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Political and Constitutional
Reform Committee

The future of devolution after the Scottish referendum

Eleventh Report of Session 2014–15

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to the report*

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The Political and Constitutional Reform Committee

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Committee staff

The current staff of the Committee are Martyn Atkins (Clerk), Edward Faulkner (Committee Specialist), Ami Cochrane (Legal Assistant), Tony Catinella (Senior Committee Assistant), Nerys Davies (Campaign Co-ordinator), James Camp (Committee Assistant) and Jessica Bridges-Palmer (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Political and Constitutional Reform Committee, Political and Constitutional Reform Committee, House of Commons, 14 Tothill Street, London SW1H 9NB. The telephone number for general enquiries is 020 7219 0737; the Committee's email address is pcrc@parliament.uk.

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Summary

Proposals for devolutionary change in Scotland, Wales, Northern Ireland and England have been made at what appears to be dizzying speed since the Scottish referendum result in September 2014. We have considered what these developments mean for the future of devolution across the United Kingdom, and have found that the settlements have been approached in a bilateral fashion and without much consideration of what each means for the future of the Union as a whole. In part this is due to the asymmetric nature of the UK's territorial relationships and existing devolution settlements, and reflects the state of debate in each of the constituent nations of the UK: Scottish devolution has been able to move further and faster because many of the key issues had already been debated fully during the referendum campaign.

We nevertheless consider that as the devolution settlement matures the implications of further transfers of powers for the Union as a whole must be fully taken into account. While the political commitments made on the implementation of further devolution for Scotland should be honoured in full, and to the timescale envisaged, the rushed process of the Smith Commission Agreement cannot substitute for a full deliberation on the constitutional future of all elements of the United Kingdom. It is time to examine what recent proposals for change mean for the Union as a whole, and how our United Kingdom, built on the twin principles of Union and Devolution, is functioning for the benefit of all its citizens. This might be undertaken in a constitutional convention, with citizen participation, to commence no later than the end of 2015.

We have recommended:

- That the House of Commons develop a mechanism for systematic and effective scrutiny of the intergovernmental operation of the devolution settlement, through a Devolution Committee.
- That the Government review the resources and structure of the departments which presently support the territorial Secretaries of State, with a view to more effective management of the territorial constitution.
- That the Government establish, in the first six months of the new Parliament, a commission to review proposals for further devolution within England and to reach agreement on a suite of powers which local authorities can draw down where they can demonstrate demand and popular support. Such legislation should be introduced no later than May 2016, for implementation by May 2017 at the latest.

We find that a Convention for England, with broad popular representation from the public and civil society, could examine the relationship between England and the United Kingdom and develop a process for further agreed devolution from the centre to regions and localities.

We note that the Government has not yet tabled detailed proposals for how the system of 'English votes for English laws' favoured by the Leader of the House would work in practice. Such a scheme would have wide-ranging implications for many aspects of the House's business, and we recommend the Procedure Committee in the new Parliament give detailed scrutiny to the procedural and practical implications of any proposal to introduce 'English votes for English laws'. While we do not seek to bind a new House, we invite it to reflect on the potential impact on the United Kingdom of a situation where a future administration must in effect demonstrate that it has the confidence not only of the whole House but also of English Members.

1 Introduction

1. Devolution has been a feature of the UK's constitutional arrangements since the transfer of legislative powers from Westminster to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly in 1999. The initial devolution settlements for Scotland and Wales have been examined by a number of commissions over the intervening fifteen years, and agreements on the transfer of further powers have subsequently been implemented by legislation, most recently in the Scotland Act 2012 and the Wales Act 2014.

2. Following the outcome of the referendum on Scottish independence on 18 September 2014, agreement has been reached on a further package of powers to be transferred to the Scottish Parliament, an agreement between the Government and the political parties in Northern Ireland has been reached on, among other things, the transfer of certain fiscal powers to the Northern Ireland Assembly, and the UK Government has put forward proposals for further devolution to the National Assembly for Wales.

3. In December 2014 the Government published a paper which set out the implications of devolution for England, outlining the measures which the Government had taken since 2010 to decentralise power within England and indicating the position of the two parties in the Coalition Government on the consideration by the House of Commons of legislation affecting England, or England and Wales, only.¹

Our inquiry

4. It was manifestly clear in the latter stages of the Scottish referendum campaign that the result would have substantial implications for the future of devolution, whatever the outcome. In June 2014 the pro-union parties in Scotland committed themselves to a policy of substantial further devolution to the Scottish Parliament in the event of a No vote, an undertaking followed up in due course, and with increasing urgency, by their UK counterparts. On the day that the result was announced, we launched an inquiry with the following terms of reference:

- Should England, Wales and Northern Ireland be offered the level of devolution that has been discussed in relation to Scotland?
- If so, what should be the next stages to take forward devolution in a) Scotland, b) Wales, c) Northern Ireland, d) England?
- To what extent is the Government's timetable for considering the future of devolution realistic?

¹ [The Implications of Devolution for England](#), Office of the Leader of the House of Commons, Cm 8969, December 2014

- What measures, such as a written constitution, could most effectively entrench future devolution settlements?
- Given that different parties have put forward different proposals for further devolution to Scotland, what is the best way forward?
- What implications does further devolution to Scotland have for how the House of Commons should deal with legislation that deals with only part of the UK?

5. Throughout this inquiry we have sought to address the future of devolution through the perspective of all the component parts of the UK. We received over 80 written submissions and held nine sessions of oral evidence, visiting Edinburgh, Cardiff and Belfast to take evidence and to hold informal discussions.² We are very grateful to all those who made submissions to our inquiry and to those who gave evidence or met us informally.

6. The devolution debate covers a broad canvas. In the course of this relatively brief inquiry we have not sought to undertake an exhaustive examination of all the implications for devolution of the policy choices made after the Scottish referendum. We note, for example, the substantial contribution made to advancing the debate on fiscal devolution within England from our colleagues on the Communities and Local Government Committee,³ and the analysis of implementation of the Smith Commission Agreement by the Scottish Affairs Committee.⁴ The Institute for Government has also recently published the results of its ten-month research project on the essential relationships between the territorial administrations of the UK, with a number of cogent and practical recommendations for change.⁵

2 A list of all those who made written submissions to the Committee is at page 54. A list of those who gave oral evidence to the Committee is at page 56

3 Communities and Local Government Committee, [Devolution in England: the case for local government](#), First Report of Session 2014–15, HC 503

4 Scottish Affairs Committee, [The implementation of the Smith Agreement](#), Fourth Report of Session 2014-15, HC 835

5 [Governing in an Ever Looser Union](#), Institute for Government, February 2015

2 The future shape of the Union

The Vow and the impact of the Scottish referendum

7. The Scottish referendum was a highly significant political event for the UK. 4,283,938 people were eligible to vote in the Scottish independence referendum, and 3,623,344 votes were cast, a turnout of 84.6 per cent. 1,617,989 (44.7 per cent of valid votes cast) voted Yes; 2,001,926 (55.3 per cent) voted No.⁶

8. The turnout of 84.6 per cent was the highest turnout at a nationwide referendum or parliamentary election in Scotland since the establishment of universal suffrage. 16- and 17-year-olds were eligible to vote in the referendum, and by the date of the poll 109,533 people in this age group had registered to vote.⁷ The very high turnout reflected the considerable level of voter engagement with a referendum campaign which had lasted for over two years. The significance of the referendum and its outcome has been confirmed by the reaction to the result not only in Scotland but in the rest of the UK, with greater levels of interest in the way the Union is governed and the potential for the further devolution of power down to localities in each nation of the UK.

Undertakings on further devolution

9. During the referendum campaign the constitutional future of Scotland in the event of a Yes vote appeared reasonably certain. Less clear, until the latter stages of the campaign, were the potential constitutional consequences of a No vote.

10. In June 2014 the leaders of the Scottish Conservative, Scottish Labour and Scottish Liberal Democrat parties issued a joint statement:

Power lies with the Scottish people and we believe it is for the Scottish people to decide how we are governed.

We believe that the pooling and sharing of resources across the United Kingdom is to Scotland's benefit in a partnership of four nations in which distinct national identities can flourish and be celebrated.

We believe that Scotland and the United Kingdom have been strengthened since the advent of devolution.

We support a strong Scottish Parliament in a strong United Kingdom and we support the further strengthening of the Parliament's powers. The three parties delivered more powers for Holyrood through the Calman Commission which resulted in the Scotland Act 2012.

6 Results published by Electoral Management Board for Scotland, www.electionsscotland.info. The referendum question was 'Should Scotland be an independent country?.'

7 [Scottish Independence Referendum: Report on the referendum held on 18 September 2014](#), Electoral Commission, December 2014

We now pledge to strengthen further the powers of the Scottish Parliament, in particular in the areas of fiscal responsibility and social security. We believe that Scotland should have a stronger Scottish Parliament while retaining full representation for Scotland at Westminster. Our common agenda can bring people together from all of Scotland, from civic society and every community.

The Scottish Labour Party, the Scottish Conservative and Unionist Party and the Scottish Liberal Democrats have each produced our own visions of the new powers which the Scottish Parliament needs.

We shall put those visions before the Scottish people at the next general election and all three parties guarantee to start delivering more powers for the Scottish Parliament as swiftly as possible in 2015.

Our common endeavour will deliver a stronger Scottish Parliament in a stronger United Kingdom.⁸

11. On 7 September the Chancellor of the Exchequer, Rt Hon George Osborne MP, indicated that a 'plan of action' was being developed to give more powers over taxation, spending and benefits to the Scottish Parliament in the event of a No vote. On 8 September the former Prime Minister, Rt Hon Gordon Brown MP, set out a process and a timetable for achieving the delivery of further powers to the Scottish Parliament, and on 10 September the leaders of the main UK political parties travelled to Scotland to campaign for a No vote. On that day the Leader of the House indicated that the commitment to further powers for the Scottish Parliament made by the party leaders were not statements of Government policy:

The statements by the party leaders made on this in the last few days are statements by party leaders in a campaign—not a statement of Government policy today, but a statement of commitment from the three main political parties, akin to statements by party leaders in a general election campaign of what they intend to do afterwards. It is on that basis that they have made those statements.⁹

8 The Centre on Constitutional Change published a copy of the statement: <http://www.centreonconstitutionalchange.ac.uk/news/joint-statement-more-devolution-uk>

9 HC Deb, 10 September 2014, [col 900](#)

12. A key moment in the debate immediately prior to the referendum was the publication in a Scottish daily newspaper of a commitment—known as The Vow—from the Prime Minister, the Deputy Prime Minister and the Leader of the Opposition, made on behalf of their parties, “to deliver change for Scotland”.¹⁰ The three UK party leaders declared agreement on the following:

- That the Scottish Parliament is permanent
- That, in the event of a No vote in the referendum, “extensive new powers” for the Scottish Parliament would be delivered by a process, and to a timetable, agreed by the parties, beginning on 19 September
- Each party will work to improve the way the UK is governed
- The UK exists to ensure opportunity and security for all, by sharing resources equitably to secure the defence, prosperity and welfare of every citizen
- Expenditure on the NHS in Scotland is a matter for the Scottish Parliament

Willie Rennie, Leader of the Scottish Liberal Democrats, described to us the significance of The Vow:

[P]reviously we were having a kind of a Unionist offer, in which each individual party would put its proposals in its manifesto and if it won power it would implement those proposals. It was a direct line from its commissions to implementing its legislation. What changed was that it was going to be a cross-party affair [...] and also there would be a consensus before the general election.¹¹

13. In evidence to us the Local Government Association indicated the significance of the Scottish referendum campaign, and, in particular, The Vow, for further transfers of power away from Westminster:

Scotland’s referendum campaign has illustrated the political dynamic very clearly. The Yes campaign was as much an anti-Westminster campaign as a nationalist movement. Even No voters, while rejecting a nationalist independence agenda, demanded greater ownership by Scots of decisions that affect their lives. The referendum’s outcome, underpinned by the “Vow” made to Scotland by the three main UK party leaders, has exposed the failure of the centralised UK model for all the countries and communities of the Union, not just Scotland. The UK government has conceded that the old way of doing business must end.¹²

10 [“The Vow”](#), Daily Record, Tuesday 16 September 2014

11 Q265

12 Local Government Association ([PRD_0075](#)), para 3.3

Devolution proposals after the Scottish referendum

14. Since the referendum in Scotland, proposals on further devolution to Scotland, Northern Ireland and Wales have been agreed upon in principle: legislation giving the Northern Ireland Assembly the power to set the main rate of corporation tax in respect of certain trading profits from April 2017 has passed both Houses and awaits Royal Assent.¹³ The Government has also been taking forward a programme of decentralisation within England which we examine further below.

