



UK IN A
CHANGING
EUROPE

BREXIT AND BEYOND:
POLITICS

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CONSTITUTIONAL POLITICS

Robert Saunders

WHERE HAVE WE COME FROM?

Since 2016, Brexit has pitted Parliament against the Executive, the devolved governments against Westminster, direct democracy against representative democracy, and the Royal Prerogative against the courts. It has triggered the unlawful suspension of Parliament, an unprecedented intervention by the judiciary, and the denunciation of MPs and judges as ‘traitors’, ‘saboteurs’ and ‘enemies of the people’.

Brexit posed a challenge to Britain’s constitutional arrangements for which there was no obvious precedent. The combined results of the 2016 referendum and the General Election held a year later meant that, from 2017 to 2019, governments were operating under an instruction from outside Parliament which they did not have the majority inside Parliament to deliver.

Moreover, the referendum said nothing about the form that Brexit should take. That opened up very serious questions on which there was no instruction from the electorate. Should Britain stay in the Single Market and/or the Customs Union? What arrangements should be made for the Irish border? What forms of co-operation might continue, in areas such as policing and security?

In the absence of an instruction from the electorate, and with no coherent majority in Parliament, the opposing camps invoked rival sources of democratic authority: the referendum (or their interpretation thereof); the will of the (Scottish) people; the wishes of constituents or party members; opinion polling; or the demand for a ‘People’s Vote’. That made it possible to proclaim one’s faith in democracy, while simultaneously arguing that Parliament should be suspended, that Government should break the law, or that a second referendum should be held to supersede the first.

Parliament, in particular, has sustained lasting damage. The myth that a ‘Remainer Parliament’ ‘blocked Brexit’ is precisely that: a fiction, constructed for a didactic purpose. Whenever MPs were asked to vote on the principle of Brexit — for example, on triggering Article 50 or repealing the European Communities Act — they did so by much larger majorities than the referendum result. It was the form of Brexit that proved contentious, and here Leavers proved as obstructive as Remainers. Boris Johnson rejected Theresa May’s deal; Nigel Farage rejected Boris Johnson’s; while Michael Gove told the Daily Mail that ‘we didn’t vote to leave without a deal’. Every specific version of Brexit commanded less support than Brexit in the abstract. The result was a democratic mandate for leaving, but not for any of the specific doors through which the UK might have departed.

WHERE ARE WE NOW?

The effect of all this has been to erode the legitimacy and confidence of Parliament; accelerate the transfer of legislative powers from Parliament to the Executive; and increase the determination of ministers to weaken other limitations on their power — whether the courts, the devolved parliaments or ethical constraints like the Ministerial Code.

The Conservative Manifesto in 2019 blamed Parliament for ‘thwarting the democratic decision of

the British people', ignoring its own leader's role in twice voting against a Withdrawal Agreement. On winning a majority, Johnson congratulated the new House on being 'more democratic' than its predecessor. Parliament, it appeared, was no longer the arbiter of democratic legitimacy. It would now be considered democratic only insofar as it conformed with Johnson's vision of what 'the people' wanted.

Since the election, the government has continued to lock Parliament out of decision-making. The Withdrawal Agreement Bill was rewritten to remove the requirement for a parliamentary vote on any future trading relationship with the EU. Brexit legislation has involved the use, on a '[breath-taking](#)' scale, of 'Henry VIII clauses' and Statutory Instruments, vesting sweeping legislative powers in the hands of ministers. During the Covid-19 emergency, new criminal offences have been created and restrictions imposed largely by ministerial decree. The decision to shut down the hybrid Parliament and to forbid electronic voting, at a time when hundreds of MPs are unable to attend in person, has further weakened Parliament against the Executive.

WHERE ARE WE HEADING?

If this is to be reversed, MPs will need to reassert themselves. In particular, they will need to push back against a populist, authoritarian vision of democracy, in which 'the will of the people' is singular and dissent is democratically illegitimate.

The first priority should be to demand proper democratic scrutiny over secondary legislation, so that ministers cannot simply make law by fiat. If the purpose of Brexit was to 'take back control' of law-making — to ensure that the laws by which we are governed are democratically accountable to the people who must obey them — then the powers that are being repatriated from the EU should not simply be ceded to ministers and officials, in the absence of public scrutiny or debate. Proper parliamentary oversight might also ease tensions with the courts, by leaving less of the work of scrutiny to judicial review.

