HOUSE OF COMMONS

MINUTES OF EVIDENCE

TAKEN BEFORE

JUSTICE COMMITTEE

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# DEVOLUTION: A DECADE ON

Tuesday 19 February 2008

RT HON KENNETH CLARKE MP, LORD TYLER CBE

and PROFESSOR VERNON BOGDANOR

MR MICHAEL KNOWLES and MR PETER FACEY

Evidence heard in Public Questions 114 - 175

3.
Members who receive this for the purpose of correcting questions addressed by them to witnesses are asked to send corrections to the Committee Assistant.

4.
Prospective witnesses may receive this in preparation for any written or oral evidence they may in due course give to the Committee.

Oral Evidence

Taken before the Justice Committee

on Tuesday 19 February 2008

Members present

Mr Alan Beith, in the Chair

David Howarth

Daniel Kawcynski

Alun Michael

Julie Morgan

Mr Virendra Sharma

Mr Andrew Turner

Dr Alan Whitehead

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Witnesses: Rt Hon Kenneth Clarke MP, Lord Tyler CBE, a Member of the House of Lords, and Professor Vernon Bogdanor, gave evidence.

Q114 Chairman: Lord Tyler, Mr Clarke, Professor Bogdanor, my apologies for the delay. We are never entirely sure when these things happen, but I do not think we are going to be interrupted again. Let us start off by asking you, in a couple of sentences, how you would define the English Question. Let us start with Professor Bogdanor.

Professor Bogdanor: I believe there are two questions. The first is the constitutional question of the imbalance that is resulting from devolution, but I think, secondly, there is a political question, which is the more important question, a sense perhaps of alienation on the part of many people in England that they feel the Government does not take as much notice of them as perhaps it does of the Scots and the Welsh.

Q115 Chairman: Do others agree that that is the nature of the question, the balance of the issues?

Lord Tyler: I would just add that there is within the English Question a number of English questions; there is even the Cornish question - that feeling of alienation is stronger the further you go away from London - and while it would appear that a solution has been arrived at for Scotland, Wales and Northern Ireland, I think there are many other parts of what is traditionally referred to as England where that is identified as well.

Mr Clarke: I think there is an English Question, as defined by Professor Bogdanor, and it is just confined to the problems that have arisen from devolution. In answer to the question of devolution, I think there are doubts about the legitimacy when legislation is passed by the votes of people whose constituents are not affected by it in their nation where there is now devolved power, and I think it is giving rise to a certain amount of English irritation which could sometimes get rather stronger. I do not share that; I think it is rather irritating. I personally find English anti-Scottish feeling or Scottish anti-English feeling childlike and perfectly all right as long as it is confined to the football stadium or the rugby match or something of that kind. Although it is not widespread, I actually think over the last ten years there has been a distinct growth in the number of people who are irritated by the relationship between Scotland and England and I would like to nip that in the bud by some sensible constitutional minor change, in my opinion, to finish the business of devolution.

Q116 Alun Michael: In The Observer on 4 November Professor Bogdanor said, "... 528 of the 645 MPs in the Commons represent English constituencies. On any issue that unites them, English votes will predominate. The English have no need to beat the drum or blow the bugle. If they do, they will strain the devolution settlement, which rests fundamentally, as the Union has always done, on a sense of restraint by the dominant nation in the UK." Could I first ask Professor Bogdanor, following those comments, do you think that the English Question is still a legitimate one, and what are the potential risks in attempting to address what you defined in your introduction of the English Question?

Professor Bogdanor: The constitutional aspect of the English Question cannot be resolved unless and until England or regions of England want legislative devolution, and that is obviously a long way away; there is no sign of that at the moment. I believe that the political aspects of the English Question can and should be answered - that is the sense of alienation felt by many people in England that the Government does not take enough notice of them - but I would like to repeat what I said, and what you kindly quoted, that England is the dominant nation in the United Kingdom and the price that has to be paid for keeping the union, which I think is very important for all of us, is a sense of English self-restraint; and that itself is nothing new; it has probably always been there since the union with Scotland in 1707, because England has always been the dominant nation and the union has only been threatened when England is seen to take advantage of that. For example, in the Poll Tax legislation in the late 1980s it seemed that Scottish opinion on the whole was thoroughly against it, but the English perhaps did not take sufficient notice of that, so I think that has always been the case, and English self-restraint is the key to maintaining the United Kingdom.

Q117 Chairman: Lord Tyler, Mr Clarke?

