



UK IN A
CHANGING
EUROPE

BREXIT AND BEYOND:
THE UNION

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THE UNION

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THE FUTURE OF THE UNION

Michael Kenny & Jack Sheldon

WHERE HAVE WE COME FROM?

Tensions about the relationships between the UK's component parts have never been too far from the surface during the political crisis triggered by Brexit. How to avoid the re-creation of a customs and regulatory border on the island of Ireland became a major source of friction during the Article 50 negotiations. Meanwhile, the question of what happens to powers that were formerly exercised at the EU level, but which fall within devolved competence, has been a recurrent source of disagreement between the UK Government and the devolved administrations.

Voters in Scotland and Northern Ireland supported Remain by clear majorities, while majorities in England and Wales voted to leave, which led to speculation that Brexit might lead to the break-up of the UK.

WHERE ARE WE NOW?

There are still major differences between the UK Government and the devolved administrations over key issues arising from Brexit. The [Internal Market Act](#) passed by Boris Johnson's Government — which seeks to prevent the emergence of unwanted barriers to trade within the UK — is seen as undermining devolved powers by the Scottish and Welsh Governments. Plans to replace EU structural funds by directly allocating money from the centre through the 'Shared Prosperity Fund', with no involvement for the devolved authorities, are also highly controversial. Some [progress](#) has been made with negotiating UK-wide policy frameworks in areas of former EU competence, but these have not yet been agreed in sensitive policy areas such as agriculture and fisheries.

Recent [polls](#) have reported the emergence, for the first time, of a consistent pro-independence majority in Scotland. The Scottish National Party is [on course](#) to win a majority at next May's Scottish Parliament election, with the call for a second independence referendum likely to be the centrepiece of its programme. There has also been a small [rise in support](#) for Welsh independence — albeit from a low base. In Northern Ireland some [polling](#) since 2017 suggests that support for unification is close to 50%, although this is not a consistent finding across all polling methods.

These trends can be attributed partly to the aftermath of Brexit, but also to the [perception](#) that the devolved Governments — particularly in Scotland and Wales — have responded to the Covid-19 crisis more effectively than its UK counterpart has done in England. In Northern Ireland continuing uncertainty over the past few years about what impacts Brexit will have on trade across its land border with Ireland and sea border with Great Britain have accentuated growing tensions between the local parties.

WHERE ARE WE HEADING?

The Prime Minister believes that another Scottish independence referendum could open up a profound constitutional crisis, but a UK refusal to agree to one even if pro-independence parties retain their

majority after next year's Holyrood election may well lead to the same place. The spectacle of the British Government saying 'No' could further expand support for a referendum, and perhaps for independence. In this scenario there will also be considerable pressure on an SNP-led administration to attempt to hold a referendum under devolved powers. By summer 2021, all the major parties will be compelled to engage with the question of Scotland's constitutional future.

The prospect of conflict over Scotland has set in motion an intense debate at the heart of British Government about the strategic approach to the Union that is now required. The possibility of a border poll on Northern Ireland's constitutional future has not figured in London's thinking to anything like the same degree. Yet the implementation of the Withdrawal Agreement leaves Northern Ireland within the EU's regulatory orbit and may well stimulate further debate about Northern Ireland's constitutional status.

Should a Labour Government be re-elected in Wales next May, it is likely to have to balance its pro-Union position against its fear that the authority of the devolved institutions may be undermined by a Johnson-led Government.

In England too, the demand for another referendum in Scotland will reverberate loudly. There are [signs](#) that the tacit consent of the English for the asymmetric union is wearing thin — especially among the inhabitants of cities and regions furthest from London which feel they too get a [raw deal](#) from the British state, and a significant number of people more generally who feel that England is at a disadvantage in the post-devolved UK.

Referendum or not, there will be a [greater need](#) for close co-operation between the four governments within the UK after Brexit. A review of the system of intergovernmental relations, which is seen by all sides as not fit for the challenge of common decision making, has been ongoing since 2018. Following several delays, the UK Government is now [committed](#) to concluding this 'at pace'. Reaching agreement on a set of arrangements that commands the confidence of all governments within the UK is an essential first step in rebuilding some of the trust that has been badly damaged by the events of the past few years.

Three features of the UK's fractured and conflictual territorial politics are likely to be particularly prominent in the coming period.

One is that, for the first time since devolution was introduced, British politicians are going to have to engage with its complex realities and the wider challenge of articulating a vision of the nature and purpose of the UK's asymmetrical system of governance. Significant differences about the merits of devolution, the right of the Scottish Parliament to demand another independence referendum and the case for decentralising power in England currently lie just under the surface of British politics. They will be immensely disruptive when they come to the fore.

A second is that debates about Scottish independence will have profound effects on other parts of the UK — very likely instigating a much wider conversation about whether the Union can only survive if further reforms are undertaken.

And third, Britain's political and administrative elites can be expected to become increasingly inward-looking as the implications of the possible dissolution of the UK dawn.

A fracturing of the domestic union as it departs the EU is a significant obstacle to the idea of a confident and outward-facing 'global Britain'.

PUBLIC ATTITUDES IN SCOTLAND

Alisa Henderson

WHERE HAVE WE COME FROM?

The Scottish Remain vote in the 2016 referendum was always likely to create shock waves as exit approached. Scottish voters have been more likely to believe it was wrong to leave the EU, more hostile to a harder or no deal Brexit, and less positive about the Government's handling of Brexit. Nearly 60% believe Brexit has made independence more likely.

Disquiet about the UK Government and its policy is unsurprising since the majority of Scots did not vote for it, the SNP having improved in the 2019 UK General Election on its fortunes in 2017. But perceptions of the current Government's handling of the coronavirus crisis have made things worse. Scottish voters evaluate it, and its leader, less favourably than the Scottish Government and its first minister: with 70% declaring the UK Government incompetent in its handling and [67%](#) declaring the Scottish government competent. This is not to say that Scots believe the Scottish Government is doing brilliantly. However, support for Nicola Sturgeon remains high and outright antipathy low: indeed, only two per cent of Scots gave her 0/10 for her performance.

