For all its flaws, and it is quite hard to defend, at least the previous system had the virtue of there being a resolution of a dispute.

**Michael Gove:** After a fashion, but it was the case, I think, and I do not want to misremember, when Rhodri Morgan was First Minister of Wales, he was sometimes at odds with Tony Blair as Prime Minister of the United



## HOUSE OF COMMONS

Kingdom. In those areas where Rhodri Morgan could properly exercise devolved responsibilities, he did so. Because it was a family affair, as it were, that dispute would not necessarily be surfaced in a particular way. It is for people to conclude whether or not that was a good or bad thing.

Q83 **Mr Jones:** We have still got an unresolved dispute, which is not a good thing, surely.

**Michael Gove:** Yes. It is in the nature of politics that there is always still a potential for unresolved disputes, because different parts of the governance of the United Kingdom have different mandates and we might have a disagreement but then we will ensure we agree to disagree in that particular area and make progress where we can in other areas.

Q84 **Mr Jones:** Some of these unresolved disputes could be about pretty important matters. You could end up with a festering sore that is never resolved.

**Michael Gove:** Yes, but I would want to know in each individual circumstance what the issue was because sometimes you will have a situation, and we can all think of the 2017-2019 Parliament, where you had many unresolved questions, but ultimately, through elections, Governments are returned at each level and there are ways of ensuring decisions can be taken. If a particular Administration is taking a decision outside its competence, then the courts will have an interest.

Q85 **Mr Jones:** You acknowledge it is less than perfect.

**Michael Gove:** Everything in this fallen world is less than perfect.

**Chair:** Thank you for that philosophical point. To cheer us up, rattling through this section towards the end of it, Lloyd Russell-Moyle.

Q86 **Lloyd Russell-Moyle:** What does success look like on IGR?

**Michael Gove:** The effective delivery at each level of Government of the services the public have a right to require of Government.

Q87 **Lloyd Russell-Moyle:** Nothing particularly compared to the last procedures.

**Michael Gove:** This Committee, quite rightly, brings expertise to bear on constitutional arrangements. Constitutional arrangements ideally, when they are working, are not noticed. If a constitution is working well—

Q88 **Lloyd Russell-Moyle:** By design are they not noticed or is it just if they are working well?

**Michael Gove:** Ideally, when constitutional arrangements are working well, they should not be a source of irritation and the debate is about other things.

Q89 **Lloyd Russell-Moyle:** The report says one of the new things in IGR that will be important is improved reporting as well as providing greater transparency and accountability for scrutiny. How is this going to



happen?

**Michael Gove:** It is very much as David indicated. We publish at the moment the range and nature of meetings. We can go further. We can provide more detail, provided the devolved Administrations are happy with that, about what we discuss, what we agree and so on. In an ideal world, people would see, for example, the delivery of a successful vaccination programme rather than necessarily having to pore over the minutes of discussions between Sajid Javid and his colleagues.

Q90 **Lloyd Russell-Moyle:** The UK Governments have made a start on better IGR reporting, but the quarterly reports you mentioned are very weak. Is there something we can bump them up, particularly in reporting to Parliament?

**Michael Gove:** Yes, I am very happy to do so, very keen to do so. I want to make sure I am not end-running the DAs but I am sure they would be happy.

Q91 **Lloyd Russell-Moyle:** After the next annual report, for example, could we be assured of a parliamentary debate or statement?

**Michael Gove:** Yes, personally I would be more than happy to see that. I hope it would be a very dull debate but I would be more than happy to contribute to it in an effort to make it even duller.

Q92 **Lloyd Russell-Moyle:** The new arrangements, however, appear to proceed with the current situation where discussions are made secret by the four Governments. Previously there was no way for Parliament to know what decisions were reached, apart from the quarterly reports, annual report and the communiqué. How will this change under the new arrangements or is it just business as usual?

**Michael Gove:** I would not say business as usual but by definition, when you have Ministers discussing issues, particularly when they have sometimes shared confidences, Ministers will want sometimes to be frank and candid in those meetings and then reflect on what other colleagues have said before coming to either a shared conclusion or respectively disagreeing. The test for me and this Parliament, for the devolved Administrations and other Parliaments, will be whether or not they feel there is adequate reporting back.