Mr Clarke: Firstly, just to correct a factual error, it was not the English inflicting the Poll Tax on Scotland. Let me make it clear, the Poll Tax was an unmitigated disaster from the moment it was first mooted to the moment it eventually collapsed - I am in no doubt about that - but actually it was just a political misjudgment. It was our Scottish colleagues who wanted to rush the Poll Tax into Scotland because they were terrified of the consequences of a forthcoming rating revaluation which they would have to see through if they did not have this marvellous new tax, and the idea the English used it as an experiment was a very skilful argument later used by Scottish Labour and Scottish Nationalists to beat us over the head for putting in the ridiculous tax in the first place. So I do not think the English have ever consciously exploited Scotland. I do not agree with Vernon, with respect. I think there is a parliamentary problem which needs to be parliamentarily addressed before what becomes a niggle gets worse, and I think devolution has changed things. These historical analogies about Northern Ireland always having to put up with legislation that Northern Irish MPs did not always want, and so on - nobody can usually force things on them - has all changed since you have had, in my opinion, with hindsight, quite correctly and quite successfully, the idea that the key matters are now devolved to Scottish decision in a Scottish Parliament and probably will be in Wales. That is the way we are going as well. The same thing applies there. It does give rise to parliamentary problems. Everybody in this Committee is as familiar as I am with foundation hospitals. It is not such a great problem. I voted with the Government on foundation hospitals. It was Liberals and a Labour revolt that meant that there was not an English majority on it. The key one was student fees, which Vernon's argument says the English should tolerate. The fact was the majority of English MPs voted against English students paying tuition fees. Scottish MPs provided the majority which brought the fees in. In Scotland, those Scottish MPs had no vote; it was the votes of Scotsmen and women in the Scottish Parliament that decided that Scottish students should not pay university fees. The English have kind of put up with that, but when you explain it to an Englishman or when you meet an Englishman who knows that history, it causes considerable annoyance, not least to students alongside each other in the same university, one paying fees because he is English, the other not paying fees because he is Scottish. That should be a warning. That is the West Lothian question in its starkest form. If you had a Parliament where this was unusual again, it was all to do with party developments and things, if you had a Parliament where that started happening over and over again, I think you would be damaging the union and you would be taking a risk. To rely on English tolerance would not be good enough. I think some politicians would exploit it: a science of mounting English anger that things were being done when the English MPs would not have voted or were in the majority against it and all these people who have got devolved government in their own territories were being wielding to produce a majority.

Lord Tyler: I do not think the restraint has been one way. I think it has been a two-way process. Basically, I agree with Professor Bogdanor's analysis here, but I think if you look at it over a longer period, Scots and Welsh have had to be restrained in the way in which they have had to put up with the way in which England has tended to dominate so much political discussion, and I think the new anomaly since devolution is simply an attempt to address previous equally dramatic anomalies in the past.

Q118 Alun Michael: Perhaps as a Welshman I ought to welcome the idea of anybody describing Scots and Welsh as restrained.

Mr Clarke: Can I just come back on board? Devolution, it seems to me, was the end result of mounting Scottish and Welsh resentment against governments, probably particularly the Thatcher Government, which they did not like anyway, but a government which a majority of their MPs were in opposition to was increasingly imposing on Scotland things they disliked, and eventually that led to an irresistible demand for devolved government in lots of key domestic policy areas. Because the

English are 85% of the population of the United Kingdom, it may take them very much longer to start getting into the kind of mood that made it wise to move to devolution in England, but what is the point of going down that road?

Q119 Alun Michael: Could I ask one other question. We are parliamentarians and, therefore, the interest in parliamentary process and legislation is obviously very much of interest to us, but for many people there is devolution in England in the sense of the Government of London, so should not the English Question be the England outside London question?

Lord Tyler: I certainly agree with that. I think there is continuing resentment in areas furthest away from London within England where it is thought everybody else now seems to have a measure of devolution; even if it is not legislative devolution, administrative devolution. For example, in relation to the two big issues that we are told the public are concerned with - the Health Service and crime - in both cases the only accountability would seem to be through a secretary of state in London. I used to be a member of a police authority as a local authority member. Today members of police authorities are all appointed by the Home Secretary. Similarly, if you have a complaint about the Health Service in your region of England, you have to go to the Secretary of State, effectively, to get somebody who can take a major decision. So I think there is a resentment outwith London that London-based London thinking, the bubble around Westminster, seems to be where all the major decisions are taken where only accountability can lie, particularly in relation to these two key public services. I think that is a very general issue, and there I do agree with Kenneth Clarke. I think there is resentment that perhaps Scottish and Welsh citizens have greater accessibility to people who take decisions.

Q120 Chairman: London can actually make its own decisions about crime and about the congestion charge - not about the Health Service, but it has its own democratic process.

Lord Tyler: Chairman, that is precisely my point. That reinforces the resentment outwith London that London, where all this power lies anyway, seems also to have that extra dimension.