The PM himself — who was awarded a zero by 40% of Scots — is one source of poor Government polling. We knew as far back as the summer of 2019 that a Boris Johnson premiership would not be popular with Scots. Half of Scottish Conservative voters claimed they would not vote for the party in 2019 if he became leader, while [one in five](#) No voters claimed a Johnson premiership would prompt them to vote Yes in any independence referendum. [Various polls](#) showed that the prospective Prime Minister was thought to put party before country and would be unlikely to unite the country. Opinion has not improved with familiarity.

WHERE ARE WE NOW?

These three factors — Brexit, assessments of the handling of coronavirus, and Boris Johnson — help explain why support for independence is currently high. Since the 2019 General Election, there have been 21 opinion polls, of which only two have shown opposition to independence in the lead. This is unprecedented in Scotland in terms of both the sustained lead, and its size. Notwithstanding a handful of polls showing Yes ahead after the 2014 and 2016 referendums what we are seeing now is unlike this in scope and scale.

This is not to say that the fundamental arguments have changed significantly: economic risk remains the most forceful argument for the status quo, resonating with No and Yes voters, while a sense of Scottish difference and a lack of trust for Westminster is seen as a [powerful argument](#) for independence. The anticipated economic chaos from Brexit and lockdown cuts both ways: individual exposure to economic risk might be heightened, but the portrayal of a clear dividing line between, on the one hand, the existing union as an economic safe-haven and, on the other, an independent Scotland plagued by economic uncertainty is more blurry than in 2014.

WHERE ARE WE HEADING?

Looking ahead to the Scottish election of May 2021, the SNP has a clear lead, having polled at over 50% since December 2019. Currently at 55% it could drop 10 percentage points and still be on course to form a majority Government. That level of movement is not impossible - the SNP's support dropped by six points before the 2016 election — but it seems unlikely as any fall in the SNP's popularity requires another a corresponding rise for another party. There appear rather few contenders for this. With the exception of three polls in late 2019, the Liberal Democrats have not polled in double digits for Holyrood vote intention since the 2016 election. Labour remains in a difficult position. [While its supporters are now more in line with its constitutional position \(with only 25% saying they'd vote Yes\)](#), this is in part because they have lost independence-supporting or 'indy-curious' voters since 2014.

It is the Conservatives who are in the most interesting position. In past elections, the perception that the SNP was the best party to 'stand up for Scotland' won it votes. As leader of the Scottish Conservatives, Douglas Ross has clearly attempted to portray the Tories as a unionist party able to defend Scotland's interests. His efforts have not been helped, however, by various interventions by Boris Johnson suggesting that devolution has been a mistake, even 'a disaster'.

Given what is occurring in the opinion polls at the moment, we can anticipate various themes in the 2021 election campaign.

First, a debate over whether to hold a referendum. While there might be limited enthusiasm in the Scottish electorate for holding a referendum very soon, the settled view is that it should be a matter for the [Scottish](#) rather than the UK Parliament.

Second, we can reasonably anticipate debates about how to steer Scotland through the economic recovery from successive lockdowns and, possibly, Brexit. The arrival of new competences in 2015/2016 now means that devolved election campaigns offer more than competing promises to spend money, and we can anticipate discussions about how to generate sufficient wealth to pay for public services in a post-Brexit, post-Covid-19 Scotland.

Third and lastly — and they are nearly always last these days — we can anticipate robust debates about devolved policy competence around the state of the Scottish NHS, the state of education (including the exams fiasco of 2020) as well as individual flash points (the Salmond trial) and legislation halted due to coronavirus (bills on gender recognition reform, foxhunting, and the circular economy among them).

Support for independence is now routinely polling above 50%, and the SNP is streets ahead in election polling. But Nicola Sturgeon and her party are not invulnerable to claims that after 14 years in office, they might have made more striking gains for Scots.

SCOTLAND

Nicola McEwen

WHERE WE HAVE COME FROM?

Less than two years after the 2014 independence referendum, which saw 45% vote Yes to Scotland being an independent country and 55% vote No, the Scottish National Party was re-elected to a third term of office. Its manifesto asserted the right to a new referendum on independence *‘if there is clear and sustained evidence that independence has become the preferred option of a majority of the Scottish people — or if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will.’*

Within two months, the Brexit referendum produced that material change. 62% in Scotland voted remain. The Scottish Government’s calls for a soft Brexit or, failing that, bespoke arrangements for Scotland to remain closely embedded within the EU internal market, had no influence on UK Brexit policy. Scotland left the EU and its internal market ‘against our will’ along with the rest of the UK.

In 2020, the second condition was arguably also met. By the beginning of the year, support for independence had increased to around 50%, primarily driven by Remainers. Against the backdrop of Covid-19, support has increased further. From June-December, 16 opinion polls carried out by six different polling firms all suggested majority support for independence, ranging from 51% to 59%. This is the most sustained support for independence ever seen. Scotland thus enters 2021- an election year — with its constitutional future once again at the forefront of political debate.

WHERE WE ARE NOW?

The SNP has been in power for 14 years. Every opinion poll suggests that it is on course for another convincing victory in the Scottish Parliament elections in May, potentially winning an overall majority. This would be a remarkable achievement in a five-party system, under an electoral system not expected to produce single party majorities. Five months is a long time in politics, and much can intervene to alter the course of public opinion. Internally, the party is struggling to contain factionalism. Externally, well: events, dear boy, events.

But the SNP has the advantage of facing a divided opposition with no prospect of mounting a serious challenge, individually or collectively. Moreover, the constitutional cleavage pervades both political debate and political behaviour in Scotland. And while the SNP is not the only pro-independence party — the Scottish Green Party also favours independence — it can stake a claim that its electoral fortunes alone will reinforce the mandate for an independence referendum.

WHERE ARE WE HEADING?