Sometimes a statement to the House or an appearance before a Committee will enable the relevant Minister to explain how a decision has been reached. I would expect, for instance, it is not for me to say, the DEFRA Select Committee will quiz George about the progress he is making with his counterparts on common frameworks or any other questions.

Q93 **Lloyd Russell-Moyle:** Part of the problem is some of the Select Committees have not taken up looking at these frameworks. We have to cover health and transport. There is a need sometimes to elevate these



## HOUSE OF COMMONS

things to the Floor of the House for when the Committee are not picking it up.

**Michael Gove:** I look sympathetically, from a personal point of view, on that.

Q94 **Lloyd Russell-Moyle:** I look forward to the commitment of it all being on the Floor of the House. What does this mean for the memorandum of understanding? Will there be a new memorandum of understanding? Is the old one ditched? What is the future?

**Michael Gove:** Whatever the other Administrations would like to propose. My view throughout the whole IGR process has been to try to generate consensus rather than impose a particular viewpoint.

Q95 **Lloyd Russell-Moyle:** The old MoU now is clearly out of date. It contains procedures that are out of date and superseded. Will the procedures you have continue or will you recreate a new MoU that encompasses these new procedures?

**Michael Gove:** Can I reflect on the wisdom of doing it through an MoU or other means and I will write to my counterparts in the devolved Administrations reflecting that point and asking them what their view is on the best way of making it clear in public how we operate?

Q96 **Lloyd Russell-Moyle:** We would look to receive that when you come to deliberation. Thank you.

**Chair:** We will be delighted and you will be relieved that we are entering the final straits of the last section of questions, kicked off by John Stevenson.

Q97 **John Stevenson:** Turning to the Levelling Up White Paper and the governance of England, how would you describe the current state of the governance of England?

**Michael Gove:** Complicated. The key thing is, without wanting to go off on too long an historical canter, there is a continuity and a history in the governing arrangements of England and the whole of the United Kingdom. Because of the length and durability of particular institutions, we are not like other countries. I am not suggesting we are better but it is the case that the French system of Département and the German system of Länder are relatively recent innovations compared with the history of English counties, for example. Because of the nature of history but also the different appetites for different types of governance across England, you will be unlikely to have an absolutely perfect uniform picture. We are, I hope, evolving and devolving at the same time.

Q98 **John Stevenson:** If we are to have a more effective system, and you have said it is complicated and there are historical factors to it, how do we overcome those obstacles to create a more effective system?

**Michael Gove:** I hope the Levelling Up White Paper lays out three different levels for local government to operate and it is for local leaders



to decide which of those levels of devolution they believe is appropriate and the pace they would like to proceed with that. The Levelling Up White paper sets out an ambition to achieve the maximum level of devolution across England so theoretically, every part of England can have something similar to the same powers as the most devolved part of England, London. It is an evolutionary process.

It may well be the case that there are parts of England that say they want to go this far down the devolutionary route but not to embrace this particular model. By definition, it is important we respect the degree of appetite local people have. Over time, enthusiasm for a movement towards a new or combined authority has grown across the United Kingdom. I think that is a good thing but there are significant parts of England where people will not necessarily want to go down that route for a wee while yet.

**Q99 John Stevenson:** You mentioned local leadership, different powers and different speeds for different parts of the country. That, to a certain extent, leads to fragmentation and administrative complexity. Does that not therefore lead to an ineffective governance of England?

**Michael Gove:** I do not think so per se. There are always challenges, but by definition, a degree of localism or a degree of trusting local leaders means that they might choose to have a form of government for their region, county or areas that reflects the views of local people. We know that a mayoral combined authority has proved a popular option in the West Midlands, in Greater Manchester and the Tees Valley, but it would not be a popular option, not yet, in Surrey and I think we need to respect that.

**Q100 Chair:** How has it proved popular in Greater Manchester, which I represent, and unpopular in Surrey where you happen to represent?