On the same principle, Parliament should take back control of its timetable and procedures. If Parliament is to be truly 'sovereign', it should not be in the power of the Executive to switch off electronic voting, impose committee chairs or decide when or whether Opposition Days are scheduled.

In the longer term, we should think more carefully about how to use the referendum, so that it works with the grain of parliamentary democracy, rather than acting as a battering-ram against it. The referendum is now an established part of British political practice, yet we have generated no rules or conventions on how or when referendums should be deployed. In future, they should be used less for abstract questions of principle — which parliamentarians must then beat into a specific proposition — and more to approve precise legislative changes.

Finally, Parliament itself must recognise the extent of democratic disengagement exposed by the referendum. Many voters felt that the Brexit referendum was the first time in years that their voices had been heard at Westminster. If MPs wish to avoid such ruptures in future, they should urgently consider ways of bringing Parliament into a closer relationship with the electorate. Failure to do so risks more dangerous assaults in years to come, not just on Parliament, but on the claim of any institution to democratic legitimacy.

PARLIAMENT

Meg Russell

WHERE HAVE WE COME FROM?

A central argument in favour of Brexit was the need to return sovereignty to the UK Parliament. By ‘taking back control’, Parliament would regain power over areas of policy making that had been governed by EU laws. British legislators, not Brussels, would be back in the driving seat.

This fondness for Parliament was always distinctly ambiguous. The UK joined the European Community in 1973 through a parliamentary vote; but membership soon sparked the first UK-wide referendum, held in 1975, on whether we should stay. From then on, the right of the people to directly decide our future relationship with the European bloc was regularly contested, and became increasingly accepted.

Referendums were demanded on the Maastricht treaty, promised on Britain’s entry into the euro and on the Lisbon treaty, and finally guaranteed by the [European Union Act 2011](#). This cemented a promise that future encroachments of EU power through treaty change would be put to a public vote; but, by taking the right to decide away from parliament and requiring a referendum, this [undermined](#) the very parliamentary sovereignty that it was claimed to protect.

Following the 2016 referendum, Parliament’s role was increasingly challenged. Through the Miller cases, the Supreme Court twice intervened to put Parliament back at the heart of decision making — to the consternation of many Brexit supporters. Theresa May’s relationship with Parliament became increasingly antagonistic. Boris Johnson picked up and built on that, both in terms of rhetoric and actions, not least through his ultimately failed attempt at prorogation. By the 2019 General Election, parliament was being portrayed as an enemy of democracy — accused in the [Conservative manifesto](#) of ‘thwarting the democratic decision of the British people’.

WHERE ARE WE NOW?

The return of Johnson’s Government with a comfortable Commons majority offered hopes of a return to ‘normality’. But, as everyone knows, 2020 has been far from normal. In policy terms, the Government and Parliament have had to prepare for the end of the Brexit transition period alongside dealing with the shock of Covid-19. Like many workplaces, the pandemic has caused Parliament to be partly closed and partly to operate virtually — with all of the associated awkwardness for communication. Unsurprisingly, parliamentarians have often felt shut out.

While 2019 was marked by Parliament — and particularly the Commons — aggressively writing itself into the Brexit process, immediately after the election the government abruptly reversed that trend. The hastily-passed European Union Withdrawal Agreement Act removed any role for Parliament in setting the UK’s negotiating objectives, or in determining any extension to the transition, and reduced the requirement on ministers to report to or consult with Parliament. On other Brexit legislation, ministers sought to push their plans through unamended. On the deal itself, parliamentarians were given a single day, on 30 December, to agree a bill implementing a 1,246 page agreement.

Lack of consultation on Brexit might have caused more tension were it not for the Covid-19 crisis — on which [Parliament's sidelining](#) proved more immediately evident and brutal. The lengthy Coronavirus Act was pushed through Parliament in just three days, giving ministers sweeping powers, including over spending. Subsequently, various restrictive policies unprecedented in peacetime — for example limiting travel and socialising, suspending businesses, and requiring the wearing of masks — were passed via 'delegated legislation' without input from MPs. Announcements were often made in Downing Street press conferences, rather than Parliament, greatly angering the Commons Speaker.