The challenges facing governments everywhere as a result of Covid-19 may not seem conducive to the radical constitutional overhaul that independence implies. But Nicola Sturgeon’s speech to her party conference last November presented independence as a means to empower Scottish institutions to meet the challenge: *“Independence is not a distraction from the task of post Covid-19 reconstruction.*

It is essential to getting it right". This speaks to the higher levels of trust poll after poll has indicated Scots invest in the Scottish Government and First Minister compared to the UK Government and Prime Minister.

But independence advocates must address new challenges. The constitutional authority to hold an independence referendum on similar terms to the 2014 vote lies with Westminster. Whereas David Cameron willingly negotiated the transfer of power that facilitated the 2014 referendum, both Boris Johnson and his predecessor rejected similar requests, on the basis that the UK Government will 'uphold the decisive verdict' from the 2014 vote. While that oft-repeated line may be tested by an overall SNP majority in May, the PM would be under no legal obligation to change course.

Brexit has undoubtedly raised doubts over the UK's constitutional future, but it also creates new challenges for the independence project. The SNP seeks an independence that would enable its re-entry into the EU while maintaining close links with the rest of the UK in a 'partnership of equals'. But Brexit means that, after independence and EU accession, the Anglo-Scottish border would become a border between the EU and a third country.

It is reasonable to assume that Scotland would, like Ireland, secure a derogation from the Schengen Agreement to permit the continued free movement of people across these islands. However, the Scottish Government would have to demonstrate that goods and services entering the Scottish market complied with EU rules. Under any scenario, that would require a new system of border management, combining technological surveillance, office-based bureaucracy and at least some physical border checks. Independence could thus generate additional barriers to trade across the Anglo-Scottish border just as it opens up trade and mobility with the EU. The closer the alignment between the UK and the EU, the more feasible it would be to combine Scottish independence within the EU with fluid borders with its closest neighbour, with minimal need for customs and regulatory checks.

However, the UK-EU Agreement is a thin deal. Avoiding tariffs and quotas on goods does not avoid new non-tariff barriers, including rules of origin requirements, sanitary and phytosanitary checks, customs' declarations and the need to demonstrate regulatory compliance for goods and services traded across the border. All of this points to a tighter set of border controls between Scotland and the rest of the UK in the event of independence leading to Scotland's EU membership. Maintaining such a system would require cross-border cooperation, with opportunities for partnership. But it could make it considerably more difficult to establish co-governance of shared services (for example, in energy, social security, research funding, civil aviation, etc) as was envisioned as part of the 'independence-lite' prospectus that underpinned the 2014 referendum.

Quite how these complexities, once subject to scrutiny, affect support for independence remains to be seen. The right to self-determination, and to empower a government to act according to the interests and preferences of the people of Scotland, are powerful drivers of independence claims. All else may turn out to be embellishment and detail.

WALES

Laura McAllister

WHERE HAVE WE COME FROM?

Devolution in Wales has been roundly ignored internally and externally for most of the two decades since it was enacted. Yet, nowhere in the UK has displayed such fluidity in the process for transferring power away from the centre. Despite initial lukewarm enthusiasm for devolution, the Senedd (Welsh Parliament) has cemented its place in the nation's consciousness and now enjoys popular support. The politics of Wales since devolution has been solidly Labour-dominated, albeit with the party mostly sustaining its position in government through coalitions or support-party deals. The Covid-19 pandemic has shone the light on devolution and especially its capacity for differentiation. In doing so, it has given a remarkable platform to the First Minister, Mark Drakeford.

WHERE ARE WE NOW?

The First Minister and his Government are now clearly visible, and their policy decisions felt by the whole population. This is significant in a nation where, as recently as three years ago, 40% didn't know health was devolved. Distinctive responses to the pandemic have starkly exposed devolution's intrinsic potential for policy difference, especially around public health interventions and lockdown timings and detail. The Wales Covid-19 narrative has been distinctive too — it's been about personal responsibility and community, public safety and health. That's not popular with everyone of course, but so far between 50-60% regard the First Minister as having handled the crisis well, consistently higher than the ratings they give the UK Prime Minister.

There has been greater political challenge and bolder confrontation too. That's not typical for the Welsh Government as it has mostly acted as a good unionist. Before Covid-19, it would have been hard to imagine a Labour First Minister calmly but firmly [pointing out](#) the fundamentally unjust nature of the union of Great Britain and Northern Ireland, or that the famously porous border between Wales and England would become a real, tangible political frontier.

It isn't just Covid-19 behind this of course. The vote to leave the European Union has impacted on politics in Wales. EU membership had acted as the adhesive keeping the four nations relatively happily bound together, in that it allowed the Union to [muddle along](#) without a strong, dedicated domestic framework.

There are other behaviours which have made relations more fractious. Johnson's proposal to override the Welsh Government by funding the mothballed M4 relief road is provocative and impractical. Without going much further to undermine devolution, the UK Government simply lacks the powers to plan or implement this project. The decision to force through the Internal Market Bill without devolved consent is at least as challenging. Consent has been one of the anchors of the UK's delicate constitutional fabric, and its withholding has led to a more [acerbic tone](#) from senior Welsh politicians.

WHERE ARE WE HEADING?

So, Brexit and Covid-19 have combined to engender a precarious and rather fragile territorial politics where nation and place are up for grabs. No one is claiming independence is a top priority for most and, when the question is asked, support for staying in the UK is for now pretty overwhelming. But many in Wales are at least 'indy-curious' by now, with recent polling showed nearly a quarter of people prepared to say "Yes Cymru," with the figure rising under different contexts.

Not only is that figure the biggest it has ever been, support for independence also has some palpable momentum, appealing as it does to two highly significant groups — young people and Labour supporters.

Welsh Labour is unionist and devolutionist and has sustained that balance through a soft nationalism that has often been undistinguishable from Plaid Cymru's. But the union in its current form appears less sustainable. A future Starmer Government might offer constitutional reform and a more logical suite of powers for the Senedd, including justice, the legal system and policing, or further powers over taxation and welfare. But pinning hopes on proper federalisation or 'devo max, max' seems like shutting the stable door after the horse has bolted given the prospect of a SNP victory next May.