**Michael Gove:** Because I have not made the case effectively enough for a mayor of Surrey but I will do my best.

**Chair:** I sought to make a case against having a mayor in Greater Manchester but that is by the by.

**Q101 Lloyd Russell-Moyle:** Surrey and Sussex did put forward a devolution suggestion. They did not want a mayor but they wanted a devolution position. Your predecessor Department blocked that, so they were descriptive in their model.

**Michael Gove:** By definition, in any negotiation we have to be respectful of the views of the local leaders. But when we are thinking about the right structure, there has to be, as there has been with the West Midlands and Greater Manchester and other areas, a degree of procedure by consensus.

**Q102 Lloyd Russell-Moyle:** A mayor is required and there is no discussion beyond that.



## HOUSE OF COMMONS

**Michael Gove:** No. I hope the Levelling Up White Paper lays out different routes and my door is always open. We are in discussion at the moment with nine counties.

**Lloyd Russell-Moyle:** I feel slightly guilty. I am sorry to interrupt John Stevenson.

Q103 **John Stevenson:** Not at all. Taking on the theme slightly, you talked about local leadership and different powers. I have raised the issues of complexity of it all. What if there is a difference of opinion in a locality? You have somebody wanting a devolutionary settlement and other leaders not so keen. How will that be resolved?

**Michael Gove:** We will look at where the properly constituted authority is and talk to whoever the key decision-makers are and also take account of the views of all elected representatives. In Cumbria there has been not universal but broad consensus behind the idea of unitarisation and creation of the restoration of an ancient Cumberland and then Westmorland with Barrow. That seems to command support. If, in due course, there is a view there should be a mayor or leader of a mayoral combined authority bringing the two together, that would be a great thing but we would have to see what the consensus or settled view in, say, Cumbria would be.

Q104 **John Stevenson:** Your White Paper sets out that by 2030 every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution. In the United Kingdom the highest level of devolution is Scotland. Are you suggesting that, dare I say, Teesside can have the Scottish powers?

**Michael Gove:** No. By the highest levels of devolution, and this is a drafting error for which I take full responsibility, I mean the highest existing levels of devolution within England.

Q105 **John McDonnell:** That has confused us.

**Michael Gove:** My apologies.

**Chair:** Drafting errors aside, Ronnie, do you have a quick supplementary question?

Q106 **Ronnie Cowan:** My impression was it is only what people were expected to say. Let us give the power away. Let us give it back to communities. But in fact, the reality is you want to keep the power here. You might want to give the responsibilities to other people but you want to keep the power here.

**Michael Gove:** No. A case in point. The Chair of this Committee was sceptical about the creation of a mayoral combined authority in Greater Manchester. I think the Chair is probably still to be convinced of the wisdom of that. I do not think the Chair would say that Andy Burnham was powerless, the Chair would acknowledge that Andy Burnham has significant powers and knows how to use them.



Q107 **Ronnie Cowan:** Only if he had the finance to back up those powers.

**Michael Gove:** We are keen to devolve further powers to Mayors and we are hoping to be in intensive discussion with Andy Burnham and Andy Street about that. I had an opportunity to address COSLA and it was interesting that there was an appetite among Scottish local authorities for a greater degree of devolution of power from Holyrood and to be fair to the First Minister, she said that was something on which she would reflect. This is a welcome general movement. Is the situation perfect? No, but I think it is a good thing all round.

Q108 **John Stevenson:** Can I continue with this theme? You are saying that effectively the maximum date set of devolution for England will be what already exists in London, you have referred to.

**Michael Gove:** Exactly.

Q109 **John Stevenson:** We are a highly centralised country. Would it not be far more sensible that we start to look at real devolution of whole areas of competency to a particular area?

**Michael Gove:** Yes.

Q110 **John Stevenson:** You envisage we could go beyond the existing settlement and start to look afresh at additional powers and responsibilities being given to local areas?

**Michael Gove:** Yes. I am very open to that, but there are some areas where it would be very difficult. This is my own view. When it comes to welfare policy, the provision of benefits and pensions and the integrity of the national health service, I think those have to be exercised at a UK-wide level. There is a variety of other things.

Q111 **John Stevenson:** You accept the principle that we are still too centralised as a country and there is certainly room for further devolution and responsibilities beyond what has already been granted.