Mr Clarke: It has no powers over the Health Service. I come from the East Midlands, my constituency was in the East Midlands, and actually that is where I come from as well. That probably affects my view. There is no part of the United Kingdom where regional consciousness is weaker than in the East Midlands. The inhabitants of Corby do not associate their interests with those of the inhabitants of Skegness and it is completely debauched, it is what is left over when you have defined other regions, so I think I probably come from the part of the country where there is least demand for regional government and where the abolition of the regional assemblies is---. If people ever noticed the existence of the Assembly, they are now welcoming its dismissal. If you wished to go to more devolved power locally, which I would like to actually, you have got to go to the smallest possible local unit that is practical and efficient and will be in contact with the residents. Their county is pretty big, but the idea that some regional body that does for Northamptonshire and Lincolnshire as well is just ridiculous to my constituents and they are not interested in it. The Government knew that and so they, therefore, went to the North East, where I would have thought that regional feeling was as strong as in Lord Tyler's South West. In fact the people in the North East preferred a more local system of local government and feared the bureaucracy of regional government and I think regional government is pretty dead in England now, it being a very reckless government of any complexion that tries to revive it, whereas more devolved local power is called for. The snag is, as someone who has done some of the jobs you have touched on, the fact is that people are all in favour in principle of devolved responsibility but, as Alun knows, they go straight to the Secretary of State, or the First Minister, or whatever, the

moment the local variation that has been decided on in their opinion is out of line with their own preferences.

Q121 Chairman: We are going to come back to some aspects of this in a moment, but I want to ask you, since you make the point, do you now feel that the creation of a regional tier of administration so that certain policies are dealt with on a regional basis, which happened, of course, under the Government of which you were a member, was unnecessary or mistaken?

Mr Clarke: We had some regional officers, and I used to agitate for a regional office for the Government, and Michael Heseltine did, but it was in the very narrow context of urban regeneration, inner city policy, all that kind of thing, which, you remember, was in its embryonic and controversial days in the late 1980s and whilst we were in office in the early 1990s as well, but that is because we found there were little local officers of departments who tended to compete with each other even more ferociously than the headquarters of different departments competed with each other. Michael Heseltine and I, I think you would agree, had a somewhat naive view that we should just have one office to help co-ordinate policy and look rather more - an awful phrase I never use - holistically, as it were, at the relationship between the government and the region. In fact, the present government, when it was in its phase of driving towards regional government, made these regional offices of government far too powerful and you found there were officials regarding themselves in an executive role in delivering lots of government policies in their region, which is why I would give more power to the local authorities we have got and argue about what tier it should be rather than go for any more regional government.

Lord Tyler: Chairman, I do not think we should let Kenneth Clarke get away with just simple naivety.

Q122 Chairman: He is not as naive as he looks!

Lord Tyler: No. I never thought of him as being naive, but, clearly, there is a distinct difference between the way in which Britain has developed regional administration, governance, without any real accountability over the last 40 years - it goes back at least as long as that - at the very same time where comparable countries in other parts of the world, notably in Europe, have moved away from that degree of centralisation and colonisation, sending colonial government out to the different parts of the United Kingdom; and all the great command of colonies of Europe have decentralised very effectively with local accountability, some of them, of course, under the influence of British constitutional lawyers, while we have not taken our own medicine. I think that the trend of recent years, of which, of course, devolution to Scotland and Wales where there is significant divergence, has not been applied in the rest of the United Kingdom.

Professor Bogdanor: Can I get back to the point about London, Chairman, because I think it is very important. The new arrangements in London have meant that people now identify more with London than they do with England. There is a poll from 2004 which shows that 65% identified with the Mayor and 57% with England, and I take that to mean that the sense of not being noticed, the sense of alienation, has lessened when you have a powerful figure to speak up for you in London. Therefore, I believe that one practical answer to the English Question is to establish directly elected mayors in other conurbations in England so that there is someone who speaks, not just for London, but for Manchester, Leicester, Nottingham and all the other major cities of the country. I think this lies at the root of the English problem. It is not a constitutional worry - that is a matter that concerns only academics like me - it is a political one.

Chairman: Mr Kawczynski, do you want to ask at this point about the select committee?

Q123 Daniel Kawcyznski: Actually it was a supplementary. Mr Clarke, you mention the East Midlands. Could I tell you that in the West Midlands, if you represent a seat like mine, Shrewsbury, which is right on the border with Wales, this issue of the difference between Wales and England is magnified to a huge degree. I have to tell you that I am constantly fighting for my constituents to get the same type of treatment at my local hospital that people get from coming across the border from Wales, and also you can get certain operations coming from Wales which my constituents cannot get. Also, the hospital loses nearly three million pounds a year because of the different rates that the Welsh authorities pay to the English authorities. How would you deal with the border areas such as mine, which really are facing significant financial difficulties as a result of devolution?

Mr Clarke: I think the biggest hostility to the idea of new devolution tended to come from the border areas. Devolution has been debated almost forever in this House before it finally happened, and in my experience, certainly so far as the Labour Party was concerned because they had more people up there, they had more trouble with the North East and northern Members of Parliament than they had with anybody else in trying to make progress with devolution, and the same is true of Wales, and you are bound have border problems. It is a magnified version of what I say is the difficulty. Even on lesser matters, you give more discretion to the local government, which everybody says in principle they are in favour of. The moment you give it, people talk about the postcode lotteries and start arguing about deviations which they see taking place across the border next-door and they go rushing off to the Secretary of State, or, if they cannot get it indirectly, Member of Parliament to insist to the Secretary of State that uniformity should be imposed. I am afraid I am now totally reconciled to Welsh devolution, I do not think it would be totally remotely sensible to try to reverse it, and I think these border strains are bound to continue, and so I sound a bit like Professor Bogdanor saying that some of this is just the inevitability. If one should have a slightly different system on two sides of a border, you are going to find that on one side of the border, and it may not always be the same side, people are going to get irked by comparisons that they make with what is happening on the other. I do not think your constituents will be cheered up by saying that the solution is to make you much more under the control of a regional governed based in Birmingham. I suspect they would prefer London, by and large, to being under the governance of Birmingham.