Scotland

15. Immediately after the result of the referendum on independence for Scotland was known, the Prime Minister invited Lord Smith of Kelvin to convene a commission comprising two representatives of each of the five parties represented in the Scottish Parliament. Lord Smith's terms of reference were

To convene cross-party talks and facilitate an inclusive engagement process across Scotland to produce, by 30 November 2014, Heads of Agreement with recommendations for further devolution of powers to the Scottish Parliament. This process will be informed by a Command Paper, to be published by 31 October and will result in the publication of draft clauses by 25 January. The recommendations will deliver more financial, welfare and taxation powers, strengthening the Scottish Parliament within the United Kingdom.

Each of the parties represented in the Scottish Parliament accepted the invitation to participate in the Commission.¹⁴

16. The UK Government subsequently published a Command Paper setting out the published proposals of the three main UK parties on further devolution to the Scottish Parliament,¹⁵ while the Scottish Government and the Scottish Green Party published their own proposals.¹⁶ The Commission held nine plenary meetings, including a public evidence session with representatives of civic institutions, and Lord Smith held a number of bilateral meetings with his fellow commissioners. Each party representative agreed to the proposals set out in the Smith Commission Agreement, published on 27 November 2014.¹⁷ On 22 January the UK Government published a further Command Paper on implementation of

13 Corporation Tax (Northern Ireland) Bill 2014–15

14 The representatives put forward by the parties were: Annabel Goldie MSP, Scottish Conservative and Unionist Party, Adam Tomkins, Scottish Conservative and Unionist Party, Maggie Chapman, Scottish Green Party, Patrick Harvie MSP, Scottish Green Party, Gregg McClymont MP, Scottish Labour, Iain Gray MSP, Scottish Labour, Tavish Scott MSP, Scottish Liberal Democrats, Michael Moore MP, Scottish Liberal Democrats, John Swinney MSP, Scottish National Party, and Linda Fabiani MSP, Scottish National Party.

15 [The parties' published proposals on further devolution for Scotland](#), Scotland Office, Cm 8946, October 2014

16 [More powers for the Scottish Parliament: Scottish Government proposals](#), Scottish Government, October 2014, and [Scottish Green Party submission to Smith Commission on Devolution](#), Scottish Green Party, October 2014

17 [Report of the Smith Commission for further devolution of powers to the Scottish Parliament](#), The Smith Commission, November 2014

the Smith Commission Agreement, including draft clauses for a Scotland Bill intended to be introduced early in the new Parliament.¹⁸

17. The Smith Commission Agreement proposes substantial new powers for the Scottish Parliament, and the draft clauses are intended to illustrate how these powers will be transferred to the Parliament. We have already undertaken pre-legislative scrutiny of the draft clauses with major constitutional significance which are to implement Pillar 1 of the Agreement. Draft clause 1 purports to make the Scottish Parliament and Scottish Government permanent institutions, draft clause 2 is intended to establish in statute the convention that the UK Parliament will not normally legislate on matters within the competence of the Scottish Parliament unless the Scottish Parliament has consented to such legislation, and draft clauses 3 to 9 make provision for the Scottish Parliament to have powers over its own arrangements and operations, and to have all powers in relation to elections to the Scottish Parliament and to local government in Scotland. As we said in our earlier report,

The draft clauses, taken together, represent a major change to the United Kingdom’s constitutional arrangements: they provide for very substantial devolution of powers over income tax and welfare to the Scottish Parliament, assignment to the Scottish Government’s budget of the first ten percentage points of all VAT raised in Scotland, a wholesale revision of the fiscal framework for Scotland within the UK, and new borrowing powers for the Scottish Government.¹⁹

Wales

18. The Commission on Devolution in Wales (the Silk Commission) was established in October 2011 with a remit “to review the present financial and constitutional arrangements in Wales” in two stages, first with respect to financial accountability and then with respect to the powers of the National Assembly for Wales. It reported on the two elements of its remit in November 2012 (‘Silk I’) and March 2014 (‘Silk II’) respectively.²⁰ A bill to implement recommendations from Silk I was enacted in December 2014 as the Wales Act 2014.

19. In October 2014 the leaders of the four political parties in the National Assembly for Wales tabled, and secured the Assembly’s agreement to, a motion calling for the devolution of further powers to Wales.²¹ The Secretary of State for Wales committed himself to bringing forward proposals for further devolution on the basis of Silk II: on 27 February 2015 he published a Command Paper setting out the UK Government’s proposals for

18 Scotland Office, [Scotland in the United Kingdom: An enduring settlement](#), Cm 8990, January 2015

19 Political and Constitutional Reform Committee, [Constitutional implications of the Government’s draft Scotland clauses](#), Ninth Report of Session 2014–15, HC 1022, para 12

20 Commission on Devolution in Wales, [Empowerment and Responsibility: Financial Powers to Strengthen Wales](#), November 2012 and [Empowerment and Responsibility: Legislative Powers to Strengthen Wales](#), March 2014

21 Record of Proceedings, National Assembly for Wales, [21 October 2014](#)

further devolution to Wales.²² The proposals include a programme of work to establish a separate legal jurisdiction for Wales.

Northern Ireland

20. On 23 December 2014 the political parties in Northern Ireland, the UK Government and the Government of the Republic of Ireland reached agreement on a number of measures aimed at furthering the peace process in Northern Ireland, reforming Northern Ireland institutions, restructuring the welfare and benefits system in Northern Ireland and devolving certain fiscal powers, including powers over the rate of corporation tax, to the Northern Ireland Assembly.²³ The Stormont House Agreement is the latest in a series of agreements stemming from the 1998 Belfast Agreement which provide for further devolution to the Northern Ireland Assembly and contribute to the continuing operation of the Northern Ireland peace process.

The nature and process of further devolution

21. The scale of the new powers promised by the political parties to the Scottish Parliament in the event of a No vote in the referendum surprised many, since the Government had not adopted a policy on further powers to be offered in the event of a No vote. There has been significant debate in Scotland over whether the terms of the Smith Commission Agreement and the draft clauses fulfil the broad promise of ‘substantial new powers’ for the Scottish Parliament set out in ‘The Vow’. Our colleagues on the Scottish Affairs Committee have examined the provisions in detail and have found that the promises in ‘The Vow’ have been met.²⁴

22. We asked whether the broad offer of substantial further powers to the Scottish Parliament should also be offered to England, Wales and Northern Ireland. This would seem to be a logical step in the development of devolution across the UK. The evidence we received in return indicated practical difficulties in offering similar levels of devolution to the rest of the UK, arising from the asymmetric circumstances of the existing devolution settlements. Akash Paun, of the Institute for Government, identified a flaw in the premise of such a proposal:

The idea that devolution is about powers being offered by the centre to parts of the country maybe is not always the best starting point. My perception is that devolution should be driven by a dialogue between the different levels of the different parts of the country—it is not even about governments, of course—about how we want to divide the resources and functions of the state.²⁵

22 [Powers for a purpose: Towards a lasting devolution settlement for Wales](#), Wales Office, Cm 9020, February 2015

23 Northern Ireland Office, [The Stormont House Agreement](#) and [The Stormont House Agreement—Financial Annex](#), December 2014

24 Scottish Affairs Committee, [The implementation of the Smith Agreement](#), Fourth Report of Session 2014–15, HC 835, para 57

25 Q408

23. Professor Jim Gallagher, of Nuffield College, Oxford, took issue with “the simple proposition that devolution is good and therefore more devolution must be better”, which he said was not the right answer to the challenge set in finding a new devolution settlement “that is consistent with the maintenance of the union that was described and defended in the campaign itself”.²⁶ The settlement which had to be found, he said, needed to be

consistent with the structure of the UK as a political union, with the integrated economy of the UK, which was defended during the campaign, and [. . .] a social union, that is to say social solidarity inside the United Kingdom, because without all of those the UK will not be stable in the long run. That is what the people voted for, that is what they were offered and that is what they should get.²⁷

An asymmetric settlement

24. The asymmetry of the UK’s present devolution arrangements has long been recognised. The Institute for Government reminded us that the four nations of the UK each have “very different governance arrangements, powers and responsibilities”, a situation which long predated the present process of devolutionary reform which began in the 1990s. Scotland has retained its own legal and educational system since the 1707 Act of Union, for example, while Northern Ireland has had its own civil service and social security system since its creation in 1921.²⁸ The Institute for Government told us that “these differences reflect the UK’s longstanding approach to constitutional design, which has been to respond differentially to specific circumstances and pressures arising in each part of the country rather than seeking to design and implement a single consistent constitutional model” and indicated that this approach remained the default.²⁹

25. The Parliamentary Under Secretary of State for Scotland, Rt Hon David Mundell MP, told us that the present debates on devolution throughout the UK were not necessarily linked: “the debate is at different stages in each of the respective parts of the United Kingdom and even within different parts of England”, though debates on independence and a Scottish Parliament had been the subject of debate for all his lifetime.³⁰

26 Q64

27 *Ibid.*

28 Institute for Government ([PRD 0083](#))

29 *Ibid.*

30 Q512

26. David Ford MLA, Northern Ireland Justice Minister and Leader of the Alliance Party of Northern Ireland, summed up the challenges:

Part of the issue that we have to address is the fact that in the UK we have a unitary state that has somehow developed three entirely different forms of devolution. We do not have anything that is a federal-type arrangement and, therefore, to some extent, we are in the bizarre position that what is proposed in one of the devolved nations does not necessarily have a read across to the other two. [...] I am not sure there is a direct read-across from the Scottish proposals. Clearly, the issues for us are what an appropriate level of devolution around fiscal matters is for Northern Ireland, and I am not sure that Smith necessarily relates that directly to us in the absence of a more overarching constitutional settlement for the UK as a whole.³¹

27. Rt Hon Peter Robinson MLA, First Minister of Northern Ireland, recognised that a number of the proposals for further devolution to Scotland under the Smith Commission Agreement would not necessarily be appropriate for Northern Ireland. He was sceptical about whether Northern Ireland should have all the powers on offer to Scotland:

[...] [S]ome take a constitutionally political position. It is a grab from Government of any powers that they can; taking it away from London and bringing it back here. Almost a sort of hyper-devolution collector's item: how much can you have? I look at it on the basis of where is it best capable of being used. Where can it function best? Because of the size of Northern Ireland, I think we have to recognise that there are some powers devolved or are intended to be devolved to Scotland that would not operate in the same way in Northern Ireland because of the cost of doing the work, so I think we have to take that into account.³²

28. The Institute for Government suggested that there were often “good economic, cultural and historical reasons for constitutional asymmetry.” They ventured the following examples:

For instance, fiscal devolution (implying a greater degree of self-sufficiency) is less attractive to Wales than Scotland due to Wales' weaker economic position. And Northern Ireland's distinct power-sharing devolution model is a product of devolution there being part of the peace settlement. As for England, its pre-eminence within the UK means that there has not been the perceived need to create separate English governance structures—Westminster and Whitehall are already predominantly focussed on English matters.³³

31 Q435

32 Q491

33 Institute for Government ([PRD_0083](#))

Baroness Randerson, Parliamentary Under Secretary of State for Wales, told us that in negotiating devolution settlements the UK Government recognised that “the needs of the individual countries of the Union are different. We are aware in Wales that, institutionally, the background is very different from that in Scotland. Geographically, the situation is very different. We have a long border with England that is very porous. People cross that border very much more frequently than they do in Scotland.”³⁴

A ‘New Union mindset’?

29. Evidence we received from party leaders in Wales indicated that the recent offer of further devolution to Scotland under the Smith Commission Agreement should be matched in any proposal made by the UK Government for further devolution to Wales. Following an all-party agreement in the National Assembly on the basis of further devolution to Wales, the First Minister, Rt Hon Carwyn Jones AM, told us that he saw “no reason why the Smith Commission offer in Scotland should not be made to Wales”, though he had been surprised by the proposal for full devolution of many aspects of income tax.³⁵ Leanne Wood AM, Leader of Plaid Cymru, told us that “that agreement gives us the basis for implementing both Silk Commission reports in full, without any undue delay, in addition to applying new powers recommended by Smith for Scotland to Wales, too.”³⁶

30. Baroness Randerson indicated that the Smith proposals had had some bearing on the proposals made for further devolution to Wales: “we are aware that although the situation is very different in Wales from that in Scotland, what is happening in Scotland does have a knock-on effect on Wales and needs to be considered in Wales”.³⁷

31. In a speech delivered after the Scottish referendum result the First Minister of Wales indicated that in his view the process of devolution was already changing the nature of the British state, and was likely to change it further:

[D]evolution has already fundamentally changed the governance of the United Kingdom. This was clear before the Scottish referendum was even in prospect, and it has become blindingly obvious since then. Public support for the devolved Parliament and Assemblies has created a presumption of popular sovereignty in the different parts of the UK, which has fundamentally challenged assumptions about a centralised British state. [...]

[W]e have to move from a devolution mindset to a New Union mindset. A devolution mindset starts with the assumption that the Westminster Parliament is sovereign and we are fundamentally a centralized state. That thinking has led us to making concessions to national feelings, by way of

34 Q511

35 Q366

36 Q298

37 Q511

specific limited delegations to the so-called devolved administrations. A New Union mindset, on the other hand, says that the UK is a state governed by four representative institutions. Those Parliaments and Assemblies embody popular sovereignty in each part of the country, and yet work with one another for our mutual benefit. [...]