**Michael Gove:** Yes.

Q112 **John Stevenson:** Following on from that, people would argue that if you are to have responsibilities for spending and delivery of service, you should also have the tax-raising power. In your White Paper there would appear to be very little reference, if any, to tax-raising powers and responsibilities with regard to that. What is the direction of travel with regard to that?

**Michael Gove:** Intense discussions with my Government colleagues about what we can do in the future. The point has been made very effectively by Ben Houchen that devolutionary control, or a greater level of control, over business rates, might be a good thing. I think he has made a very good argument but I must not get ahead of myself in committing the Government to a particular outcome. It is a direction of travel that is right and the case you make is powerful.



## HOUSE OF COMMONS

Q113 **John Stevenson:** Would you also agree from a devolutionary perspective, it would be far better that those at the local level with responsibility for delivering a service, the tax-raising powers will give them greater accountability at the local level?

**Michael Gove:** Absolutely. I think accountability is the key.

Q114 **Chair:** I am sorry to labour the point but in Jackie's absence I have taken on her questions. How will it be ascertained whether or not an area wants greater devolution or not?

**Michael Gove:** Through democratic processes and discussion.

Q115 **Chair:** A referendum?

**Michael Gove:** Having been involved in referendums in the past, they tend not to bring folk together. It is better to rely on discussion with publicly constituted figures.

Q116 **Chair:** If referendums go the wrong way, it is best to ignore them. In the case of Greater Manchester, where Bury and Manchester itself voted against the principle of having a mayor but nonetheless found themselves having one because, as you suggested, conversations were had.

**Michael Gove:** Yes.

Q117 **Chair:** Is it simply the whim of George Osborne or Lord Heseltine as to whether an area has these figures?

**Michael Gove:** When George Osborne and Lord Heseltine agree, I am also inclined to think that is a good thing, save on the question of our membership of the European Union.

Q118 **Chair:** Yes, I am often a bit perplexed when that happens. But seriously, how are areas identified as suitable for devolution?

**Michael Gove:** Different areas will come forward with their own proposals. The elected leaders of those local authorities will do so and then we will discuss with them.

Q119 **Chair:** Do they, though? They come forward with ideas but it is all about the money at the end of the day, is it not? The incentive for them to take a certain model is the money that is on the table.

**Michael Gove:** I cannot make windows of men's souls.

Q120 **Chair:** No, but you could answer the question.

**Michael Gove:** Yes. I think there are different reasons. The key thing is when you strengthen the hand of local government, you often have an even stronger team and incentive for involvement.

Q121 **Chair:** Is this local government reform or devolution, or is it the same thing or are they totally different?



## HOUSE OF COMMONS

**Michael Gove:** No, they are not totally different. As was reflected in John's question earlier, devolution has meant different things at different times. Whether you call it local government reform, decentralisation or devolution, they are a continuum.

Q122 **Chair:** With regard to the Government's response to the Levelling Up Committee's recommendation, this was asserted, "Fundamentally, devolution is a means to an end". What is the end?

**Michael Gove:** Greater social justice.

Q123 **Chair:** Would you care to elaborate further? It is something I am sure we can all subscribe to, but what does that mean in practice?

**Michael Gove:** Essentially, the more that power is exercised closer to people, I believe the more responsive the delivery of public services will be and the more we can address the injustices and inequalities that hold individuals back.

Q124 **Chair:** Do you not find in all of this you end up with a bun fight between the areas to which power is devolved and central Government? When there is something unpopular, it is always the central Government's fault and vice versa. Is it just a means for more political argument rather than social justice?

**Michael Gove:** By definition, politics is about the allocation of scarce resources. That will mean sometimes you will have a clamour and different voices raised. You will have disagreement. Disagreement is not always a bad thing. Then people will make a judgment when there is an opportunity at the ballot box about whether or not they think individual A or party B has made the right argument for those resources.

**Chair:** I am on a journey on this whole question but I will go to John McDonnell.

Q125 **John McDonnell:** It all follows through and we want to talk about local government, but you are right it all follows into the same thing. Up until now, the way central Government or Ministers in particular, have approached trying to bring about change is depicted in this way. Money will be put on the table but the offer associated with that money will be a certain model they have to adopt. From what you have said so far, you are trying to move away from that centralising position and get some form of consensus-building going through.

