

A Response to The Governance of the Union: Consultation, Cooperation and Legislative Consent

Evidence from Professor John Denham

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England's representation within the governance of the United Kingdom

1. I understand that the primary focus of this inquiry is the operation of the new intergovernmental arrangements introduced in January 2022. Those new arrangements did not address the problems arising from the conflation of the UK Government acting on behalf of the UK as a whole and the UK Government representing the interests of England only on many matters of domestic policy. That issue remains relevant to the Committee's current inquiry.
2. This issue was identified in the Report of the Lords Constitution Committee: Respect and Cooperation: Building a Stronger Union (paras 226-230). Although the Committee concluded: *'there are no obvious governance changes to provide England with a distinctive voice that commands political and public support'* its focus of discussion was possible reforms to parliamentary or legislative procedures¹. The Report did not consider in detail how the organisation of the UK state might be changed to clarify the distinction between UK interests and those of England. This note concentrates on practical changes that could be made without altering current legislative arrangements.
3. The Dunlop Report (2019)² acknowledged that the dual-hatted representation of the UK and England caused concerns about both over-representation of England within the UK, and a deficiency in the capacity of the UK government. *'While the settlements differ, largely, on reserved matters the UK Government is speaking for the whole of the UK. At other points – where the issue concerned is a devolved competence – they are speaking primarily for England'*. The Report did not make recommendations to address the problem other than floating the idea of an 'English Regions Forum' and improved civil service training.
4. Gordon Brown's report for the UK Labour Party observed³ *'It is too easy to confuse the governance of England with the governance of the UK' and that 'central government...sometimes fails to distinguish properly between its role as government of the UK and government of England'*. He recommended that part

¹ It should be noted in this context that there has been consistent majority support for the principle of English Votes for English Laws for over 20 years (albeit not perhaps in the obscure and bureaucratic form recently abolished)

² <https://www.gov.uk/government/publications/the-dunlop-review-into-uk-government-union-capability>

³ <https://labour.org.uk/wp-content/uploads/2022/12/Commission-on-the-UKs-Future.pdf>

of the statutory system of intergovernmental relations (be) a ‘*Council of England*’ and that ‘*it would behelpful if central government departments took greater account of whether their responsibilities were England only, or UK wide, or mixed, and internal department and cross-government governance processes accounted for that*’. As a matter of principle, the report recommended that ‘*the structures of cooperation and of central government and Parliament should respect and recognise those areas of decision making that are England-only.*’

5. The issues of England’s representation and the organisation of the civil service identified by Dunlop and Brown were not addressed in the 2022 reforms introduced by the Chancellor of the Duchy of Lancaster.

The recent centralisation of the UK’s governance of England

6. The UK state that governs England has become significantly more centralised since the devolution settlement of the late 1990s and the introduction of austerity in 2010. Local government employment fell by 913,000 between 2010 and 2020 to 2.0 million, a 31.3% fall. Central government employment fell by 22% between 2010 and 2016, before rising to 502,000 (higher than 2010) in December 2023.
7. The much-vaunted English devolution has done little to shift power downwards. It takes nothing away from the achievements of some mayors to recognise that mayoral combined authorities represent only a thin layer of new governance above of local authorities whose capacity to deliver public services, shape places and encourage economic growth has been greatly reduced by austerity. Prior to the most recent budget the total annual resources devolved under Mayoral deals was less than £2bn (against an annual local spend⁴ of £245bn on NHS, local government, schools, police, and public health).
8. Since UK devolution, on the other hand, no significant changes have been made to the way in which the UK state is organised at England’s national level to develop and deliver policy in England. England remains governed by a set of UK government departments some of which hold UK wide responsibilities, some British, some English and Welsh and many significant departments are England only. There is no national budget for England: each department is funded through separate settlements with the UK Treasury, while departmental accountability arrangements work against effective cross-departmental cooperation. No civil service structure coordinates England-only policy.

