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### *Citation for published version (APA):*

Blick, A., & Atkinson, L. (2016). *Federalism: The UK's Future?* The Federal Trust for Education and Research.

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**April 2016**

# Federalism: The UK's Future?

**Andrew Blick**



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ISBN 978-1-911234-01-2.

The Federal Trust is a Registered Charity No. 272241  
84 Moorgate  
London EC2M 6SQ  
United Kingdom

Company Limited by Guarantee No. 1269848

Design by Fred Fieber  
Printed in the European Union

# **Federalism: The UK's Future?**

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# Federalism: The UK's Future?

## Introduction

The constitutional future of the United Kingdom (UK) is in doubt, and this uncertainty has prompted a remarkable transformation in current British political discourse. In particular, perceived threats to the continuing viability of the system and to the existence of the Union itself have served to return a long-marginalised concept to the mainstream. 'Federalism' is a fashionable idea once more. This development in thought takes place within a systemic setting in which the UK has become more like a federal state than ever before, even if this tendency has not yet attained universal recognition. Movement in this 'federalising' direction continues. Yet the prolonged neglect of federalism has consequences. The topic does not always receive the detailed consideration it deserves if it is fully to be deployed in the UK context as more than a rhetorical device.

Federalism is in many ways a British<sup>1</sup> creation; and a British gift to the world. But it has not yet come home. It may be, however, that the time is approaching for the British consciously to apply the system they have decided is apt for so many others to themselves. Some are even of the view that it is not a matter of choice, and that circumstances may compel such a course of action if the United Kingdom is to survive as a state. But what are the basic minimum changes we would need to implement decisively to become a federal state, rather than simply move in a more federal direction? What structure should such a system take? How far would it entail the UK's having to alter its existing constitutional structures, principles and patterns of development? Would it really solve the problems we face?

The following pamphlet sets out to answer these questions. It does so while taking into account that the argument against federalism for the UK has, to date, perhaps been better presented than the case in support of it. Alongside dismissive rejections of the very idea of a federal UK as intrinsically inappropriate, there has been a more sophisticated critique. It questions whether a federal system – though not necessarily objectionable in the abstract – could in practice operate successfully in the UK. This school of criticisms focuses in particular on the difficulties of incorporating England into a federation. Those who favour a federal UK need more fully to consider and explain in their advocacy how such a system could function,

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<sup>1</sup> For the purpose of this pamphlet, the terms 'British' and 'Britain' are used in reference to the United Kingdom of Great Britain and Northern Ireland, as distinct from Great Britain, the component of the Union comprising Scotland and England (incorporating Wales), but excluding Northern Ireland.

and deal with the legitimate concerns that have been raised about its viability.

Part one of this pamphlet offers a basic definition of federalism, and considers the contribution the United Kingdom (UK) has made to its dissemination. The pamphlet discusses why – despite its strong connections to federalism – the UK has not yet developed such a system for itself. Part two considers the particular tensions affecting the UK political system today, and how they have increased interest in a possible federal solution. There is a discussion of the national questions, and also the democratic consequences of an asymmetrically devolved UK. The pamphlet then asks how far federalism might genuinely help deal with present difficulties. It considers two basic options for a federal UK. The first involves the incorporation of England as a single ‘state’ unit alongside Wales, Scotland and Northern Ireland; the second a series of English regions. There is an assessment of the merits and viability of each.

Part three argues that a federal model with English regions is the most attractive and indeed plausible model for future British constitutional development. It places this discussion in the context of ongoing constitutional developments in the UK. These shifts include the adoption of the ‘English Votes for English Laws’ mechanism; the extension of the powers of the existing devolved systems, in particular in Wales and Scotland; devolution within England; the position of the House of Lords; and recent interest shown by the government in providing certain laws with special constitutional status. Part three also discusses how best to advocate a UK federation, setting out how it could function, and the ways in which it would both build upon and differ from existing arrangements. It focuses less on the precise division of powers that might take place between ‘federal’ and ‘state’ institutions, than it does on the territorial demarcation employed and the core constitutional issues involved. These latter issues, rather than that of the exact apportionment of particular policy responsibilities, seem at present to present a greater challenge to be surmounted if the UK is to become a federation. However, a follow-up project to the present work will comprise a draft federal constitution for the UK, including within it an account of the allotment of powers. The appendix provides an overview of presently prevailing democratic disparity in the UK through comparing and contrasting the different arrangements for democratic government in place across selected cities and regions in the UK.

## **Part One: Federalism and Britain**

Federalism, as a principle, entails a division of governmental responsibilities between different spheres of politically representative authority. All have a share in



ultimate sovereignty, with none preeminent over or subordinate to any other. As a system federalism has come broadly to involve the existence of one central 'federal' level of government, and multiple territorial 'states'<sup>2</sup>. Both tiers have their own separate democratic mandates. The sharing out of powers between them (involving separate responsibilities and sometimes overlapping areas of action) is set out in a written constitution, which is also likely to include a bill of rights to safeguard the freedom of all citizens within the society, and other systemic provisions. This constitution is the source of ultimate authority, the final interpretation of which falls to a supreme court. The court is required to annul any official act or legislation – including even federal statute – that violates the constitution. Changes to the constitution are subject to a special amendment procedure, necessitating that they rest in a higher degree of consensus than regular laws. Often the second chamber of the federal legislature incorporates or provides representation for the territorial 'states'.

Many variants on federalism operate throughout the democratic world, in countries as dispersed and diverse as Australia, Brazil, Germany, India and the United States. Federalism is often defined in contrast to 'unitary' arrangements, under which the constitutional system creates a single pole of governmental supremacy to which all others are subject. A frequently cited example of the unitary state is France; others are New Zealand, Japan, Sweden and the Netherlands. But though it may differ to the unitary approach, it is an over-simplification to view federalism simply as a decentralised system, any more than it is purely a centralised one. It can be contrasted just as appropriately with 'confederal' arrangements, or polities characterised by relationships of 'federacy', both of which are less centralised political arrangements than are federations. Federalism offers the possibility of binding together centre and peripheries into a coherent but diverse unity, sharing functions between them as appropriate, rather than tilting decisively in either direction.

British attitudes towards federalism have been historically complex and varied. Both as an organisational principle and a system of government, the historic development of federalism received an important British input. British thinkers have provided intellectual stimulus, and Britain as a world power has played a part – direct and indirect – in the implementation of federalism across different parts of the world. Concepts such as limited government, a key part of English political thought in particular, helped create a climate in which federal principles could develop in British colonies in North America. Subsequently thinkers in the UK such as John Stuart Mill and Lord Acton contributed to the fleshing out of federalist doctrine.

In practical terms, the Empire was a driver of the British influence upon federalism. Many former colonies, including some of those listed above as federal exemplars, have adopted this constitutional system – either before or after independence –

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<sup>2</sup> The term 'state' in the context of a federal sub-unit is distinct from its application to an entire polity.

sometimes with the encouragement and assistance of the UK. Empire also had an impact upon the constitutional conceptions of UK policy-makers. The transfer of a degree of authority to a sub-unit within the overall imperial system came to be regarded as compatible with, and even essential to, the continuation of the wider whole, the Empire. From the late nineteenth century, the idea of a formal imperial federation gained significant support among opinion-formers, who saw it as a means of avoiding disintegration. But such schemes did not – and perhaps could not – succeed, and the Empire eventually collapsed. During the twentieth century, ideas of supranational federation found new expression in such schemes as an Atlantic union, an English-speaking polity, a global government, or an integrated Europe. Once again, UK theorists proved to be influential, particularly in the development of international and European systems. Projects that they helped conceptualise included the League of Nations and United Nations, and what is now known as the European Union.

British federalism has a further strand to it that is the core of the present pamphlet. As with the imperial schemes and their successors, it involves the idea of providing for national territorial diversity within the context of a wider unified whole. But in this case, the federalist concept is intended to apply internally within the UK. In a sense, the UK has qualities we might associate with a unitary state. In particular, the doctrine of parliamentary sovereignty – though some hold it to be a singularly English, not British concept – entails the existence of a sole source of ultimate legal authority, to which all else is subject.<sup>3</sup> But other characteristics of the UK show it is more diverse than the simple label ‘unitary’ might encourage us to conclude. The UK is not the outcome of a single act of creation, but a series of incorporations, each different in its character. Wales was legally absorbed into England in the mid-sixteenth century. Union between Scotland and England in 1706-1707 – which followed a unification of the crowns of both countries a century beforehand – was a more complex process. In the lead up to the Union, there was interest – especially on the Scottish side – in what was termed a ‘federal union’. As conceived at the time, this arrangement would have been far looser than a federation as understood today. Resembling a confederation in contemporary terminology, it would have entailed both countries retaining their parliaments, but with a single monarch and external policy. The English rejected this proposal and a more centralised Union was established. However, the agreement arrived at made significant concessions to Scottish particularity, including in its established church, and legal, local government and educational systems.

The United Kingdom of Great Britain, as the 1706-7 Treaty and Acts of Union described it, joined with Ireland under the Act of Union of 1800. This combination allowed to some extent for Irish distinctiveness, though not to the extent provided for

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<sup>3</sup> This supposed parliamentary preeminence is not derived from a written constitution, but is seemingly inherent within the institution of the Westminster Parliament itself, or perhaps the willingness of others to recognise it.

Scotland. In the years that have followed, variety has been a defining feature of the UK constitution, with special ministerial and departmental structures established at different times for certain territories. Devolution has added to this heterogeneity, first when used in Northern Ireland (introduced at the time of the exit of most of the island of Ireland from the UK) from 1921 to 1972; and then when instigated for Wales, Scotland and Northern Ireland (again) from the late 1990s. Given this overall picture of diversity, the label sometimes proposed as a description of the UK, as a 'union' state, seems more fitting than 'unitary' state. In this context, the adoption of a federal constitution for the UK, were it to take place, would seem less a dramatic polar shift, and appear more as a further means of providing for territorial diversity within the UK.

These structural-legal divergences are reflective of, and necessitated by, clear national differences within the UK, and associated divergences in history, culture, religion, political orientation, economic profile and (especially in the case of Wales) language. As noted above, the concept of 'federal union' was in vogue in some quarters in the lead-up to the instigation of the Union early in the eighteenth century. Ideas with a federal dimension returned during the nineteenth century in subsequent discussions about the internal constitutional structure of the UK. The initial impetus for this school of thought came from the problematic position of Ireland within the Union. Successive legislative schemes for Irish Home Rule, beginning with the bill William Gladstone introduced to Parliament in 1886, entailed a division of responsibilities between the UK Parliament and a newly-created Irish legislature. Proposals soon emerged for the extension of Home Rule to other parts of the UK, though until the 1990s it was only Northern Ireland that obtained its own legislature within the Union.