Q124 Daniel Kawcyznski: I think you are right here.

Mr Clarke: In my case it would be Nottingham where the headquarters would be, but I do not think the inhabitants of Derby, Leicester and Northampton or rural Lincolnshire would be remotely happy with having to put up with a regional government in Nottingham.

Chairman: Do you want an opportunity to deal with the committee point, Michael?

Alun Michael: Yes. Can I mention for the interests of the Committee, the Welsh Affairs Select Committee, on which two of us sit, is looking at cross-border issues at the moment and there might be some interesting resonance between the work of that select committee and this one.

Q125 Daniel Kawcyznski: Thank you. I just wanted to follow up with a question on the select committees. Mr Clarke mentioned the West Midlands Select Committee. We would not necessarily like to be run from Birmingham, he is absolutely correct in that, but could I just say that nothing has happened over the last six months. The Government said that we would have regional select committees. Nothing has happened. They have not been created. The regional minister for our area from Hodge Hill, Liam Byrne, has never been to Shropshire, and it took a debate I had to have in Parliament to get him to agree to come down. He is very focused, in my estimation, on

Birmingham, which is the area he represents, and rural counties such as mine feel very neglected if we have this regionalisation. My question is really, if the Government says it is going to have regional select committees, surely the regional ministers, which in our case is Liam Byrne, should be given proper offices to run this job properly and be accountable to all the areas rather than just having it in theory and then not having anything done?

Mr Clarke: I regard it as a gimmick and public relations to have a minister for each of the regions. It was the time of "the big tent", the new attorney, the father of the nation and the acknowledgement that people need to feel government are more in touch with them. We have had two regional ministers so far. I have only just discovered what the name was of the first one and I cannot remember the name of the one we have got now, but the previous minister did no harm and, as far as I am aware, she has moved on to a different department and has a sensible job. The last thing I would do is start giving them money and officials and an office to do their regional bit. That is probably because I have problems with regional government, and I feel sorry for these parliamentary secretaries. We did get ministers attached to cities when we were in, but they were attached to the taskforces in inner city areas, and I used to bully my colleagues who had drawn the short straw and had volunteered to do this to go in once every six months. There were some very good and marvellous projects but it was a particularly little aspect of policy we asked them to devote their time to in addition to their ministerial roles. The regional ministers that we have got now all have what should be full-time jobs in departments which they combine with their constituencies and they have got executive tasks to carry out, they have got legislation to take through this House, they have real jobs, and I think regional ministers were invented jobs with no facilities, no clear idea of what they were meant to do. I think what they are supposed to do is get their name in the local newspaper, particularly near the more marginal seats from time to time, but I would like to see it all gently fade away as an experiment.

Q126 Chairman: Could I ask Lord Tyler if he thinks the select committees have any importance or are, indeed, manageable within the parliamentary system?

Lord Tyler: As an ex MP rather than a present one, I am rather hesitant to talk about the way in which your House deals with these matters, but the fact is that it has not been possible to set these up for six months because it has been so difficult to find members to serve on them who are not going to be, frankly, government members in many cases way beyond the natural representative proportions of that particular region. For example, in the South West it would be very difficult to have another backbench Labour member sufficient to man that committee. This is one of the reasons why I think this has not happened. I think the major point is, surely, from the point of view of the House of Commons and devolution more generally, this is no substitute for holding to account the government office for that region and the development agency for that region. Having a minister or a select committee occasionally looking over the books, as it were, is not a sufficient degree of accountability and, therefore, I do not necessarily subscribe to the gimmick description, but it certainly has proved to be an inadequate answer to a very real question of real devolution, real decentralisation within England.

Q127 Julie Morgan: I wanted to ask you what you thought of the idea of an English Parliament and what would be the strengths and weaknesses? This is to all of you really.

Professor Bogdanor: I think an English Parliament would be an absurd solution, and I do not think it would affect people's sense of alienation. I think if an English Parliament were to be sitting in Luton or Bradford, I do not think it would make people feel that they were better represented. There is no federation in the world, to my knowledge, where one of the units contains 85% of the population. Many years ago the Royal Commission on the Constitution, which reported in 1973,

looked at this question and said it was simply not a practicable proposition, and I think nothing has changed since that time to alter that verdict.

