



# DEVOLUTION IN ENGLAND, THE BRITISH POLITICAL TRADITION AND THE ABSENCE OF CONSULTATION, CONSENSUS AND CONSIDERATION

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# **DEVOLUTION IN ENGLAND, THE BRITISH POLITICAL TRADITION AND THE ABSENCE OF CONSULTATION, CONSENSUS AND CONSIDERATION**

*This article explores the nature of devolution unfolding in England following on from the September 2014 Scottish Referendum. It argues that the process of devolution can best be understood as one of elite co-option. Limited attention is being paid to the interest of citizens and the nature of the process to date reveals little evidence to suggest that the existing structures of power in the British political system are being challenged. These dynamics are explained through the conceptual lens offered by the British Political Tradition, which stresses the importance the Westminster class places on maintaining central power and control in the context of current devolutionary pressures. This is revealed by the absence from the devolutionary agenda of any meaningful, subsidiarity-informed democratic settlement. The article concludes by suggesting that what is unfolding is a process of economic and administrative rather than democratically informed devolution which will do little to arrest the rise of 'anti-politics'.*

## **Introduction**

This core issues addressed in this article concerns the long-term effect of the British Political Tradition - a hierarchical and centralising approach to UK governance - in acting as a fundamental constraint on any notion of democratic devolution in England. As a consequence, attempts to devolve power in any meaningful sense, be it for

example the New Labour Government in the late 1990s, or in the aftermath of the 2014 Scottish referendum, reveal a set of contradictions and constraints acting against democratic subsidiarity. The article sets out the way in which moves to devolve power in England are shaped by an in-built pathology – that of being driven by a top-down set of imperatives concerning the shoring up of the centre. The longer-term viability of any new democratic settlement emerging out of the current reform process is questioned, as it has eschewed a reflexive and deliberative approach to identifying what the needs or demands of citizens might be.

To explain why this matters, the article explores the devolutionary process through the literature on the British Political Tradition and within the context of the emergent debate on a rising climate of UK anti-politics or more specifically anti-Westminster politics. It claims that the gap between a meaningful democratic, inclusive and bottom-up driven devolutionary reform process and what is currently being presented by the political elite as its response to political disaffection, merely exacerbates disillusionment and may well further add to the current disengagement from traditional arena politics.

### **The British Political Tradition, Elite Co-option and the Limits of Devolution**

One of the peculiarities of British history is that both Whiggish and Marxist accounts provide complementary approaches to explaining the way in which social, economic and political conflicts are resolved in the UK. Both emphasise a process of elite co-option. As Nairn (1964: 20) pointed out in relation to 19<sup>th</sup> century political reform:

‘The English bourgeoisie of the Industrial Revolution did not revolutionize society as a whole. Afraid from the beginning of the power of the new labouring masses brought into being by and for the Industrial Revolution itself, intimidated by the spectacle of the French Revolution and all it signified, the English middle class quickly arrived at a ‘compromise’ with the English *ancien régime*. Because of its basically capitalist structure (tenant-farming carried on by wage-labour for profit) and its absence of legal definition as a privileged estate, the aristocracy was such that a ‘compromise’ of this sort was possible.’

From a Whiggish perspective, the unwritten constitution is the ideal mechanism for adapting processes of government to changing circumstances. Whig historians of the constitution point to the robustness of the Westminster Model (WM) as it responds and adapts to ever changing circumstances and periodic reforming impulses (see Oakeshott 1962; Birch 1964; Beer 1965; Hennessy 1995; and for a critique King 2009; Dunleavy 2009). They argue the advantage of the unwritten constitution is that it is flexible and can adapt to new circumstances without rupture. From a Whiggish perspective, the UK has retained its traditions as a democracy whilst adapting to a changing world.

Both Marxists and Whigs see Britain avoiding upheaval by either accommodating [Whig] or co-opting [Marxists] new social forces as a mechanism for preserving the system as a whole. For Judge (1993), much of the political process has been framed by Parliament and Parliamentary conceptions of politics. Consequently, there are many examples of various political forces, but maybe most obviously the Labour Party, curtailing their more radical tendencies and accepting the rules of the

Westminster game, leading to continuity overtime within the political system (Marquand 1981; Evans 2003; 2008).

These accounts see the United Kingdom as having an evolutionary system of government that on the whole adapts smoothly to changing social and political conditions. In contrast, a written constitution entrenching both institutions and rules would be more rigid, difficult to change with a danger that it might fossilise and become out of date.