The response to the so-called 'Irish Question' demonstrated the potential for federal thinking to play a part in the development of UK constitutional structures. In as far as this approach was 'federal,' it was associated with a particular mode of federalism which is intended to allow a country to decentralise but not disintegrate (though some who hope eventually to attain independence for a sub-unit within a state could potentially advocate federalism as a step towards their ultimate goal). It contrasts with the federalist approach used in cases such as that of the United States, where it was a means of integrating disparate states into a more unified whole; and is comparable to the variety of federalism used in countries such as Belgium and Spain. The viability of this model is discussed later. The important point for the present discussion is that federal ideas are not purely for external consumption. At a time of crisis, the threat of a break up in the Union, they were historically turned to as a possible solution to domestic malaise within the UK.

However, consideration of the prolonged period during which Home Rule was a

prominent concern also demonstrates the limitations to which federalism within the UK can be subject, and the resistance it can encounter. First, though Home Rule for Ireland would have provided Ireland with a status bearing some resemblance to a 'state' within a federal constitution, a system under which only one part of the UK had this form of self-government would clearly not fully be federal. Complete federal constitutions provide blanket coverage across all territories (potentially with limited exceptions such as the federal capital). They do not have the asymmetrical quality that has often characterised schemes for the dispersal of political authority within the UK.

Second, it was possible to view Home Rule as desirable – or otherwise – from a number of different perspectives, that were not necessarily entirely compatible with each other. It might be seen as justifiable as a decentralisation measure for a part of the UK that should have a larger role in the control of its own affairs. On the other hand, it could be held that such a dispersal was not desirable. A further possible reason for supporting Home Rule was that it was a means of reducing the potential appeal in Ireland of a complete departure from the UK. Some might reject this argument also. Finally and conversely, supporters of independence as the ultimate goal might see Home Rule as possibly a step towards their final objective. Fear of this outcome could be a reason for objecting to Home Rule. Some of these same perceptions and dynamics have played a part in devolution discourse in more recent times.

Third, interest in ideas with a federal aspect to them arose largely because of a crisis involving a particular part of the Union, more than a wider perceived need engaging the UK as a whole. The geographical specificity of the problem made it harder to persuade residents of other parts of the UK that they should accept radical alterations to the constitutional arrangements of the country in order to address a difficulty arising elsewhere. The idea of Home Rule for Ireland alone encountered resistance. A wider provision of self-government, more closely matching the federal ideal, would probably have encountered more scepticism still. Furthermore, many did not anyway accept the view that Home Rule would be successful as a means of avoiding a break up in the Union, and believed that it might even accelerate such an outcome.

Fourth, and connected to the previous point, England has been a particular obstacle to the success of federalism. It was a source of opposition to Home Rule for Ireland, and appeared to be lacking in enthusiasm for any form of 'Home Rule all round'. The preponderant size of England relative to the rest of the UK has been both a source of calls for greater autonomy in other parts of the UK, and a potential obstacle to the introduction of a successful model to meet such demands. As has

often been noted in recent times, to include England as a single unit in a federal constitution might be to court instability; yet a viable set of English regions, though theoretically more manageable, were not necessarily easy to identify.

Fifth, schemes of a federal nature have often given rise to constitutional complications. From the time of the first Gladstone proposal, the idea of Home Rule for Ireland, as an asymmetrical measure, raised difficult questions about how, if at all, Ireland would continue to be represented in the UK (or 'Imperial') Parliament. If Ireland were to continue to send MPs to Westminster, should they be restricted over the issues on which they could vote, and if so, how? The prospect of Home Rule also prompted complex concerns about fiscal arrangements, including over how much autonomy Ireland should have in this regard. Finally, the concept of Irish Home Rule posed a challenge to the idea of parliamentary supremacy or 'sovereignty', widely regarded as crucial to the UK constitution.

The UK, then, has historically exhibited federal traits and dispositions, yet also barriers to their fuller realisation. All of these limitations and difficulties retain their relevance in the contemporary devolution era. They are a complex combination of issues. Some arise from attempts to apply federal ideas, others from a failure to pursue federal concepts to a sufficient extent. The next part of this pamphlet considers the current position of the UK, how conducive it is to the adoption of a general federalist constitutional model, and what form a viable UK federation might take.

## **Part Two: A federal moment?**

The UK constitution has certain tensions inherent within it. They arise in particular from the multinational character of the state, and the predominance of England within it, in terms of population, the size of its economy and its political influence. These qualities are visible in the pattern of devolution and its consequences since the late 1990s. Devolution, like Home Rule, represents the application of ideas with a federal element to them. It has shifted the UK in a federal direction. The devolved territories in some senses resemble 'states' within a federal system. Yet devolution does not amount fully to a federal constitution for the UK, and many of its advocates and instigators have specifically disavowed federalism as an objective. Devolution came about in response to national pressures arising in various ways and to various extents from Northern Ireland, Scotland and Wales. In Northern Ireland, it was part of a wider peace process connected to the Belfast Agreement of 1998. In Scotland it was a response both to a nationalist movement including within it calls for independence, and a public campaign for greater autonomy stopping short of

independence, that found expression from 1989 in the Scottish Constitutional Convention. In Wales there were somewhat similar forces at work to Scotland, though of less pronounced nature, and with an important cultural-linguistic component. The development of devolution in Wales was kept mainly within the Labour Party, the dominant force within Welsh politics. Though Labour was also (at the time) the predominant party in Scotland, the process there was more broad-based.

In the case of Scotland and Wales, devolution has not quenched the desire for more autonomy, and has stimulated demands for greater transfers of power. Both nations have duly seen significant expansions in the authorities possessed by their devolved institutions. This tendency has now progressed to a point that some commentators question how far the fiscal powers due to be devolved to Scotland in 2016 are reconcilable with the financial cohesion of the UK. In a sense, the expansion of devolution is a sign of its success. But a process of constant constitutional change with no clear end in sight is in other ways a problem. It could represent a drift towards 'confederacy' or 'federacy', from the perspective of Scotland at least. Whether such arrangements are compatible with an attempt to maintain other important features of our territorial settlement, such as financial redistribution (at present under the 'Barnett Formula') and social welfare guarantees, is questionable. Furthermore, in Scotland certainly, devolution has not succeeded in reducing the appeal of independence, and may even have contributed to the recent rapid gains made by the movement campaigning for this end.

The threat of the departure of Scotland from the Union has in turn triggered further extensions of devolution. This mode of response represents a persistence of the belief that greater national autonomy within the UK can eventually remove a perceived need for Scottish departure from the Union. Yet the evidence to date that this view is correct is not entirely convincing. Furthermore, there remains a disparity between the amount of devolution provided to Scotland and that available in Wales, though plans are in hand to take forward self-government in the latter nation, as contained in the Draft Wales Bill, published late in 2015.

A second set of complications arise because of the position of the nation to which, as yet, devolution has only been extended on a limited basis: England. Devolved government of a sort exists in Greater London, and is being introduced – in limited form – to various local authorities and conglomerations thereof across England. But the benefits of devolution – in particular the possibility for voters to achieve greater democratic accountability for governmental institutions at a level closer to them – are not available throughout England. Nor are they likely to be for the foreseeable future on a comparable scale to that of Scotland or Wales. The only tier of democratic governance below UK level for most of England is local government, which

remains from an international perspective lacking in financial and policy autonomy (notwithstanding plans to allow local authorities to keep the proceeds of business rates, combined with a phasing out of Revenue Support Grant). This weakness on the part of local government is replicated in the UK outside England. Local government is a devolved matter, and there is evidence that devolved institutions have added to the powers transferred downwards from Westminster and Whitehall by shifting competences upwards from local authorities.

The overall picture, as the Appendix to this report demonstrates, is one of substantial variations in which tiers of government exist, how they are configured, and the powers they can exercise across different parts of the UK. Different voters have considerably divergent forms and degrees of democratic input into the way they are governed according to where they live in the UK. Moreover, the means by which people living in these areas might go about acquiring new powers or institutions to exercise them are not transparent. While some degree of variation is not necessarily in itself a problem, that it is so pronounced, and in an arbitrary fashion that is difficult to alter (except from the point of view of central government), is unsatisfactory. Further confusion arises from the use of local authorities or combinations of them as vehicles for devolution within England. Are they to be regarded as equivalent to the Celtic nations, and therefore liable one day to wield similar constitutional status, or are they always likely to be constitutionally something less than them?

There are also tensions at the centre. One response to asymmetrical devolution and its general absence from England has been the introduction of English Votes for English Laws ('EVEL'). This mechanism provides an additional role for MPs from English (or English and Welsh<sup>4</sup>) constituencies in the production of legislation that involves policy areas that are devolved to other parts of the UK and therefore considered 'English' (or English and Welsh). The supporters of EVEL see it as an appropriate response to the perceived problem of MPs elected from devolved territories playing a part in decisions that do not directly impact upon the areas they represent. Criticisms of this approach include the claim that distinguishing legislative provisions in this way is far from a straightforward task. They hold that EVEL is divisive, promoting territorial polarisation within the UK. In circumstances in which a government had a majority among UK MPs, but not in England, it is argued, instability would follow, since there might be a cohesive anti-government 'English' majority in the UK Parliament able to block the actions of the group with a 'UK' majority. Moreover, opponents of EVEL note, it does not provide for decentralisation within England.

The advent of EVEL has further important implications of a federal nature not yet fully recognised. First, it has created an entity that is to some extent an English Parliament. Though, as we will see, there are problems with the concept of a single

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<sup>4</sup> And, it seems in some cases, MPs representing constituencies in England, Wales and Northern Ireland.

English component in a federal UK, the creation of a specifically English territorial legislative entity could prove, with hindsight, to be a crucial moment in the construction of a federal UK. It represents an attempt to fill the gap entailed by the absence of devolution to England, and is in this sense a further shift towards federation. 'English' MPs now form a distinctive grouping, and as far as they do, they could be perceived as amounting to an English Parliament, at least in embryonic form.

The perceived need for EVEL, as well as its actual introduction, demonstrate a further federal aspect to devolution. Devolution was intended and presented as a decentralising process impacting upon the individual areas concerned. But it has consequences for the whole United Kingdom, including at the centre. It is not possible to treat the devolved areas merely as recipients of responsibilities that the centre chooses to delegate. They have a viability of their own, as parts of the wider polity of the UK, that devolution – whatever the intention – has stimulated. England (and England and Wales) now has representation within the UK Parliament. The idea of the territories having a specific voice at the centre is characteristic of federalism. It has not yet been granted to all the components of the UK. Though the Memorandum of Understanding used to manage relations between the UK and devolved executives provides for consultation with the latter by the former, a more formal position, achieved through federalism, may eventually be deemed necessary. Eventually, sub-territories covering the whole of the UK may have a specific place within the UK Parliament.

