

ALL-PARTY PARLIAMENTARY GROUP FOR
**Reform, Decentralisation
and Devolution in the UK**



A PARLIAMENT FOR REFORM 2015-2020

Legacy paper of the All-Party Parliamentary
Group for Reform, Decentralisation and Devolution
in the United Kingdom

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Authors:

Jeremy Purvis (Lord Purvis of Tweed), Co-Chair, All-Party Parliamentary Group for Reform,
Decentralisation and Devolution

Dr Andrew Blick, King's College London

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INTRODUCTION

Issues of constitutional change have come habitually to be among the most prominent concerns of successive governments. Reforms such as devolution, the Human Rights Act 1998 and provision for a United Kingdom (UK) Supreme Court were central to the programme of the Tony Blair governments; while his successor, Gordon Brown, sought to make his governance of Britain constitutional package the defining feature of his premiership.

The coalition formed in 2010 sustained this general trend, introducing legislation that altered the configuration of the political system, including the Fixed-Term Parliaments Act 2011.

Whatever government is established in May 2015, and whichever party or parties comprise it, the pattern of change will continue. Some developments, for instance those connected to the European Convention on Human Rights and the Human Rights Act, or UK membership of the European Union, may arise on the initiative of the government itself, and will vary according to the particular group that holds power.

However, there is another set of concerns – arising partly from reforms pursued at earlier points – the force of which is self-generating. They will be difficult for any government to ignore, even if it wishes to.

These matters are the primary concern of the present paper. It also addresses an intermediate tier of issues that may not seem as urgent at present, but could become so, and may become more central because of their connection to other more immediate subjects.

In many respects, however, the approach to constitutional reform in this period has been both piecemeal and opportunistic. Reform has often been reactive rather than proactive, and not addressed the UK as a whole.

In addition, the pace of change and the depth of public debate have not been consistent across all nations, and parts of the UK.

The APPG on Reform, Decentralisation and Devolution in the UK was established in 2014 to address this, and to provide cross party parliamentary space in order to allow open discussion on the need for a UK-wide settlement.

This paper is the legacy report from the APPG to the new Parliament elected in the UK General Election. We hope that it can also assist fellow parliamentarians in the Northern Ireland Assembly, National Assembly for Wales and the Scottish Government appreciate the desire for an approach to benefit all parts of the family of nations.

In turn, our colleagues striving ahead in local government can see that we have identified the areas where Parliament needs to work to empower our communities as part of the wider settlement.

The following list, that divides into nine different groups, provides general rather than detailed accounts. It is based on an understanding that differing responses to each issue are possible: there is no one precise answer.

There is however not only a desire for a holistic UK-wide approach, but also after the events in 2014, the clear need for it. This is why we have titled this paper the Parliament for Reform.

It reflects the view that we have a window of opportunity with the election of a new Parliament to make the coming five years a period of UK renewal.

Our groupings are areas that require to be addressed, and we conclude the paper with a proposition to all political parties to adopt a common stance on a way forward.

THE AGENDA FOR REFORM

A. SCOTLAND AFTER THE REFERENDUM

There is a strong imperative to execute those items agreed by the Smith Commission as requiring swift implementation in a manner satisfactory to all the different groups involved. There will also be pressure to move forward with other issues highlighted in the Smith Commission report as needing further discussion.

B. DEVOLUTION IN WALES

A need will exist to take forward devolution in Wales, as part of a process already underway.

C. NORTHERN IRELAND

Similarly to Wales, further legislative and fiscal devolution is on the agenda for Northern Ireland. In the cases both of Wales and of Northern Ireland, the ways in which the powers and responsibilities of the devolved institutions are defined and can be expanded may also merit attention.

D. ENGLAND

Wide cross-party agreement appears to exist that change is needed in England. The accelerating pace of devolution elsewhere in the UK has added salience to this idea.

Alterations may involve arrangements to provide MPs from English constituencies with a special role in the production of legislation deemed to impact only upon England ('English votes for English Laws'), though this idea is controversial. Another option is for the creation of an English Parliament or a form of legislative Grand Committee. There will also be an urge to devolve powers and responsibilities to sub-national levels within England.



E. LOCAL GOVERNMENT

An enhancement in the fiscal and administrative autonomy of local government, that has seen its position progressively undermined over a period of many decades, may provide a vehicle for devolution of powers and responsibilities within England (see Group D), as well as being an end in itself. It will be necessary to address the question of which tiers, structures and specific powers should be involved, and whether and to what extent this devolution will include a loosening of the central grip over tax-raising.

The mechanisms by which power and responsibility should be transferred, who and what should trigger these changes, and whether they should take place on a case-by-case or more comprehensive basis, are further subjects for consideration. It is also necessary to consider the position of local government in the already devolved territories, and whether it needs strengthening. One idea supported in some quarters is for a statutory code underpinning the position of local government.

F. CENTRAL POWERS IN THE UK AND INTRA-UK RELATIONS

Amidst the accelerating devolution of power, it will be important to have regard to those functions that must be retained partially or wholly at the UK centre, if it is to remain a cohesive state.

It will also be necessary to ensure that the different components of the UK are able to liaise with each-other and the centre in a satisfactory fashion, particularly to ensure that the powers they each possess are deployed in such a way as to avoid destabilisation. It may be deemed important to introduce formal changes to ensure that the nations and regions have an enhanced input into decisions made at the UK centre.