The Whiggish approach to reform draws on a particular set of ideas about governance and democracy, often referred to as the British political tradition (BPT). Its empirical manifestation emerges in the shape of the WM and leads to a specific approach to governing that has informed the current processes of devolution in the UK (see Richards, Smith and Hay 2014). The BPT is characterised by a particular conception of democracy, representation and sovereignty, an essentially 19<sup>th</sup> century understanding emerging at the height of British imperial power:

‘For decades both Conservative and Labour elites have strongly believed in an interpretation of what they are doing called the ‘Westminster model’. This is “an element of the British political tradition which sees governing as a process conducted by a closed elite, constrained by an ethos of integrity with concern for the public good and contained within the framework of a balanced and ‘self-adjusting constitution”. In the most brazen fashion this model is used by governing elites to justify massive disproportionalities in the way that the UK voting system treats different parties.’ (Dunleavy 2009: 620)

The BPT invokes a set of ideas that have shaped how politicians conceive of politics and led them to enact the WM in their approach to everyday politics (see Richards et al 2008). The WM is reproduced through the actions and interpretations of politicians and senior civil servants. It is important to recognise that both have a strong incentive in maintaining the WM, for the substantial accrual of power at the centre it offers through a process of parliamentary legitimation (Richards et al 2008).

In the case of devolution, two particular aspects of the WM create a tension; Parliamentary Sovereignty and the 'unwritten' constitution. Parliamentary sovereignty is the cornerstone of the WM as it locates all electoral authority in the House of Commons and more specifically the executive (see Blick 2011; Smith 1999; Richards and Smith; 2006). Meaningful devolution is impossible within the context of this notion of sovereignty as all devolved powers are determined by, and dependent on, the executive. The pathology then to emerge is that sovereignty is not real, in terms of reflecting an empirical reality, but a myth that legitimises elite behaviour (see Merelman 2003). As Walker (2003) argues: 'states are no longer the sole locus of constitutional authority'.

Sovereignty is about a combination of power and authority. The Scottish Parliament and the Scottish National Party (SNP) have been able to create a separate source of authority (or a legitimising myth in the idea of a distinct Scottish nation), which is able to challenge the dominance of the BPT. England has an absence of a similar competing narrative providing an alternative to the BPT (Kenny 2014). As we see below, English Votes for English Laws [EVEL] is the epitome of a WM-style devolution; power is located in English MPs rather than the English citizen. A core claim of this article is that Parliamentary sovereignty deforms the devolutionary

process in England by making local bodies dependent on the centre. It creates a Westminster class committed to preserving the WM and with its domination by the centre. The devolutionary process then is being shaped within the existing contours of the BPT, rather than offering a viable alternative.

This issue is exacerbated by Britain's unwritten constitution. As Gladstone recognised the constitution: '...presumes more boldly than any other the good sense and good faith of those who work it' (cf. Hennessy and Blick 2011: 1). It assumes Britain is run by 'good chaps' who can be trusted to abide by the informal rules of the game (Hennessy 1989; Moran 2003). In this context, the unwritten constitution does more to enable rather than constrain the Westminster class. The point is illustrated by David Cameron's claim in autumn 2015 to invoke a previously unrecognised precedent that the House of Lords should reflect the make-up of the House of Commons (Russell 2013).

A consequence of an unwritten constitution is that its flexibility allows governments (or prime ministers with the support of the cabinet secretary) to determine the nature, rules, and processes underpinning reform, including in the context of this article, devolution (Hennessy 1995). Prior to the 2014 Scottish Independence Referendum, Cameron and the other main Westminster party leaders offered Scotland a new tranche of powers without consultation, parliamentary process or mandate. Devolution in both Scotland and England has been shaped by an ad hoc process, made possible by the absence of any explicit constitutional procedures. The flexibility offered by a Whiggish approach to constitutional reform has enabled the executive to prescribe the terms of devolution for England.

This article proceeds then by averring that the process of devolution unfolding in England since September 2014 is one of elite co-option that pays limited attention to the interest of citizens and does little to challenge the existing structure of power within the Westminster system. It is about the maintenance of power and central control in response to devolutionary pressures, rather than seeking out a new, subsidiarity-based democratic settlement aimed at tackling the issue of political disengagement. What is unfolding is a process of economic and administrative rather than democratic devolution.

### **Constitutional Reform as Elite Compromise**

The mode of governance emerging within the context of English devolution can be traced back to the system of Imperial government developed by Britain. Unlike for example France, Britain did not have a single model of how colonies should be governed, but managed the empire (like the Catholic Church) through adapting to local custom and incorporating local elites. In that way, Britain maintained power without costly and prolonged conflicts. This ad hoc model of co-option and adaptation is similar to the one used overtime in Scotland including the current process of devolution. Devolution in Scotland reflects the way in which the British political elite has continually compromised to preserve the Union.