The full impact of new fiscal powers for Scotland, coming into force this year, remains to be seen. For instance, the sustainability of the so-called 'Barnett Formula' for the allocation of funds between the nations in the UK is regarded by some as in doubt, despite the three pro-Union parties committing to it in perpetuity during the Scottish Independence Referendum campaign in 2014 (though the Formula has to date displayed surprising resilience given its initial conception as a temporary measure). Retention of business rates by English local authorities may add to the contention surrounding what is the appropriate role for central government in the territorial redistribution of funding. Another emerging area of controversy involves the legitimacy of decisions taken at UK level (through referendums or by the government and Westminster Parliament) over issues such as European Union membership and the Human Rights Act, if the policy adopted is opposed by one or more of the devolved territories.

The process that has led the UK more closely to resemble a federation has also generated a combination of difficulties. These tensions have in turn encouraged a renewal of interest in a definite federal constitution for the UK. The term 'federal' and its variants had tended, especially in the European context, to have negative



connotations in public debate in this country. However, recent pressures have overridden this stigma. Calls for a federal solution to UK problems have come from across the political spectrum and from different parts of the UK. The contention of this pamphlet is that, while there are complexities that require addressing, the introduction of a decisively federal constitution for the UK could bring with it certain gains. They include that:

- It could provide a firm constitutional framework for dual loyalty both to the UK and the sub-UK identity. It might, for instance, be easier to be both Scottish and British than it is either under our existing system, or would be under an extremely dispersed 'confederacy' or 'federacy' model.
- It would constitutionally entrench the existing devolved institutions as 'states' within the federal system, protecting them against inappropriate interference from the centre. Such actions may seem unlikely. But changes involving, for instance, the Human Rights Act, could if they occurred constitute inapt intervention in the devolved systems from the centre. In any case, it would be of perceptual benefit to provide a firmer constitutional footing for devolution. Current legislative measures intended to make the devolved systems 'permanent' in a regular Act of Parliament do not perform this task satisfactorily;
- It could provide a more consistent system of democratic governance across the UK. Asymmetry may not necessarily be a problem in itself, but significant imbalances in the extent of democratic self-government require attention and correction;
- It could address in particular the 'English Question', if understood as being: 'How is it possible to address the relative lack of devolution to England?';
- It could create the potential to offset the excessive concentration of economic, financial, political and cultural capital in London. In some ways, the 'London Question' is as important a concern as the 'English Question'. The question might be phrased in the following terms: 'How is it possible to provide London with an appropriate degree of control over its own affairs while allowing for the development of other urban poles?' A federal system – especially one of English regions – could help provide an answer;
- It would enable a clear identification of powers appropriate to exercise at sub-UK level, and those necessary to retain at Westminster/Whitehall. Those authorities that it was suitable to pass downwards could be trans-

ferred, but there would be limits, safeguarding the integrity of the overall state. Here the federal approach would differ not only from the present one, but also from that of 'confederacy' or 'federacy'. The federal tier could still retain an active role in important areas of domestic policy, such as social welfare, and could take initiatives jointly with the 'states', if they agreed. Indeed, the greater constitutional clarity provided by federalism could in some ways enable the UK government and Parliament to become more active than they currently are within the existing devolved territories, on a consensual basis, potentially binding the UK together more firmly. However, the federal government would not be able to subordinate virtually any field of activity to itself, as the UK executive remains able to do in much of England (and in theory other parts of the UK) at present.

- It could clarify the status of the different tiers of government below UK level. At present, it is not clear what are the relative standings of national devolved government outside England, and within England of regional or city regional and local government. Federalism would make the position and the appropriate powers and constitutional locus of each apparent, protecting the position of each more firmly. Within such an arrangement it could safeguard the status of local government, ensuring that 'states' did not centralise within their own territorial domain;
- It could establish a needs-based equation at federal level for the redistribution of funds between the 'states', supplanting the 'Barnett Formula'; and
- It would provide a means of addressing the tensions at the centre that have arisen following devolution. Federalism could create mechanisms providing for the different territories of the UK to participate in major decisions and governmental processes of the UK, including but not exclusively changes to the constitutional system itself. This approach could be conducive to greater cohesion for the UK as a whole, recognising that the UK was a joint venture undertaken by multiple national and other territorial components. This outcome would be less possible to achieve under a more dispersed 'confederacy' or 'federacy' model, since so little would be decided at the centre. This dimension of federalism could help resolve another constitutional dilemma facing the UK: the status of the second chamber in the UK Parliament, the House of Lords.

An increasing body of opinion is emerging in the UK that recognises the attractions of federalism. But among those espousing a federal UK there is no consensus about the precise model to be used. Indeed there is seemingly a lack of clarity about the

exact issues and difficulties that need to be addressed if the UK is to become a fully federal country. Probably the most important question in need of an answer is whether England should be included within a federal system as a single 'state', or whether there should be multiple 'states' made up of a series of English regions.

One of the attractions of forming a single English Parliament and executive within a federal UK is that they would build on a clearly identifiable national unit. Debates about boundaries and demarcations that might arise in a regional model would be avoided. England, moreover, would as a nation be a straightforward counterpart to Wales and Scotland (though defining Northern Ireland is a more complex task). There is some evidence of a rising English political identity, upon which an English unit within a UK federation might capitalise and to which it could provide institutional expression.

However, there are also potential drawbacks. The transfer of responsibilities from a UK of approximately 65 million to an England of around 55 million would not deliver the benefits of decentralisation associated with devolution. Furthermore, there is an issue of potential English hegemony, and how it might be handled. If England were to receive voting rights commensurate with its population size within federal institutions such as a second chamber in the UK Parliament, it might become dominant in federal spheres of operation to the point of alienating the other participants in the federation. It is possible that voting could divide more along party than territorial lines. However, an English component able to outvote all the other territories of the UK combined could aggravate to the extreme a fear that is always latent regarding the UK among some non-English participants: that it is a vehicle for English dominance. This perception would probably fuel instability, and independence movements, threatening the continued existence of the UK. Federalism might thereby worsen some of the problems it was introduced to address. Potentially, EVEL could prove to have similar effects.

A different approach to federal decision-making procedures that involved the 'states' might be to design them in such a way that England did not possess dominant voting-power. In an indirectly elected 'states' chamber' based on the German model, the English government might be obliged, for example, to obtain the support of at least one other 'state' for its desired course of action to prevail. Some categories of decision, such as constitutional change or treaty ratification, might be required to meet 'supermajority' consensus requirements that were more rigorous still, perhaps three out of four, or even unanimity. In a directly elected chamber, a similar outcome could be achieved through the equalisation of representation. In Australia, for instance, each state elects the same number of Senators, regardless of population (12 each at present). The same rule applies in the US (2 each). It is possible that

divisions may be more along party than territorial lines anyway. Such mechanisms might mollify concerns outside of England regarding the danger of English hegemony (though in the lower chamber, the overwhelming majority of members would be elected by constituencies in England). But they could generate resentment within England. The English might feel that they were being subordinated to outside forces, and that they were financially subsidising a project over which they did not have control.

A further difficulty seems likely with the 'single England' variant on a UK federation. Aside from its precise formal role in decisions about federal policies and decisions, an English 'state' would unavoidably in practice be the preeminent force within a federal UK. Even when exercising decision-making within its remit as a state, it would have an impact upon the wider UK. For instance, decisions about spending, or education, or healthcare, would inevitably spread in their influence beyond borders to other parts of the federation, influencing their economy, society and public policy practice. An English Parliament and executive would pose a clear challenge to the authority of their UK counterparts. The English 'First Minister' would be a rival figure to a UK Prime Minister, whether of the same or a different party. A federal UK with a single English state within it would suffer from inbuilt instability.

The alternative federal model – that of the English regions – could avoid these problems by ensuring that no one state within the putative UK federation was as large as England. Internationally, the largest unit within a functioning federation is normally identified as the Canadian Province of Ontario, accounting for slightly over a third of the total population. New South Wales in Australia comes close to this level. Representation of England in this way, therefore, would not need to conform to an especially rigid band of population size, but would simply need to ensure that no unit threatened domination, as England – or an excessively large English region – might. A balanced but not necessarily identically proportioned federation could succeed.

However, it is easier to make the case for a regional model than it has been to identify an appropriate and viable set of English regions. The Labour government first elected in 1997 that introduced devolution to Wales, Scotland and Northern Ireland also had a model for extending this programme to England, with directly elected assemblies for a set of nine administrative regions (including Greater London). In the event, within England only Greater London was ultimately included within this scheme, with an elected Assembly and Mayor approved by a referendum in 1998 and becoming operational in 2000. The English regional plan stalled following the rejection of an elected Assembly by voters in the North East region in 2004. At this point the government abandoned this particular plan for

English regional devolution. Had it proved successful, it might ultimately have meant that devolved government covered the entirety of the UK. The Labour programme would have brought about even greater progress towards a federal model than it did – though federalism was not avowedly its objective (indeed the 1997 Labour General Election manifesto expressly ruled out federation).

The Labour version of English regional devolution, then, did not succeed, at least at this first attempt. Some hold that the problems were not inherent in the idea of devolution to these administrative regions and that they were – and perhaps remain – potentially workable for this purpose. These advocates of regionalism (who may or may not be federalists) attribute the loss of the North East referendum to a poor ‘yes’ and strong ‘no’ campaign, and the long delay in seeking to progress the English devolution agenda following the Labour return to power in 1997. They also draw attention to a lack of support for the scheme within the Cabinet of the time, leaving the main proponent, John Prescott, the Deputy Prime Minister, isolated. Furthermore, supporters of this version of regionalism hold that there were only negligible powers on offer, and that the proposed North East Assembly would not in truth have amounted to devolution. It would, they note, have entailed the transfer of powers upwards from local government rather than downwards from UK level.

Other critics of this regional model pursued the claim that there were more fundamental problems in the approach pursued by the Labour Party. Some of these critics are supporters of English regionalism – and perhaps federalism – but prefer another set of regions. Others may be supporters of an English Parliament, possibly within a clearly federal UK. Others still may be opposed to any form of regional devolution, to an English Parliament, and to federalism. Common points of objection to the failed Labour model include that there was a lack of popular demand for it (and perhaps for English regional devolution in general). Critics hold that for a unit of democratic self-governance to be workable it is important that the public living within it should identify with it. This attachment exists in, for instance, Wales. But it is not evident for the English administrative regions in which Labour attempted to introduce devolution, that opponents criticise as arbitrary constructs. Few people in Cornwall, for instance, might feel a special connection to the South West region.

Furthermore, it is sometimes argued, it is not clear if there is a different set of regions that, if adopted, could attain a higher degree of popular resonance. City-regions such as Greater Manchester have, especially in the years since 2004, attracted interest as receptacles for devolution. They may be more widely recognised than the administrative regions. But it is not always obvious what the precise geographical demarcation of these units should be, or whether it would be possible to achieve coverage of the entirety of England through this model, a crucial requirement for

federalism. For some, the problem is not a matter of finding the correct group of regions. They object to the very idea of – as they see it – breaking up the English nation into unnatural components. It is also possible that objections might come from the other nations of the UK if included in a federal system that, as they perceived it, treated mere regions as their formal equals.