Mr Clarke: I am against an English Parliament. I think it would rapidly demand for an English Executive on devolved matters, which is what the Scots have got and the Welsh have got. I actually think it would be a threat to the union steadily, because it would start getting 85% of the population now with their distinctive, separate institutions. I think there is no English demand for a separate Parliament at all. In fact, there is a little group that would like one, but the average Englishman thinks that they have got a Parliament, which is the Westminster Parliament, and I think resentment could certainly well be sorted out so long as you could tackle what I regard as this niggle that sometimes English matters are settled against the majority votes of the English MPs. An English Parliament, I think, would be quite a dangerous remnant of that because it would just take a little step further this sense of separate identity. I have to say, the Nationalist MPs in the other parts of the United Kingdom, particularly in Scotland, to whom I defer in their political skill, I think our own colleague Alex Salmond is an extremely skilful politician, but I think he and his colleagues lose no opportunity to accentuate on both sides of the border any sense of separate identity between the Scots and the English, any twinge of resentment that the English feel against the Scots, just as much as any twinge of resentment that the Scots feel against the English, and an English Parliament within a separate English executive would be going down a path which I suspect the Scottish Nationalists would approve of much more than me.

Lord Tyler: I agree with both my colleagues here. I think we must recognise that the English Parliament would automatically need a separate English administration and a separate English Executive. I do not think there is any public demand for that, and the complexity that would be caused by interrelationship not just with the United Kingdom Parliament but with the United Kingdom Government would be so wasteful in terms of resources and energy that I think it would very soon be decided that we should dispose of it again, and of course it would be absurd. I do not think that there is a public demand for that. There is, however, as I have already suggested, a very considerable concern in various areas of England that they are not well served by the present levels of responsibility within our hierarchy of governance. I support, and I think many people do, the general principle of subsidiarity that decisions should be taken as close as possible to the people they are going to affect, and having a separate English Parliament in London or on Runnymede Island, or wherever, is not going to answer that question.

Q128 Julie Morgan: Could I ask Kenneth Clarke if you agree with Sir Malcolm Rifkind's proposals for "English votes for English laws"?

Mr Clarke: No, I do not, but our taskforce has not quite finished its report yet.

Q129 Julie Morgan: Are you considering that in your taskforce?

Mr Clarke: Malcolm and I, as you may gather from my opening statement, are broadly agreed that the question should be asked and should be answered. I do not agree with the remedy that one should stop asking the West Lothian question, which has been said by various people, and Malcolm has come up with one answer. I do not think our taskforce would come up with exactly the same, but in principle we are heading in the same direction. When Malcolm recently made the news with this I was familiar with that, he had put it forward on several occasions - it is one way of tackling it - and, as all my taskforce is doing is giving advice to David Cameron and the Shadow Cabinet - I am not spokesman for the Conservative Party, it is for David Cameron and the Shadow Cabinet to decide what the policy is - well, they have got Malcolm's proposal before them as well, so they can compare it themselves.

Q130 Julie Morgan: Do you think that the next Conservative manifesto will address the English Question?

Mr Clarke: I do not know. I would not want any responsibility for the next Conservative manifesto, but my guess, however, is, yes, it will. As a Conservative Member of Parliament, I would be very surprised if we put a manifesto forward at the next election which did not address the West Lothian question, and just to make it clear what our position was on devolution, which, I trust, on balance, is to accept devolution - there is no question of reversing devolution - with hindsight, we made a mistake in being so reluctant so long in allowing devolution to take place.

Lord Tyler: I think the Rifkind proposal is absolutely absurd. It would be a constitutional minefield. Just to take a couple of examples, suppose legislation is going to be sent to a Grand Committee, an English Grand Committee, but it is then discovered, as a result of some amendments during that process, whether it is in committee or at some other stage, that there are elements which affect Scotland and Wales, what do you then suddenly do? Do you take it out of that committee and create a new committee? What do you do when it comes to the Lords? Nobody seems to have addressed this question. I understand there is reference in the note which I understand members of your Committee, Chairman, have seen. Are we to have a unicameral system for England, or bicameral? If it is to be bicameral, do Scottish peers get excluded from all the debates on that issue? What happens if there are amendments in the Lords which seem to impinge on Wales? Quite a lot of English law impinges on Wales in a way that it does not on Scotland. Away you go. What if there is some reference to transport which does not really seem to fall within the purview of that committee as far as London is concerned, because London has specific transport? It is a minefield and, in particular, it seems to me it would draw the Speaker into some invidious decision-making which would be completely outwith the present role of the Speaker. It would make him intensely political, particularly, of course, as it might well be the case that English members of Parliament had a majority for one party which was different to the majority for the United Kingdom party as a whole. Given that there is already, of course, a curious anomaly in the first past the post system that one party gets more votes than another in England and yet gets less seats in the House of Commons, the opportunities for real political conflict and gridlock will be greatly increased by the Rifkind proposals, and I am amazed that any such experienced parliamentarian should put it forward.