The consequence of this approach is that the localised forms of devolution offered are shaped by an overarching commitment to maintain the system rather than develop democratic forms of governance. As Blunkett and Richards (2011: 187) observe:

The friction between the idea of decentralising power and the centralising tendency of the BPT led New Labour to devolve mechanistically rather than in



terms of pluralistic engagement, except possibly with regard to the constitutional changes for Scotland, Wales and Northern Ireland...Indeed, where devolution did take place, for example in commissioning health decisions to primary care trusts and foundation trusts, robust institutional channels and mechanisms affording people the opportunity to have a voice in the process were not properly embedded. The net result was that individuals and key stakeholders turned back to the centre, which would then make an announcement and allocate resources over which they formally had little control. This left the impression that some decision-making had in places been decentralised, but there was little or no clarity as to where the decision was actually being taken.

The present devolutionary reforms being offered across the UK are being shaped in such a way as to limit challenges either to the WM or the BPT. Much has been made of the Scottish Assembly rejecting key aspects of the WM with proportional electoral systems, multi-party government (at least initially) and a less adversarial chamber. Yet Mitchell (2010) and Cairney's (2014) studies of the Scottish case reveals that devolution has been designed and shaped by Westminster politicians, whereby notions of popular sovereignty, participation and a more activist role for individual members 'were high ideals' but given no 'substantive form' (Mitchell 2010: 107). Mitchell (2010: 108) notes that in Scotland, the political elite had difficulty in conceptualising power in anything other than Westminster terms:

'In order for the new institution to look and be perceived to be a 'real Parliament' as opposed to a local government council, it needed to be like Westminster. The term 'Parliament' was adopted in place of 'Assembly'...

An 'Assembly' was seen as somehow inferior to a 'Parliament'. The Parliament needed to conform to public and elite conceptions of what a real Parliament looked like and what that meant. It needed to have the familiar hallmarks of Westminster, the Parliament familiar to both the public and elite'.

There are, of course, some major differences between the operations of the Scottish Parliament and Westminster. The devolution of power to Scotland has mirrored the Westminster system of power by concentrating power at the centre. As the Scottish Secretary in the last Coalition Government admitted: '...there are well-documented concerns being expressed about the centralising nature of the Scottish Government on a number of areas.' (Political and Constitutional Reform Committee 2015). The report by the Commission on Strengthening Local Democracy (2014) identified government in Scotland as the most centralised in Europe with power concentrated in the devolved Parliament which is large scale and remote from citizens.

### **The Approach in England**

For England, the 2015 Conservative Government, in holding to its commitment to devolve power following the Scottish referendum, has ostensibly pursued a 'City-Regions' model. This was most obviously evidenced in the 2015/16 *Cities and Local Government Devolution Bill*, the progenitor to which was both the London and Greater Manchester models of conflating City Mayors with newly-formed Combined Authorities [CAs]. It has been suggested that such an approach integrates: '...the democratic and economic arguments for regional government and may provide a stronger focus of identity and a more meaningful politics in many areas of the country' (Stoker 2000:72-3). Such claims overlook what is unfolding in practice, the 'micro'

reproduction of WMs of governing at the local level based on closed, negotiated settlements between national and local political elites. For example, in the case of Greater Manchester, Brown (2015) observes:

“I think we have to question whether a Mayoral system is too similar to Westminster and might, therefore, put people in the same situation they were in before in terms of political disillusionment. It is possible that a Mayor may even increase these feelings, if they are seen to be put in charge but without additional powers that actually change the situation of many people in the most deprived communities. For most people this would just be putting a face to the issues they’ve had up until this point, instead of having a meaningful shift in power that makes the people affected see and experience a change”.

By February 2016, Whitehall had agreed deals with seven city regions and Cornwall (Communities and Local Government Committee [CLGC] 2016). What the process reveals is that it has led to mainly Labour dominated local authorities - Liverpool City Region, Greater Manchester; Sheffield City Region, North East, Tees Valley and West Midlands - being co-opted into a programme of significant spending cuts. The last five years has seen unprecedented reductions in local government spending. By 2015/16, local authorities were required to undertake a 40 per cent real terms cut in core funding and also considerable rises in costs (Local Government Association 2014).

Local authorities have seen devolution as a mechanism for accessing increased funding and agreement to an elected Mayor is a pre-condition of additional funding. In the 2015 budget, George Osborne claimed the proposals have to be fiscally neutral and while the combined authorities will have increased control over funding,

there will be no additional funding. The bidding process has seen Labour authorities stressing the degree of fiscal consolidation achieved. West Yorkshire Combined Authority (2015: 2) announced:

‘We have achieved already ...(a) £470m reduction in Government grant across West Yorkshire and York (between 2010-11 and 2014-15)...an increase in private investment and jobs, and rising levels of public engagement and trust.’