This part of the pamphlet has shown that, in recent times, a number of stances regarding the proposition of a federal UK have manifested themselves. Some critics have rejected federal systems as in themselves undesirable, on such grounds as their being divisive and affording excessive power to the courts. Others argue that while federalism is not in itself a flawed system, it cannot fully be introduced to the UK, because neither the all-England nor the regional approach is likely to work. Yet others fall into the category of ‘reluctant federalists’ who think it is worth embarking upon a federal project, as a means of attempting to deal with a particularly pressing problem, most notably the threat of Scottish exit from the UK. A further school comprises those who see a federal UK as a good outcome in its own right, for which the ‘Scottish Question’ could act as a catalyst. Part three of this pamphlet proposes a programme around which both reluctant and more enthusiastic federalists might unite.

### **Part Three: A federal UK**

The most powerful case for the desirability of federalism for the UK is founded in democratic principle, to which it is closely connected in the contemporary context. Federalism is a means by which people can achieve self-government at an appropriate territorial level of representation. While devolution is sometimes justified as a means of attaining other goals, such as economic growth or an intact UK, democracy should be treated as an end in its own right. Federalism provides for the dispersal of authority. Governmental functions can be subject to public accountability at a level as close and appropriate as possible to the people involved. Furthermore, within a federal system, different democratic mandates are regarded as possessing the same intrinsic value – the central tier does not simply and arbitrarily trump all others. Each level is equally legitimate within its prescribed sphere of competence.

At the same time, a federal system is founded in the recognition that some functions – including those that are essential to the maintenance of democracy – must be exercised by a central authority. They include international diplomacy, intelligence and security, and core aspects of economic, fiscal and (for states outside the European single currency) monetary policy. Moreover, federal authorities may cooperate with

states in spheres of activity that are shared between them or fall within the remit of states, if states are content to do so. Another democratic value of a federal system (in particular when compared with the traditional UK approach) is that it provides through its written constitution for a statement of the entrenched values and the organisation of the political system, resting on the principle of popular sovereignty. This document is likely to include a set of fully justiciable human rights, thereby asserting another core component of democracy. Any changes to it are likely to require a degree of consensus across the polity, rather than being subject to manipulation by a narrower group.

Federalism, then, though not the only possible democratic form of government, has much to commend it from a democratic perspective. Claims that it will lead to unwanted and unneeded new tiers of bureaucracy are undemocratic in their connotation and can be countered as such. There are further reasons why federalism might be appropriate today. There is a European-wide and even international trend towards increasing sub-state territorialisation of political identity, and for an erosion of attachments to longer-established and once-larger political parties that previously had considerable appeal cutting across internal geographical boundaries. In the UK, these forces have had effect within an already-existing multinational context. Devolution in the UK can be seen as one of a number of responses to such trends that have taken place across the world. As discussed, how successful it has been at preventing fragmentation remains to be seen. Federalism potentially allows for an expression of these forces, while maintaining more cohesion at the federal level.

Contemporary developments continue to tilt the balance of argument towards a federal solution for the UK. The system of EVEL implemented by the present Conservative government provides for UK MPs elected from constituencies in England to meet together at certain points and deliberate as a distinct group. In this sense, as noted above, they comprise an English Parliament. Yet this change, since not fully conceived in a federal sense, has failed to bring with it certain advantages associated with federalism, and lacks federal safeguards. There is a problem with democratic accountability. Members of the House of Commons are elected to the UK Parliament, not to an English Parliament, yet under EVEL will sometimes serve in effect as English rather than UK MPs. This confusion stretches further since there is as yet no 'English' executive, and a UK government now rests on a House of Commons which is both a UK and English body. Moreover, EVEL potentially brings with it the problems that might accompany a fully-blown English Parliament in a federal UK. It risks entailing a UK Parliament that, rather than unifying the country, divides it along territorial lines, in a way that is perceived as serving the interests of England. As already discussed, at a possible future point when the group that had a majority

of UK MPs did not have a majority among MPs from English constituencies, this problem could become acute.

It is now too late to stop the adoption of EVEL. Unless it is discredited because it proves in practice to be unworkable, it seems likely that EVEL will have had at least five years to embed itself before there is any prospect of its being revoked or altered. By this time, reversing the introduction of EVEL on a basis of the arguments deployed against it now, simply restoring the previous prevailing position, may not be the best option to follow. It could be preferable to obviate any claimed need for this mechanism through comprehensive regional devolution within England. This latter proposition now seems more likely than it has at any time since 2004 and the government defeat in the North East referendum. The changed context has come about at least in part because of a second feature of the present Conservative government policy with a federal aspect to it. At present the government is negotiating and implementing a series of deals for the devolution of new powers to groups of local authorities (such as those comprising a new Greater Manchester city-regional unit) or individual local authorities (such as the Cornwall unitary authority). Admittedly the powers on offer fall well short of those available to Wales, Scotland or Northern Ireland. Moreover, there are legitimate concerns about the arbitrary, inconsistent and closed way in which the government has managed these bilateral negotiations, in which it is always at an advantage over those with whom it is dealing. The implications for existing local government structures are in some cases problematic. In return for agreeing to pass down powers, in some cases the government is imposing governance models that are unsatisfactory from the perspective of democratic accountability. There is political resistance within some of the areas involved to the deals that have been struck.

But as in the case of EVEL, it may be necessary to accept that English devolution of the type presently being devised and executed cannot simply be undone. Indeed, if it achieves sustained momentum as a project (though admittedly some doubt its viability), it could present opportunities. Those who favour a federal UK might be best advised to treat the new devolved units as models to be developed, rather than wished away. They represent an important potential transition in the thought and practice of the Conservative Party, that has been the most important opponent of English regional self-government. Possibly the label 'region' is not appropriate to the territories employed for its programme. But it could nonetheless be held that the Conservatives have now through their actions conceded implicitly that a regional English constitutional model – even if involving territorial units some might regard as contrived or artificial – is legitimate and indeed desirable; and, furthermore, that it is acceptable to pursue it without a need for referendums in the areas concerned, avoiding the setback Labour experienced in 2004 (the introduction of directly elect-



ed police and crime commissioners by the coalition government, similarly, was not approved by referendum). Conservative policy has altered both the material and rhetorical framework for devolution, and by extension federalism. We are at present some way from a group regional 'states', in possession of legislative authority, covering the entirety of England, as part of a UK federation. But current government policy, though not intended to achieve a federal outcome, could appear retrospectively to have been a significant step in this direction.

What would be the core features of this federal UK? The minimum requirements for a system that was fully federal, rather than simply in possession of certain federal characteristics, would be the following:

### **'State'-level governance covering the entirety of the UK**

Ensuring that every part of the UK was part of a 'state' is central to the attainment of a federal UK. This pamphlet proposes that this outcome should be attained through the creation of regional entities across the whole of England, alongside the institutions covering Wales, Scotland and Northern Ireland. The potential problems with a single English unit, set out above, are – in the view of the present author – substantial enough to exclude it as an option. With an English 'state', the difficulty is not one of identifying the territory, but that it seems impossible to construct a viable constitution of which it was a part. With regions, the problem is not that the end seems unworkable. It is finding the appropriate units that will enable us to reach the desired goal.

If we accept this argument, two questions follow, the answering of which is crucial to the entire federal enterprise. One is: what should these regions be? The other is: what process should be used to adopt them? The political reality is that a UK federation can only come about with concerted support from a UK government to realising it (though the project will also need political and social support that extends far wider). In theory, it would be possible to create comprehensive regional devolution through regular legislative procedure, leading to an Act of Parliament. However, the creation of a fully federal constitution, if sought, would be more than simply another round of devolution. It would be necessary to create administrative and legal paraphernalia, discussed below, that would between them amount to a significant change in the UK system of government, calling in turn for an exceptional constitutional process. Consequently, it is submitted here, the government should, after extensive consultation and negotiation, present firm proposals to a constitutional convention of some kind, probably comprising a range of parties, devolved

institutions, and members of the public. The convention would then, hopefully, approve the plan, perhaps subject to amendment, and a new federal system could come into force.

At the centre of the proposals would be a set of regions or English regional 'states'. This paper proposes that the basic structure should accord with the administrative regions which were projected as devolved entities under the Labour government that first took office in 1997: the South East, Greater London, the North East, the North West, the East Midlands, the East of England, the South West, the West Midlands, and Yorkshire and the Humber. The two largest of them, Greater London and the South East, would have populations of slightly under nine million; the smallest, the North East, around 2.5 million. By this measure they sit reasonably well alongside Wales (around 3 million); Scotland (around 5 million) and Northern Ireland (around 1.8 million); and certainly avoid the problem of single 'state' dominance with the largest two well under 20 per cent of the UK population each. Each 'state' would have territorial responsibility in its own sphere of operation, and play a part in federal level decision-making: at once a particular entity, and a part of the whole.

The idea of using the English administrative regions as federal building blocks may seem counterintuitive. It could appear to be a misguided attempt to revive a plan that has already failed once, and in the fairly recent past. The North East region voted in 2004 to reject a directly elected assembly; and it seems that the idea was even less popular elsewhere. Must these concerns be decisive? A rejection in a referendum need not be the end. An absolute majority opposed Welsh devolution in 1979 (and the victory was only narrow in 1997). Yet Welsh devolution now appears well ensconced. Some of the English devolution deals currently underway involve areas becoming subject to directly elected mayors despite having recently rejected them in referendums (albeit on different boundaries). The regional 'states' proposed to the convention would have a far more substantial projected set of powers than those envisaged for the North East in 2004; and unlike previously would be part of a clear overall plan firmly supported by the government of the day. There may not be firm evidence of public demand for governance through these regions. Some of them may seem arbitrary creations lacking in cultural traction, that would appear incongruous if treated as equals alongside, in particular, Wales and Scotland. But attachment to the regions could well develop after they were formed and became a political reality. The experience of federations worldwide is that more and less established units can exist alongside each other. No perfect set of English regions exists. The administrative regions, though some of the bureaucratic paraphernalia connected to them was abolished by the coalition government, have a prior existence, and form constituencies for the European Parliament. If they did not exist, something similar – and almost certainly not obviously better – would need to be invented.