As for the Conservatives, many Westminster MPs who embrace unionism have a more assertively assimilationist disposition. Perhaps it will be they who end up destroying the union?

Evidently, Brexit chiselled deep into some long-standing fissures within that union, but Covid-19 has gouged these open wounds. The tumultuous nature of current politics in Wales means that what was inconceivable is now conceivable; a future that was unimaginable is now perfectly imaginable. 2020 has exposed the distinctiveness of what can be done in Wales in response to a public health crisis and, in so doing, created a heightened sense of territory, of borders and of alternative constitutional futures, including independence.

At one level, Welsh politics has come of age in the past 12 months. But much like the run up to devolution in 1999, the debate still feels simplistically polarised, with the independence movement on one side set against a transfer of personnel (and some energy) from UKIP's elected members to the populist Abolish the Assembly party. This means that the constitutional future of Wales is subject to the push-pull of (currently) minority interests on both sides with little mature middle ground.

It is easier than ever before, then, to imagine a radically different constitutional future for Wales. But there is a fear that this might be reached by default, shaped largely by what happens elsewhere politically. The choice between being either part of a cut and shut 'England-and-Wales' after possible Scottish independence or an independent country should be properly debated and owned by the Welsh people. 2020 has helped mature Welsh politics, whilst also contributing to the political education of citizens. This might provide the space, at last, in which to have a proper conversation about Wales's constitutional and political future.

NORTHERN IRELAND

Katy Hayward

WHERE HAVE WE COME FROM?

When the UK and EU agreed that the 1998 Agreement and the Irish border would be among their top three priorities for the first phase of the Withdrawal negotiations, only those who hadn't given Northern Ireland a second thought for years were bewildered. Resolving the contradictions in the desire for a hard Brexit and the need to avoid a hard UK/Irish border required ['flexible and imaginative solutions'](#). The backstop negotiated by Theresa May was one such solution but the inability of the UK to unilaterally walk away from it made it anathema to many Tory MPs. Boris Johnson's deal with the EU was more straightforward: distinct arrangements for Northern Ireland through the Protocol on Ireland/Northern Ireland. A hard Irish land border was avoided, and the extent to which this meant a 'hard' Irish Sea border was to be determined by the next round of UK-EU negotiations.

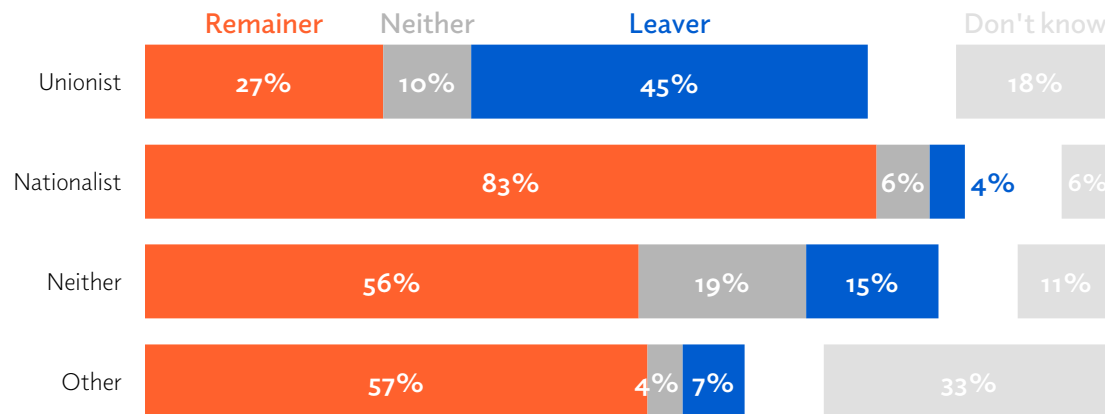
WHERE ARE WE NOW?

The Protocol proved a source of resentment. Unionists resented Northern Ireland being 'cut adrift' from Britain; Remainers resented having been cut out of the EU.

Almost two-thirds of Northern Ireland residents identify as either leavers or remainers

Brexit identity among different Northern Ireland communities, 2019.

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Source: Northern Ireland Life & Times survey, 2019.

The transition period involved 11 months of particularly acute uncertainty for Northern Ireland. The large Conservative majority and the House of Common's then-gleeful support for what unionists in Northern Ireland describe as the 'Betrayal [Withdrawal] Act' helped to focus the minds of political parties closer to home. The New Decade New Approach agreement saw the formation by five parties of a mandatory coalition in the Northern Ireland Executive in mid-January but the future of NI now depended heavily on the future relationship between the UK and the EU.

WHERE ARE WE HEADING?

The transition period has given us some indication of what the future might hold for Northern Ireland. First, it is at the hard edge of tensions in the UK and EU relationship — and indeed, to differences in the two sides’ interpretation of legal agreements. By asserting in the Internal Market Bill that it could take unilateral action — and thus breach the Protocol — the UK Government was implicitly acknowledging unionist fears that it had conceded too much to the EU in the first place. Although the controversial clauses would have done very little in practice to mitigate the impact of the Protocol, they were a symbolic act of defiance to the EU. Although this threat was removed after the mid-December [decisions](#) in the UK-EU Joint Committee, its negative impact on UK-EU trust will linger.

Secondly, Northern Ireland is all too easily in the blind spot of the UK Government when it comes to post-Brexit planning. Given its peripheral position, devolved institutions and small size, Northern Ireland was quite used to being far from the centre of decision making in Westminster. But the risks of this marginality are now exacerbated by the fact that the impact of UK Government policy could potentially be so different for Northern Ireland.