The nature of the health crisis arguably made some centralisation of executive policy making a necessity. But the extent, and longevity, of this situation has generated increasing unease — particularly on the back of the previous centralising tendencies of both May and Johnson's administrations over Brexit. Ministers may, many feel, have got rather too comfortable in viewing Parliament as a nuisance best avoided. Crucially, the Covid-19 crisis has sometimes seemed to illustrate how parliamentary scrutiny is not just a democratic formality, but can help guarantee more carefully-considered policy making, and help bring the public on board.

WHERE ARE WE HEADING?

Notably, some of those most concerned about executive overreach over recent months have been Brexiteers. Clauses in the Government's Internal Market Bill, potentially allowing ministers to breach international law, attracted strong criticism from the likes of Michael Howard and Norman Lamont in the Lords. In the Commons, figures such as Steve Baker and Graham Brady have been at the forefront of rebellions on coronavirus. This has shown starkly how, even with a large majority, ministers take their backbenchers for granted at their peril.

But the differences have crosscut the Brexit divide. Commons Leader Jacob Rees-Mogg — who preceded Baker as chair of the [European Research Group](#) (ERG) — severely aggravated backbenchers over his insistence that MPs 'shielding' from the pandemic should be prevented from contributing virtually to divisions and debates. Ultimately, the exit of Dominic Cummings, himself found 'in contempt of Parliament' before being appointed to the heart of Downing Street, seemed to be a victory for backbench pressure, which many MPs hoped would signal a rebalancing back in the direction of Parliament.

So, this turbulent period ends much as it began: with a desire by many Conservatives to see Parliament 'take back control'. This time, however, their target isn't the external threat of the EU, but the internal threat of an overweening and unchecked executive. Boris Johnson's seeming disregard for scrutiny has unwittingly fuelled insurrection among many key figures who put him in his job, and — perhaps more surprisingly — among new MPs whose own jobs were built on his election victory.

This presents a perilous situation for a Prime Minister. Johnson and his allies rebelled against Theresa May, ultimately bringing her down; they can hardly complain if other MPs grasp parliamentary opportunities to give the executive a kicking. Discomfort is worsened by many highly capable Conservatives having been excluded from Johnson's administration, various of whom now chair the select committees. This situation breeds resentment and frustration when policy is poorly handled, which feels increasingly unsustainable.

Just a year after the general election, won by a landslide majority, Johnson seems increasingly to be living on borrowed time unless he does serious work to make peace with Parliament.

THE BACKBENCHES

Rosie Campbell

WHERE HAVE WE COME FROM?

Conservative backbenchers have a [long history](#) of being a thorn in the side of their leaders. Boris Johnson returned to Number 10 in December 2019 with 48 additional Conservative MPs. A majority of 80 potentially handed him the kind of parliamentary clout not available to a Conservative Prime Minister since the 1980s. The majority also of course marked a clear break from the two years of minority Conservative Government the country had witnessed.

WHERE ARE WE NOW?

The first year of this Government did not quite live up to those expectations. Tory backbenchers have not given their leader unwavering loyalty. Instead there have been a succession of public letters, statements, anonymous briefings, leaks from private meetings and parliamentary rebellions emanating from unhappy Conservative MPs, [including](#) senior members of the 1922 backbench committee.

The number of troublesome Remainer Tory MPs has been substantially diminished (although many of their voices can still be heard in the Lords and in the media) but their defeat has not eradicated Johnson's difficulties.

The Covid-19 crisis striking in the immediate aftermath of the General Election, when the transition from campaigning to governing was not complete, alongside the continued negotiations with the EU would have provided a challenge to any Prime Minister, even one with the best relationship with the parliamentary party. Boris Johnson's relationships with his backbench MPs are not so well lubricated.

Johnson's electoral success in 2019 is one source of his problems. The old fissure of attitudes towards the EU is much less in evidence, but new divisions between supporters and opponents of the 'levelling up' agenda — or, crudely, between Conservative MPs from the shires and those from the newly erected blue wall — [are emerging](#).

Many new Conservative MPs, especially those representing the North of England, are grateful to the Prime Minister for their election. Nonetheless they represent marginal seats in economically disadvantaged parts of the country; their need to secure investment into their constituencies trumps loyalty to the leader. As new MPs who have entered Parliament in the unique circumstances of 2020, many have not been institutionalised into the practices of the Parliamentary party, and are extremely vocal, using public channels to make their grievances known. In October 2020 they helped form the [Northern Research Group](#), which now has more than 50 members.