As of early 2016, devolution deals had reached various stages of development for Cornwall, Greater Manchester, the Liverpool City Region, the North East, the North Midlands, the Sheffield City Region, Tees Valley, the West Midlands and West Yorkshire. If the programme does not encounter serious difficulties, further devolved units may well have come into being by the time a federal UK is likely to have been formed. Some of their representatives might insist on being included in a federation in their own right. It may be possible to secure their agreement to being incorporated within larger 'state' units on the basis that they will possess considerable autonomy as units of local government within those states. But others could conceivably become 'city states' within a UK federation. A critical point would be a clear distinction between what is 'local' and what is 'state' government, with entrenchment of the vital qualities of both. At present in England a conceptual conflation of regional and local government has emerged, especially where the idea of devolution is concerned. A federal constitution, properly conceived, would more clearly separate the different tiers; with the states being a territorial level of governance that can also appropriately play a part in federal level governance. Local government, on the other hand, would carry out many vital public functions and have a crucial constitutional position, but would not play a direct role in comprising the federal institutions.

### **The same range of powers available to all 'states' within the federation**

A further basic pre-condition to a UK federation is that, as far as possible, all states should have access to the same powers. It is difficult to justify the present position under which, for instance, voters in Scotland have a significantly higher degree of self-governance than others. It is conceivable that there could be variation in the extent to which individual states chose to take up particular powers – akin to the position in Spain under the constitution of 1978. However, full primary law-making powers and significant fiscal authority would have to be available, in theory, to all (though the extent of fiscal responsibility about to be extended to Scotland could prove to be problematic). The possibility of regional legislative assemblies in England would be necessary because, among other reasons, of the need to remove the imbalance used to justify EVEL. However, it would raise the possibility of variations in law across different parts of England: an important part of the case against English regional federalism.

But how serious a problem would the potential for such disparity actually be? If Wales, Scotland and Northern Ireland can have different laws to each other and to England, why not the different regions of England? If it was judged detrimental to

diverge in certain areas, then the regional assemblies could choose to avoid doing so. Assuming the UK retains EU membership (and perhaps even if it does not), then the regional assemblies would need to conform to European law, and would not be able to compromise basic European norms, including those underpinning the Single Market. Similarly, the assemblies would be obliged to adhere to the European Convention on Human Rights (again subject to the current government policy regarding change in this area). While regional assemblies would mean legislative flexibility, they would not entail limitless variety and inconsistency. Under present asymmetrical arrangements, there is a strong temptation for those territories in possession of greater autonomy – particular in the fiscal field – to exploit it for competitive advantage over others who do not possess that flexibility. Under a federal system, it may be more possible to generate a sense of shared interest, so that the potential to diverge is not always used if it might ultimately prove detrimental to the whole.

Whatever powers particular states possessed, they would need to be defined in the same way. The appropriate model would seem to be that the powers wielded at federal level would be expressly reserved, with all other authorities by implication belonging to the states. Clearly ‘federal’ powers would include foreign affairs, defence, and intelligence and security. There might, however, need to be an iteration of those areas in which there was an overlap of responsibility between federal and state institutions, in broad fields that might include transport, trade and industry, law enforcement, and social welfare. The remainder, probably covering remits such as health, education, housing and local government, would by default belong to the states – though aspects of them might be subject to some kind of higher regulation through the federal constitution. Different arrangements might be required for Northern Ireland, in accordance with the requirements of the Peace Process.

### **Satisfactory mechanisms for democratic accountability**

The next crucial feature of a satisfactory federal system for the UK involves the internal democracy of the states. They would each be allowed varied arrangements for their internal governance. However, though local government would in general be a matter for the states, it would probably be advisable to entrench some of the powers of the localities at the level of the UK constitution. Moreover, whatever the precise internal constitutional configurations of the states, it would be vital that the ‘state’ assembly was directly elected, and that if there were a directly elected state ‘governor’ or city-state mayor, this individual was properly accountable to an elected assembly. The current plans for English devolution fall short in this regard. Other crucial principles, such as those pertaining to the franchise, would also be protected across the UK.

## A place for the 'states' in federal-level decisions

A full UK federation, particularly if it sought to bind together the different components of the UK more completely, should be constructed in such a way as to provide a clear place for the 'states' at federal level. To this end, federal legislatures often include within them what could be termed a 'states' chamber' of some kind. At present the UK House of Lords faces two serious challenges: membership increasing to levels that many regard as excessively high, and controversy connected to its deployment of the powers it possesses with respect to statutory instruments. These recently-emergent problems combine with longer running objections connected to its lack of democratic legitimacy. An overhaul of the membership, functions and composition of the Lords might form part of the adoption of a federal constitution for the UK. This process could thereby address at once difficulties involving both the territorial governance of the UK and the Westminster Parliament, with possible solutions to each assisting the other.

If the second chamber of the UK federal Parliament were to become a states' chamber, it could be directly elected, or perhaps – as in Germany – be indirectly elected, comprising the state governments (other possibilities such as it being appointed are less attractive from a democratic standpoint). The indirect election option has attractions, not least as a means of ensuring that a federal constitution might be effective in binding together the different governmental units of the UK at the centre. It might also avoid a replication of the House of Commons (though this point is not intended to make any concessions to populist anti-politician rhetoric). There exist a range of possibilities regarding the precise powers of the second chamber, but it would presumably have a legislative role of some kind, and a part to play in constitutional change. Either the entire Parliament, or the second chamber, could be located somewhere other than London. Contemporary communications technologies make dual location possible. A relatively small second chamber could even be mobile, as English parliaments once were.

## Definition of division of powers and other features of the system to be included in a document with special legal status

A final basic requirement for a federal UK involves the setting out of the system in a fundamental text. This document would include the basic division of powers between federal and state institutions, a Bill of Rights protecting individual freedom, and a procedure for amending the text itself that would require a high level of agreement across the UK. While the constitution might contain further provisions

– for instance, reference to a need to redistribute revenue from richer to poorer states – it is preferable to aim for brevity, at least at first. Potentially, the Bill of Rights could include not only civil and political rights such as freedom of expression and association and the right to due process, but also socio-economic rights, such as the right to healthcare free at point of delivery and to education.

The text would be the equivalent to the ‘written constitution’ found in most other democracies around the world, whether federal or otherwise. It would supplant the notion of ‘parliamentary sovereignty’ as the supreme source of constitutional authority in the UK. The UK Parliament would become one of a number of governmental institutions that would be subject to this document. The courts would be able to review any actions or legislation, including Acts of the UK Parliament, for their compatibility with the federal constitution, and annul them if they were found to be in contravention of them. A proposal to establish these practices would be regarded in some quarters as a challenge to deeply embedded UK constitutional principles. While such a change would be significant (and would no doubt encounter resistance), in fact, procedures akin to judicial constitutional review already take place in the UK, in relation to European law in particular. The full introduction of constitutional justiciability would in this sense not amount to as radical a disjuncture as might be imagined, for those who might object to decisive breaks with the past. Indeed, the present government has expressed an interest in the idea that some laws should have special constitutional status, and that the UK Supreme Court could have a role in ruling in this area.

## **Conclusion**

The idea of a federal UK is not modest but is practically attainable. A clear idea of the appropriate model of federalism to pursue would be essential. As proposed here, an England of the regions alongside Wales, Scotland and Northern Ireland is the most viable route. Federalism would, taken as a whole, comprise a dramatic change in the way the UK is governed. In particular it would significantly transfer power downwards across the whole of England to match devolution elsewhere in the UK; and it would necessitate the creation of new federal-level decision-taking structures in which the ‘states’ could participate. The UK would need to establish its own written constitution, something it presently lacks. Yet equally federalism would build on long-standing intellectual, political and cultural tendencies in the UK. This country has been an intellectual home for federalism, as well as a practical promoter of this system across the globe. Internally, though it has never fully become federal, the UK has always been and will always be a diverse entity. Federalism could

be the most effective way of both permitting and channeling potentially conflicting forces to the democratic benefit of the whole.

The introduction of federalism to the UK would also represent an extension of contemporary patterns of development. The UK resembles a federal country to a greater extent than it ever has before; and there is a political consensus over the maintenance and expansion of devolution, that the present government is extending in limited form to England. But coming more closely to resemble a federal constitution is not the same as being on an inevitable path of development towards a final destination of full federalism. Those who advocate this outcome must recognise that they have not been fully successful to date, and that they need more effectively to promote their cause in a coherent fashion, addressing those concerns voiced by their opponents that are legitimate. Furthermore, they should not present federalism primarily as a means of dealing with a problem involving a particular territory of the UK, though it may partly serve this purpose. The attainment of a viable federal constitution can and must serve the needs of the entire United Kingdom.

## **Appendix: Democratic Representation in England, Scotland, and Wales**

**By Lucy Atkinson**

The extent to which people in the UK can take part in local or regional democracy, and how this participation takes place, is in large part contingent upon where they live within the territory. This appendix illustrates this point through considering the different forms of democratic governance that apply in Great Britain, from European down to parish level (if there is a parish council). Divergences include whether or not particular elected tiers of governance exist at all, the powers that these democratically accountable institutions possess, the frequency of elections, the voting systems used, and over the holding of referendums. The appendix approaches the specific arrangements in place for voters in each of a series of cities and one county across Great Britain, namely: Greater London; Birmingham; Bristol; the City of Manchester; Cornwall; Cardiff; and Glasgow. It is a snapshot taken late in 2015, taking into account as far as possible the unfolding extensions of devolution across the UK at the time of writing. One of the most notable disparities is in the number and nature of intermediary democratic bodies between an individual voter and UK level governance. Another important distinction is in the number of elected representatives an individual may have, according to where they live. Also of significance is the variation in the types of voting system available, and consequently the likelihood that the use of a vote will make a difference to the outcomes of elections.



## Greater London

European Parliament → UK Parliament → Greater London Authority (Mayor of London and London Assembly) → Borough of London

Population: 8,538,689<sup>5</sup>

Everyone in the area covered by the Greater London Authority is represented by:

- at least two local councillors
- a Member of the UK Parliament (MP)
- eight Members of the European Parliament (MEP)
- the Mayor of London (also acting as the Police and Crime Commissioner).
- 25 London Assembly Members
- an elected Mayor of the borough in four boroughs of London
- 

### 1. European Parliament Elections

L1.1 Residents of London vote in the European Parliament elections every five years to choose their Members of the European Parliament. Greater London has eight MEPs.

### 2. UK Government, General Elections

L2.1 Residents of London vote for their chosen local MP to represent them in the House of Commons every five years, using the first-past-the-post system. Greater London - including the City of London - is divided into 73 parliamentary constituencies.

### 3. Greater London Authority: London Mayor and London Assembly Elections

L3.1 The Greater London Authority (GLA) is the top-tier administrative authority for residents of Greater London. Established in 2000 after a local referendum, the GLA is formed of an elected Mayor of London and 25 London Assembly Members.

L3.2 The GLA is a unique authority; despite often being described as a devolved authority, its powers are significantly limited. Although it is formally recognised as a local authority (in the 1999 Act), the GLA is not required to have its budget passed by a majority on the council. Unlike upper-tier local authorities, it is also not responsible for providing a range of local services that remain the responsibility of the London boroughs.