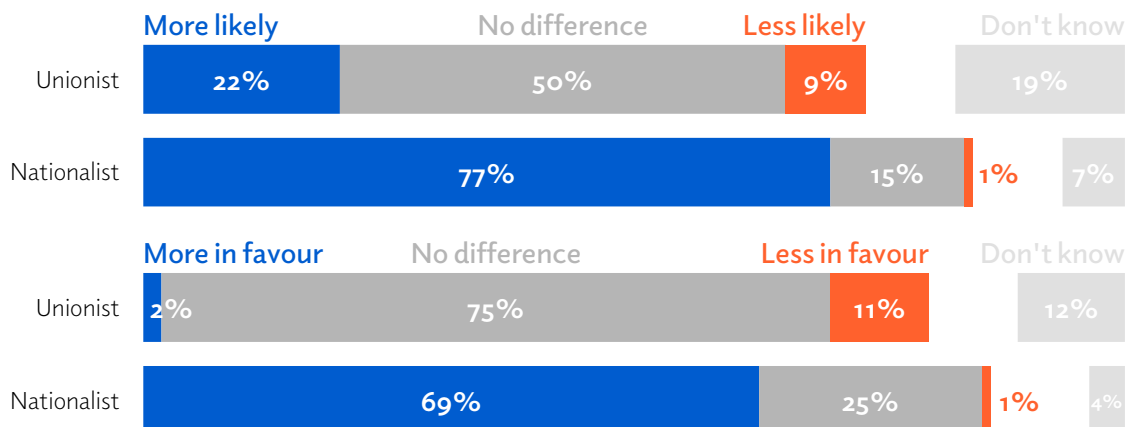
Related to this, the UK’s decision not to extend the transition period went against clear requests from NI MLAs and business, conscious that 1 January would see a new regime come into operation for trade between Britain and Northern Ireland. Prospects for the post-Brexit NI economy have been further damaged by the lack of information and decisions from the Government regarding the implementation of the Protocol. Systems and schemes for customs declarations, for sanitary and phytosanitary (SPS) controls and checks, for rebate of tariffs, etc. were still in the process of design, testing and development as Northern Ireland exited the transition period.

Finally, there is growing polarisation along two dimensions within Northern Ireland. First, Leave and Remain identities are very strong: nearly two thirds of respondents to the [NI Life and Times Survey](#) in 2019 say that they hold one or another of these identities, with around six out of ten on both sides saying these are very strong identities. (This compares to 56% of respondents who claim to hold Unionist and Nationalist identities, with around three in ten of them on both sides saying that these are very strong identities.)

Brexit has caused nationalists to see Irish reunification as both more desirable and more likely

“Does Brexit make a United Ireland more likely... and does it make you more in favour of a United Ireland?”, 2019.

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Source: Northern Ireland Life & Times survey, 2019.

Even if Remaining is hopeless, the means of rejoining the EU is quite clear for some — that is, via Irish unification. This relates to the other point of polarisation within NI. Over the course of the UK's withdrawal from the EU, we have seen a steady growth in the proportion of people in NI saying that Brexit makes a united Ireland more likely, and that it makes them more favourable to the idea. The overall trend is that nationalists are coming to (more than hope for) expect a united Ireland, and they are increasingly keen to see it. The unionist response, in contrast, is to see the Brexit debate as entirely separate from the debate on Irish unity.

THE CONSEQUENCES OF DECISIONS

Northern Ireland had to follow two sets of UK-EU negotiations during the transition period: those on the implementation of the Protocol, and those on the future relationship. Progress on the former became increasingly tied to progress on the latter. The UK-EU Joint Committee [decisions](#) on 17 December offered a few essential but highly limited mitigations for the movement of goods across the Irish Sea after 1 January. When the UK-EU Trade and Cooperation Agreement (TCA) was revealed, the reason for this strict interpretation of the EU's customs and regulatory rules became clear. The hard Irish Sea border reflects the 'hardness' of the Brexit that the UK Government has negotiated.

What this means for Northern Ireland's place in the Union will depend less on the potency of Irish nationalism than on the priorities of the British Government. Johnson saw a hard Irish Sea border as a price worth paying for '[restoring national sovereignty](#)'. The TCA contains means and opportunities for future development and movement in the UK-EU relationship. If this is in a direction of further divergence, then the strain on Northern Ireland's place in the Union will inevitably grow.

ENGLAND

John Denham

WHERE HAVE WE COME FROM?

Neither Conservative nor Labour's British unionism have given much attention to England's national government. Labour's devolution programme left England largely unchanged. London got a Mayor and Assembly, but voters rejected an elected North East Assembly with limited powers. An extensive regional administration was created to support central government priorities, but no significant powers or resources were devolved.

The Conservative-Liberal Democrat coalition closed the regional office network. Their focus switched to negotiated 'devolution deals' with cities and combined authorities, imposing elected mayors even where the idea had been rejected in local referendums. This process of [elite co-option](#) remained more concerned with engaging local leaders and stakeholders in Whitehall objectives than offering local autonomy. By neglecting the interests of peripheral towns and communities, the process probably [contributed](#) to the alienation amongst some voters that was expressed in Brexit.

WHERE ARE WE NOW?

English policy and law remain a union responsibility yet no defined machinery of English government has developed. A limited Commons procedure for ‘English Votes for English Laws’ (EVEL), introduced after the Scottish referendum, has not given England the ‘voice’ promised by David Cameron nor a legislative programme. England remains the most centralised nation in Europe.

Nonetheless the politics of England and the union have been transformed. Voters identifying as ‘more English than British’ provided much of the [UKIP support](#) that led to the promise of an EU referendum and were the decisive [Leave votes](#) (other identity groups splitting equally or for Remain). Boris Johnson’s English majority in the 2019 ‘Get Brexit Done’ election was largely amongst the same voters. In a union in which different parties now contest and win each nation, England’s politics are now distinct.

Debates about England’s governance are usually framed as the technocratic challenge of delivering policy, eschewing the questions of sovereignty and identity that are recognised elsewhere in the union. Promises to ‘level up’ and for greater devolution that acknowledge that the economy is too skewed towards the metropolis are shared, at least rhetorically, across parties.