The levelling up agenda they represent is at direct odds with the minimum state intervention values of many southern Conservative MPs who represent largely safe seats. Rather than seeking to shore up their majorities, these MPs are interested in promotion or influence on policy. Some have given up on a ministerial career under Johnson as they have been sacked, or were never interested, and instead

they are driven by the pursuit of their deeply held ideological beliefs, or for a few the desire for a new leader who recognises their talents.

Two further research groups were announced in autumn 2020: the Common Sense Group and the Covid-19 Recovery Group, both with circa 60 members. The CSG is focused on 'leftwing ideological nonsense.' The CRG, led by former chief whip Mark Harper and high profile Brexiteer Steve Baker, and including Sir Graham Brady Chairman of the 1922, is focused on challenging Johnson on his lockdown policies. There has even been some speculation, perhaps tongue in cheek, that a [Southern Research Group](#) is also called for. There is some overlap in membership of these groups and one thing that unites them is that they are allegedly viewed as [adversarial by number 10](#).

These groups represent one set of difficulties for the Prime Minister when it comes to party management. His management of the Covid-19 crisis provides another. The Government has made a number of high-profile U turns during the crisis that have infuriated some Conservative MPs and drawn the ire of several members of the 1922 committee that looks after the interests of the backbench Tory MPs who ultimately hold the fate of the PM in their hands. There has been much complaint, both anonymous and attributable to Tory backbenchers, that the PM's handling of the crisis has been undermined by his failure to engage fully with Parliament and by his over-reliance on advisors.

WHERE ARE WE HEADING?

Keeping Tory MPs who often serve very different constituencies happy is going to be extremely challenging, and the challenge will increase over the next four years as the drastic economic consequences of the Covid-19 crisis hit home. As it is, a parliamentary party so riven by increasingly organised groups suggests plentiful parliamentary rebellions in the years ahead.

Boris Johnson has, it should be said, taken significant steps to address some of the dissatisfaction on his backbenches. The departure of Dominic Cummings has been used as a moment to reset his relationship with the parliamentary party and he has been actively reaching out to the NRG and the 1922.

The PM's pivot towards the parliamentary party and away from his cohort of advisors is a sensible survival strategy, and the ERG's endorsement of the Brexit deal suggests the new approach might be working. However, the lesson that public criticism rather than private negotiations reap rewards for disaffected backbenchers is not easily unlearned and we can expect a highly vocal and demanding Conservative backbench for the lifetime of this government.

The first half of 2021, which will be dominated by both Covid-19 and the end of transition, could make for rough terrain for the Prime Minister. Beyond that, the inherent tension between reducing the unprecedented level of peace time Government borrowing and delivering on the levelling up agenda, could well prove a recipe for a period of sustained Conservative infighting. Potential demands for a second referendum on independence after next year's Scottish elections, will fan the flames further. All this will continue to make it much more difficult for Johnson to govern than his 80 seat majority would suggest.

THE CONSERVATIVES

Tim Bale

WHERE HAVE WE COME FROM?

The Conservative Party went into the 2016 referendum with more of its MPs supporting remaining in the EU than leaving. Once voters had spoken, however, the majority of Tories at Westminster were prepared to respect ‘the will of the people’. Any who refused, or simply showed too little enthusiasm, either walked out or were thrown out.

After Boris Johnson’s big win at the 2019 General Election, the Conservatives became a party largely for and of Leavers. Most of its voters had supported and continued to support Brexit. The same was true of grassroots Tories in constituency associations up and down the land.

WHERE ARE WE NOW?

Views on issues apart from Brexit, however, are rather more varied. There are some significant differences between the underlying values of Tory MPs, their rank-and-file members, and their voters. Those elected to Westminster are relatively socially liberal but also significantly more neo-liberal, economically speaking, particularly when compared to voters who switched to the Conservatives from Labour at the last election.

Even now, it is easy to see how these differences render any attempt to win the next contest by waging some sort of ‘culture war’ on Labour’s supposed political correctness on, say, ethnicity or gender potentially tricky. Those differences may also mean there is a limit to which, once the pandemic has passed, many Tory MPs will accept the tax and spending required if the Government is to come anywhere near honouring its promise to level up ‘left-behind’ parts of the country.

WHERE ARE WE HEADING?

Yet, notwithstanding the departure of Dominic Cummings from Downing Street, delivering to voters in the former ‘Red Wall’ seats will remain a crucial plank in the Conservative Party’s agenda. Research on voters in those seats, neatly encapsulated in Deborah Mattinson’s recent book, makes it clear that their expectations are, as she herself puts it, ‘sky-high’.