L3.3 The GLA oversees the London Fire and Emergency Planning Authority (LFEPA) and Transport for London (TfL). The LFEPA is made up of 17 members - eight from the London Assembly, seven from the London boroughs, and two Mayoral appointees - with its chair appointed by the Mayor of London. These positions are

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<sup>5</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

not publicly elected.

L3.4 The Mayor of London holds 'all of the executive power in the GLA'<sup>6</sup> - although the London Assembly holds the Mayor to account on several key areas. The Mayor is responsible for overseeing the provision of transport, spatial development, economic development, environment, culture, health inequalities, and regeneration. There is a statutory obligation for the Mayor to produce a strategy document on each of these seven areas, which involves a consultation with the London Assembly and the London boroughs.

L3.5 The elected Mayor of London is also automatically elected as the Police and Crime Commissioner for London. Whereas residents in other authorities across England and Wales have an additional election for their elected Police and Crime Commissioner for their region, Londoners do not have the opportunity to elect a separate holder of this post.

L3.6 The London Assembly holds the Mayor of London to account, examining the strategies and actions undertaken. This work is carried out through subject-based scrutiny committees. Three permanent committees exist dealing with the budget, auditing and standards.

L3.7 Elections for the London Mayor and London Assembly (LA) members are held every four years. Residents are eligible to vote if they:

- are registered to vote (18 years or older, a British citizen, or an Irish, Commonwealth or European Union citizen who is resident in the UK)
- live in London
- are at least 18 years old on the day of the elections.

L3.8 Voters have three votes for the Mayor of London, a local London Assembly Member, and a London-wide Member seat on the London Assembly.

L3.9 Voting Systems for the three elected positions in the GLA are as follows:

- Mayor of London - The first vote is for residents to choose a candidate for the Mayor of London. The Mayor of London is elected by the 'supplementary vote' system;
- Constituency London Assembly Member - The second vote is for residents to choose who they want to represent them in the London Assembly from their local constituency. The 14 London Assembly Members are chosen by the 'first past the post' system of voting. The candidate in each constituency with the most votes is chosen as a Constituency London Assembly Member;

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<sup>6</sup> House of Commons Library, 'Briefing Paper: The Greater London Authority', London: House of Commons Library, 2015, p7

- London-wide Assembly Member - The third vote is for residents to choose who they would like to have as a London-wide Member seat on the London Assembly. The eleven London-wide Assembly Members are elected by a form of Proportional Representation (PR). Votes are added together and the eleven seats are allocated using the 'Modified d'Hondt Formula'.<sup>7</sup>

#### 4. London Boroughs, Local Elections

L4.1 The structure of local government in London is unique. Beneath the Greater London Authority, London is divided into boroughs - electoral unitary authorities that provide residents with the majority of services. There are 32 London boroughs, each responsible for schools, social care, environmental health, housing, highways, and smaller, local amenities. On average, each borough oversees between 150,000 and 300,000 residents. London boroughs are also divided into wards. In Hackney, for example, there are 21 wards, 15 of which are represented by three councillors, and six wards by two councillors.

L4.2 In London, residents vote in local elections for their local ward representative. Elections take place every four years operating as 'all out' elections - every council seat is up for election on the same day. Unlike other cities across England, local residents are entitled to vote for multiple council seats. 'In each ward, local residents can cast votes for as many council seats as there are being contested, normally in London three.'<sup>8</sup>

L4.3 For example, in the 2014 local elections in the London Borough of Barking and Dagenham, 51 seats were contested.<sup>9</sup> In the election of London Borough of Barking and Dagenham councillors for Abbey - one of the 17 wards in the borough - residents were entitled to vote for three seats.

L4.4 There are, however, several exceptions. The City of London, for instance, has a different electoral system and a different day allocated for local elections.

L4.5 There are also four London boroughs that have an executive mayoral system in place. Following a series of consultations and a public referendum held in each of the four boroughs, Hackney, Lewisham, Newham, and Tower Hamlets introduced the position of a directly elected Mayor.<sup>10</sup> Elections in these boroughs

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<sup>7</sup> London Elects, 'Counting the votes' [accessed via: <http://www.londonelects.org.uk/im-voter/counting-votes> (25/12/15)]

<sup>8</sup> London Councils, 'How the elections work' [accessed via: <http://www.londoncouncils.gov.uk/who-runs-london/london-elections/how-elections-work> (26/12/15)]

<sup>9</sup> London Borough of Barking and Dagenham, 'Census ward profiles' [accessed via: <https://www.lbbd.gov.uk/council/statistics-and-data/census-information/census-ward-profiles/> (26/12/15)]

<sup>10</sup> Hackney Council, 'Report of the governance and resources scrutiny commission' [accessed via: <http://www.hackney.gov.uk/Assets/Documents/mayoral-model-review-09-10.pdf> (26/12/15)]

for the directly elected Mayors are cast at the same time as the elections for local councillors which take place every four years.

## 5. Referendums

L5.1 Residents can become involved in 'Neighbourhood plans' which are prepared by locally-led neighbourhood forums (in areas with no town or parish councils) to involve local people in the planning and building of local developments. Once a neighbourhood plan has been prepared, submitted, and checked by an independent examiner, the local authority (in this case, the Borough of London) is required to organise a referendum.

L5.2 Residents living in the neighbourhood who are registered to vote in local elections are eligible to vote in neighbourhood planning referendums, to establish whether there is enough local support to go ahead with proposals. 'If more than 50% of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.'<sup>11</sup>

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<sup>11</sup> Cornwall Council, 'Neighbourhood Planning Referendums' [accessed via: <https://www.cornwall.gov.uk/council-and-democracy/elections/neighbourhood-planning-referendums/> [26/12/15]]

## Birmingham

European Parliament → UK Parliament → Birmingham City Council → Parish Council

Population: 1,101,360<sup>12</sup>

Currently, everyone in the area covered by Birmingham City Council is represented by:

- three local councillors
- a Member of Parliament (MP)
- seven Members of the European Parliament (MEP)
- a Police and Crime Commissioner
- 12 parish councillors - for those living in the Parish of New Frankley.

Additionally, under a prospective devolution deal, Birmingham is intended in future to form part of a combined West Midlands authority with a directly elected mayor and a cabinet comprising council leaders, subject to scrutiny by elected local authorities.

### 1. European Parliament Elections

B1.1 Residents of Birmingham vote in the European Parliament elections every five years to choose their Members of the European Parliament. Birmingham is in the West Midlands region - along with 29 other local authorities - and has seven MEPs.

### 2. UK Government, General Elections

B2.1 Residents of Birmingham vote for a local MP to represent them in the House of Commons every five years, using the first-past-the-post system. There are ten constituencies that cover Birmingham City Council: Edgbaston, Erdington, Hall Green, Hodge Hill, Ladywood, Northfield, Perry Barr, Selly Oak, Sutton Coldfield, and Yardley.<sup>13</sup>

### 3. Birmingham City Council, Local Elections

B3.1 The people of Birmingham vote for their local representatives in local elections which take place three years out of four. Birmingham is divided into 40 electoral areas - wards - and each ward has three elected councillors which are elected by residents to serve for four years. There are, therefore, currently 120 councillors on Birmingham City Council.

B3.2 Local elections take place using 'voting by thirds'. Residents of Birmingham

<sup>12</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

<sup>13</sup> Birmingham City Council, 'Birmingham Districts' [accessed via: <http://www.birmingham.gov.uk/cs/Satellite/constituencies?packedargs=website%3D4&rendermode=live> (26/12/15)]

ham vote each year for one of the three Councillors that represent them in Birmingham City Council as their four year terms finish. After three years of elections, there are no local elections held in the fourth year, the 'fallow' year - although other types of elections may take place in this year.<sup>14</sup>

#### **4. Police and Crime Commissioner Elections**

B4.1 Residents of Birmingham have a separate vote for the West Midlands Police and Crime Commissioner. The election for this position takes place every four years under the supplementary vote system. Following the passing of the previous PCC in 2014, residents of Birmingham were able to vote in a by-election later that year. The next election will take place in 2016.

#### **5. Parish Council Elections**

B5.1 New Frankley in Birmingham Parish Council is currently the only Parish Council in Birmingham, set up in 2000 using the provisions of the Housing and Local Government Act 1997. New Frankley in Birmingham Parish is a community of approximately 5,500 electors and 3,500 dwellings in the south west area of Birmingham. The Parish Council acts as the lowest tier of local government for residents in this area.

B5.2 The Council is elected to represent the local residents on local issues, and the twelve councillors on the Council are appointed to various committees. New Frankley in Birmingham Parish Council's Planning, Environmental, Highways, and Public Transport Committee, for example, has seven members appointed at the Annual Parish Council Meeting.

B5.3 Elections for the Parish Council are held every four years, at the same time as the City Council elections. Residents in the New Frankley Parish vote to choose the twelve elected Councillors, whose roles are voluntary and unpaid. The twelve candidates with the most votes are elected. However, if only twelve candidates stand for election, no ballot is required, and Councillors are elected unopposed. This has already happened twice since the Parish Council was established in 2000.<sup>15</sup>

#### **6. Referendums**

B6.1 There are no scheduled referendums planned for residents of Birmingham, but it is possible that residents will be asked to vote in a referendum in the future. Most recently, the electorate in Birmingham voted in a referendum in May 2012

<sup>14</sup> Birmingham City Council, 'Elections: general information' [accessed via: <http://www.birmingham.gov.uk/cs/Satellite/voting?packedargs=website%3D4&rendermode=live> (26/12/15)]

<sup>15</sup> New Frankley Community News, Edition Three, 2013, p2, accessed via: [http://www.newfrankleyinbirminghamparishcouncil.gov.uk/sys-files/files/20140206154203\\_\\_Newsletter32.pdf](http://www.newfrankleyinbirminghamparishcouncil.gov.uk/sys-files/files/20140206154203__Newsletter32.pdf) (26/12/15)]

against establishing a directly-elected Mayor in Birmingham.<sup>16</sup>

B6.2 Residents can become involved in 'Neighbourhood plans' (see Greater London above for details).

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<sup>16</sup> Birmingham City Council, 'Elections: general information' [accessed via: <http://www.birmingham.gov.uk/cs/Satellite/voting?packedargs=website%3D4&rendermode=live> (26/12/15)]

## Greater Manchester/City of Manchester

European Parliament → UK Parliament → Greater Manchester Combined Authority → Manchester City Council

Greater Manchester (Met County), Population: 2,732,854<sup>17</sup>

Manchester, Population: 520,215<sup>18</sup>

Currently, everyone in the area covered by Manchester City Council is represented by:

- three local councillors
- a Member of Parliament (MP)
- eight Members of the European Parliament (MEP)
- an Interim Mayor of Greater Manchester
- a Police and Crime Commissioner for Greater Manchester.