On the day after the Referendum there were encouraging signs of a change of mindset. There was a recognition that the Old Union had been swept away. The Prime Minister recognized (at least for a few moments) the implications for the whole of the UK, and said that Wales should be at the heart of the debate.³⁸

32. Whatever the merits of the ‘New Union mindset’, it appears that it has not led to greater agreement between the Wales Office and the Welsh Government on further devolution. The process leading up to the publication of the UK Government’s proposals for further devolution to Wales has been described by the First Minister as “rushed, incoherent and unsatisfactory”, with the proposals themselves representing “no more than a staging post to which we will now return after the general election in order to craft a new and sustainable system of Government: one that will resolve many of the constitutional anomalies and disparities that currently exist.”³⁹ He criticised the apparent failure to bring forward proposals on the same basis as the offer which had been made to Scotland:

[A]ll these proposals are positive but there is no question that they fall short of fair and equitable treatment for Wales. Our consenting powers on energy will still be capped at what is an arbitrary limit, albeit one substantially higher than now. There is no progress at all on policing, no commitment to even the further review on justice that Silk recommended, nor any transfer of executive powers for youth justice.⁴⁰

Asked to consider the First Minister’s case for a process that would “treat all four nations as equal and develop a long-term view on what the UK should look like”, Baroness Randerson was pragmatic: “there may be a case for doing that but it is not something that you would, ideally, establish in the last months of a Parliament. It is something that is undoubtedly an issue for the future.”⁴¹

38 [A keynote speech by the Rt Hon Carwyn Jones AM, Minister of Wales: Our future union—a perspective from Wales](#), Institute for Government, October 2014

39 Record of Proceedings, National Assembly for Wales, [3 March 2015](#)

40 *Ibid.*

41 Q513

A joined-up plan for further devolution?

33. Several of the submissions were received were critical of the apparent lack of coherence in the approach of successive administrations to the process of devolution. Akash Paun, of the Institute for Government, drew attention to the inherent risks of a piecemeal approach:

I think the way it has worked up until now is that there has been almost no joined-up thinking. [...] There are some good reasons for that but you do end up running into maybe unintended consequences of devolving just to one part of the country. We referred in our evidence to spill-over effects, [...] If you devolve a lot of tax powers just to Scotland, there are potentially concerns about tax competition, competition for inward investment and so on that one has to be mindful of in designing a settlement. [...] If, in the way that has been happening, one thinks only about devolution to Scotland without any consideration of how it will spill over elsewhere, it could lead to instability.⁴²

The policy analyst Dr Robin Wilson described the Whitehall approach to devolutionary change as “‘chopped-up’ governance [...] with very little policy exchange among the jurisdictions—or even mutual knowledge about what they are doing.”⁴³

34. Ministers were nevertheless adamant that the Government had been taking a joined-up approach to devolutionary change since 2010. Greg Clark indicated that devolution had been “a pretty constant conversation during the whole of the last four and half to five years. It has regularly been discussed at every level of Government from the Cabinet, and in Parliament multiple times. The idea that these are proceeding without any reference to what is going on elsewhere is not the case.” David Mundell told us that “We are demonstrating that we have a consistent approach for the constituent parts of the United Kingdom and I think our approach to Scotland has been an entirely consistent one”, while Baroness Randerson countered the argument that the Government had been moving forward too hastily in proposing further devolution in Wales: “I would call it responsive government and moving forward in steady but quite large steps in terms of the devolution settlement. I would ask you to reflect on the dangers of delay. When there is a strong demand for further devolution, there is great common sense, in a reasonable and timely manner, in seeking to deal with that issue.”⁴⁴

42 Q411

43 Dr Robin Wilson ([PRD 0068](#)), para 17

44 *Ibid.*

Our view

35. The timing of the Scottish referendum, and the natural wish within Government to make progress on devolution before the end of the present Parliament, have led to the development of three separate proposals for further devolution which, while not drafted in isolation, are not the product of a coherent process for planning the future of a devolved Union. In part, this reflects differing political circumstances and the asymmetric nature of the present devolution settlement. **In the three post-referendum proposals for further devolution, each developed separately and to be implemented bilaterally, it is difficult to perceive the ‘new Union mindset’ which the First Minister of Wales has championed, and easier to perceive a ‘devolution mindset’ where powers are handed down from Whitehall along bilateral channels. As the devolution settlement matures, the implications for the operation of the Union as a whole of each transfer of powers must be fully taken into account.** We examine proposals for refreshing the intergovernmental and intragovernmental machinery of devolution further below.

Public engagement with the process of devolution

36. Although the Smith Commission process has been hailed in several quarters for producing a negotiated settlement acceptable to all parties represented on the Commission, there has been criticism of the way in which the settlement was reached. Though he thought the Smith Commission agreement was impressive, Akash Paun thought that the level of public engagement had been insufficient. He told us that changes to the constitution of this significance should follow a process of proper engagement, but that in this case “the timetable was set for political reasons in the days before the referendum and the commission had to work to it.”⁴⁵ He stated:

I think they did the best they could in a pretty difficult, constrained situation. Ideally you would have had a much longer period allowing for greater public engagement. The Scottish Constitutional Convention in the 1980s and 1990s sat for six years or so. The Scotland Act 2012 was the output of a long process going back to 2007 or 2008 when the Calman commission was set up.⁴⁶

He told us that the Commission had made an effort to encourage civil society submissions and had received a good range of them, as well as thousands of public submissions, although he was unsure whether those submissions had had much impact on the outcome of the process. He also noted that the Smith Commission “ended up being called a commission just because that is the sort of phrase that emerges in these kind of situations”, but had not in fact been set up to be an evidence-driven, deliberative process of the kind normally associated with such commissions.⁴⁷

45 Q427

46 *Ibid.*

47 *Ibid.*

37. Unlock Democracy was also critical of the Smith process, telling us: “The arbitrary timetable for the “vow” to Scotland agreed in the heat of the referendum campaign means that complex decisions about the future of devolution will be examined in extreme haste.” We heard that:

The timetable set by the government would be unrealistic even if the decision were one that only involved ministers and civil servants. It was determined purely by party political calculation and leaves the public no meaningful opportunity to contribute to the process. The impact the restrictive timetable will have on the decision-making process is already clear. The Smith Devolution Commission has invited the public to send in their individual views on the future of Scottish devolution, but they only have a window of 28 days to contribute. This process does not meet even the government’s own guidelines for consultations, which recommend significantly longer periods of consultation for more complex issues. After the consultation process, the Commission itself then has just one month to produce proposals. This is simply not enough.⁴⁸

Professor Nicola McEwen, of the University of Edinburgh, thought that the Smith process would not allow sufficient time for proper analysis of the implications of the new powers proposed for the Scottish Parliament:

I think that there is probably enough time to get a set of ideas, a heads of agreement we are talking about now, but they will not scratch beneath the surface to explore whether these are workable ideas, what the implications of introducing those new responsibilities would be and how it might unfold.⁴⁹

She suspected that the result would be that whatever came out would probably not be sustainable and “we will be back here within a few years talking about either fixing that or what next.” She also noted the disparity between the level of public engagement with the referendum, and the lack of scope for engagement with the Smith process, telling us she thought “almost an exclusion of the public from the process as it is now is very unfortunate.”⁵⁰

38. Mr Mundell, however, defended the process from charges of insufficient public engagement:

I do not agree that the public is excluded from this process. [...] I think particularly in Scotland the public have been very much engaged in this debate, which is continuing. The Scotland Office, for example, is engaged at the moment in consultation sessions in relation to the detail of the clauses that have been produced and there have been events already in Aberdeen and Inverness, and there is one in Glasgow in the next few days, where people can

48 Unlock Democracy ([PRD 0057](#)), para 7

49 Q36

50 *Ibid.*

engage directly in relation to the process. [T]here was very significant engagement and also the Smith commission itself had significant engagement. But ultimately agreement does have to be reached, and although that agreement on individual aspects was not done on a plebiscite basis, the big question was.⁵¹

Our view

39. The process of constitutional change which has resulted in the Smith Commission Agreement and the draft clauses for a Scotland Bill was designed to address the political demand in Scotland for a coherent and scheduled commitment to the delivery of further powers for the Scottish Parliament. It is undeniable that the Smith proposals and the draft clauses have been delivered to an extremely tight timescale. Lord Smith, his fellow Commissioners and the team of civil servants assembled to support the Commission have clearly met the Commission's brief, and the Government has ensured that the timetable for the Commission's work and its outputs has been met. It will be for the political parties which have underwritten the Smith process to ensure that commitments on the enactment of legislation are met following the general election.

40. The Smith Commission undertook its work in a political climate in Scotland already galvanised by the referendum campaign. Sustained constitutional discourse is not a novelty in Scotland: as we observed in our report on *Do we need a constitutional convention for the UK?*, the Scottish Constitutional Convention was established in 1989 and deliberated for six years on proposals for a Scottish Parliament which were adopted by the Government in 1997.⁵² As a number of witnesses pointed out to us, the level of debate and public understanding of constitutional issues and choices in Scotland is now very high. Willie Rennie told us that “We have been debating this for three years. We know the ins and outs of how the whole system works. [...] We have to run with it just now. We know more than anybody would really want to know about their constitution and I think we will make very sound decisions.”⁵³

41. The constitutional changes proposed in the Smith Commission Agreement are nevertheless being taken forward without detailed external scrutiny of their effect on the overall devolution settlement. As we indicate below, substantial bilateral work has been undertaken—and remains to be undertaken—on the design of machinery which will support the additional taxation and welfare powers to be granted to the Scottish Parliament, and on the fiscal framework envisaged in the Agreement, but it is not clear what account this work is taking of the likely overall effect on the UK and its constituent nations. Although, as we report below, the UK Parliament and the devolved institutions are to receive regular reports from the committees established under a renewed intergovernmental structure, it is not yet clear what opportunities there will be for

51 Q514

52 Political and Constitutional Reform Committee, [Do we need a constitutional convention for the UK?](#), Fourth Report of Session 2012–13, HC 371, paras 21–23

53 Q267

Parliamentary scrutiny of the emerging settlement, over and above the formal scrutiny afforded by the legislative process.

42. The three main Westminster parties have all given undertakings that the Smith Agreement's provisions are to be enacted very early in the new Parliament. While we do not recommend any breach of these undertakings, or even any pause for greater scrutiny, we note that a substantial refashioning of the UK is being undertaken with little UK-wide debate or discussion, and relatively limited formal opportunities for Parliamentary scrutiny.

43. We welcome the level of public debate and engagement in Scotland over its constitutional future, both during and after the referendum campaign. Despite the high levels of awareness of constitutional debates, we note with concern the limited timescale for the public and civil society to be consulted as part of the Smith Commission process, and the similarly limited formal opportunities for consultation and deliberation on the Smith Agreement and the Government's draft clauses. This rushed process cannot substitute for a full deliberation on the constitutional future of all elements of the United Kingdom.

Intergovernmental working and Parliamentary scrutiny

44. The principles underlying relations between the UK Government and the devolved administrations are set out in the Memorandum of Understanding and supplementary agreements first issued in July 2000⁵⁴ and most recently issued in October 2013.⁵⁵ The intergovernmental working arrangements include a Joint Ministerial Committee (JMC) consisting of UK Government, Scottish, Welsh and Northern Ireland Ministers, with a remit to consider devolved matters falling within non-devolved responsibilities and *vice versa*, to keep arrangements for liaison between the administrations under review and to resolve disputes.