Many, maybe most, of those who helped switch seats from red to blue clearly believe that a combination of Brexit and Boris Johnson’s promise to lavish more attention and more cash on them will bring back the manufacturing industries of the past that made Britain the workshop of the world. That, they hope, will put money in people’s pockets that they will be able to spend in spanking new high streets.

More than that, as Mattinson shows, they want law and order brought to sometimes crime-ridden neighbourhoods, they want jobs and social housing going to ‘local people’ rather than to ethnic minorities they still insist on seeing as immigrants, and they want to make sure that benefits only go to those they regard as deserving, not to ‘scroungers.’ They also want to see a Britain supposedly freed from the shackles of the EU get the respect from the rest of the world they feel it deserves.

While many Tories will wholeheartedly share such sentiments and believe they bode well for their chances of re-election, their colleagues in government know that it's going to be a big ask to satisfy them — or, more realistically, to be seen to have made a decent start on satisfying them — by 2024.

True, Covid-19 may ensure that the Johnson administration is given slightly more leeway by sympathetic voters than might otherwise have been the case. On the other hand, the enormous sums of money that have had to be spent on combatting it are already prompting demands for the state to tighten its belt again once the emergency is over. That is, unless Conservative MPs and the Treasury, both of whom are instinctively hostile to what they regard as undue profligacy and unsustainable borrowing, can be convinced otherwise. If not, it will be difficult to make a serious start on any levelling up agenda worth the name, let alone allow the party to tackle massive underlying problems from which, again and again, it has shied away, most obviously social care. Any retrenchment, even if it were to stop short of a return to austerity, could also mean the economy (and employment) recovers less rapidly than it needs to.

Against this, a development that is easily portrayed as awkward for the party — the establishment of the Northern Research Group of concerned MPs from the region — may actually prove useful. Their desire to hold the Prime Minister's feet to the fire might offset calls for 'sound finance' at least when it comes to capital if not current spending.

The same might also be said of another development — the emergence of a Labour Party that, for the first time for a long time, seems to have chosen a leader seen as a credible candidate for the premiership.

Talk of which leads to a final thought. The shine has clearly come off the current leader of the Conservative Party, not least because his handling of the pandemic is widely regarded by the public as poor, even chaotic — and the same adjectives can be applied to some of his Cabinet. Re-establishing the party's reputation for competence, as well as projecting a more consensual, less aggressively confrontational image, will be difficult. Indeed, it may well necessitate making big changes in personnel, up to and, who knows, including the prime minister himself.

How the party handles renewed demands for Scottish independence this year may well play a crucial part in such an effort. But so, too, will Brexit.

If the Government can convincingly argue over the next few months that it really has managed to 'get Brexit done' without the tangible disruption that the 'doomsters and gloomsters' predicted, then a reshuffle and a 'reset' might be enough, especially with the arrival of a vaccine.

Should, however, the UK's departure from the Single Market and Customs Union turn out to be a much messier affair, prompting seemingly endless rows not just between London and Brussels, but between London and an ever-more assertive Edinburgh, Belfast and Cardiff, then support for the Conservatives could not so much slip as bleed away — and fast.

LABOUR

Rob Ford

WHERE HAVE WE COME FROM?

From the summer of 2017 a combination of grinding negotiations and parliamentary gridlock increased demands from frustrated Leave voters for Brexit at almost any cost, while encouraging hopes of a reversal among Remain voters previously resigned to departure.

Ideally, Labour needed both sets of voters. However the People's Vote campaign proved effective at mobilising both grassroots members and MPs behind a second referendum and successfully pressed the Labour leadership into accepting this, at least in principle. The result was a convoluted compromise that ultimately satisfied nobody: Labour favoured a renegotiation followed by a new vote, but its leader would not endorse or campaign for the new deal he negotiated, and most of his Shadow Cabinet pledged to campaign against it. Voters largely didn't understand it, and those who did disliked it. Corbyn tried valiantly to keep his party in the middle of the road on Brexit. Their reward was to be flattened by Boris Johnson's 'get Brexit done' juggernaut.

Since the election, Labour Leavers have sought to blame the party's defeat on its commitment to a second referendum, which enraged Leave voters in 'Red Wall' seats without engaging Remain voters in suburban marginals. Labour's Remainers — many of them Corbynsceptic centrists — have countered that without the second referendum commitment, Labour's collapse would have been more dire still.