### 1. European Parliament Elections

M1.1 Residents of Manchester vote in the European Parliament elections every five years to choose their Members of European Parliament. Manchester is in the North West region and has eight MEPs.

### 2. UK Government, General Elections

M2.1 Residents of Manchester vote for a local MP to represent them in the House of Commons every five years, using the first-past-the-post system. There are five constituencies that cover Manchester City Council: Blackley and Broughton, Manchester Central, Manchester Gorton, Manchester Withington, and Wythenshawe and Sale East.

### 3. Greater Manchester Combined Authority (GMCA), Greater Manchester Mayor, and Police and Crime Commissioner

M3.1 The Greater Manchester Combined Authority is a combined authority that was established in 2011. Combined authorities are a form of local government structure in England which allows a group of local authorities to pool resources together to improve local functions, such as effective transport links and economic development. There are currently five combined authorities in England.<sup>19</sup>

M3.2 The GMCA is formed of ten metropolitan boroughs: Manchester, Salford, Stockport, Tameside, Trafford, Wigan, Bolton, Bury, Rochdale, and Oldham. Along with the leaders of each of the ten boroughs, an elected Mayor is due to become

<sup>17</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

<sup>18</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

<sup>19</sup> Sheffield City Region Combined Authority, West Yorkshire Combined Authority, Liverpool City Region Combined Authority, North-East Combined Authority



the eleventh member of the GMCA (there is currently an 'interim mayor' ahead of the 2017 election).

M3.3 According to the Greater Manchester Combined Authority (Amendment) Order 2015, the interim mayor 'must be a councillor, MP, MEP, or Police and Crime Commissioner in the Greater Manchester area.'<sup>20</sup> Residents of the ten metropolitan boroughs have therefore indirectly had some form of say in the choice of interim mayor.

M3.4 Current plans to change the system of local governance in Manchester, were unveiled in 2014, when the UK Government published the 'Greater Manchester Agreement'. It proposed further devolution to the Greater Manchester Combined Authority. This document proposed the position of a directly-elected Mayor for the whole of Greater Manchester, with the first elections to be held in 2017. Responsibilities for this position are set to include overseeing a transport budget and a Housing Investment Fund of £300m for the next ten years.

M3.5 There are notable similarities between the proposed Mayoral position in Greater Manchester and the existing directly-elected Mayor of London. The 'metro mayor' in Manchester will be expected to produce a 'statutory spatial strategy'. He or she will also automatically become the Police and Crime Commissioner for Greater Manchester. Residents of Manchester will therefore not be able to vote separately for candidates for their Police and Crime Commissioner. (Until 2017, however, residents of Manchester also have a separate vote in Police and Crime Commissioner elections).

#### **4. Manchester City Council, Local Elections**

M4.1 For residents of Manchester, local elections take place on a 4-year cycle, meaning that there is an election every year for 3 years, but no election on the fourth year. This is called 'voting by thirds.' Residents vote for their local councillor to represent them on the Council. Manchester is divided into 32 electoral wards for voting, and each ward has three councillors, entailing a total of 96 elected councillors.

#### **5. Referendums**

M5.1 Residents can become involved in 'Neighbourhood plans' (see Greater London above).

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<sup>20</sup> House of Commons Library, 'Combined Authorities', Number 06649, London: House of Commons Library, 2015, p8; Greater Manchester Combined Authority (Amendment) Order 2015 (SI 2015/960).

## Bristol

European Parliament → UK Parliament → Bristol City Council

Population: 442,474<sup>21</sup>

Currently, everyone in the area covered by Bristol City Council is represented by:

- two local councillors
- a Member of Parliament (MP)
- six Members of the European Parliament (MEP)
- Elected Mayor of Bristol
- a Police and Crime Commissioner.

### 1. European Parliament Elections

B1.1 Residents of Bristol vote in the European Parliament elections every five years to choose their Members of the European Parliament. Bristol is in the South West region and has six MEPs.

### 2. UK Government, General Elections

B2.1 Residents of Bristol vote for a local MP to represent them in the House of Commons every five years, using the first-past-the-post system. There are four constituencies that cover Bristol City Council: Bristol East, Bristol North West, Bristol South, and Bristol West.

### 3. Bristol City Council, Local Elections

B3.1 The people of Bristol vote for their local representatives in local elections which take place three out of every four years. The council holds 'elections by thirds' which means that elections are held for 23 or 24 seats (one third of councillors) every year for three years, but no local elections take place in the fourth year. This is the same system as Manchester.

B3.2 Bristol is divided into 35 electoral areas - wards - and each ward has two elected councillors which are elected by residents of Bristol as representatives of them and their local area. Each resident of Bristol votes in local elections twice over the four year cycle, to elect their two councillors.

B3.3 However, this system is about to change. In 2013 it was resolved that from 2016 onwards, the electoral system for Bristol City Council will change from voting by thirds to 'whole council elections'. This four-year cycle of local elections will be synchronised with the four-year cycle of Mayoral election and Police and Crime Commissioner election. Thus, in 2016, residents of Bristol will be able to

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<sup>21</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

vote in three elections for all councillors, the elected Mayor, and the Avon and Somerset Police and Crime and Commissioner.<sup>22</sup>

#### **4. The Mayor of Bristol Elections**

B4.1 Of the twelve largest cities in England that held mayoral referendums in 2012, Bristol was among the three cities to vote in favour of a directly-elected mayor - a position that replaced the previous role of Council Leader.<sup>23</sup> Residents of Bristol are now eligible to vote for the position of Mayor of Bristol. Elections take place every four years using a supplementary voting system.

B4.2 Each year the elected Mayor present a budget and major policies to the council. Those plans can be approved by a majority. However, any changes proposed by the council would need to have the support of at least two-thirds of the council.

#### **5. Police and Crime Commissioner Elections**

B5.1 Unlike in Greater London and in Greater Manchester when its direct-elected mayor is introduced, residents of Bristol still have a separate vote for their Police and Crime Commissioner. Residents vote every four years using a supplementary voting system.<sup>24</sup>

B5.2 Bristol City Council is one of nine local authorities that fall under the Avon and Somerset police force area, and residents of Bristol vote for the Avon and Somerset Police and Crime Commissioner once every four years, together with residents from the following areas: Bath and North East Somerset, South Gloucestershire Council, Taunton Deane Council, North Somerset District Council, Sedgemoor District Council, South Somerset District Council, West Somerset District Council, and Mendip District Council

#### **6. Referendums**

B6.1 Residents can become involved in 'Neighbourhood plans' (see Greater London above).

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<sup>22</sup> Bristol City Council, 'Future elections' [accessed via: <https://www.bristol.gov.uk/voting-elections/future-elections> (26/12/15)]

<sup>23</sup> House of Commons Library, 'Directly-elected mayors', Number 05000, London: House of Commons Library, 2015, p8

<sup>24</sup> Bristol City Council, 'Future elections' [accessed via: <https://www.bristol.gov.uk/voting-elections/future-elections> (26/12/15)]

## Cornwall

European Parliament ⇒ UK Parliament ⇒ Cornwall Council ⇒ Town and Parish Council ⇒ Neighbourhood Forum

Population: 545,335<sup>25</sup>

Currently, everyone in the area covered by Cornwall Council is represented by:

- one local councillor (two for residents of Bude)
- a Member of Parliament (MP)
- six Members of the European Parliament (MEP)
- a Town or Parish Council
- a Police and Crime Commissioner.

### 1. European Parliament Elections

C1.1 Residents of Cornwall vote in the European Parliament elections every five years to choose their Members of the European Parliament. Cornwall is in the South West region and has six MEPs.

### 2. UK Government, General Elections

C2.1 Residents of Cornwall vote for a local MP to represent them in the House of Commons every five years, using the first-past-the-post system. There are six parliamentary constituencies in Cornwall: Camborne & Redruth, North Cornwall, South East Cornwall, St Austell & Newquay, St Ives, and Truro & Falmouth.

### 3. Cornwall Council, Local Elections

C3.1 Before 2009, Cornwall was a non-metropolitan county with a three tier system and five districts. In 2009, however, Cornwall became a unitary authority. The Isles of Scilly is a ceremonial county of Cornwall, but they have their own unitary council and are not formally part of Cornwall Council.

C3.2 Cornwall is divided into 122 electoral wards and each ward has one councillor who is elected by residents of Bristol. The exception to this rule is the newly-established electoral ward of Bude, where residents are represented by two councillors.<sup>26</sup>

C3.3 The people of Cornwall vote for their local councillor in elections which

<sup>25</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

<sup>26</sup> Cornwall Council, 'Cornwall Council and Parish and Town Council Elections May 2013' [accessed via: <https://www.cornwall.gov.uk/council-and-democracy/elections/election-results-and-information/cornwall-council-and-parish-and-town-council-elections-may-2013/> (30/12/15)]

take place every four years.

C3.5 In July 2015, the Department for Communities and Local Government (DCLG) announced that Cornwall will be the first county to gain 'historic new powers'.<sup>27</sup> As part of a Cornwall devolution deal, Cornwall Council will soon be able to franchise and improve bus services (the first rural unitary authority to gain this power), oversee social care services for adults, local health services, local skills, and regional investment.

#### **4. Police and Crime Commissioner Elections**

C4.1 Cornwall Council is one of several local authorities to vote for the position of Police and Crime Commissioner for Devon and Cornwall. Elections take place every four years using the Supplementary Vote system. Elections are co-ordinated across Devon and Cornwall by the Police Area Returning Officer at Exeter City Council, with the support of Cornwall Council.

#### **5. Parish and Town Council Elections**

C5.1 Cornwall has 213 parish and town councils - 28 town councils and one city council. These elected councils serve as the lowest and closest tier of local government to the residents of Cornwall, and have a variety of powers and duties. The recent boundary changes in 2009 affected 33 parish councils in Cornwall, which have either seen changes to their parish or town wards or the creation of new wards.<sup>28</sup>

C5.2 Each parish and town councillor is elected every four years, and elections are usually held to coincide with the Cornwall Council election. Residents vote for councillors using the 'first-past-the-post' voting system.

C5.3 More than a dozen parish and town councils around Cornwall have recently been involved in projects to deliver affordable housing to their residents using parish plans and community planning.<sup>29</sup>

#### **6. Neighbourhood Planning Referendums**

C6.1 Residents can become involved in 'Neighbourhood plans' (see Greater London above).