45. In evidence we heard that the JMC process was not working as well as it could. Rt Hon Carwyn Jones AM, First Minister of Wales, told us that the plenary sessions of the JMC were in danger of becoming “simply a meeting that airs grievances”, though he acknowledged that the JMC machinery could be helpful:

The JMC is useful as a way of exploring issues. The difficulty with it is that, where there is any dispute, it is resolved by the Treasury. We have a dispute resolution process, but ultimately UK Government can decide to do what it wants. That has to change. We have to move to a situation where there is a recognition of four nations working together as part of a sovereign state. We are a long way from that.⁵⁶

54 Memorandum of Understanding and supplementary agreements between the United Kingdom Government, Scottish Ministers, the Cabinet of the National Assembly for Wales and the Northern Ireland Executive Committee, Cm 4806, July 2000

55 [Memorandum of Understanding and Supplementary Agreements](#), October 2013

56 Q369

46. Rt Hon Peter Robinson MLA, First Minister of Northern Ireland, was more caustic about the value of the JMC disputes procedure, which he also believed was under Treasury control:

While Finance Minister, I had disputes about significant expenditure in England that was not subject to Barnett consequential. We took that to the JMC disputes procedure, which is a useless procedure. The people who have taken the initial decision want to decide what the outcome of the arbitration should be.⁵⁷

He thought that the JMC dispute procedure needed to be reviewed, telling us that there was a need to look at issues such as dispute resolution processes and how the devolved administrations could have a voice in Europe, as they would have priorities different from those of the rest of the UK. He also noted that there were already many good processes in place, stating:

We have built up over the last number of years institutions and processes within the UK arising out of Northern Ireland issues, but which benefited Scotland and Wales as well, in terms of the British-Irish Council and the various working groups that it has set up where we share our views, we show what we are doing in our area and how it has made changes so that it can be picked up by other areas. So there are good processes in place.⁵⁸

Mr Robinson concluded his comments by telling us: “At the end of the day, there are still a lot of decisions that are being taken for us, and how you get that greater input without interfering to an acceptable level with the right of a Government to take the decisions that it wishes to, that is a difficult conundrum.”⁵⁹

47. The Smith Commission considered that, in the light of the scale of the agreement reached on further devolution to the Scottish Parliament, the present intergovernmental machinery between Scotland and the UK required urgent reform and significant upscaling.⁶⁰ The views of all the devolved administrations would have to be taken into account in the revised quadrilateral machinery. Under the Smith proposals, the new arrangements would require a “new and overarching” Memorandum of Understanding, which would add to the existing memorandum the details of arrangements for the bilateral governance of the implementation of the tax and welfare powers to be devolved under Smith, and provide for additional sub-committees in areas such as home affairs, rural policy, agriculture and fisheries and social security and welfare. More effective and

57 Q496

58 Q508

59 *Ibid.*

60 [Report of the Smith Commission for further devolution of powers to the Scottish Parliament](#), The Smith Commission, November 2014, para 28

workable dispute resolution mechanisms are proposed, with provision for arbitration “as a last resort”.⁶¹

48. The Commission also called for “much stronger and more transparent parliamentary scrutiny” of the operation of the devolution machinery. It envisaged the production and laying before respective Parliaments on the implementation and operation of the revised Memorandum of Understanding, and active reporting to respective Parliaments of conclusions of Joint Ministerial Committee, Joint Exchequer Committee and other inter-administration bilateral meetings.⁶²

49. Baroness Randerson told us that the Silk Commission, in its second report, had made recommendations for improving the bilateral relationships between the Welsh Government and the UK Government, and that proposals to implement these recommendations had been made in the recent paper from the Secretary of State.⁶³ She acknowledged that the intergovernmental machinery needed reinvigoration: many of the proposals would be addressed in the overall review proposed by Smith of the institutions underpinning the devolution settlement.⁶⁴

50. The UK Government, in the Command Paper publishing the draft clauses to give effect to the Smith agreement, has accepted the recommendation of a change to intergovernmental working practices, and has committed itself to working with the devolved administrations on a revised Memorandum of Understanding. The work was commissioned at the Joint Ministerial Committee meeting on 15 December 2014 and officials expect the work to take ‘a number of months’.⁶⁵

51. The UK Government has made no explicit proposals for Parliamentary oversight of the operation of the devolution settlement. Sir William McKay reminded us of the proposals which the McKay Commission on the consequences of devolution for the House of Commons had made for Parliamentary scrutiny of “the general development of the devolutionary settlements so far as they impacted on the House of Commons”.⁶⁶ The Commission had proposed a select committee of the House of Commons which could, for example, draw the attention of Members to legislative consent motions passed in the devolved parliaments, examine how best to deal with cross-border spillovers in UK legislation, and consider the working of the Barnett formula.⁶⁷

61 *Ibid.*

62 [Report of the Smith Commission for further devolution of powers to the Scottish Parliament](#), The Smith Commission, November 2014, para 28

63 Q526

64 Q526

65 [Scotland in the United Kingdom: An enduring settlement](#), Scotland Office, Cm 8990, January 2015, paras 9.2.2. and 9.2.3

66 Sir William McKay ([PRD.0073](#)), para 28

67 *Ibid.*

52. The Government has accepted the Smith Commission proposals for greater involvement of the UK Parliament and the devolved institutions in the functioning of the intergovernmental arrangements for devolution. We welcome the proposal of the Smith Commission that the UK Government and the devolved administrations should lay reports on the implementation and effective operation of the revised Memorandum of Understanding before their respective legislatures. We further welcome the proposal for stronger and more transparent Parliamentary scrutiny inherent in the proposal that conclusions of all inter-administration committee meetings be reported as a matter of course.

53. A commitment to regular reporting to Parliaments is beneficial, and promotes transparency at the heart of the intergovernmental process. However, if there is no corresponding mechanism for Parliamentary scrutiny of such reports then they are in danger of becoming formulaic. *We therefore recommend that the House of Commons develop a mechanism for systematic and effective scrutiny of the intergovernmental operation of the devolution settlement. A quadripartite Devolution Committee, comprising the three territorial select committees and the committee with oversight of the Government department with responsibility for constitutional policy, could be established along the lines of the present Quadripartite Committee on Arms Export Controls. Such a committee could consider the regular reports to Parliament from the Joint Ministerial Committee, undertake the tasks contemplated by the McKay Commission, and keep the operation of the devolution settlement under review.*

Intragovernmental working

54. Professor Jim Gallagher, speaking from long experience of working on devolution issues within the UK Government, proposed a re-examination of the governmental structures supporting the devolution settlement:

Now that the decision is made that Scotland remains in the United Kingdom, we should start thinking about how we manage this stably for the long run. [...] [W]hat you do need is a substantial institution of government, that is to say resources and people who are dedicated to this task over the long run. If I may, I will offer you two reasons why. The first is a simple and obvious managerial one. I worked for 35 years in government, and the one lesson I learnt [...] was the things that I put resources behind were done and the things that I did not put resources behind did not get done. The blunt truth is that the UK Government has not put substantial resources behind the management of its territorial nature. [...] [T]he Scotland Office and the Wales Office [...] are tiny departments with almost no staff and the resources that they would need are an order of magnitude short of the task that they should have.⁶⁸

He indicated what the priorities for greater resources should be:

[You] would make sure that there was an understanding both here in Westminster and Whitehall, but also in Edinburgh and Cardiff and London, that the UK Government had a role and responsibility and was discharging it. Successive Secretaries of State for Scotland have struggled to make their own place and find their space. Secretaries of State for Wales have moved in and out of that capacity over the years, depending essentially on their political relationships. Similarly, to be fair, Secretaries of State for Scotland have depended on their personality and style.⁶⁹

55. Although Professor Gallagher indicated that he was in favour of replacing the territorial Secretaries of State with a Minister for the Union, the Parliamentary Under-Secretary of State for Scotland was not convinced:

I think [that the Secretary of State] is a very important part of the settlement [...] with Scotland. Scotland has a seat at the Cabinet table and within the UK and Scotland's distinct interests can be represented around that table. I think the shape of the Government must ensure that individual parts of the United Kingdom have the opportunity to have their distinct needs voiced at the Cabinet.⁷⁰

Baroness Randerson, who represents the Wales Office and the Northern Ireland Office in the House of Lords, also argued for retaining territorial Ministers and departments:

One of the things that constantly surprises me day after day is the differences between the two settlements and the fact that they are very different settlements from a very different historical perspective. I can sit and read something that the UK Government is proposing to do and I will immediately think through the different channels it will take within the two countries and that it will be received differently in the two countries as a result. If you amalgamate things in one government department, not only do you lose the benefit of three different voices at the Cabinet table—you only have one—but you also lose that understanding and nuance across government of the difference between the three settlements.

It is also worth pointing out that of course the territorial departments have two roles. They have the role of making sure that the UK Government's views are known appropriately in the individual country, but they also are responsible for making sure that each individual country is able to put its point of view effectively within the UK Government. We are kind of liaison departments, one to the other. I wonder how that could be done effectively, bearing in mind the difference in the settlements, if you amalgamate it into one department.⁷¹

69 Q84

70 Q527

71 Q527

Akash Paun, of the Institute for Government, took a realistic view of the proposal:

I think it would be sensible to have more joined-up thinking about how the different bits of our territorial constitution operate and interact. That idea has been floating around for years. I know it was proposed to Tony Blair several times when he was Prime Minister. It might have some benefits, but even if you were to do it you would still have at least three very different devolution settlements with different relationships with Whitehall or Westminster. However you set up the Government machinery in Whitehall, you would still have quite different issues to manage with respect to the different parts of the country. It would not change that.⁷²

Our view

56. We acknowledge the benefits to the Union, and to relationships with the devolved institutions, of territorial Secretaries of State and Ministers who can provide effective liaison between the UK Government and the devolved institutions. It is important to the Union that all its elements are represented at the Cabinet table.

57. Since the advent of devolution the territorial departments supporting Ministers have diminished substantially in size. We have received no evidence on the impact of the reduction in size of territorial departments on their effectiveness, but we note Professor Gallagher's observation about the relationship between Government resource and outcomes. Similarly, we note that the three territorial departments are set up to work with devolution settlements which are very different in nature.

58. There is clearly scope for greater joined-up thinking between territorial departments, and between those departments, the rest of Whitehall and the devolved administrations, on the way the Union can operate. At a point when the intergovernmental machinery is being examined and retuned, it may also be appropriate for intragovernmental operations to be examined, in order that Ministers are better supported in their objectives in managing both the Union and the devolution settlement.

59. We recommend that the Government review the resources and structure of the departments which presently support the territorial Secretaries of State, with a view to more effective management of the territorial constitution.

3 Devolution within England

The case for devolution

60. England remains the nation of the Union where devolution has had the least impact. The UK Parliament remains England’s legislature, and, as the Institute for Government told us, the pre-eminence of England within the UK “means that there has not been the perceived need to create separate English governance structures—Westminster and Whitehall are already predominantly focussed on English matters.”⁷³

61. We have explored the case for greater autonomy for local government in England earlier in this Parliament: our January 2013 report on *Prospects for codifying the relationship between central and local government*, made the case for increased devolution of powers and funding to local government, and produced a draft code setting out the broad principles which should govern the relationship between central and local government in England:

The key principles here are that local government should be independent of central government, have a secure financial base, and, with the consent of its electors, be able to exercise a range of revenue-raising powers suitable to the needs of the local community. In addition, government, of all levels, should be accountable to the people.⁷⁴

We concluded “now that devolution has successfully been established in Scotland, Wales and Northern Ireland, it is time to revisit what the devolution of power could mean for communities in England.”⁷⁵

62. In response, the Government drew attention to its localism agenda:

The Government has consistently argued that power should belong at the lowest appropriate level. There are clear benefits from moving power away from Westminster and Whitehall: stronger local democracy, innovation and local growth. In areas as broad as education, public health, welfare and planning, reforms that devolve power are now in force.⁷⁶

However, the Government rejected the idea of codifying the relationship between local and central government. While acknowledging that its approach was “necessarily incremental”, the Government contended that “this provides a more effective means to deliver reforms rather than seeking to establish a more rigid, constitutional blueprint through a statutory

73 Institute for Government ([PRD 0083](#))

74 Political and Constitutional Reform Committee, [Prospects for codifying the relationship between central and local government](#), Third Report of Session 2012–13, HC 656-I, Summary

75 *Ibid*

76 [Government Response to the House of Commons Political and Constitutional Reform Committee Report: The prospects for codifying the relationship between central and local government](#), HM Government, Cm 8623, May 2013, para 4

code.”⁷⁷ Nevertheless, the Government was prepared to acknowledge that “reforming one of the most centralised countries in the western world requires an ongoing commitment of political will and attention.”⁷⁸

63. Reviewing its progress on decentralisation within England in December 2014, the Government asserted that since 2010 it had undertaken “the most radical programme of devolution within England in a generation”.⁷⁹ The Government went on to state that:

[L]eaders across the country have risen to that challenge. There are now five combined authorities, 15 directly elected local authority mayors, a Metro Mayor in London, and plans for a Metro Mayor to be elected for Greater Manchester in 2017. The Regional Growth Fund, Growth Deals and Growing Places Fund have been made available to all local areas, rural and urban, providing the opportunity for bespoke deals and packages to address specific issues and opportunities and helping transfer decision-making across the country to local leaders and partnerships.⁸⁰

The Government argued that it has removed “the whole tier of unelected regional government” and “centrally-imposed regional policy” in favour of Local Enterprise Partnerships (LEPs) based on functional economic areas, and has adopted a principle that “power should be decentralised to the lowest appropriate level” and that “services must be responsive to the people they serve”.⁸¹ The legislative framework for further decentralisation has been established by the Localism Act 2011 and the introduction of certain rights and powers, including a general power of competence for councils to do anything which is in the wider interest of their communities, and a community right to bid for local assets and take over local services.