WHERE ARE WE HEADING?

After 10 years in which austerity fell disproportionately on poorer local authorities, ‘levelling up’ will require substantial investment. Government must strike a balance between ‘traditional’ infrastructure and skills and ‘mission driven’ green recovery and post-Brexit industrial policies, amid arguments that a [more fundamental change](#) in economic model is required. Tensions remain between city-centred growth and support for peripheral towns and those working in the low wage [foundational economy](#) of care, distribution, retail and basic services.

The degree of Whitehall control over investment and the level of local autonomy is not yet clear, with a Devolution and Recovery White Paper awaited. Some [new devolution deals](#) have been agreed but central government has vetoed [other local proposals](#). Significant NHS voices advocate removing social care from local authorities and a more centralised planning regime is proposed. The £4 billion ‘levelling-up’ fund announced in the Autumn Statement will be allocated to bids selected by central government. Although the troubled response to Covid-19 has been seen as symptomatic of [wider problems](#) of governance, the default assumption of centralism is deeply embedded in the union state and the politics of Westminster. There are few concrete signs of change and a stand-off between government and the Mayor of Greater Manchester on lockdown policy emphasised how [little power](#) is exercised at local level.

The opposition parties have no clear proposals for English devolution. The [IPPR](#) and the [UK 2070 Commission](#) have advocated renewed regional agendas that cut across existing councils and combined authorities while no local government consensus exists about the best model of devolution.

Nor is there a clear public consensus on English governance. Polling has for many years shown a majority for excluding non-English MPs from making English laws, but not for an English Parliament. A majority of voters support the principle of devolution within England, but regional government is consistently the least popular change, lagging behind both devolution to local and combined authorities and the status quo. As things stand there is little pressure for radical change,

and no consensus on what that change should be.

As the prime source of both Brexit and an Anglo-centric British unionism, England is at the centre of tensions within the union. The Conservative Government is pursuing an assertive unionism but it is not clear how successful this will be. The centralisation of powers returning from Brussels, and Whitehall control of the Shared Prosperity fund replacing previously devolved investment funds is provoking resentment in the devolved administrations. Keir Starmer's move to establish a UK wide Constitutional Commission, and his earlier if ill-defined advocacy of a [federal union](#) of nations and regions reflects the view of [other unionists](#) that relations within the union need to be reset.

Within England, mayors and council leaders might forge a strong cross-party coalition demanding decentralisation if the Government's ambitions for levelling up, green recovery, social care and planning reform cannot be delivered from the centre. The electorate is [fragmented](#), and with the major parties [poorly aligned](#) with voters' values, English politics are likely to remain unstable and unpredictable.

If an English political reaction was provoked, [as in 2015](#), by a new Scottish independence referendum, the prospect of a hung Parliament, or more generous social policies, some politicians might want to appeal to the support for English interests felt by English-identifying voters. If a General Election produced a UK majority Government or coalition without an English majority the clash with EVEL would raise questions of legitimacy that would provoke a wider constitutional debate.

In such debate, an English desire for a national governance that is more democratic but also decentralised may come to the fore, while the rest of the union will want English politician's claims to act as the union constrained. Without it, it seems more likely that England's governance will not radically change in the next few years.

DEVOLUTION IN ENGLAND

Tony Travers

WHERE HAVE WE COME FROM?

Devolution in England has followed a wandering and difficult path to its disoriented position today. The creation of Northern Ireland in the early 1920s and its subsequent history involved a form of devolved government in the province which set a precedent. Following the Royal Commission on the Constitution in the 1970s, efforts were made to deliver devolution across the UK. But it took until 1999 for devolved government to arrive in Scotland, Wales and Northern Ireland, along with a commitment from the Blair government to follow through with devolution to the English regions.

In 2000, the Greater London Authority (GLA) was created, re-creating city-regional government in the capital. The first of (what was planned to be) a series of referendums took place in 2004 to decide whether devolution should take place to the North East of England. The vote was over three to one against. There were no further referendums and regional devolution died.

In the aftermath of the 2004 reversal, the ten councils in Greater Manchester started to work ever-more collaboratively on policy for the city-region. By the end of the decade, legislation had been passed allowing groups of authorities to form ‘combined authorities’. The Coalition Government then built on this new governance model, offering first Greater Manchester (in 2014) and then other areas the opportunity to have increased devolved power and resources — generally in exchange for adopting a directly-elected mayor as leader. Powers have included transport, housing, skills and healthcare, while resources are overwhelmingly derived from central grants. Subsequently, the West Midlands (around Birmingham), Liverpool City region, the Tees Valley and others followed.

WHERE ARE WE NOW?

There is now a patchwork of city-regional and county-based combined authorities. West Yorkshire (around Leeds) will elect a mayor in May 2021. Geographically, most of England is still governed by its traditional local authorities, without a combined authority. Local government in England, whose councils constituted these combined authorities, has seen its powers substantially diminished over the years since 1945. Services were transferred to national control including health, further and higher education, some schools, social housing and aspects of land-use planning. Local taxation has been capped since the 1980s. England is now, despite the post-1999 devolutionary policy outlined above, remains one of the most centralised countries in the democratic world.

The Brexit process has seen Britain acting very much as a unitary state. The Prime Minister and Cabinet have empowered a small team of negotiators to speak on the UK’s behalf. Scotland, Wales and Northern Ireland have had virtually no say in the process. Sub-national authorities in England, including London, have been sidelined. While it is possible some former EU powers will eventually be transferred to Edinburgh, Cardiff and Belfast, the ‘internal market’ provisions of recent UK legislation imply little room for major devolutionary advance. Indeed, some provisions of the new law assert the sovereign power of the UK government over the devolved administrations.

In England, after more than 20 years, devolution remains a stop-start policy, very much dependent on individual ministers to take the initiative to drive it ahead. Many local leaders agree further devolution of power will be necessary if parts of England with relatively low GDP per head are to catch up with those which have higher economic output — a key plank of the Johnson Government’s levelling-up agenda.