Professor Bogdanor: I believe Lord Tyler has understated the difficulties. I think it would be actually profoundly dangerous to the future of the United Kingdom, because if you had a government with a majority in the United Kingdom but another party with a majority in England, the government with the majority in the United Kingdom could not say it had a policy on health or education because that would depend on what the English MPs thought. Sir Malcolm Rifkind tries to get round that by saying the Grand Committee will just consider the committee stage of bills, but that would mean on almost every occasion on a matter of education or health in this situation that when a bill was reported out the majority of Parliament would disagree with it and so you would get gridlock - the sort of thing you have had in America since 2006 with a Democratic Congress and a Republican President - it would bring the Government to a halt. I think it is significant that the main party that is championing English votes for English laws is the SNP, because it wants to separate Scotland and England, and, I must say, I profoundly hope that the Conservatives, who are a unionist party, do not go down that road. There is one further point to make, which Lord Tyler hinted at, that this problem arises primarily from a political imbalance in Scotland. If the Conservatives and Labour Party had roughly equal seats in Scotland, this problem would not arise, and perhaps it is worth thinking back to 1955 when the Conservatives had not only a majority of seats but a majority of the votes in Scotland in that general election, and if we could get back to a more equal situation for the Conservatives, one of a bit more support in Scotland, or, alternatively, as Lord Tyler hinted,

if the electoral system was changed so as to reflect opinion more accurately in Scotland, this problem would not arise. I think it would be wrong to have a complete upheaval of the British constitution to meet that particular political problem. As I said a moment ago, I profoundly hope that the Conservatives, who are a unionist party, do not go down that road.

Mr Clarke: Can I briefly come back, Chairman. I answered the narrow point. I do not agree that the English Grand Committee is the way of going forward. That is what I took to be Malcolm Rifkind's proposal. My two colleagues have actually put it much broader and have denounced answering the West Lothian question in general, giving their objections to it. I do not agree with either of them. I do not believe this argument that it is not possible to identify a comparatively small amount of legislation which is totally English in its consequences and content. In fact, a select committee of this House in 1999 recommended that we should start more clearly in identifying the territorial application of legislation, which it has now done. If you look at, nowadays, the Queen's Speech, it usually identifies which country's legislation it applies to. I have seen bills produced where individual clauses tell you which they identify to. We do not pass legislation where high court proceedings begin with submissions from both sides as to whether this bill actually applies to the jurisdiction of Scotland or the jurisdiction of England and Wales; it is plain and obvious; and you will not get the Speaker into invidious arguments, in my opinion. That is my first point. The second one I have already made, so I will not repeat it greatly. I really do not see the whole thing as a great challenge to the union. In fact the challenge to the union is not yet a challenge but the point of view of unionists, as I am. The irritating thing is the mounting English resentment of this residual opportunity for governments to pass things against the English majority. I think, if we can, we should look at the party politics. I realise there are party sensitivities. I am not a great partisan in my old age, so I try to rise above it, but I understand why the Labour Party is more concerned than we are. At the present time, for the foreseeable future, you are not going to get a Conservative government in the United Kingdom which does not have an overall majority in England. It is impossible. It is conceivable, though it has not happened very often, that you might get a Labour government that does not have an overall majority in England. The chances of getting a Labour government in the UK but a Conservative overall majority in England is actually quite slight in modern politics, but the idea of the chance of a Labour government in the UK but no overall control in England could happen, probably will happen, and so on. There are two things we have to tackle, unless you are just a great partisan that wants to stop the UK Government being able to do anything in England: you have got to stop the deadlock, as described, you got have to stop the English MPs being able to wrest control from UK government altogether, you have got to give the Government the power, the Parliamentary ability to veto the English MPs running wild, but you must give the English MPs to opportunity to stop detailed measures being passed that they do not approve of either. The English Grand Committee is one way of approaching it, but what would happen is the two will negotiate, as they do in America - they are used to that - the executive of one party and congress of another, and it is not deadlock, they negotiate, they compromise: it is called politics. We are used to the tyranny of the majority party here, but compromised politics might be quite good for the English from time to time.

Chairman: I have to remind the Committee and the witnesses that we have other witnesses to come who have different points of view from theirs. We will be questioning this very eloquent group of witnesses in about ten minutes or so.

Q131 David Howarth: Can I come back to this point about the electoral system. It seems to me that the electoral system lies at the heart of the problem, both in terms of the constitutional problem and the likelihood of there arising these differing majorities and in terms of alienation. Let us just take Ken Clarke's example of the student fees first. If the United Kingdom Parliament had been elected on PR, not any PR system, then there would be no fees, the majority would have had its way, and

so, on the whole, these anomalies might arise under a PR system but they would be less likely to arise. On the second part of the question, as defined by Professor Bogdanor, the question of alienation, is not part of the problem that because of first past the post we inevitably elect unpopular government, but the government is unpopular not because of what it does, it is unpopular on day one because only a third of the people voting have voted for them.