64. The most prominent agreement on devolution of powers to date has been the Greater Manchester Agreement, made in November 2014 between the UK Government and the ten authorities of Greater Manchester which comprise the Greater Manchester Combined Authority.⁸² The Manchester deal comprises an offer of powers and budgets from government, in return for reforms and measures that Greater Manchester has undertaken to deliver, including a governance system with a directly-elected metropolitan mayor to be held to account by the combined authority. The mayor is to receive powers over transport, housing, planning and policing policy, while the combined authority is to receive powers over business support and skills budgets and may develop a plan to integrate health and

77 [Government Response to the House of Commons Political and Constitutional Reform Committee Report: The prospects for codifying the relationship between central and local government](#), HM Government, Cm 8623, May 2013, para 4

78 *Ibid*, para 32

79 [The Implications of Devolution for England](#), Office of the Leader of the House of Commons, Cm 8969, December 2014, p. 7

80 *Ibid*, p. 7. The directly-elected mayors are in Bedford, Bristol, Doncaster, Hackney, Leicester, Lewisham, Liverpool, Mansfield, Middlesbrough, Newham, North Tyneside, Salford, Torbay, Tower Hamlets and Watford.

81 *Ibid*, p. 8

82 [Greater Manchester Agreement: Devolution to the Greater Manchester Combined Authority and transition to a directly elected mayor](#), HM Treasury and Greater Manchester Combined Authority, November 2014

social care budgets across Greater Manchester. Agreement has also been reached on the devolution of certain powers and budgets to Sheffield.⁸³

65. Explaining the Government's approach to us, the Government's first Minister for Decentralisation, now Minister of State for Universities, Science and Cities, Rt Hon Greg Clark MP, said:

[W]e have been pursuing the decentralisation of powers, first to cities and then beyond, throughout the whole of this Parliament. The way that we have pursued it has been different from in Scotland and Wales. There it has proceeded from a constitutional debate and we have had that debate before. My concern was that to do that in England would be to get it bogged down. There was an opportunity that presented itself to be more pragmatic and conduct the conversation in those terms rather than constitutional terms and to say to particular cities, first of all, "If you had certain powers and responsibilities that you don't have at the moment, what could you do with them that would be good for you and good for the nation and let's negotiate on that basis". It has proceeded on a different type of model and approach, I would say.⁸⁴

He thought that incremental change would gradually establish new and accepted constitutional settlements within England:

[C]umulatively over time these things become, in effect, constitutional but you approach them through a different way. If I take some of the mayoralties that have been created, whether in London or in Bristol recently, they have been done in a bespoke way place by place. I don't think there are many people in London now who would abolish the mayoralty and that is because it has been found to work and be effective. If I go to Bristol now where they had a history in recent years of very unpredictable, uncertain administrations where it was not clear who was in charge, I think there is a greater visibility to the mayoralty there. I think that will establish itself and build over time. I would like to build on that and to extend some of those innovations to other places, other cities.⁸⁵

66. Explaining his initial approach to decentralisation proposals, the Minister indicated that he needed Prime Ministerial authority to override potential objections in Departments: "the first thing that was required was someone to [...] allow, as I described it, licensed exceptions to national policy. The second thing was money. [...] To take money from particular departments and to make it available for use locally requires someone in the Government with the authority of the Prime Minister and the Cabinet to go and have that negotiation."⁸⁶ He made it clear that agreements on transfer of powers, responsibilities

83 [Sheffield City Region Agreement on Devolution](#), HM Government and Sheffield City Region, February 2015

84 Q540

85 Q542

86 Q554

or budgets were to be made on a negotiated basis, with something in the deal for both sides:

There has to be something [...] for the cities or the counties, the local areas, but it needs to be in the national interest as well. You need to do your due diligence to make sure that the claims that are being made have some substance to them. That has informed the process of negotiation, so it is not automatic, it is a negotiation. I think there is an appetite that there should be certain things that they are just entitled to. That is not the approach that we have taken.⁸⁷

67. The Government's approach has been commended in some quarters, but criticised in others. Dr Sarah Ayres, Reader in Public Policy and Governance, Bristol University, argued that despite Government proposals for English devolution there was "no clear and shared imagery on how England should be governed within a devolved UK": the Government's focus on decentralisation to cities, city regions and local economic partnership (LEP) areas had resulted in "winners and losers due to different socioeconomic conditions and variable collaborative capacities."⁸⁸ While there was evidence that Whitehall officials regarded the Government's City Deal with Manchester as the 'aspirational model' for greater sub-national control over public policy and finance", it was also acknowledged that, for some, "emulating this model would be a significant challenge and for others, impossible." She feared that this approach had the potential to widen regional economic disparities and alienate areas that did not qualify for city mayors, city deals or enterprise zone status.

68. Councillor David Hodge, Chair of the County Councils Network, expressed scepticism about the implications of the Manchester city deal for further devolution:

While I personally welcomed the announcement that the Government made about Manchester, I have some reservations about that type of devolution going forward. I think it was devolution like a puppet on a string—we are holding the puppet, wiggle all the strings—and I think that is a dangerous way to go. Devolution needs to be about real devolution, about handing power and responsibility down to what I call places, places that work together like we do.⁸⁹

Charlotte Alldritt, Secretary of the RSA City Growth Commission, found the Manchester deal to have been centrally micromanaged:

Throughout this Parliament, there have been some small, symbolic steps towards decentralisation and devolution. I think that the fact that central government has held the strings very tightly—it has been a very managed, centrally determined process—means that it was frustrating but perhaps of

87 Q556

88 Dr Sarah Ayres ([PRD_0066](#)), para 4.1

89 Q143

little surprise that the Manchester deal, which I think is a landmark one, was received not necessarily by local people in the spirit that it is meant.⁹⁰

She criticised the Government's approach to devolution:

[The] City Deals process [...] was meant to be giving places, particularly those that have demonstrated greater capability, more flexibility in the way they access the local growth fund. It turned out to be a list of projects at best that they could substitute in and out with very highly directed Cabinet Office sign-off. You can call it decentralisation, but I think it is potentially even greater centralisation because previously that money would have been allocated and local places could have done what they wanted with it.⁹¹

69. Councillor Hodge was also critical of the Government's localism agenda:

I think the problem with the localism agenda is that nobody really understood what it meant. In theory, it was a good idea and in theory it should work, but the practicalities are that you have a puppet and Government is holding all the strings. [...] That is what is happening at the moment. We are not allowed to do things. [...] I think we do need to have a situation where devolution really means devolution down. There are a lot of things people ask for, but there are some very simple things that could be done without legislation, with a simple MOU with Treasury, and you could sit down and draw up those terms of reference.⁹²

Birmingham City Council indicated that while it acknowledged the progress made by the present administration on devolution, the deals being made appeared to be subject to traditional Whitehall controls:

[Progress to date] has been based very strongly on an "earned autonomy" philosophy and on specific deals with individual combined authorities and LEAs. In most cases these deals have ended up resembling the traditional approach in which local areas bid for funds and then have their individual projects and programmes inspected by departments before (and after) approval.⁹³

90 Q148

91 *Ibid*

92 Q153

93 Birmingham City Council ([PRD 0085](#)), para 17

Future devolution and decentralisation in England

70. The Government's approach to decentralisation appears to have pushed at an open door: proposals for further decentralisation and devolution of powers have been made by the Local Government Association,⁹⁴ the County Councils Network,⁹⁵ the Non-Metropolitan Commission,⁹⁶ the District Councils' Network,⁹⁷ the London Finance Commission,⁹⁸ the Centre for Cities,⁹⁹ the Core Cities Group,¹⁰⁰ the RSA City Growth Commission,¹⁰¹ and the Independent Commission on Local Government Finance.¹⁰² The Communities and Local Government Committee undertook a major inquiry into *Devolution in England: the case for local government*, which made several detailed recommendations for devolution of fiscal powers.¹⁰³

71. The Government has acknowledged the pressure for further devolution, and in its December 2014 paper on the implications of devolution for England it contemplated a number of 'themes for the future', including policy and technical choices to be made over devolution arrangements in the future, and options for further devolution. These include:

- incentives for local areas to share in policies aimed at promoting growth, rewarding them for success through payment by results mechanisms or greater retention of business rates
- greater availability of tax increment financing, earnback and gainshare schemes for local investment
- greater powers over integration of transport services
- 'devolution on demand', where local areas which can demonstrate demand for, and popular support for, greater powers can request the transfer of such powers.¹⁰⁴

94 [Investing in our nation's future: the first 100 days of the next government](#), Local Government Association, July 2014

95 [Our Plan for Government 2015–20, County Councils Network](#), September 2014

96 [Devolution to Non-Metropolitan England: Seven steps to growth and prosperity: Final Report of the Non-Metropolitan Commission](#), March 2015

97 [District Councils' Network Manifesto](#), District Councils' Network, June 2014

98 [Raising the capital: The report of the London Finance Commission](#), London Finance Commission, May 2013

99 [A Manifesto for a more prosperous urban Britain](#), Centre for Cities, September 2014

100 [Restoring Britain's City States: Devolution, Public Service Reform and Local Economic Growth](#), Core Cities Group, February 2015

101 [Unleashing Metro Growth: Final recommendations of the City Growth Commission](#), RSA City Growth Commission, October 2014 and [Devo Met: charting a path ahead](#), RSA City Growth Commission, March 2015

102 [Financing English Devolution](#), Independent Commission on Local Government Finance, February 2014

103 Communities and Local Government Committee, [Devolution in England: the case for local government](#), First Report of Session 2013–14, HC 503

104 [The Implications of Devolution for England](#), pp. 15-16

72. The Government also includes a number of caveats for consideration:

- How the process of implementation should be determined: who should be able to request powers, and how, and how such requests would be granted
- How local variation between services under devolution is to be managed, and what any cross-border impacts might be
- The potentially far-reaching implications of further devolution for the ability of the Government to legislate and manage the economy.¹⁰⁵

Our view

73. We have received a wealth of evidence from witnesses about the merits of further devolution within England and how it might be achieved. We do not propose here to synthesise all the evidence received or to map out a detailed way forward: such work is beyond the scope of this inquiry undertaken at the end of a Parliament.

74. We recognise that the Scottish referendum campaign and the subsequent proposals for further devolution to Scotland, Wales and Northern Ireland have generated the political momentum towards further devolution in England, driven by greater popular concern over England’s democratic future. As the Leader of the House has said, “the time has come for a general recognition in this country, and in all parts of the United Kingdom, including Scotland, Wales and Northern Ireland, that decentralisation towards local government is the way forward.”¹⁰⁶ **The transfer of powers away from the centre, to local communities best able to access them, determine how they should be delivered and hold authorities accountable for their delivery, is a fundamental principle which has been ignored by the political systems in all nations of the UK for too long.**

75. While we appreciate the work which has been undertaken on decentralisation and devolution in this Parliament, we acknowledge—as does the Minister—that there is a great deal of work still to be done.¹⁰⁷ In that respect **we are concerned that the options set out by the Government for further devolution within England lack clarity and urgency, setting out broad themes for discussion—and even broader caveats—instead of substantial proposals for devolution which are accessible to all communities in England. There is a clear risk that without further impetus early in the new Parliament the programme of devolution may remain at the level of deals with cities, city regions and local economic partnerships, without the genuine transfer of power from the centre to localities which many are seeking.**

¹⁰⁵ *Ibid.*, pp 16–17

¹⁰⁶ HC Deb, 20 November 2014, [col 522](#)

¹⁰⁷ Q541

76. Some have called for the Government to commit to a legislative timetable on devolution of further powers to local authorities early in the new Parliament, in similar fashion to the timetable which underpinned the commitments for further devolution to Scotland.¹⁰⁸ As we have observed above, the discipline of the Smith process relied on a high level of understanding between the parties of their proposals and the constitutional implications, in a country where the issues had been debated for three years. **The level of democratic debate on devolution within England is rising, and several substantial proposals for reform have already been made. We recommend that the Government establish, in the first six months of the new Parliament, a commission to review proposals for further devolution within England and to reach agreement on a suite of powers which local authorities can draw down where they can demonstrate demand and popular support. Such legislation should be introduced no later than May 2016, for implementation by May 2017 at the latest.**

77. For too long the response to demands for further devolution in England has been met by the dismissive twin responses of “England must decide what it wants” and “England has shown no interest in deciding”. Those excuses no longer hold water, for a consequence of the heated debate over independence for Scotland has been a re-examination, in each city and county of England, of the relationship it has, and wishes to have, with Whitehall. As the submissions we have received from many local authorities, local political parties and campaigning groups has shown, the structures of power and governance in England risk promoting economic and structural inequality. There is, therefore, a broad and urgent debate to be had about the constitutional structures within England. We have previously indicated that such a debate could be held as part of an England-only precursor to a constitutional convention.

78. Dr Alan Renwick, of the University of Reading, indicated the need for careful deliberation over the future shape of local or regional government in England:

the size of the areas to which powers should be devolved and the extent of those powers also remains far from clear. The bottom-up model risks producing a mish-mash of differently sized authorities with different responsibilities and different compositions, which will be a minefield for mobile citizens, businesses, and law-makers. Decisions as to which reforms are to be made should therefore be subject to careful deliberation; they should not be rushed.¹⁰⁹

He recommended that a deliberative assembly, with a majority of citizen members, be established to consider future constitutional changes which would have deep implications. Such a convention could be modelled on the recent constitutional convention held in the Republic of Ireland.¹¹⁰

108 For instance Birmingham City Council ([PRD 0085](#)), para 19

109 Dr Alan Renwick ([PRD 0084](#))

110 *Ibid.*

79. A Convention for England, held over the term of the next Parliament, with broad popular representation from the public and civil society, could examine the relationship between England and the United Kingdom and develop a process for further agreed devolution from the centre to regions and localities.