WHERE ARE WE HEADING?

The accidental coincidence of the Brexit endgame and the Covid-19 pandemic raises serious questions about Britain’s creaking constitutional arrangements. Did 17 million people really vote to leave the EU only to concentrate more power in Whitehall? Did months of centralised public policy in relation to sourcing protective equipment, testing, tracing and enforcement really work well? Perhaps people in England want greater access to political power in their own cities and counties. Perhaps the struggle against Covid-19 would have been better handled by local officials and institutions?

Brexit surely signalled people wanted less remote government with the capacity to make decisions about the economy, skills, training and town centres in places where they have a greater chance of access to decision-making. To achieve a more balanced and less centrally governed country, what

steps might need to be taken?

Devolution in England needs to move to a consistent form of sub-national government where there are service-delivering elected authorities operating within (joint) combined authorities. Directly elected mayors or (in rural areas) ‘governors’ could provide leadership of these authorities of the kind already found in city-regions and other areas where such a system currently exists. Indirect election would also be a possibility, particularly in more rural areas.

If England moved to a comprehensive system of unitary and combined authorities, it would be possible to devolve powers and resources consistently. An English counterbalance to Scottish, Welsh and Northern Ireland devolution could then be envisaged. More powers and greater fiscal autonomy could be transferred from the centre to substantively powerful sub-national areas. English self-expression could be accommodated in a way that generated pressure for better government.

As always, there is a risk the UK Government will stumble on with half-hearted devolution which never quite arrives at the point where a more radical solution is delivered. If this were to happen, there is little chance that the North and Midlands can fully achieve their economic potential. Worse still, much of the discontent manifested in the ‘Leave’ vote will remain unaddressed.

Boris Johnson was mayor of London for eight years. It was the most important staging-post of his route to Downing Street. He was committed to the fiscal devolution proposals in the report of the London Finance Commission — which he called for. Of all British Prime Ministers he understands that the city (or the county) can be the basis for good government. As Britain picks itself up after the political and economic struggles of 2016 to 2020, devolution is a potential big win for his Government.

LOCAL GOVERNMENT

Colin Copus & Catherine Saltis

WHERE HAVE WE COME FROM?

From the outset, Britain’s membership of a policy-making body with powers to override decisions of member states had profound implications for councillors. EU membership re-shaped the relationship between councillors and the UK centre. Many, especially during the Conservative Governments of the 1980s and 90s, perceived the EU as a source of funding to counter-balance Government spending reductions. The Labour Governments of 1997-2010 urged councillors to be outward-looking, community-engaged and less focused on the Town Hall. The EU offered opportunities to do just that and be active on an internationalised local government stage, through bodies such as the Committee of the Regions. Such activities tended to be restricted to leading councillors, cabinet members and our research showed that Scrutiny chairs also recognised the potential of influence through EU engagement as it took them ‘beyond the council’ to meetings with councillors overseas, able to

draw on EU evidence in scrutiny investigations. That experience showed them that the executive — scrutiny distinction between councillors was not unique, rather just very new to England. International networks opened access to ideas, experiences, practical solutions and policy transfer opportunities. It also gave a taste of some of the freedoms enjoyed by local government overseas but lacking for their English counterparts. Yet the majority of councillors were unengaged, possibly unaware of the links their councils had with the EU.

WHERE ARE WE NOW?

Before Brexit, across England's 339 councils, many leading councillors, in all types of councils, had reshaped their roles as outward facing and looked for opportunities to enhance their influence with EU policy makers and resource allocators. That approach reflected what they have been doing locally, regionally and nationally: interact across the private and public sector and governmental organisations to extend their influence and broker power. With or without the EU, these complex network dynamics within which leading councillors operate still stand. There are those councillors who display a different set of representative characteristics who always preferred to concentrate on their council, their wards or divisions, content for others to engage on the international stage, and those who were always 'ambivalent' towards the EU, engaging if and when opportunities arose to benefit their political and local projects, while at all other times remaining unengaged.

WHERE ARE WE HEADING?

Brexit will leave the majority of councillors who were always inactive in, or ambivalent toward, the EU unscathed. Their work as local representatives, defenders of their patch, local policy makers and network shapers continues, even if it is within English local government in the UK's heavily centralised system.

But Brexit will not dampen leading councillors' appetite for international engagement. They will continue to seek policy influence by operating beyond the confines of their council and seek resource advantages to their council, communities and localities. Those councillors have proven so adept at navigating and influencing complex, local, regional, national and until recently, international networks that they will continue to find ways of operating on an international setting.

In other words, international networks created by EU membership need to be reshaped to provide similar, though less formal and structured theatres of operation. Councillors now need to influence through informal channels. Much of local politics is played out in private rather than public settings and those skills, experiences and political nous do not disappear because of Brexit.

Brexit has forced councillors to locate other forums to exert international influence. Being fixated on the EU as the only game in town set an unnecessarily limited boundary around the international influence councillors could employ, dampening the need to seek a wider international forum. Leaving the EU need not mean that councillors cannot maintain, on an informal basis, networks created and shared by EU engagement. But it does mean they may be more atlanticist in their focus, as well as further developing and strengthening links within the Commonwealth and other international bodies providing councillors' forums (e.g. The Commonwealth Local Government Forum, the UN Advisory Committee of Local Authorities, the Council of European Municipalities and Regions) to develop

policy and to influence powerful international organisations. Why, after all, limit themselves to a conglomerate of 27 European nations when there is a world of influence and engagement possible?

A new role has emerged in which leading councillors can operate in a globalised setting beyond the EU and those of an entrepreneurial nature will seek every opportunity to do so. The bar is being raised for councillors as negotiating with and exerting influence over a complex, interdependent landscape far beyond continental Europe, becomes part of their local governing role. By drawing on their overseas counterparts' experiences, learning how complex policy problems elsewhere have been addressed, applying those lessons to governing their own areas and by identifying new sources of funding, international activity provides positive benefit to communities. If such activities make councillors' work more interesting and enriching and influential, that counterbalances the frustrations experienced each day through central oversight and micro-control, then they deserve that premium.