WHERE ARE WE NOW?

Labour's decisive election defeat, along with the election of Keir Starmer mean that the primary political question before the party leadership has changed from "Leave or Remain?" to "We've left — what next?" The party still encompasses a broad spectrum of opinion from liberal Europhiles to radical left Eurosceptics, but building a policy with broad appeal may prove easier now the binary existential question of Brexit has been replaced with a menu of post-Brexit policy options.

Yet as Labour ponders these policy options, the electoral dilemmas which have plagued it in the recent past will continue, reflecting the emergence of identity politics [divides](#) which predate Brexit but were deepened by the polarising EU debate. Graduates and ethnic minority voters — who tend to be pro-EU and hold liberal, cosmopolitan stances on other identity issues such as immigration — are now the largest part of Labour's electoral coalition. However, these groups are too small overall, and too concentrated in big cities, for Labour to win Commons majorities based on their support alone. Labour therefore also needs a critical mass of support from voters who are more socially conservative, nationalist, and Eurosceptic if it is to have any hope of forming the next Government.

WHERE ARE WE HEADING?

Labour's policy towards the EU therefore needs to thread the needle of appealing to the more Eurosceptic and nationalist voters it needs to win back without antagonising the more cosmopolitan Europhile supporters who form the backbone of its current electorate and activist base.

The party has actually faced this dilemma before, over immigration policy during Ed Miliband's leadership. The precedent is not encouraging: tentative promises of more controls on immigration triggered outrage from the party's pro-migration activist base, which undermined the credibility of such pledges with the social conservative voters they were aimed at.

Compromise on identity issues, in other words, is complicated. Strongly liberal voters believe the concerns being addressed are not legitimate and should therefore not be listened to — a sentiment which risks reinforcing distrust among more socially conservative voters, who often feel the contemporary Labour party either dismisses their concerns or else patronises them.

Yet Starmer has two critical advantages over Miliband. Firstly, the politics of the most polarising issue facing Miliband — immigration — is fundamentally different today. Free movement within the EU has gone, and the principles of the skills-based, selective migration policy which has replaced it enjoy broad public support. The British electorate has also, for the first time in polling history, gone from being broadly sceptical about migration to broadly favourable. There were few votes to be won in defending an open migration status quo in 2010-15. There may be more votes in arguing for liberalisation within the current post-Brexit framework.

Secondly, the arrival of a post-Brexit Britain means the arrival of a very different debate about British relations with Europe. With EU relations no longer the dominant issue on the agenda, for the first time in five years it may be possible to shift the policy discussion away from the most divisive identity terrain — Remain against Leave; Britain against Brussels — into the more fertile territory of economics and international trade. Labour can accept the principle of Brexit, while at the same time criticising the Brexit we have, and pledging to build a better deal with Europe in future. This might even win a receptive audience from some Leave voters, particularly if Brexit doesn't seem to be delivering quite what they hoped. Leavers dismissed arguments about economic disruption as a stalking horse for Remainers while Brexit was still being negotiated. They may think again once Brexit is settled fact.

A window of opportunity may open again for Labour on Brexit after 2020. A fair hearing for a new deal with Europe across the identity politics divide may be easier than it was hitherto. Deciding what to put in such a deal will be harder. Big steps to integration such as joining the European Economic Area or the Customs Union would reopen arguments over sovereignty and control of borders, shattering any fragile post-Brexit truce between Leave and Remain partisans. But achieving close relations while staying free of the single market looks awfully like the kind of 'cherry picking' the EU has always resisted before. Perhaps the issue can be ducked. After all, election pledges on the EU which are heavy on optimistic slogans but light on detail have worked before. Boris Johnson has stolen many of Labour's best applause lines since become Prime Minister. Perhaps Keir Starmer could return the favour on Brexit.

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 ELECTIONS IN 2021

Colin Rallings & Michael Thrasher

WHERE HAVE WE COME FROM?

It is important to judge each party's vote share, its council control and net gain or loss of seats according to the baseline numbers. But in May 2021 there are two baselines: 2016 where the elections have been postponed from 2020; 2017 for the elections that were always due to take place this year.