4 Devolution and the House of Commons

80. Speaking in Downing Street on 19 September, shortly after the announcement of the referendum result, the Prime Minister said:

It is absolutely right that a new and fair settlement for Scotland should be accompanied by a new and fair settlement that applies to all parts of our United Kingdom. In Wales, there are proposals to give the Welsh government and Assembly more powers. And I want Wales to be at the heart of the debate on how to make our United Kingdom work for all our nations. In Northern Ireland, we must work to ensure that the devolved institutions function effectively.

I have long believed that a crucial part missing from this national discussion is England. We have heard the voice of Scotland—and now the millions of voices of England must also be heard. The question of English votes for English laws—the so-called West Lothian question—requires a decisive answer.

So, just as Scotland will vote separately in the Scottish Parliament on their issues of tax, spending and welfare, so too England, as well as Wales and Northern Ireland, should be able to vote on these issues and all this must take place in tandem with, and at the same pace as, the settlement for Scotland.¹¹¹

81. While the Prime Minister's remarks indicated a willingness to review devolution settlements for Wales and for Northern Ireland, they were taken by many to mean that the further devolution to Scotland under the Smith Commission process would be linked to the timetable of progress in implementing changes to House of Commons procedures to achieve 'English votes for English laws'. The Leader of the Scottish Conservative and Unionist Party, Ruth Davidson MSP, clarified the meaning of the Prime Minister's remarks in evidence to us:

The Prime Minister has given both public assurance to the country and private assurance to me personally that looking at English votes for English laws will not affect the timetable for the Smith commission.¹¹²

This position was also confirmed by the Parliamentary Under Secretary of State for Scotland, Rt Hon David Mundell MP.¹¹³

111 [Scottish Independence Referendum: statement by the Prime Minister](#), HM Government, 19 September 2014

112 Q230

113 Q579

82. The Government has nevertheless proceeded with work on introducing changes to the procedures of the House on ‘English votes for English laws’. This formulation is a convenient shorthand for a procedure to resolve the conundrum most commonly known as the ‘West Lothian question’, namely the situation under devolution where a Member elected to represent a constituency in Scotland is able to vote on legislation affecting England only, whereas a Member with an English constituency is not able to vote on corresponding legislation in Scotland since the legislative competence has been devolved.¹¹⁴

83. Addressing the West Lothian Question was a commitment in the Coalition Agreement,¹¹⁵ and a commission, chaired by Sir William McKay, was established in January 2012 with the remit “to consider how the House of Commons might deal with legislation which affects only part of the United Kingdom, following the devolution of certain legislative powers to the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales.”¹¹⁶

84. In its report in July 2013, the McKay Commission recommended that the approach to procedural reform in the House of Commons should be founded on two principles, set out by Sir William in his memorandum to us:

- decisions at UK level which have a separate and distinct effect for England should normally be taken only with the consent of a majority of Members for constituencies in England, obtained before the final decision on any relevant matter is made; and
- Members representing all parts of the UK need to have the opportunity to participate in the final adoption of legislation, whatever its territorial effect.¹¹⁷

The effect of this approach would be that devolution for England “would be localised within the House of Commons, replicating in intention if not in detail statutory devolution in the rest of the UK.”¹¹⁸

85. The McKay Commission produced a menu of proposals for procedural reform, inviting the Government to choose those which might best satisfy “the demand in England for a voice in the making of legislation.” The proposals were not formally addressed by the Government until after the Scottish referendum.

86. In December 2014 the Leader of the House presented a Command Paper on *The Implications of Devolution for England*, which addressed, among other issues, the question of devolution and the House of Commons. The paper set out a number of policy and technical choices related to the implementation of ‘English votes for English laws’, including how the principle of giving English MPs a greater say over English issues (or

114 In this part a reference to English only legislation can be taken as a reference to legislation affecting only England and Wales, with corresponding effect on the Members entitled to vote on such legislation.

115 [The Coalition: our programme for government](#), HM Government, May 2010

116 [Report of the Commission on the Consequences of Devolution for the House of Commons](#), The McKay Commission, July 2013; Sir William McKay ([PRD 0073](#))

117 Sir William McKay ([PRD 0073](#)), paras 5 and 7

118 *Ibid.*, para 8

English and Welsh MPs a greater say over English and Welsh issues) could be achieved under Commons procedures, which legislation should be subject to such procedures (and how the determination should be made), and how a government might change its approach to legislation, particularly if it could not necessarily command a majority in England on an issue: for instance, whether Governments might have to implement legislation they disagreed with, or whether Governments might explore the scope for greater non-legislative activity.

87. The Government itself offered no view on the implementation of changes to Commons procedures, but published the proposals for implementation made by the Coalition parties. The Conservative Party published three options for consultation, and the Leader of the House has since set out the Conservative Party's preferred option.¹¹⁹ The Liberal Democrat proposals differed from Conservative Party proposals largely in the reckoning of composition of any committees representing English opinion in the House: they have contended that allocation of seats on such committees should be in proportion to votes received by each party in the general election in England, rather than in proportion to seats won.¹²⁰ The Leader of the House has indicated his intention to publish draft Standing Orders illustrating his favoured option,¹²¹ but a draft has not been published in time for us to consider it before Dissolution. Although proposals from the Labour Party were not published in the Government's report on the implications of devolution for England, Rt Hon Hilary Benn MP and Rt Hon Sadiq Khan MP have also called for English MPs to have a greater say over English laws. They called for one of the options set out by the McKay Commission—that there be a committee stage made up of only English MPs who would scrutinise and amend legislation that applies only to England—to be looked at, stating: "Done in the right way, this would be a sensible reform which would strengthen England's voice without ending up creating two classes of MP".¹²²

88. The proposals announced by the Leader of the House differ from the McKay Commission proposals in one crucial respect: while the latter allow for English-only legislative proposals without the support of a majority of English members to proceed—at an acknowledged cost to the Government in political reputation and parliamentary time—the Leader's proposals enable English Members to veto England-only legislation with which they disagree.

119 [The Implications of Devolution for England](#), Office of the Leader of the House of Commons, Cm 8969, December 2014, and speech by William Hague on English votes for English laws, 3 February 2015

120 [Implications of devolution for England](#), Office of the Leader of the House of Commons, Cm 8969, 16 December 2014

121 Q572

122 [We need to give English MPs a greater say over English laws](#), PoliticsHome, 12 December 2014

Is procedural change necessary?

89. The Institute for Government told us that as far as MPs for Scottish constituencies are concerned it has, since 1999, been ‘very rare’ for their votes to make a difference on legislation which does not apply in Scotland, and suggested that pressure to introduce procedural change has never therefore achieved “significant momentum.”¹²³ They did, however, indicate that conditions had changed: the Prime Minister’s remarks on 19 September had created an “expectation of reform”, the increase in powers to be devolved to the Scottish Parliament would increase the number of issues in England over which Scottish MPs had no direct interest; and recent surveys had indicated that English voters were not satisfied with current constitutional arrangements and favoured the introduction of ‘English votes for English laws’.¹²⁴

90. Sir William McKay noted the findings of his Commission on the issue of parliamentary majorities in the UK and in England:

[E]ver since the First World War, the party or coalition forming the UK government has nearly always had a majority in England. The exceptions were the short-lived Parliaments of 1964–66 and February–October 1974. Secondly, there have been occasions where members of the governing party representing English seats voted against their front bench, which survived only on the votes of non-English Members. These too are rare. Finally, a party with a clear majority in England but without a majority in the UK might opt to form a minority government. Such circumstances have however never arisen.¹²⁵

91. Professor Jim Gallagher, of Nuffield College, Oxford, thought that it was ‘the right and proper thing’ to find a way for English opinion could have a voice and a vote on English legislation, subject to two key principles: that the UK Parliament is the parliament of England, and that the government formed in the UK Parliament is the government of England.¹²⁶ He thought the challenge would be to ensure that any proposal for English votes in the House of Commons was consistent with the Union and coherent with the UK’s territorial constitution.¹²⁷

92. In evidence we received, the Conservative Group of Cornwall County Council was strongly in favour of introducing English votes.¹²⁸ South East Strategic Leaders told us that “English votes for English laws [...] in Parliament is an essential, but also a minimum next step” to devolution in England.¹²⁹

123 Institute for Government ([PRD_0083](#))

124 *Ibid*

125 Sir William McKay ([PRD_73](#)) para 11

126 Q68

127 Q73

128 Conservative Group on Cornwall Council ([PRD_0025](#)), para 1

129 South East Strategic Leaders ([PRD_0072](#)), para 1.1.1

93. Alexandra Runswick of Unlock Democracy told us that public attitudes to measures such as English votes for English laws was often favourable because the proposed measures seemed simple and fair, though the outcomes would not necessarily be what the public intended.¹³⁰

Is procedural change desirable?

94. Objections we received to the implementation of procedural changes in the House of Commons fell into a number of categories.

95. Some considered that the introduction of a separate decision-making system on English-only legislation in the House of Commons risked establishing two classes of MP, an outcome the McKay Commission had been keen to avoid in its original proposals: this would especially be the case if English MPs had a veto over English-only legislation. Unlock Democracy suggested that in a situation where a UK government had a majority in the UK but not in England, this could “effectively establish a rival English government at Westminster [...] the UK government would be able to deliver its policies in reserved policy areas, but would have to defer to the majority party in England on devolved issues. This would set up an English Parliament in all but name. [...] English voters would not be able to hold the UK government and the English majority to account separately.”¹³¹ In cases where English MPs did not have a veto over legislation, a UK government without an English majority “would regularly need to overrule English MPs in order to ensure the effective delivery of its policies”, leading for demands for greater powers for English MPs and “heighten[ing] separatist tendencies.”

96. Some who favour greater devolution of powers to English localities from Westminster were wary of the proposals for changing Commons procedures, fearing that it would do nothing to devolve power away from London. The North East Party said that proposals for procedural change in the Commons “would compound our current difficulties [...] doing nothing to address the remoteness of Government and Parliament from daily life in North East England.”¹³² The North East Chamber of Commerce thought that the question was “largely an irrelevance to the issue of North east economic growth”.¹³³ Unlock Democracy thought that it was no substitute for “wider decentralisation of power within England”,¹³⁴ and a submission from academics at York University and the University of Manchester argued that “an English Parliament (even within the confines of Westminster) would mean that without some form of proportional representation or wider forms of devolution, the cities of Northern England and elsewhere would find themselves governed by rulers they did not elect.”¹³⁵ Willie Rennie, Leader of the Scottish Liberal Democrats, told us that

130 Q117

131 Unlock Democracy ([PRD 0057](#)), para 13

132 North East Party ([PRD 0038](#)), para 14

133 North East Chamber of Commerce ([PRD 0044](#)), para 16

134 Unlock Democracy ([PRD 0057](#)), para 17

135 Dr Sandra León, Professor David Richards and Professor Martin J Smith ([PRD 0080](#)), para 12

procedural change at Westminster was no substitute for further devolution within England:

We need to make sure we have a proper devolutionary system. [...] Unless we can resolve that, it is difficult to see how you can get far-reaching change that will meet the needs and aspirations of people. I think they will be deeply disappointed if the only response in Westminster is to have EVEL based on first past the post. If that is the limit of the change, I think people will think, “Westminster has not got the message.”¹³⁶

97. The Mayor of London, Boris Johnson, submitted written evidence to us which stated “it is important that the debate around devolution does not entirely focus on the issue of English votes for English laws—while this is an issue that is worthy of serious discussion, it ultimately will not resolve the urgent need to devolve powers and freedoms to cities to allow them to grow.”¹³⁷

98. The McKay Commission report identified a number of practical challenges to the implementation of unsophisticated forms of “English votes for English laws”, and other submissions to us focused on the practical difficulties of implementation. Unlock Democracy suggested that because of the operation of the Barnett formula, legislation in England which affected public spending levels in England would also affect public spending in the rest of the UK, limiting the scope of “English votes for English laws”.¹³⁸ A similar conclusion was also drawn by the Justice Committee in the last Parliament, which observed that

the current system of territorial financing in the UK post-devolution means that the levels of public finance decided for England determine levels of resource allocation to Scotland and Wales. [...] [T]he system could be changed in order to remove this effect, [but] such a change would be a necessary pre-requisite to any system of English votes for English laws.¹³⁹