The Anglo-centric culture of UK governance

9. This dysfunctional centralisation has serious consequence both for relationships across the UK and for effective public policy within England. The concentration of power in the UK state (effectively in Whitehall and Westminster) reinforces the Anglo-centric culture of the UK’s governing institutions. Anglo-centric culture tends either to regard the interests of the devolved nations as marginal to those

⁴ <https://ifs.org.uk/publications/how-much-public-spending-does-each-area-receive-local-authority-level-estimates-health>

of the UK or to believe that the interests of the whole UK are largely the same as the interests of England as perceived by a centralised UK state in Whitehall. (A good example of this culture can be found in a recent and important report of the Institute for Governance on the ‘centre of government’ While making passing mention of the lack of England representation within IGR, it consistently confuses measures needed to ensure the effective governance of the UK and those required for the effective governance of England⁵). Anglo-centric culture also dominates England’s major political parties which frequently fail to be clear whether they are talking about England or Britain.

10. Anglo-centric culture resists regarding England as a nation either as a polity or as a focus for the delivery of policy (despite the UK state’s de facto responsibility for the delivery of English policy). The resulting failures of the UK state as measured by inequality of income, health, productivity, education, and wealth have been well documented, as has the inability of the UK state to deliver meaningful devolution and regional growth.⁶
11. Given that every UK governing party in the past 40 years has enjoyed a majority in England while frequently no enjoying a majority in at least one other nation (and never in Northern Ireland), it should be no surprise that the devolved nations feel they are confronted by an irredeemably ‘English’ UK state.

Delineating English and UK interests in the UK state

12. The paradox of the UK state appearing English to the devolved nations yet failing England in domestic policy that was identified in the Dunlop and Brown reports remains a central problem. The resolution requires the delineation of the governance of England from that of the UK. In a paper⁷ for the Bennett Institute, Philip Rycroft and I set out the reforms needed to create a coherent system of governance for England and for the effective and discrete representation of England within the governance of the UK:
 - I. The rebranding of departments responsible for policy that are in effect entirely English-focused departments, viz Education; Health and Social Care; Levelling Up, Housing and Local Communities. (Residual functions with UK-wide implications such as international policy may still be managed from within these departments but in close collaboration with the devolved governments).
 - II. Identification of England-only responsibilities in other relevant departments (Department for Culture, Media and Sport; Home Office; Justice; Business and Trade; Science, Innovation and Technology; Transport; Work and Pensions; Energy Security and Net Zero; Environment, Food and Rural Affairs) and reorganisation to ensure that these are exercised separately from UK (or Welsh) responsibilities.
 - III. The creation of an England Office to coordinate English domestic policy.

⁵ <https://www.instituteforgovernment.org.uk/sites/default/files/2024-03/Centre-Commission-final-report.pdf>

⁶ <https://www.gov.uk/government/publications/levelling-up-the-united-kingdom>

⁷ <https://www.bennettinstitute.cam.ac.uk/blog/reforming-englands-national-governance/>

- IV. Reform of the relationship between HM Treasury and government departments to ensure that there is a national budget for England and that the allocation of resources reflects priorities agreed across English departments.
- 13. A Secretary of State for who would chair an English Cabinet Committee, to affect the coordination of English domestic policy, with sub-committees formed as necessary to advance specific policy goals.

English representation within the IGR

- 14. For intra-union purposes, these reforms would enable English interests to be clearly and publicly identified and considered alongside the interests of the devolved nations and UK wide interests as identified by the UK government. To facilitate this process:
 - I. The Secretary of State for England would sit alongside the other territorial offices in a Department for the Union, led by the Deputy Prime Minister.
 - II. The Secretary of State for England and the England Office would provide representation for English interests in inter-governmental forums at a political and official level.

Achievable reform

- 15. In this model, the Secretary of State for England would be appointed by the UK Prime Minister. This would introduce a new but manageable element into the dynamics of Cabinet Government, certainly no greater than those that are familiar from the relationship between Prime Ministers and Chancellors of the Exchequer.
- 16. This is a relatively modest proposal that could be introduced quite rapidly. It would form an essential building block for any of the wider reforms a government might introduce intra-governmental relations, the creation of a body representing English localities or reform of the House of Lords.