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<sup>27</sup> Department for Communities and Local Government, 'Press release: Cornwall to be first county to gain historic new powers', 16 July 2015 [accessed via: <https://www.gov.uk/government/news/cornwall-to-be-first-county-to-gain-historic-new-powers>] (30/12/15)]

<sup>28</sup> Cornwall Council, 'Cornwall Council and Parish and Town Council Elections May 2013' [accessed via: <https://www.cornwall.gov.uk/council-and-democracy/elections/election-results-and-information/cornwall-council-and-parish-and-town-council-elections-may-2013/>] (30/12/15)]

<sup>29</sup> Cornwall Council, 'General Information on Parish and Town Councils' [accessed via: <https://www.cornwall.gov.uk/community-and-living/parish-and-town-councils/general-information-on-parish-and-town-councils/>] (30/12/15)]

## Cardiff

European Parliament → UK Parliament → National Assembly of Wales → County Council of the City and County of Cardiff → Community Council

Population: 354,294<sup>30</sup>

Currently, everyone in the area covered by County Council of the City and County of Cardiff is represented by:

- one local councillor
- a Member of Parliament (MP)
- four Members of the European Parliament (MEP)
- five Assembly Members (AMs) (of the devolved National Assembly for Wales)
- a Community Council.

### 1. European Parliament Elections

C1.1 Residents of Cardiff vote in the European Parliament elections every five years to choose their Members of European Parliament. Cardiff is in the region of Wales, which has four MEPs.

### 2. UK Government, General Elections

C2.1 Residents of Cardiff vote for their local MP to represent their constituency in the House of Commons every five years, using the first-past-the-post system. There are four constituencies that cover City of Cardiff Council.

### 3. National Assembly for Wales Elections

C3.1 The National Assembly for Wales represents the people of Wales in the following areas: agriculture, rural development, culture, economic development, education and training, health, highways and transport, housing, industry, social welfare, and several other local services.<sup>31</sup> Since the enactment of the Government of Wales Act 2006, the National Assembly for Wales can also pass primary legislation in the above areas; laws which are unique to Wales. The Welsh Government is drawn from and accountable to the Assembly.

C3.2 The National Assembly for Wales comprises of 60 elected Assembly Members (AMs). There are 40 constituencies - each represented by one AM - and five regions - each represented by four regional AMs.

<sup>30</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

<sup>31</sup> For the full list, see <http://www.aboutmyvote.co.uk/whatcani-vote-for/nationalassemblyfor-wales>

C3.3 Residents of Wales vote in the Welsh Assembly Elections every four years using the Additional Member System, and are represented by five AMs. One AM is elected to represent the Assembly constituency of the voter, and the other four as representatives of the voter's region. When residents vote in the Assembly Elections, they have two votes; one in the constituency ballot, and one in the regional ballot, where voters choose from a list of party of independent candidates to represent their region.

#### **4. County Council of the City and County of Cardiff, Local Elections**

C4.1 The County Council of the City and County of Cardiff is a unitary authority consisting of 75 councillors divided into 29 electoral wards. The Council is run by a Cabinet - the decision-making body of the Council - led by the Leader of the Councillor and up to nine Cabinet Members.

C4.2 The Council is responsible for providing the residents of Cardiff with an array of local amenities. Services provided by the Council include: recycling and waste, schools, council tax, leisure, parks and culture, planning, benefits and grants, health and social care, and housing.

C4.3 Elections for the Council take place every four years, using the first-past-the-post voting system. Residents of Cardiff have one vote for a councillor to represent their ward on the Council.

#### **5. Police and Crime Commissioner Elections**

C5.1 Residents of Cardiff are eligible to vote for the position of Police and Crime Commissioner for their area - one of 41 force areas covering England and Wales. Elections take place every four years using the Supplementary Vote system, although if only two candidates stand in one area, the first-past-the-post system is used.

#### **6. Community Council Elections**

C6.1 For most residents in Cardiff, the lowest tier of local government is the community council (the equivalent of parish and town councils in England). Community councils are voluntary bodies which exist to establish and represent the views of the entire community and local residents. There are six community councils in the Cardiff: Lisvane Community Council (10 Seats), Old St Mellons Community Council (9 Seats), Pentyrch Community Council (13 Seats), Radyr and Morganstown Community Council (12 Seats), St Fagans Community Council (9 Seats), Tongwynlais Community Council (9 Seats).

C6.3 Each councillor is elected every four years. The voting system used for community council elections depends on the community council. Voting for community councillors either takes place by thirds, halves, or in full elections every four years.<sup>32</sup>

## 7. Referendums

C7.1 Residents can become involved in 'Neighbourhood plans' (see Greater London above).

C7.2 Residents are occasionally eligible to vote in local community polls on issues affecting those living in the community council. Residents are asked to vote either 'yes' or 'no' using ballot papers. The most recent example of this was the Community Poll conducted in Llandaff in April, 2015, in which residents were asked: 'Should Cardiff Council reconsider the proposed housing developments in North West Cardiff in light of their potential impact on traffic volume, community facilities and environment in Llandaff?'<sup>33</sup>

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<sup>32</sup> About my vote, 'Local councils' [accessed via: <http://www.aboutmyvote.co.uk/what-can-i-vote-for/local-councils> (30/12/15)]

<sup>33</sup> 'Referendum results for Llandaff' [accessed via: <http://cardiff.moderngov.co.uk/mgElectionAreaResults.aspx?ID=55&RPID=1000309356> (30/12/15)]



## Glasgow

European Parliament → UK Parliament → Scottish Parliament → Glasgow City Council → Community Council

Population: 599,650<sup>34</sup>

Currently, everyone in the area covered by Glasgow City Council is represented by:

- at least three local councillors
- a Member of Parliament (MP)
- six Members of the European Parliament (MEP)
- eight Members of the Scottish Parliament (MSP)
- a Community Council.

### 1. European Parliament Elections

G1.1 Residents of Glasgow vote in the European Parliament elections every five years to choose their Members of the European Parliament. Glasgow is in the Scotland region, which has six MEPs.

### 2. UK Government, General Elections

G2.1 Residents of Glasgow vote for their local MP to represent their constituency in the House of Commons every five years, using the first-past-the-post system. There are seven constituencies that cover Glasgow City Council: Glasgow East, Glasgow North, Glasgow North East, Glasgow North West, Glasgow South, and Glasgow South West.<sup>35</sup>

### 3. Scottish Parliament Elections

G3.1 Residents of Glasgow are eligible to vote for their local Member of Scottish Parliament (MSP) representative in the Scottish Parliament Elections. Elections take place every four years using the Additional Member System (a combination of first-past-the-post and closed list Proportional Representation). The Scottish Parliament is able to issue primary legislation in areas including local government, housing, agriculture, economic development, health, the environment, education and justice. The Scottish Government is drawn from and accountable to the Scottish Parliament.

G3.2 There are 73 constituencies in Scotland, and each constituency has one elected MSP. In addition to these constituencies, there are also eight regions, each of which elects seven regional MSPs, meaning that there are 56 regional seats altogether.

<sup>34</sup> Office for National Statistics, 'MYE3 Population Change for Local Authorities UK Estimates Mid-2014', London: Office for National Statistics, 2015

<sup>35</sup> Glasgow City Council, 'UK Parliamentary Election 7 May, Notice of Election' [accessed via: <https://www.glasgow.gov.uk/index.aspx?articleid=15278> (30/12/15)]

G3.3 Residents of Glasgow thus have two votes in each Scottish Parliament election. The first vote is for their local MSP for their Scottish Parliamentary constituency, and the second is for the seven regional MSPs in their region of Scotland.<sup>36</sup>

#### 4. Glasgow City Council, Local Elections

G4.1 The people of Glasgow vote for their local representatives in local elections which take place every three years. Glasgow is divided into 21 multi-member electoral areas - wards - and each ward has either three or four elected members. There are currently 79 elected members in Glasgow City Council. Elections take place under the Single Transferable Vote (STV) electoral system.

G4.2 The current local government structure in Scotland - which comprises 32 unitary authorities - was introduced in the Local Government (Scotland) Act 1994. It replaced the previous two-tier structure of regions and districts that had been introduced in 1973.

#### 5. Police and Crime Commissioner Elections

G5.1 Scotland does not have Police and Crime Commissioner positions, and residents of Glasgow are not entitled to vote in Police and Crime Commissioner elections, unlike most residents of England and Wales.

#### 6. Community Council Elections

G6.1 For most residents in Glasgow, the lowest tier of local government is the Community Council (the equivalent of parish and town councils in England). Community Councils are voluntary bodies which exist to establish and represent the views of the entire community and local residents. They 'complement the role of the local authority, but are not part of local government.'<sup>37</sup> In 2011/12, there were 101 community councils in the Glasgow City area, 77 of which were 'active'.<sup>38</sup>

G6.2 A Community Council is responsible for holding elections for membership of the council. Where a community wants to establish a new Community Council, Glasgow City Council is required to organise public consultations sessions and election on the establishment of a new council. Elections for existing Community Councils are held every four years, conducted and administered by Glasgow City Council. Candidates wishing to become a councillor have to be nominated by at least two residents in the community council boundary area.

G6.3 To be able to vote for councillors in the community council elections, resi-

<sup>36</sup> About my vote, 'What are the different voting systems' [accessed via: <http://www.aboutmyvote.co.uk/how-do-i-vote/what-are-the-different-voting-systems> (30/12/15)]

<sup>37</sup> Glasgow City Council, 'Community Councils' [accessed via: <https://www.glasgow.gov.uk/index.aspx?articleid=3151> (30/12/15)]

<sup>38</sup> The Scottish Government, 'Survey of Local Authority Community Councils', Edinburgh: The Scottish Government, 2013, p15, Table A1: Number and percentage of Community Councils by Local Authority, 2011/12 [accessed via: <http://www.gov.scot/Resource/0044/00440438.pdf> (30/12/15)]

dents must be registered to vote and be eligible under the following criteria:

- 16 years of age or over;
- resident in the community council boundary area;
- named on Glasgow City Council's Electoral Register, or any community council supplementary roll.

## **7. Referendums**

G7.1 There are no scheduled referendums planned for residents of Glasgow, but it is possible that residents will be asked to vote in a referendum in the future. In a referendum, residents of Glasgow are asked to vote on a single issue (nation-wide or regional). Most recently, the electorate in Glasgow voted in the Scottish independence referendum in 2014.

The constitutional future of the United Kingdom (UK) is in doubt, and this uncertainty has prompted a remarkable transformation in current British political discourse. In particular, perceived threats to the continuing viability of the system and to the existence of the Union itself have served to return a long-marginalised concept to the mainstream. 'Federalism' is a fashionable idea once more. Yet while federalism is in many ways a British creation, and a British gift to the world, it has not yet come home. It may be, however, that the time is approaching for the British consciously to apply the system they have decided is apt for so many others to themselves.

But what are the basic minimum changes we would need to implement decisively to become a federal state, rather than simply move in a more federal direction? What structure should such a system take? How far would it entail the UK's having to alter its existing constitutional structures, principles and patterns of development? Would it really solve the problems we face? This pamphlet sets out to answer these questions, and proposes a model for a federal UK incorporating a series of English regions as 'states', alongside Wales, Scotland and Northern Ireland.

ISBN 978-1-911234-01-2



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