99. Although the Parliamentary Under Secretary of State for Scotland, Rt Hon David Mundell MP, told us that “it is pretty obvious what pieces of legislation are essentially English or English and Welsh”, the evidence before us indicates that the issue may not be so straightforward. We refer above to the complications relating to the operation of the Barnett formula which mean that many bills which appear on the face of it to be England-only have effects on the devolved nations. Professor Derek Birrell, of the University of Ulster, suggested that “total England-only territorial jurisdiction of legislation is somewhat rare”, and that “frequently what appears to be largely England-only legislation contains a

136 Q285

137 Mayor of London ([PRD 0081](#))

138 Unlock Democracy ([PRD 0057](#)), para 16

139 Justice Committee, [Devolution: A Decade On](#), Fifth Report of Session 2008–9, HC 529, para 194

number of clauses that apply to Northern Ireland.”¹⁴⁰ The Justice Minister of Northern Ireland, David Ford MLA, told us that:

it is very difficult to see how you could have Bills that are [purely England-only], if nothing else because of financial implications. There will always be some implications that will flow from one region to another, especially if they are Westminster Bills that purport to only apply to England. Once you propose a change in the education system or the health system in England, it may technically only be applying in English facilities but financial implications will flow from that. [...] There are a number of Bills in Westminster at the moment where relatively late amendments [...] have put us into the position where we have had to consider parallel legislation here or LCMs [legislative consent motions] at very short notice. [...] I am not entirely sure that those who work in the Home Office and the MoJ fully understand the consequences for Scotland and Northern Ireland about what they propose.¹⁴¹

100. Professor Charlie Jeffery, a member of the McKay Commission, has indicated that bills are often not drafted in clearly territorial terms, and that several changes upstream in the legislative process would be necessary to produce legislation which could be differentiated adequately for the purposes of determining an ‘English law’.¹⁴² One prerequisite would be establishing a separate legal jurisdiction for Wales—a matter now to be addressed under the Secretary of State for Wales’s recent proposals for further devolution to the Assembly. Another is requiring Whitehall departments to be more systematic about identifying their policy responsibilities for England and for the UK, and to be clearer about the policy and legislative needs for England. Similarly, political parties contesting elections in English seats ought to be clearer about their policy priorities for England (as opposed to the UK).

Our view

101. Detailed and definitive proposals for implementation of English votes for English laws have not been made available to the House, or to this Committee, in time for any proper consideration in this Parliament. While the Leader of the House has now set out the scheme which he would like to implement, there has been no opportunity for the House to examine the means he proposes to give it effect. Any such proposals would have wide-ranging implications for many aspects of the House’s business, and the procedural and practical implications would require detailed examination before implementation. We recommend that the Procedure Committee in the new Parliament give detailed scrutiny to the procedural and practical implications of any proposal to introduce ‘English votes for English laws’.

¹⁴⁰ Professor Derek Birrell ([PRD 0062](#))

¹⁴¹ Qq447, 449

¹⁴² “[Thinking of England](#)”, Centre on Constitutional Change blog, 16 December 2014

102. Providing a means for English MPs alone to vote on legislation which has a separate and distinct effect on England now appears to be a political imperative, although evidence we have received indicates that for many citizens it is not a political priority.

103. As further competences are devolved to Scotland, Wales and Northern Ireland, it is likely that more primary legislation to be passed at Westminster will apply to England only, and will be drafted to enable unambiguous certification as such. Nevertheless, the legislation for England may well have implications for the funding to be allocated to Scotland, Wales and Northern Ireland under the existing Barnett formula, and Members representing constituencies outside England will consider they are entitled to have their say. If any system of English votes for English laws is to be implemented, Government departments must provide comprehensive and unambiguous justification, in a memorandum accompanying a Bill, that primary legislation for England affects no jurisdiction other than England (or England and Wales).

104. All three major parties at Westminster now appear to be committed to introducing a form of 'English votes for English laws' in the new Parliament. The differences between the parties are around whether the procedure should involve a veto by English Members, and how the party proportion of seats on any committee of English Members should be determined. **We note the proposals made by each of the major parties for implementation of English votes for English laws. The implementation of any proposals will be a matter for the new House, and such proposals may of course be varied in the light of that House's composition and the composition of the Government. It is not for us to seek to bind a new House; but we invite the new House, when examining any proposal to implement 'English votes for English laws', to consider the potential impact on the United Kingdom of a situation where an administration, in order to govern effectively, must demonstrate it has the confidence not only of the whole House but also of English Members.**

5 The process of further devolution

105. We have examined above the future of devolution in the contest of the Scottish referendum and the proposals for further devolution to, and within, the constituent nations of the Union.

106. For territorial devolution, the process has been piecemeal and rushed by political imperatives: although the Smith Commission process met all its deadlines, it is not clear what consideration has been given to how the resultant legislation will affect the United Kingdom as a whole. The process in Wales appears to have been accelerated after the Scottish referendum result, but the outcome has not been universally welcomed and the First Minister has indicated that there is work still to do. In Northern Ireland the shape of an agreement on further devolution, agreed on the condition that the Assembly and Executive could demonstrate fiscal discipline, now seems threatened by a dispute between the Executive parties over implementation of welfare reforms. Each of the agreements reached for further devolution has in effect been bilateral, with Whitehall agreeing to propose legislation for further transfers of competences. Even in England the decentralisation agenda is predominantly driven by a series of bilateral deals between Whitehall and city halls. The concept of the ‘new Union mindset’ promoted by the First Minister of Wales does not seem to have influenced Whitehall thinking greatly.

107. During the course of this Parliament this Committee has been examining broad constitutional issues, such as the case for a codified constitution and the case for a constitutional convention. We have not reached a settled view on recommending a constitutional convention, still less a written constitution, but we have examined the arguments and published them for further deliberation and debate.

108. The three main political parties all now appear to advocate, or recognise the possibility of, a constitutional convention in the new Parliament, though there is no cross party agreement over what its remit should be. We have set out the position of the parties in our recent report on *Consultation on A new Magna Carta?*, where we also examined whether the UK was approaching a ‘constitutional moment’.¹⁴³ The Government, in its paper on the implications of devolution for England, discussed a constitutional convention and examined the options, without making any recommendation.

109. Our recent examination of the draft clauses proposed to implement the Smith Commission Agreement revealed that, under existing constitutional arrangements, it was legally very difficult to establish the Scottish Parliament as a permanent feature of the UK’s constitution—although we recognised the permanence of the Parliament in political fact. Witnesses have indicated the unsatisfactory nature of the territorial constitution, which is found in the enactments establishing the devolved institutions. In its proposals to the Government’s paper on English devolution the Conservative Party indicated that any

¹⁴³ Political and Constitutional Reform Committee, [Consultation on A new Magna Carta?](#), Seventh Report of Session 2014–15, HC 599, paras 36–44

future constitutional convention “could consider the case for a ‘Statute of the Union’ to enshrine and reinforce the constitutional arrangements for each part of the Union, and to assist in achieving a stable, long-term settlement across the United Kingdom.”¹⁴⁴ Although the Minister of State for Universities, Science and Cities, Rt Hon Greg Clark MP, was reluctant to specify what form a Statute of the Union might take, it appears reasonable to assume that it could provide for a territorial constitution for the UK, setting out the competences of each legislature and government.

110. Proposals for devolutionary change in Scotland, Wales, Northern Ireland and England have been made at what appears to be dizzying speed since the Scottish referendum result in September 2014. Political commitments have been made on the implementation of further devolution for Scotland, and those commitments should be honoured in full. It is nevertheless time to examine what the proposals for change mean for the Union as a whole, and how our United Kingdom, built on the twin principles of Union and Devolution, is functioning for the benefit of all its citizens. Such an examination might be undertaken most appropriately in a constitutional convention, with citizen participation, to commence no later than the end of 2015.

144 [The Implications of Devolution for England](#), Office of the Leader of the House of Commons, Cm 8969, December 2014, p. 27

Conclusions and recommendations

The future shape of the Union

1. In the three post-referendum proposals for further devolution, each developed separately and to be implemented bilaterally, it is difficult to perceive the ‘new Union mindset’ which the First Minister of Wales has championed, and easier to perceive a ‘devolution mindset’ where powers are handed down from Whitehall along bilateral channels. *As the devolution settlement matures, the implications for the operation of the Union as a whole of each transfer of powers must be fully taken into account.* (Paragraph 35)
2. We welcome the level of public debate and engagement in Scotland over its constitutional future, both during and after the referendum campaign. Despite the high levels of awareness of constitutional debates, we note with concern the limited timescale for the public and civil society to be consulted as part of the Smith Commission process, and the similarly limited formal opportunities for consultation and deliberation on the Smith Agreement and the Government’s draft clauses. This rushed process cannot substitute for a full deliberation on the constitutional future of all elements of the United Kingdom. (Paragraph 43)
3. The Government has accepted the Smith Commission proposals for greater involvement of the UK Parliament and the devolved institutions in the functioning of the intergovernmental arrangements for devolution. We welcome the proposal of the Smith Commission that the UK Government and the devolved administrations should lay reports on the implementation and effective operation of the revised Memorandum of Understanding before their respective legislatures. We further welcome the proposal for stronger and more transparent Parliamentary scrutiny inherent in the proposal that conclusions of all inter-administration committee meetings be reported as a matter of course. (Paragraph 52)
4. A commitment to regular reporting to Parliaments is beneficial, and promotes transparency at the heart of the intergovernmental process. However, if there is no corresponding mechanism for Parliamentary scrutiny of such reports then they are in danger of becoming formulaic. *We therefore recommend that the House of Commons develop a mechanism for systematic and effective scrutiny of the intergovernmental operation of the devolution settlement. A quadripartite Devolution Committee, comprising the three territorial select committees and the committee with oversight of the Government department with responsibility for constitutional policy, could be established along the lines of the present Quadripartite Committee on Arms Export Controls. Such a committee could consider the regular reports to Parliament from the Joint Ministerial Committee, undertake the tasks contemplated by the McKay Commission, and keep the operation of the devolution settlement under review.* (Paragraph 53)

5. We acknowledge the benefits to the Union, and to relationships with the devolved institutions, of territorial Secretaries of State and Ministers who can provide effective liaison between the UK Government and the devolved institutions. It is important to the Union that all its elements are represented at the Cabinet table. (Paragraph 56)
6. *We recommend that the Government review the resources and structure of the departments which presently support the territorial Secretaries of State, with a view to more effective management of the territorial constitution.* (Paragraph 59)

Devolution within England

7. The transfer of powers away from the centre, to local communities best able to access them, determine how they should be delivered and hold authorities accountable for their delivery, is a fundamental principle which has been ignored by the political systems in all nations of the UK for too long. (Paragraph 74)
8. We are concerned that the options set out by the Government for further devolution within England lack clarity and urgency, setting out broad themes for discussion—and even broader caveats—instead of substantial proposals for devolution which are accessible to all communities in England. There is a clear risk that without further impetus early in the new Parliament the programme of devolution may remain at the level of deals with cities, city regions and local economic partnerships, without the genuine transfer of power from the centre to localities which many are seeking. (Paragraph 75)
9. The level of democratic debate on devolution within England is rising, and several substantial proposals for reform have already been made. *We recommend that the Government establish, in the first six months of the new Parliament, a commission to review proposals for further devolution within England and to reach agreement on a suite of powers which local authorities can draw down where they can demonstrate demand and popular support. Such legislation should be introduced no later than May 2016, for implementation by May 2017 at the latest.* (Paragraph 76)
10. For too long the response to demands for further devolution in England has been met by the dismissive twin responses of “England must decide what it wants” and “England has shown no interest in deciding”. Those excuses no longer hold water, for a consequence of the heated debate over independence for Scotland has been a re-examination, in each city and county of England, of the relationship it has, and wishes to have, with Whitehall. As the submissions we have received from many local authorities, local political parties and campaigning groups has shown, the structures of power and governance in England risk promoting economic and structural inequality. There is, therefore, a broad and urgent debate to be had about the constitutional structures within England. We have previously indicated that such a debate could be held as part of an England-only precursor to a constitutional convention. (Paragraph 77)

11. A Convention for England, held over the term of the next Parliament, with broad popular representation from the public and civil society, could examine the relationship between England and the United Kingdom and develop a process for further agreed devolution from the centre to regions and localities. (Paragraph 79)

Devolution and the House of Commons

12. Detailed and definitive proposals for implementation of English votes for English laws have not been made available to the House, or to this Committee, in time for any proper consideration in this Parliament. While the Leader of the House has now set out the scheme which he would like to implement, there has been no opportunity for the House to examine the means he proposes to give it effect. Any such proposals would have wide-ranging implications for many aspects of the House's business, and the procedural and practical implications would require detailed examination before implementation. *We recommend that the Procedure Committee in the new Parliament give detailed scrutiny to the procedural and practical implications of any proposal to introduce 'English votes for English laws'.* (Paragraph 101)
13. We note the proposals made by each of the major parties for implementation of English votes for English laws. The implementation of any proposals will be a matter for the new House, and such proposals may of course be varied in the light of that House's composition and the composition of the Government. It is not for us to seek to bind a new House; but we invite the new House, when examining any proposal to implement 'English votes for English laws', to consider the potential impact on the United Kingdom of a situation where an administration, in order to govern effectively, must demonstrate it has the confidence not only of the whole House but also of English Members. (Paragraph 104)

The process of further devolution

14. Proposals for devolutionary change in Scotland, Wales, Northern Ireland and England have been made at what appears to be dizzying speed since the Scottish referendum result in September 2014. Political commitments have been made on the implementation of further devolution for Scotland, and those commitments should be honoured in full. It is nevertheless time to examine what the proposals for change mean for the Union as a whole, and how our United Kingdom, built on the twin principles of Union and Devolution, is functioning for the benefit of all its citizens. Such an examination might be undertaken most appropriately in a constitutional convention, with citizen participation, to commence no later than the end of 2015. (Paragraph 110)

Formal Minutes

Monday 23 March 2015

Members present:

Mr Graham Allen, in the Chair

Tracey Crouch
Mark Durkan
Paul Flynn

Duncan Hames
Fabian Hamilton

Draft Report (*The future of devolution after the Scottish referendum*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 110 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/PCRC-devolution-after-referendum.