**Michael Gove:** Ideally.

Q126 **John McDonnell:** The issue we are all struggling with is what ideas do you have to move that forward? I accept the referendum. Maybe other issues around citizens' assemblies or other forms of discussion or consensus building. How do you go about that in defining the area people want to cover, the structures they want?

**Michael Gove:** I am completely open to this Committee and to others with thoughts about how we can improve the process. We learn by doing.



## HOUSE OF COMMONS

If you have a relatively clean sheet constitutionally, that is one thing and it is easy to have a federal system or whatever. Because of the history of the United Kingdom, it is much more difficult. Whether or not it is desirable is a separate debate.

Take a case in point. We have a Mayor, Jamie Driscoll, for the North of Tyne mayoral combined authority. Many people thought it was a shame that Gateshead and local authorities south of the Tyne were not part of that, but their resistance was clear. I think things may be changing now. There are different ways of defining the level at which devolution or local government reform can occur, but there are few perfectly.

Let me take another case in point. The very north of Derbyshire, you can argue is part of the functional economic area of Greater Manchester. But it feels an allegiance towards Derbyshire overall, so sometimes there are places where the resolution is particularly difficult. None of us would deny that.

**Q127 John McDonnell:** The issue John Stevenson was raising though was the crude method in the past of placing the money on the table, here is the structure, take it or leave it or you do not get it. I hope you are saying you are moving away from that. You are. You do not want a centralising position. But finances can be taken out of this by the way you restructure or reform local government finance and other forms of income-raising by those local authorities, so it does not become a take it or leave it or you do not get the dosh.

**Michael Gove:** You are right. It is a complicated issue. On the one hand, I was very sympathetic to the idea that there should be greater devolution of tax-raising powers, not least the business rates. But, as we both know, the majority of money raised through business rates is raised in London, in the City of Westminster. You need to balance the ability for local communities to exert a greater degree of control with the suite of regional mechanisms the UK state has at its disposal.

**Q128 John McDonnell:** It would be interesting to find out in this Committee how far those discussions are taking place with your colleagues about the reform of finance and local government finance, and what range you are looking at. Are you looking at land value taxation or other matters like that? It would be interesting to at least know where you are with that.

**Michael Gove:** By definition, all Finance Ministries guard control over tax-raising powers and policies very jealously. If I may, I might come back to the Committee in due course and say a bit more about our emerging thinking on this.

**Q129 Chair:** There are two final questions from me, and I should add that I always seek to play the devil's advocate in my questions, naturally. The White Paper sets goals laudably for levelling up across the UK, while also moving away from the centralised model we have been debating to empower local decision-making, whichever form that might be. However,



and I can reflect on my own experience and I am sure others around this Committee can, this would seem to create a tension, does it not, between meeting central Government targets and allowing that local diversity and difference? How will that tension be resolved?

**Michael Gove:** We want to set particular goals and those goals will require working across central Government and with local government and others. In meeting those goals there will be vigorous debate about the means by which we can do so. In any democratic country, the national Government will often set out policies in its manifesto that require working with subsidiary tiers of government to deliver and those subsidiary tiers of government can sometimes take a different view.

Q130 **Chair:** Finally, English votes for English laws, an anachronism in the Commons, has been abolished. If legislative functions will not be devolved as part of the White Paper proposals, how should the distinct interests of England, such as they are, be represented in the UK Parliament?

**Michael Gove:** I am a traditionalist in this respect. The majority of Members of Parliament in the United Kingdom Parliament are English Members. I know people say that English votes for English laws is an answer to the West Lothian question, but I take the view John Smith did, that the answer to the West Lothian question is to stop asking the question. The United Kingdom Parliament is an example of, and I am speaking as someone who is not English, a constitutional arrangement in which the gentleness, patience and tolerance of the English people is displayed to great effect in making sure the United Kingdom works successfully.

**Chair:** We could all subscribe to that benevolent and kindly disposition to our brethren. *[Interruption.]* I thought you might want to come in at some juncture, Ronnie.