The local elections of 2016 marked Jeremy Corbyn's first significant test since becoming Labour leader the previous September. For David Cameron it was the first time in 20 years that a Conservative Prime Minister had contested widespread local elections while heading a majority government. Both major parties registered a small decline in seats and councils controlled, with the Liberal Democrats the main beneficiaries. It was a rather humdrum election with little indication of the shock that was about to hit the country a few weeks later. Our estimate of the national equivalent vote (NEV) for The Sunday Times put Labour one point ahead of the Conservatives (33%-32%) with the Liberal Democrats beating UKIP into third place (14%-12%) for the first time since 2012.

The local elections of 2017 were dominated by the shire counties (or their unitary successors) where the Conservatives won almost half the vote and more than two thirds of the seats. They took control of all but three of 27 county councils. We estimated a NEV of 39% for the Conservatives, their best showing on this measure in government since 1992. Labour trailed by 11 points with the Liberal Democrats on 18% and UKIP barely registering any support. Hardly surprising, then, that May's fateful decision, already announced, to call a General Election looked like a wise one.

WHERE ARE WE NOW?

The various elections scheduled for 6 May 2021 will allow virtually every voter in Great Britain to give their first formal verdicts on the Conservative's handling of both Brexit and Covid-19, as well as the way in which elected mayors engaged with central Government and how local authorities administered services during the pandemic.

Across England, attention will focus on the almost 5,000 councillors to be chosen across 149 local authorities, a number swollen by the postponement of the 2020 elections. Adding to the complexity are contests for the Mayor and Assembly in Greater London, 12 other directly elected regional or 'city' mayors, and 36 Police and Crime Commissioners (PCCs).

Some voters, then, will be faced with three or even four ballot papers, and numerous electoral systems will be in play simultaneously. Things are going to get complicated — and not just for voters themselves but for those tasked with interpreting the results.

WHERE ARE WE HEADING?

The contests originally due in May 2020 will see Labour defend almost half the seats across a swathe of mainly urban England. Most of the seats falling vacant were last fought weeks before the EU referendum in June 2016.

Most interest this coming May lies in whether Conservative breeches of Labour's 'Red Wall' at the last general election can be sustained — not in the big cities of course (it's been a long time since either Liverpool or Manchester, or Cambridge or Oxford come to that, have elected more than a single Conservative councillor), but in Brexit-supporting areas outside the main conurbations.

Labour control in Bury is vulnerable to a seven per cent adverse swing since 2016. In Dudley, whose two constituencies the Conservatives won decisively last year, they need just two gains for a majority. However, there — and in other places like Burnley and Lincoln which once seemed ripe for the taking — the picture is perhaps now less rosy, particularly given there were so few votes being cast for UKIP candidates last time.

Against the background of their success in 2017, the Conservatives are probably braced for losses. Counties such as Cambridgeshire, East Sussex, Hampshire and Hertfordshire will be good proving grounds for any sign of a Liberal Democrat revival. The party remained in second place to the Conservatives in all of them even during the dark days of coalition.

The challenge is just as great for Keir Starmer's Labour whose best chances of making an impression in the English shires lie further north in Derbyshire, Nottinghamshire and Lancashire. Most of the mayoral contests look safe for Labour, but both Tees Valley and the West Midlands were surprise Conservative successes in 2017. The Tees Valley result should have been an early danger signal for Labour in its former northern heartlands and indeed the Conservatives now hold four of the seven constituencies in the area.

With this year's local elections being assessed against two benchmarks, the calculation of the national equivalent vote takes on great importance. Who wins largest share of the vote; what are the margins between the parties; and how do the figures compare with previous years? Given the complexity, even a defeated party will probably find some success stories.

Of wider interest will be the degree to which votes are cast for other than the major parties. Several councils have recently experienced upheaval following internal party disputes. In Plymouth eight members of the Conservative opposition resigned the whip in October citing dissatisfaction with a new leadership team. In Basingstoke and Deane nine of the 21 sitting Labour councillors jumped ship in the aftermath of the general election to become Independents claiming that, 'a lot of people in the borough have become disillusioned with party politics'. If these sentiments apply elsewhere, it could be a bumper year for Independents and localised parties.

Driving this surge might be a further increase in 'split-ticket' voting — choosing different parties with different ballots. When local and parliamentary elections have coincided, our estimate shows one in five voters fall into this category. An electorate without strong ties to established parties is an unpredictable one. Throw in the chance to cast a judgement on both the handling of the pandemic and of Brexit, which by then will be a reality rather than a prospect, and don't be surprised if no clear winner emerges.

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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