Lord Tyler: Very briefly, I think there is a specific English dimension to this, which is, of course, that the first-past-the-post has given majorities to one party in recent years when the votes have gone in different directions, putting it mildly, and so I think there is a situation, and in a sense Ken Clarke has put his finger on it, that some of the frustration - I do not think it is widespread public frustration, but there is a political (small P) frustration that it would seem that the English Members of Parliament are not representative of views in England and, therefore, there is both a mood towards trying to be more decentralist in the way in which I suggested, but there is also a concern that we might end up with a situation where there was a considerable body of policy being developed for England that was extremely unpopular even in sheer party terms. In a sense the reaction to the English Question to those that feel strongly about this, whether it is for the Rifkind proposal or for an English Parliament, is let us have a separate executive because we think that might be more representative than the present UK-wide Executive. It is not about just having a debating chamber, a Grand Committee, because you cannot have a Grand Committee which takes decisions and nobody acts on those decisions; you have got to have some sort of administrative executive arm. It is a frustration about the disconnect between people's opinions in England and what is then served up by governments, and, clearly, whatever system of electoral reform was developed could improve that, but I do not think it is the whole answer because I think also there is the issue about decentralisation which is, I think, equally important.

Professor Bogdanor: Mr Howarth is right to the extent that if you had a proportional system, the West Lothian question would not be as acute as it is, to put it mildly.

Mr Clarke: No party would have an overall majority either. I am against PR. I think it is a very good discipline for the public. They are given two broad coalitions, three probably ---

Q132 Chairman: I do not think we have time to put the arguments for and against PR.

Mr Clarke: --- and they have to choose one or the other.

Q133 Chairman: It was raised as a question because there were specific implications for what we are discussing here.

Mr Clarke: I am not going to give you my view on PR. Belgium and Italy is good enough for me!

Chairman: Even I will resist the temptation to demonstrate the fallacy of that argument by asking Dr Whitehead to move on to another topic.

Q134 Dr Whitehead: In the context of the apparent rejection of some of the proposals - English Parliament, regional assemblies, regional select committees - Professor Jeffery suggested to us the one potential solution to the English Question would be simply to demarcate more closely the difference between England, Scotland and Wales and the rest of the United Kingdom by essentially giving devolved bodies more powers, further fiscal autonomy, and therefore, by default, as it were, the UK Parliament would become more an English Parliament. Is that a suggestion that has any merits, in your view?

Professor Bogdanor: You would have to devolve legislative powers from Parliament, and I do not think even those who favour regional devolution favour the devolution of legislative powers to the North East and North West, and so on.

Q135 Chairman: I do not think that is the basis of the question. I think the basis of the question is that if fiscal autonomy, for example, is given to Scotland, then there is a much clearer differentiation between Scotland and England.

Professor Bogdanor: I am sorry, I misunderstood your question. I completely agree with you, and that is absolutely right. One of the arguments against English votes for English laws is that the grant that Scotland gets is decided at Westminster by decisions based primarily on English programmes; and you are absolutely right that if Scotland had fiscal autonomy, then the arguments against English votes for English laws would be weaker, and I think it would be a better thing for Scotland to have responsibility to raise the money that it has spent. I think it would mean probably better value for money: that you would be more careful about money if you are raising it yourself than you otherwise would. It seems to me sound, canny and good government that a body that spends money ought to be the body that raises it. I apologise for misinterpreting your question.

Mr Clarke: The Scottish Government does have power to raise its own income tax, I think, but, very wisely, has chosen never to exercise it. I personally am not in favour of more fiscal autonomy. You merely have the problem of the council tax writ large, I think, but in a country of this size fiscal autonomy is quite difficult to manage. Of course, I approve of local authorities having their present ability to raise their own revenue by council tax. The moment you go into any form of taxation of that kind you have got to find a base for it, and we always end up with a property tax than a separate base, and then, because of the different income and economic prosperity of different parts of the region, you have to have a national system of compensating grants to make it fair, and that is fatal to the local autonomy. It is true of every part of the United Kingdom that they believe they live in a county which is uniquely discriminated against by the central government grant system, and that feeling destroys all sense of accountability in the local authority. I know of no local authority that has got into trouble over spending, of whatever political complexion, which has ever said, "It is our responsibility." They always say, "It is the fault of central government for not giving us enough grant." Until you solve that problem at present local government level, I would not start wading into a fresh new tax to give autonomy to any regional body.

Lord Tyler: According to the BBC, the Prime Minister said yesterday there is an issue about the financial responsibility of an executive or an administration that has £30 billion to spend but does not have any responsibility for raising that. In any other devolved administration in the world, there is usually financial responsibility that requires not only the spending of money by the administration but also its responsibility to take seriously how it raises money. This, I think, is a very interesting development. It goes a great deal further than anything he has said previously. This is in reportage, so I cannot confirm whether it is exactly what he said, but he is also reported as saying, "Mr Brown also said the review was not a one-way street and some powers could be returned to Westminster." I think that is a novel suggestion which would surprise some people. I agree very much with Professor Jeffery's analysis that some degree, not a fiscal, autonomous, as Ken Clarke says, but some degree of fiscal decentralisation is absolutely critical, because I think we are all aware of how frustrated are members of local authorities throughout the United Kingdom, I think, by feeling that they are simply agents of spending departments rather than that they actually have any room for manoeuvre. I think it answers to some extent, if you like, the Shrewsbury problem. It is not just that the spending on either side of the border is different but in England nobody feels that they have any direct role in deciding the priorities for that spending. I think that is a very important issue.