The deal that the Greater Manchester Combined Authority (GMCA) signed up to states: ‘In the context of the wider fiscal consolidation agenda, the city region would be required to take a fair share of any reductions that are made to any of the devolved funding streams.’ (HM Treasury and GMCA 2015: 3)

The devolution process has created a situation where Labour local authorities, rather than opposing Conservative government cuts as they did in the 1980s (and acting as a point of resistance against Thatcherism), instead emphasise their capacity to reduce expenditure while committing to further cuts as part of a tacit bargain to secure more powers. Critics suggest Labour local authorities have been co-opted into the implementation of austerity aimed at reducing the overall size of the state (Smith and Jones 2015). This form of devolution has considerable advantages for central government; funding, at reduced levels is devolved to CAs who have responsibility [and accountability] for delivering services (see Leon 2015). The Treasury still retains tight control over spending, with local authorities unable to raise any form of income – except through private sector investment.

Since 2010, reforms in the delivery of public goods has seen Whitehall enhance rather than relinquish its controlling capacity (Richards and Smith 2016). Take for example two core public goods – health and education:

- The April 2013 NHS reforms recalibrated the relationship between the Department of Health and the previous diverse range of NHS health trusts responsible for health care in England. Despite the rhetoric of devolving greater powers down to the local level, the new model organised under the auspices of NHS England led to an enhanced set of oversight and accountability powers for the Department itself.
- a similar pattern emerged in education with the Government’s pursuit of an ‘academies’ model. By creating ‘free schools’ and ‘academies’ outwith the control of Local Education Authorities, the Government sought to ensure the preservation of national standards through greater use of inspection and sanctions on head teachers.

Both these policy areas are examples of reforms that preserve central control, a key characteristic of the WM. Managers are free to manage in a context heavily prescribed by central government. This government, as with its predecessors, has been unable to properly reconcile the pressure for decentralised implementation with the desire to retain ministerial control (Richards and Smith 2006a, 2006b).

The devolution of power is being conducted in a climate where services are being privatised and contracted to private companies (often with long-term contracts) raising questions over whether power is being devolved to CAs who have less control over the delivery of public services. As Finberg (2015) observes:

‘Private sector returns are more easily achieved by delivering a wider range of services over an area bigger in population than a typical local authority. By packaging together the range of public services across a sub-region, a private sector provider will be able to present more successful bids on the basis that they can redesign and integrate services’.

The effect can be less control by citizens over services. Sheffield offers a localised example, in relation to organised protests against the policy of the removal of trees from the City’s streets (Sheffield Telegraph 2015). The Council’s response is that the contractor, Amey, is responsible for the management of trees in the City and so despite opposition, the Council argue there is nothing it can do (without paying compensation for the contractor’s increased costs).

In terms of governance, the pattern of devolution emerging in England is regarded by some as retaining Whitehall control while shifting accountability away from central government (Hood 2002). It invites parallels with Bulpitt’s (1983) ‘dual polity’; a state of affairs from the 1920s to the 1970s in which the centre sought to gain autonomy from peripheral forces to allow it to concentrate on ‘high politics’, leaving local or peripheral organisations to deal with ‘low politics’ issues. The dual polity emerging since 2015 is different in that the centre has retained mechanisms of both monitory control and compliance over the periphery.

The settlement militates against the new CAs acting as veto players within the wider political system. CAs have a strong incentive to follow the rules of the centre to secure future funding. From this perspective, it is questionable whether CAs can

properly reflect the variegated nature of local interests (Stoker and Jennings 2015) or make decisions that express the wishes of local communities that potentially conflict with the preferences of the centre.

### *Devolution without Territory*

The devolutionary process also reveals a lack of consideration given to territorial identities. Scottish and Welsh devolution is based on a collective sense of nation. In contrast, there is obfuscation over the nature of the impulses favouring either a national English devolutionary settlement or an alternative 'local' or 'regional' variant. Political units are being created that have little or no sense of attachment. *The Future of England Survey* (see Table 1) makes some strong claims about how people in England feel about how they are governed. It suggests that there is 'deep dissatisfaction among people in England with the way England is governed...' (Jeffrey et al 2014: 5) The report's evidence suggests:

'...that England has a distinctive politics that combines a politicisation of English national identity with an increasingly clear political prospectus, and an increasingly vocal advocate for that prospectus. The rallying point is an English desire for self-government. Some of that desire is defined by a continuing sense that Scotland has privileges that are unjustly denied to England.' (Jeffrey 2014: 3)

It concludes that: 'People in England are also searching for advocates to press their case.' (Jeffrey et al 2014: 3).

Critics suggest the report overstates the case. Survey evidence reveals that about 40 per cent of people support EVEL (see Table 1), yet the available surveys do not disaggregate in terms of the actual strength of feeling about this issue. When

prompted, individuals may argue they are for EVEL, but there is no evidence of the salience of devolution as an issue or explanations for the drivers underpinning this preference. Indeed, the Ipsos/Mori issues index has no mention of devolution or English votes (Economist/IPSOS Mori 2015). The evidence offered in the survey, or elsewhere, that people in England are searching for advocates for an English focused political system is by no means certain.