Thursday 16 October 2014

Question number

Lewis Macdonald, MSP, Chief Whip, Scottish Labour Party

[Q1–32](#)

Professor Michael Keating, Director, Scottish Centre on Constitutional Change, and **Professor Nicola McEwen**, Associate Director, Scottish Centre on Constitutional Change

[Q33–62](#)

Thursday 23 October 2014

Professor Jim Gallagher, Nuffield College, Oxford

[Q63–90](#)

Thursday 6 November 2014

Alex Runswick, Director, Unlock Democracy, **Katie Ghose**, Chief Executive, Electoral Reform Society, and **Stephen Brooks**, Director, Electoral Reform Society Cymru

[Q91–123](#)

Councillor David Sparks OBE, Chair, Local Government Association, **Mark Rogers**, Chief Executive, Birmingham City Council, and **Councillor David Finch**, Leader, Essex County Council

[Q124–142](#)

Monday 10 November 2014

Councillor David Hodge, Chairman, County Councils' Network, **Councillor Tony Jackson**, District Councils' Network, **Steve Atkinson**, District Councils' Network, and **Charlotte Alldritt**, Secretary, Royal Society of Arts City Growth Commission

[Q143–182](#)

Sir Edward Lister, Chief of Staff and Deputy Mayor (Policy and Planning), Greater London Authority

[Q183–223](#)

Monday 24 November 2014

Ruth Davidson MSP, Leader, Scottish Conservatives, and **Eddie Barnes**, Director of Strategy and Communications, Scottish Conservatives

[Q224–262](#)

Willie Rennie MSP, Leader, Scottish Liberal Democrats, and **Lord Purvis of Tweed**, Adviser to Willie Rennie

[Q263–297](#)

Thursday 4 December 2014

Leanne Wood AM, Leader, Plaid Cymru [Q298–325](#)

Kirsty Williams AM, Leader, Welsh Liberal Democrats [Q326–342](#)

Andrew R. T. Davies AM, Leader, Welsh Conservative Party [Q343–362](#)

Rt Hon Carwyn Jones AM, First Minister of Wales and Leader, Welsh Labour, and **Dr Hugh Rawlings CB**, Director, Constitutional Affairs and Inter-Governmental Relations, Welsh Government [Q363–390](#)

Dame Rosemary Butler AM, Presiding Officer, **Elisabeth Jones**, Chief Legal Adviser, and **Anna Daniel**, Head of Strategic Transformation, National Assembly for Wales [Q391–404](#)

Monday 15 December 2014

Akash Paun, Fellow, Institute for Government, and **Paul Swinney**, Senior Economist, Centre for Cities [Q405–434](#)

Thursday 8 January 2015

David Ford MLA, Minister of Justice, Northern Ireland and Leader, Alliance Party of Northern Ireland [Q435–461](#)

Dr Alasdair McDonnell, Leader, Social Democratic and Labour Party [Q462–476](#)

Mike Nesbitt, Leader, Ulster Unionist Party [Q477–489](#)

Rt Hon Peter Robinson MLA, First Minister, Northern Ireland Assembly, and Leader, Democratic Unionist Party, and **Richard Bullick**, Specialist Adviser, Northern Ireland Assembly [Q490–509](#)

Tuesday 3 March 2015

Rt. Hon Greg Clark MP, Minister of State for Universities, Science and Cities, Cabinet Office, **Rt Hon David Mundell MP**, Parliamentary Under-Secretary of State for Scotland, and **Baroness Randerson**, Parliamentary Under-Secretary of State for Wales [Q510–580](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at www.parliament.uk/PCRC-devolution-after-referendum. PRD numbers are generated by the evidence processing system and so may not be complete.

- 1 Iain Nisbet ([PRD0001](#))
- 2 Andy Waters ([PRD0002](#))
- 3 Peter Hickman ([PRD0003](#))
- 4 R. Anthony Maitland ([PRD0004](#))
- 5 John Sanderson ([PRD0005](#))
- 6 Neil Smith ([PRD0006](#))
- 7 Matthew Aldridge ([PRD0007](#))
- 8 Kenneth Macarthur ([PRD0008](#))
- 9 Gordon Brown ([PRD0009](#))
- 10 Hugh Bochel ([PRD0010](#))
- 11 Convention of Scottish Local Authorities ([PRD0011](#))
- 12 Dr Tim Oliver ([PRD0012](#))
- 13 James Dennison ([PRD0013](#))
- 14 Stewart Connell ([PRD0014](#))
- 15 Yorkshire Devolution Movement ([PRD0015](#))
- 16 Anthony Tuffin ([PRD0017](#))
- 17 Stewart Arnold ([PRD0018](#))
- 18 Maurice Frank ([PRD0019](#))
- 19 Essex County Council ([PRD0020](#))
- 20 Tees Valley Unlimited ([PRD0021](#))
- 21 Thomas Gray ([PRD0022](#))
- 22 Lewes Price ([PRD0023](#))
- 23 Green House Think-Tank ([PRD0024](#))
- 24 Cornwall Council Conservative Group ([PRD0025](#))
- 25 South Norfolk Council ([PRD0026](#))
- 26 Susan Hedley ([PRD0027](#))
- 27 Involve ([PRD0029](#))
- 28 Campaign for the North ([PRD0030](#))
- 29 Yorkshire First ([PRD0031](#))
- 30 Hannah Mitchell Foundation ([PRD0033](#))
- 31 Thomas Stewart Laing ([PRD0034](#))
- 32 Bristol for Democracy ([PRD0035](#))
- 33 Unlock Democracy (Greater Manchester Local Group) ([PRD0037](#))
- 34 The North East Party (NEP) ([PRD0038](#))
- 35 Jonathan Brown ([PRD0039](#))
- 36 Malcolm & Sylvia Chainey ([PRD0040](#))
- 37 Cyril Meadows ([PRD0041](#))
- 38 Chris Foote-Wood ([PRD0042](#))
- 39 Gareth Miller ([PRD0043](#))

- 40 North East Chamber of Commerce ([PRD0044](#))
- 41 Wales Governance Centre at Cardiff University ([PRD0045](#))
- 42 District Councils' Network ([PRD0047](#))
- 43 Campaign for an English Parliament ([PRD0048](#))
- 44 Institute and Faculty of Actuaries ([PRD0050](#))
- 45 Derek Marshall ([PRD0051](#))
- 46 4 Freedoms Party UK EPP ([PRD0053](#))
- 47 English Democrats ([PRD0054](#))
- 48 Dr. R. Read ([PRD0055](#))
- 49 Alistair Mcconnachie ([PRD0056](#))
- 50 Unlock Democracy ([PRD0057](#))
- 51 Electoral Reform Society ([PRD0058](#))
- 52 The British Academy ([PRD0059](#))
- 53 Harry Barnes ([PRD0060](#))
- 54 Professor Derek Birrell ([PRD0062](#))
- 55 Fiona Gilmore ([PRD0063](#))
- 56 The English Lobby ([PRD0064](#))
- 57 Cornwall Council ([PRD0065](#))
- 58 Dr Sarah Ayres ([PRD0066](#))
- 59 Dr Robin Wilson ([PRD0068](#))
- 60 The Law Society of Scotland ([PRD0070](#))
- 61 Oxfordshire County Council ([PRD0071](#))
- 62 South East Strategic Leaders ([PRD0072](#))
- 63 Sir William Mckay ([PRD0073](#))
- 64 Mr Christopher Luke ([PRD0074](#))
- 65 Local Government Association ([PRD0075](#))
- 66 Centre for Cities ([PRD0076](#))
- 67 County Councils Network ([PRD0077](#))
- 68 Alan Day ([PRD0078](#))
- 69 Sheffield for Democracy ([PRD0079](#))
- 70 Professor David Richards ([PRD0080](#))
- 71 Mayor of London ([PRD0081](#))
- 72 NFU Scotland ([PRD0082](#))
- 73 Institute For Government ([PRD0083](#))
- 74 Alan Renwick ([PRD0084](#))
- 75 Birmingham City Council ([PRD0085](#))
- 76 Curds, Newcastle University ([PRD0086](#))
- 77 Keith Best ([PRD0088](#))
- 78 Sinn Fein ([PRD0089](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at www.parliament.uk/PCRC-publications.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Parliamentary Voting System and Constituencies Bill	HC 422
Second Report	Fixed-term Parliaments Bill	HC 436 (Cm 7951)
Third Report	Parliamentary Voting System and Constituencies Bill	HC 437 (Cm 7997)
Fourth Report	Lessons from the process of Government formation after the 2010 General Election	HC 528 (HC 866)
Fifth Report	Voting by convicted prisoners: Summary of evidence	HC 776
Sixth Report	Constitutional implications of the Cabinet Manual	HC 734 (Cm 8213)
Seventh Report	Seminar on the House of Lords: Outcomes	HC 961
Eighth Report	Parliament's role in conflict decisions	HC 923 (HC 1477)
Ninth Report	Parliament's role in conflict decisions: Government Response to the Committee's Eighth Report of Session 2010–12	HC 1477 (HC 1673)
Tenth Report	Individual Electoral Registration and Electoral Administration	HC 1463 (Cm 8177)
Eleventh Report	Rules of Royal Succession	HC 1615 (HC 586)
Twelfth Report	Parliament's role in conflict decisions—further Government Response: Government Response to the Committee's Ninth Report of Session 2010–12	HC 1673
Thirteenth Report	Political party finance	HC 1763

Session 2012–13

First Report	Recall of MPs	HC 373 (HC 646)
Second Report	Introducing a statutory register of lobbyists	HC 153 (HC 593)
Third Report	Prospects for codifying the relationship between central and local government	HC 656 (Cm 8623)
Fourth Report	Do we need a constitutional convention for the UK?	HC 371 (Cm 8749)

Session 2013–14

First Report	Ensuring standards in the quality of legislation	HC 85 (HC 611)
Second Report	The impact and effectiveness of ministerial reshuffles	HC 255 (HC 1258)
Third Report	Revisiting Rebuilding the House: the impact of the Wright reforms	HC 82 (HC 910)

Fourth Report	The role and powers of the Prime Minister: the impact of the Fixed-term Parliaments Act 2011 on Government	HC 440 (HC 1079)
Fifth Report	Pre-appointment hearing: The Chair of the House of Lords Appointments Commission	HC 600
Sixth Report	Introducing a statutory register of lobbyists: Government Response to the Committee's Second Report of Session 2012–13	HC 593
Seventh Report	The Government's lobbying Bill	HC 601 (HC 801)
Eighth Report	Parliament's role in conflict decisions: an update	HC 649
Ninth Report	House of Lords reform: what next?	HC 251 (HC 1079)
Tenth Report	The Government's lobbying Bill: follow up	HC 891 (HC 535)
Eleventh Report	Impact of Queen's and Prince's consent on the legislative process	HC 784 (HC 224)
Twelfth Report	Parliament's role in conflict decisions: a way forward	HC 892
Thirteenth Report	Fixed-term Parliaments: the final year of a Parliament	HC 976 (HC 874)
Fourteenth Report	Constitutional role of the judiciary if there was a codified constitution	HC 802

Session 2014–15

First Report	Role and powers of the Prime Minister	HC 351
Second Report	A new Magna Carta?	HC 463
Third Report	Pre-appointment hearing: Registrar of Consultant Lobbyists	HC 223
Fourth Report	Voter engagement in the UK	HC 232 (HC 1037)
Fifth Report	Revisiting the Cabinet Manual	HC 233
Sixth Report	Voter engagement in the UK: follow up	HC 938
Seventh Report	Consultation on A new Magna Carta?	HC 599
Eighth Report	The future of devolution after the Scottish referendum	HC 600
Ninth Report	Constitutional implications of the Government's draft Scotland clauses	HC 1022
Tenth Report	Government formation post-election	HC 1023
Eleventh Report	The future of devolution after the Scottish referendum	HC 700