G. THE ELECTORAL SYSTEM

Following on from Group F, a further set of issues involves elections to the House of Commons. Changes to the size, number and boundaries of constituencies postponed in the present Parliament are still due to come into force after 2015. The controversy they could generate may magnify through their combination with individual electoral registration.

Some will claim a partisan agenda is at work. It is also possible – though not certain – that the ‘First-past-the-post’ system will come under greater scrutiny following the May 2015 General Election, especially if it is seen as able neither to guarantee the perceived stability of single party majorities, nor fairly to reflect the rise of a multi-party system.

H. THE HOUSE OF LORDS

House of Lords reform will return to the centre of the political agenda. A reconstitution of the second chamber could be a means of providing the nations and regions with a role in UK-level governance. A more practical pressure will arise from the possibly unsustainable rate of growth of membership of the Lords.

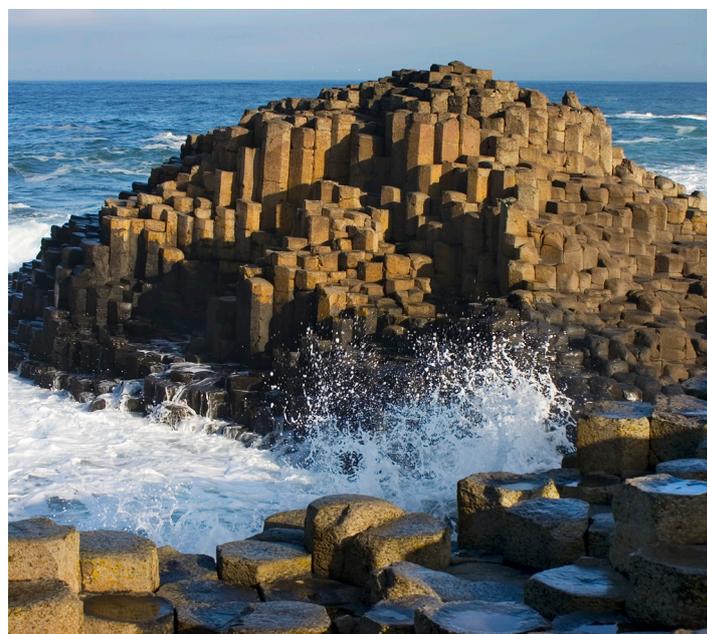


I. THE CONSTITUTIONAL CHANGE PROCESS

All the prospective change discussed above, and other future modifications both foreseeable and unforeseeable, necessitates attention to the means by which such development takes place.

There is a twin, connected danger: that constitutional change, an increasingly frequent phenomenon, becomes a weapon deployed for partisan purposes, and that it is poorly devised. The outcome may be a de-legitimisation of public authority and of the constitution itself. It is important, therefore, to ensure that constitutional change is executed in an inclusive fashion.

Furthermore, it should be carefully considered, with a focus on its practicality and the connection of each given reform to the others, and the constitutional whole.



DELIVERING REFORM

In its work the APPG has considered carefully how to bring about long-lasting and coherent constitutional renewal to the UK. There are many possible routes and we have been open to considering widely the options.

One way forward that has attracted support among the APPG is a way of securing the widest but also deepest method of UK-wide and publicly supported reform.

A constitutional convention is an accepted method of securing broad agreement (and is tried and tested, in differing forms, in the Scottish and Welsh contexts as well as internationally). We have therefore suggested to each political party competing in the General Election that they adopt a common platform.

We have suggested this below. It shows that with a way forward agreed, we cannot dictate the end result but we can make the case that the process of reform will be open, inclusive and stands the best chance of securing a UK wide settlement, fit for the long term.

It can take place in addition to the implementation of commitments to transfer powers across the UK. It reads: "We will establish a UK Constitutional Convention to mark the 800th anniversary of Magna Carta in 2015.

The Convention will operate independent of government and will include members of the public as well as representatives of the political parties, local authorities and the nations and regions of the UK. Members of the public will make up more than half of the total membership.

Sitting for no longer than a year, the Convention will consider, and publish recommendations on:

1. the relationship between the nations, and all parts within the UK, including their fair representation in the Westminster Parliament
2. arrangements for the governance of England
3. other issues that may require the attention of a successor Convention.

We will bring before Parliament proposals to respond to the recommendations of the Convention within six months of its reporting."

Selected further reading:

Lewis Baston, Electoral Collision Course? The Boundaries and the Register after May 2015 (London, The Constitution Society, 2014)

Andrew Blick, Devolution in England: A New Approach (London, Federal Trust/Unlock Democracy, London, 2014)

Vernon Bogdanor, The Crisis of the Constitution: The General Election and the Future of the United Kingdom (London, The Constitution Society, 2015)

House of Commons Political and Constitutional Reform Committee, A New Magna Carta? HC 232 (London, Stationery Office, 2014)

Alan Renwick, After the Referendum: Options for a Constitutional Convention (London, The Constitution Society, 2014)

Meg Russell and Tom Semlyen, Enough is Enough: Regulating Prime Ministerial Appointments to the Lords (London, Constitution Unit, 2015)

The Smith Commission, Report of the Smith Commission for further devolution of powers to the Scottish Parliament (Edinburgh, Smith Commission, 2014)



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House of Commons
London
SW1A 0AA

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