**Table 1: Constitutional Preferences**

	All (%)	English Identity (%)	British Identity (%)
Status Quo	18	17	21
EVEL	40	43	41
Regions	9	7	9
English Parliament	16	19	13
Independence	-	-	-
Don't Know	17	13	17

Source: Adapted from Jeffrey et al (2015)

Devolution in the English context is being implemented in ways that are the antithesis of what the *Future of England Survey* advocates. First, the development of EVEL and the subsequent commitment to legislation arose from an elite pact. The three main parties offered Scotland further powers to shore up the 'No' vote in the Scottish independence referendum. It was a tacit bargain made without constitutional authority. It was not part of a legislative programme or any mandate.



The three leaders had no authority to make such an offer to increase the powers of the Scottish devolved authority.

Hayton (2015) observes EVEL was triggered by events in Scotland and not a direct consequence of English political demands. The importance of this feature is that whilst the Future of England Survey as with similar studies elsewhere (Kenny 2014), identify Englishness as a growing political force pressing for some concomitant political arrangements, the evidence supporting a 'strong desire for devolution at the English level' is hard to discern. For example, a 2015 BBC/ComRes poll found that people are increasingly in favour of local, not English, devolution in the North with 82 per cent of those polled agreeing that 'local politicians in the North, rather than MPs in Westminster, should have control over services like transport and health to improve the region' (BBC/ComRes 2015).

### *An English Identity?*

Much of the recent writing about Englishness has focussed on the way English identity is emerging, which though not fully formed, has political force (see Jeffreys et al 2014; Kenny 2014). English identity remains, at best, somewhat amorphous. There is little sense of an uncontested and shared English identity in the way there is in Catalunya or Scotland. There is the absence of a shared history or clear social or cultural symbols across large parts of the population. If anything English notions of identity are driven by class and locality.

The irony of English devolution is that it is not based on regional identities and certainly not regional identities seeking autonomy or independence [outwith Cornwall], unlike in Scotland and Catalunya. The Northern Powerhouse, Manchester or Sheffield City regions are not geo-political constructs that populations necessarily

relate to. The drive for devolution is based on an economic rationale and not a political or cultural one.

Unlike Scotland or Catalunya, there is no major cross-class political party or social movement able to develop nationalism as a political project pushing for particular institutional arrangements. The English Democrats remain on the fringes as a small, rump party with only limited appeal. The rise of UKIP might be cited here, but its position has been one of divisiveness among the electorate, rather than a mechanism for widespread social mobilisation. As Kenny (2014: 13) maintains: 'contrary to a good deal of received wisdom – there is no easy correlation between the re-emergence of these forms of Englishness and existing patterns of allegiance'. The issue then is not about English identity, which may or may not be stronger than in the past, but that the momentum behind devolution in England has not coalesced into a powerful political movement for self-government at either the local, regional or national level. Instead, English devolution is ostensibly a multi-levelled elite project that has paid only limited attention to identities or political goals of citizens.

This issue of devolution without identity becomes more acute in the context of the emergence of new CA arrangements. CAs are agreements between local elites with the government proviso that they have contiguous borders. It has led to councils making tactical (and not political or identity) decisions about who they should combine. This issue has proved divisive. For example, the Midlands region has seen contestation between the East and the North over the nature of the bid, linked to a wider concern that if unresolved, the area would potentially be left behind (Nottingham City Council 2016). Elsewhere, there is little coherence or appeal for the majority of residents in the South West to have Bristol as the dominant city, whose

needs and interests are distinct from say Truro, Plymouth, Torquay, Exeter, Taunton and Bournemouth. Devolved authorities are not an end game to any shared political, social or cultural identity. It is not difficult to foresee that where there is one dominant city among a number of other cities, tensions occur over the asymmetric distribution of resources. As the CLGC Report (2016: 12) observed: ‘...the natural consequence of deal-making is...asymmetric devolution’.

### **Devolution, But Not of The People and By the People**

Devolution in England is an example of the BPT being reproduced at the local level, based on elite negotiation in which citizens are not involved in the construction of new local regimes. As the CLGC Report (2016: 12) notes: ‘the current approach to devolution in England is overtly one of deal-making, which can be characterised as negotiations behind closed doors between central government and representatives of local authorities.’ New political structures are being imposed over which people have no attachment and have not been demanded. This is illustrated by the imposition of Mayors on combined authorities, even after electorates previously rejected them. As Vines (2015: 317) concludes, political reform is being conceived from an asymmetric, top down perspective:

‘...reforms will continue to be informed as far as possible by the BPT.