Q131 **Ronnie Cowan:** I have no argument whatsoever with the statement on the benevolence of the English people, but when made in the context of the UK Government do you understand how patronising that is to devolved nations?

**Michael Gove:** Speaking as a Scot I am saying how much I admire—

**Ronnie Cowan:** Even more so speaking as a Scot.

**Michael Gove:** As the Chair rightly points out, there is no English Parliament. As a result of the abolition of English votes for English laws, a particular attempt to enhance England's status within the legislature has been set aside. That is a good thing. It is Unionism at work.

Q132 **Ronnie Cowan:** The introduction of it?

**Michael Gove:** Its rejection. It is theoretically possible that you could have a UK Government where it did not have a majority of votes cast for it in England. That is how the United Kingdom works.



## HOUSE OF COMMONS

Q133 **Mr Jones:** Speaking as a Welshman on St David's Day, the people of north Wales have been more than tolerant too. You said earlier that the purpose of devolution was to deliver social justice and bring power closer to the people. The journey time from Colwyn Bay in my constituency to London is two hours, 40 minutes. The journey time to Cardiff is four hours, 30 minutes. It is not bringing it much closer to us, is it?

**Michael Gove:** You make a very good point. Those of us who have been privileged to follow you on social media and Twitter will know your commentary and analysis of the weaknesses of north-south communications in Wales has been trenchant and effective. It is a function of Wales's economy that you have a north Wales economic axis—you know this but I am demonstrating that I understand it—from Liverpool Chester, all the way to Ynys Môn. You have a south Wales economic access following the M4, and mid-Wales has its own unique geography and economy.

But Wales is a political unit and I want to work with the Welsh Government, and Welsh local government, to address some of these points and also you are right that north Wales has suffered, relatively speaking, from a lack of attention from the UK Government, relative to other parts of Wales. We are seeking to correct that, not least through our Places for Growth programme ensuring there are more UK Government jobs located in north Wales.

Q134 **Mr Jones:** I hope also concentrating on the cross-border Mersey-Dee area, where both sides of the border are suffering because of disparate policies being pursued in Westminster and Cardiff.

**Michael Gove:** Wherever we can we want to make sure we are aligned across the UK.

Q135 **Chair:** Finally, I hope the answer to this question from a personal perspective is no, but as Chair I will put it as neutrally as possible, has consideration been given for how the devolved areas of England might be represented at the new UK intergovernmental relations arrangements? Has this been discussed with the existing devolved areas or the devolved Administrations?

**Michael Gove:** No, but we are keen to have—I do not want to elevate it too much—a UK-wide COP. We want to build on the work of the British and Irish councils to bring together the devolved Administrations, plus the Government of the Republic of Ireland, the Crown dependencies and civic leaders in order to discuss how we can work together on energy, the environment and climate change.

Q136 **Chair:** No disrespect to any civic leader, but might that be a bit too many to have round that table?

**Michael Gove:** Good people can disagree but to be fair to Andy Street, Ben Houchen, Sadiq Khan and Andy Burnham, they have a key role to play in helping to deliver some of these policies.



## HOUSE OF COMMONS

Q137 **Lloyd Russell-Moyle:** You mentioned the Crown Dependencies. Do you see a role for the overseas territories in those discussions or are they about these bigger meta-issues, climate change and so on?

**Michael Gove:** That has not been considered but it is a very good point and when I was at DEFRA, we were able to ensure, building on David Cameron's work, we had more protection for marine protected areas because of our responsibility in the overseas territories, so it is a fair point and I will pass it on.

Q138 **Lloyd Russell-Moyle:** Some of the discussions around finance, Russian money and that kind of thing is also probably very important to get our overseas territories in the right line.

**Michael Gove:** A very fair point.

**Chair:** Thank you very much indeed. We made good time today. We are very grateful for your attendance, Secretary of State, and note your enthusiasm for a repeat invitation that will be forthcoming in due course. If there is anything you wish to write to us on, I know you undertook to do so on a few of the issues covered, we look forward to receiving that correspondence. For the moment, thank you very much indeed.

**Michael Gove:** Thank you.