Finally, leading councillors can seek to redress the devolution imbalance across the UK, where England remains far behind devolution to the rest of the UK. Nothing that comes to English local government will be near that granted to the rest of the UK through their national parliaments; senior councillors operating beyond their councils need to refocus on that asymmetry.

Following the money was a great motivator for EU engagement. But as a net contributor to the EU throughout our membership, there was always more than a bit of smoke and mirrors to EU funding for local projects. The effectiveness of the UK Government's replacement — the Shared Prosperity Fund — remains to be seen, but at least it gives the country's councillors a new target for their policy-shaping and influencing efforts in the future.

ENGLISH MAYORS

Andrew Carter

WHERE HAVE WE COME FROM?

'Vote Leave, Take Back Control' was the key slogan from the 2016 referendum. Yet national politicians and policy makers are only now beginning to grapple with exactly where this control is coming back to, which raises important questions about the future role of England's metro-mayors in a post-Brexit Britain.

Nine of England's largest city-regions, covering almost 40% of England's population, are now led by directly-elected metro-mayors. The process began in 2000 with the establishment of the Greater London Authority, headed by the mayor. Jump forward to 2017, and new metro-mayors were elected in the West Midlands, Greater Manchester, Liverpool City Region, Tees Valley, West of England and Cambridge and Peterborough (and more recently in Sheffield city region and North of Tyne) to take over responsibility for issues including strategic planning, local transport and adult education.

From the outset, this city-focused devolution agenda has had a clear economic rationale: to address the longstanding underperformance of the England's big cities outside of the Greater South-East, most obviously Manchester and Birmingham.

Because economic geography rarely matches arbitrary council boundaries, the theory behind mayoral devolution is that directly elected, high profile leadership at the economy scale will result in more strategic economic thinking, better programme coordination and delivery, and thus improve job opportunities, wages and quality of life in a mayoral area.

Broadly speaking, metro-mayors are charged with developing strategies for growing their city-regions' economies and have powers over housing, transport, skills and business support. However, their exact responsibilities vary depending on the details of the deal agreed with central government. For example, Greater Manchester's metro-mayor has extra powers over criminal justice and health and social care in addition to his economic responsibilities.

WHERE ARE WE NOW?

While some big cities such as London, Greater Manchester and Birmingham (the West Midlands), are headed by metro-mayors with clear mandates and responsibilities — if not necessarily the corresponding power and resources — the leadership situation is less clear in other places. For example, ad hoc reform has left Liverpool with three mayors: a Liverpool City Region Mayor, a City of Liverpool Mayor, and a ceremonial Lord Mayor of Liverpool.

Meanwhile in Nottingham no substantial reform has taken place. As a result, this city of almost 700,000 people is divided into nine separate authorities with differing powers and often competing mandates and agendas. This makes joined-up strategic decision making very difficult.

A deeper look at the English mayoral devolution process also reveals how underfunded and underpowered the situation is compared to the devolution settlements given to Wales, Scotland and Northern Ireland. Whilst not perfect, the home nations' devolved administrations have the statutory powers to diverge in most domestic policy areas. There are no negotiations or overlaps between Westminster and Holyrood, Cardiff Bay or Stormont and the [Sewel Convention](#) and [block grant](#) prevent Westminster from intervening in domestic policy outside England.

Currently, however, England's mayors rely on central government permission and funding to do almost anything. This has created an unsatisfactory and unsustainable 'halfway house' for both the mayors and the Government. Boris Johnson critiqued this halfway house when he was Mayor of London. Now, as a premier with an 80-seat majority in the House of Commons, he has the power to fix this problem.

Unfortunately, however, the handling of the pandemic has created a serious rift between the Government and the mayors. Back in October disagreements over financial support for cities affected by lockdowns brought the Government and Greater Manchester's Mayor Andy Burnham to a [high-profile stand-off](#). While the mayor drew praise for standing up to Whitehall, the incident has undoubtedly soured relations between ministers and England's metro-mayors just when the Government had been preparing to devolve more powers to them and local government.

WHERE ARE WE HEADING?

Since then, senior figures within Government have cooled on the idea of devolving more powers to the mayors. The Devolution White Paper promised in the 2019 Conservative manifesto has been

kicked into the long grass. And if the 2021 local elections don't go well for the Conservatives, and Labour metro-mayors are elected in the West Midlands and the Tees Valley, Government appetite to give more powers, funding and a public platform to what they perceive as the opposition is likely to decrease even further.

This would be a mistake. It remains in both the Government's and the country's interest that all of England's cities and large towns get a wide-ranging devolution settlement.

The next stage of English devolution should include levelling-up existing metro-mayors' powers to those available to the London Mayor, giving local government full fiscal autonomy, and restructuring Whitehall to reflect the downward powershift, with a new 'England Office' managing the relationship between the UK Government and the metro-mayors in the same way that the Scotland, Wales and Northern Ireland Offices do for their respective home nations.

While it is still possible that these reforms will happen, it is growing less likely and, like many past governments, this one grows more centralising with each day. [An argument is growing](#) between the UK Government and devolved leaders in Edinburgh, Cardiff and Belfast over repatriating powers such as fishing, food standards and immigration from the EU.

Yet there is hope. The Government will need to press ahead with devolution to make a success of its levelling up agenda. Many of the promises that the Prime Minister made on the 2019 General Election trail — better bus services, quality adult education, more housing — cannot be effectively delivered in top-down fashion from Whitehall. It would therefore be a regrettable and short-sighted mistake if Boris Johnson, and the Government he leads, decides that more English metro-mayors just aren't worth the hassle.

The UK in a Changing Europe promotes rigorous, high-quality and independent research into the complex and ever changing relationship between the UK and the EU. It is funded by the Economic and Social Research Council and based at King's College London.

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