While devo-max will allow Scotland unprecedented control over their governmental system, England, it appears, is likely to see the continuation of an insular political system dominated by a political Establishment increasingly at odds with those they have been elected to represent.’

Since being formally launched on 21 July 2015, the process for English devolution has occurred with an absence of any real public consultation. The CLGC Report (2016:24) observes: ‘We have been struck by the lack of discussion and consultation with the public in areas which have proposed, negotiated and agreed devolution deals. The short window in which authorities have to prepare their bids means that the opportunity for meaningful consultation is limited. As the West Midlands combined authority observes without irony: “The decision to proceed with the creation of a West Midlands Combined Authority is rightly in the hands of the elected leaders of the local authorities of the West Midlands” (West Midland Combined Authority, 2015: 18). There is little evidence that voters have any sense of how local devolution is developing or what, if any role they can play in the process. The government has determined the level of devolution (CAs) and local councils have made the decisions and are negotiating with government over the functions. There is no formal or regularised mechanisms by which any interested group can contribute to the process on establishing a new system of devolved governance.

### *Devolution without Process*

In other jurisdictions, comparative cases of devolution have tended to follow a pattern in which extensive stakeholder deliberation in response to popular pressure has led to the introduction of an agreed route-map. The UK in contrast, has been shaped by the unwritten constitution and the ad hoc nature of constitutional development. The development and rolling out of devolution in England and its localities is one that has occurred without any explicit or widely agreed process. Calls for a constitutional convention as a mechanism for delivering broad debate about reform have been effectively ignored.

The advantage for political leaders in not having a written constitution is that they can determine the process by which power is re-distributed, who it is devolved to and the nature of the process. As the CLGC Report (2016: 11) observes a: ‘...deal-making process was a way of working between “a top-down Whitehall blueprint” and a “complete bottom-up free for all”’. The Report (2016:11) went further by agreeing with the former Head of the Civil Service Bob Kerslake’s [Whiggish] view that a ‘pragmatic way’ was most suitable:

‘You stop the problem that previously bedevilled devolution, which was unless everyone did it the same way, it was not going to happen. The risk of a formulaic or framework approach is that you get to a lowest common denominator’.

It is a telling reflection on the nature of British politics that the devolutionary process is shaped by expediency which then regarded as a virtue. The government has the capacity to determine not only where powers are devolved, but also to whom and when.

The process reveals itself as one in which CAs apply to the Treasury in the context of the comprehensive spending review. The fact deals are developed in the context of the comprehensive spending review reveals the Government’s priorities. For some at the local level, the key driver in the process is the concern of being left on the margins, without access to incentivised, financial inducements from the centre. Liverpool’s elected mayor, Joe Anderson when committing to a new Liverpool City Region Combined Authority observed that:

‘I’m pleased, not so much that we’ve managed to negotiate with central government but that we have finally been able to get an agreement at a

local level. Greater Manchester was able to march on ahead because we were navel gazing and worrying about the process rather than worrying about what we could get from central government.’ (Guardian 19 November 2015)

### *Devolution and Politicisation*

The process has also increasingly been politicised. Immediately after the Scottish referendum, the two largest Westminster parties were seen to shape constitutional reform to suit their own interests.

- the Conservatives focused on ‘EVEL’ as a way of preserving the WM in the context of devolved powers and in that way maintaining their dominance in England. This approach has the potential to lead to the replication of the issue that has caused problems in Scotland. 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.
- the Labour Party initially called for a constitutional convention, something akin to that which was conducted in Ireland. Yet it was also criticised for prioritising party self-interest by advocating regional assemblies.

After May 2015, the formation of a new Conservative government saw the debate move on. In October 2015, a Commons vote on EVEL secured a 42 majority in favour. The process attached to EVEL creates a two-tier legislative pathway with a variable number of veto points requiring the support both of UK-wide MPs and those representing English (and/or English and Welsh) constituencies. One consequence of

introducing EVEL is a potential 'domino' effect: the extent to which it provides formal recognition to an 'English dimension' of parliamentary government has drawn calls for the creation of an English Minister or English Whitehall Department. In turn, it may also provide a groundswell for further demands for an English Parliament and separation. As has previously proved the case with devolution elsewhere in the UK, EVEL is more likely a starting, rather than an end point to the 'English question'.

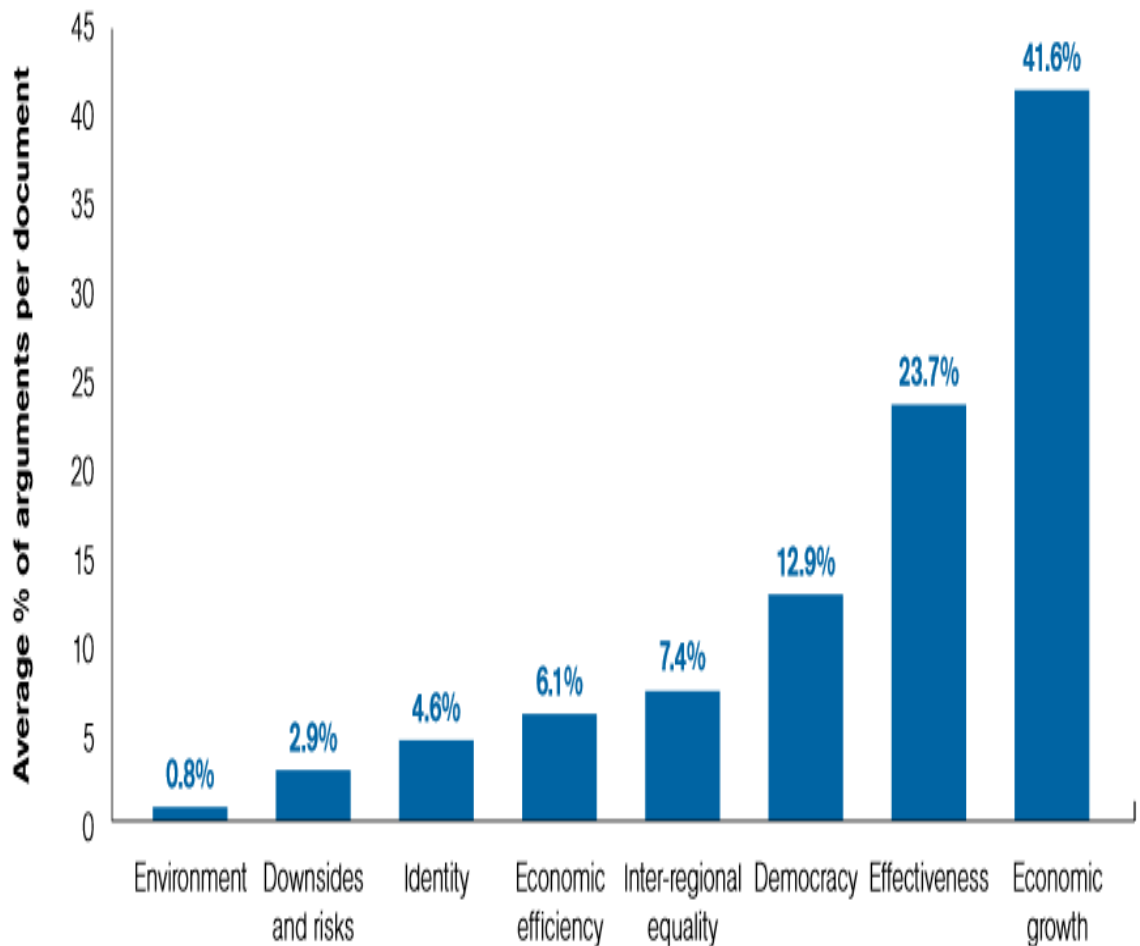
At a wider-level, enduring constitutional reform requires broad consensual support. The Commons vote in favour of EVEL reflected the absence of any cross-party agreement, highlighting the degree to which opposition parties regard it as being underpinned by partisan interests. In taking forward devolution, the debate needs to move beyond Westminster's main political parties. For if, as argued above, the approach to UK constitutional reform is predominantly a reaction to what has in part been a bottom-up and sizeable anti-Westminster outpouring, the response cannot then be one that is ostensibly top-down. The road currently being travelled (since September 2014) is one that is unlikely to secure popular consensus, legitimacy or permanency.

### *Devolution and Engagement*

The key problem is that the processes of devolution does little to challenge Westminster politics because it is not being driven by a response to demands to introduce new forms of democratic engagement and participation. Lyall, Wood and Bailey's (2016) survey of public discussions on devolution involving central government, local government, think-tanks, and civil society groups between 2011 and 2015 highlight that 41.6% focus on achieving economic growth as the main justification for devolving power, while only 12.9% of arguments make the case for

devolution in terms of shifting power, strengthening democracy or increasing citizen involvement in decision-making (see Figure 1).

**Figure 1. Prominence of Outcomes in the Devolution Debate**



These findings resonate with the core claims made throughout this article concerning the nature of the devolutionary process in England; a tightly-controlled elite project concerned with reproducing different forms of administrative and economic governance across the UK that does not challenge the BPT. As Vines (2015:371) concludes, in an age of centripetal forces crowding in on the centre:



“The British political system remains wedded to the BPT and thus hostile to popular sovereignty and anything beyond the use of nominally populist rhetoric or devices – both of which can be tightly controlled by the political elite when an issue needs to be externalised for the sake of party unity - and the outcome is ultimately a stronger Westminster”.

### **Anything Beyond Administrative Devolution?**

So what is the model of devolution being offered in the English case? Parallels can be drawn with the administrative devolution that characterised Scotland before 1998, rather than a process of real devolution of power to localities and citizens. The creation of the Scottish Office in the late nineteenth century led to a central government body effectively administering Scotland locally. The Scottish Office was allowed the administration of a range of policies (such as Education) with a local influence but without any concomitant democratic processes (Mitchell 2003); a reproduction of imperial governance. Decisions were made in Whitehall and administered locally and adjusted to local custom. The present case of CAs in England, reveals that devolution is mainly about administering certain policies by adapting to local conditions. Gains (2016) contribution on ‘Metro Mayors’ and her study of Manchester elsewhere in this edition, offers an example of this dynamic.

The new devolved authorities have no legislative power and limited financial power. Britain has the second most centralised budgetary system in the world (after New Zealand whose population is about the same as Yorkshire) (OECD 2015). Devolution will not fundamentally challenge such asymmetry, as most taxation continues to be raised by the Treasury. The CAs’ position is one of administering central government policy in the context and clear parameters laid down by Whitehall.

As the Manchester agreement makes clear (see Gains 2016), the policy undertaken by the new authorities will undergo ‘an extensive programme of evaluation’ by the Treasury and:

“The next five year tranche of funding will be unlocked if HMT is satisfied that the independent assessment shows the investment to have met the objectives and contributed to national growth’ and to rub salt into the wounds the ‘assessment will be funded by GMCA but agreed at the outset by the Treasury” (HM Treasury and GMCA 2015: 5).

It is difficult to see the form of devolution in the agreement as anything more than prioritising administrative devolution in the context of Treasury control. As the CLGC Report (2016: 28) concludes: ‘The Treasury and, to a lesser extent, the Department for Communities and Local Government are driving devolution; this is inevitable ...since devolution is a central government policy.’

### **Conclusion: Devolutionary Impulses, the BPT and the Need for Consultation, Consensus and Consideration**

The elite driven nature of the devolution process creates a significant problem - the absence of any informed debate over what the objectives and goals of devolution should be means the chances of securing a consensual and lasting constitutional settlement are uncertain.

Is devolution about:

- greater accountability?
- maintaining the Union?
- increasing democracy and the control over central government?

- improving economic efficiency?
- giving people greater control over their own lives as a response to disenchantment to traditional Westminster arena politics?

What this article emphasises is the degree to which the process has been tactical and strategic, but not democratically-informed. There is no clear end-point: how many powers are to be devolved from Whitehall?; is asymmetric devolution to be translated into infinite models in England, of variable, localised scales of civic participation and engagement? In the case of devolution to CAs, the key focus seems to be on devolution as a mechanism of economic regeneration. Yet, this raises many questions that have not been discussed. What happens to Cities outside of the hub of a CA? What happens if devolution does not produce economic growth? In other words, the UK and in the context of this article England is proceeding down a devolutionary route, but one without any clear orientation. None of the fundamental questions about what it is meant to achieve have been properly debated.

The lack of clear goals is indicative of a wider, more fundamental issue: how do processes of devolution fit into the wider constitutional and political framework of the UK? What the debate has yet to address are a number of fault lines in British politics that have come increasingly to the fore following the 2015 General Election. The election itself highlighted that only 24% of those eligible to vote supported the Conservatives. Yet since May 2015, the nature of the BPT has afforded a Conservative Government with a very slim majority of 12, tremendous power to push through radical change to the nature of the British state. The outcome illustrates the inability of the electoral system to reflect the complexity and plurality of the wishes of the

electorate or produce a clear electoral outcome (in other words, recent elections reveal the main argument for FPTP has become increasingly tenuous).

In the context of political disillusionment and the emergence of an age of anti-politics (see Richards and Smith 2015), it would be misguided to abstract the discussion of devolution from wider constitutional questions. The fundamental issue is how people can be encouraged to re-engage with traditional arena politics and what role do constitutional changes play in re-energising the political process? Yet, this has not formed the centre-piece for the current discussions on devolution. These are themes the CLGC Report (2016:47) raised in its own conclusion, recommending:

- ‘Increasing public engagement and consultation throughout the deal-making process;
- Making that process more open and transparent;
- The need for a system for the monitoring and review of deals once in place; and
- The need for clear objectives and measures for local areas to judge the impact of their deal.’

Any lasting settlement can only be secured through what might be referred to as the ‘3Cs’ – consultation, consensus and consideration - of the whole political framework. Discussion of the devolution process should come with a debate around the electoral systems, the role of the civil service, the power of Whitehall and Westminster and fundamentally what sort of democracy Britain wants in the twenty-first century. The concern is that the current Westminster-led process of devolution and its adherence to the BPT will do little to arrest the growth of an anti-politics climate in English politics.

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