Q136 Dr Whitehead: I was going to reflect briefly on Ken Clarke's point. We do, as a result, I think, have the most ferociously stringent financial equalisation system of any country in the world or state in the world except for New South Wales, I understand. Would an alternative route, and I wanted to offer Paul Tyler a moment to reflect on his written submission, as indeed you have said in your submission, be to radically decentralise power to English regions, possibly not with ferocious equalisation? What do you mean by radically decentralising power to English regions? Would you see it as a solution to a number of the issues that have been raised this afternoon?

Lord Tyler: I touched on it earlier when I said I thought the accountability of two very important services as far as the public are concerned would be outwith any sort of public accountability. I see no reason why sub-regions rather than necessarily the regions that the Conservative Government set up, some of which are much more easily identified than those rather amorphous and indiscriminate boundaries, should not have responsibility for health, for police services, for planning, for development, and some of those may indeed be relatively small sub-regions. We should look to international examples, and I know Dr Whitehead has looked at them in the past. In Canada, in the United States there are a number of states that have very considerable areas of responsibility which are much smaller in resources and population terms than some of our counties. Again I quote the case of Cornwall, which has a very considerable sense of self-identification and is now to have a unitary authority. There seems to be no reason whatsoever why they should not have more devolved powers and more responsibility in the terms that the Prime Minister is now hinting at for raising a greater percentage of their income.

Professor Bogdanor: I accept that both the health and police services need to be made more accountable, and that is something that needs to be looked at in England. I am not sure I agree that this could be done at regional level, for the sort of reason that Mr Kawczynski gave earlier: that people in Shrewsbury do not feel much sense of identity with those in Birmingham. I think for many people in England the regions are simply ghosts, they do not exist, and, therefore, I think the solution would have to be to strengthen local authorities in the first instance. But, as has also been said, the consequence of that must be some sort postcode lottery, because the greater the degree of decentralisation you have, the more it is the case that people's benefits and burdens will depend on geography and not only on their needs, and that is just a price that has to be paid and people and their elected representatives have to work out whether it is a price they want to pay. Decentralisation is not a costless good.

Chairman: I am afraid I am going to have to rather strict because there is one important question I want to get asked before we end this part of the session at 5.30. I am going to ask Mr Sharma to ask it.

Q137 Mr Sharma: It has been suggested that a lot of the negative feeling associated with the English Question could be addressed by reviewing the Barnett Formula and modernising arrangements for the distribution of public funds in the UK. What are your views on this?

Mr Clarke: Everybody agrees that the Barnett Formula should be reviewed. They have for the last 20 years. Lord Barnett himself very much liked to bury the formula. I am glad to say, and this is a matter for George Osborne as far as my party is concerned, nobody seems to have been able to come up with an acceptable alternative to the Barnett Formula. It will have to be addressed at some stage. At the moment it does play quite a disproportionate role, because it has few friends. Hardly anybody understands it. I think I do. I would have a go if had more time, I have had 18 years messing around with this stuff, and it is used as a source of resentment on both sides of the border. People have the most exaggerated sense of its impact. More and more English people do believe

that their money is being used to pay for things in Scotland that they cannot get in England. I think quite a lot of Scots---

Q138 Chairman: Particularly in my constituency.

Mr Clarke: Particularly on the border, like yours and Mr Kawczynski's. More and more Scots believe this is an unfair English attack upon them and is an English threat to start cutting back on what is spent in Scotland, and so I look forward to the genius who is going to be able to disentangle this and modernise the Barnett Formula. It has been used to fan resentments, but, I agree, this feeling of unfairness about how the money is distributed is there, so I hope that either this government or an incoming one can put that to rest. If we can tackle the political problems I talked about earlier, it might take a bit of the sting out of Barnett, which tends actually to be the biggest single cause, I think, of this resentment.

Q139 Chairman: Professor Bogdanor, are you he? Are you the genius who is going to resolve this problem?

Professor Bogdanor: No, certainly not. I think there is a lot of misunderstanding about it and many people do believe that Scotland has gained extra money as a result of devolution, which of course it has not. It is true that the Barnett Formula has, for reasons which were unpredictable at the time, benefited Scotland, although I think it has also not benefited Wales. I think Wales does rather badly out of it. I think the basic problem of the system, as Kenneth Clarke has implied, is it is very difficult to get an objective standard of need of how much each area needs. It is very difficult to weigh up, for example, rural deprivation against inner city deprivation. I think that is a problem with the distribution of grant to local authorities as well. I think any revision of the Barnett Formula would simply face that problem. There is also a political danger: it might appear as if we were trying to punish the Scots for having chosen devolution by cutting the amount of money they received, which I think would undermine the whole purpose of devolution. I think it is worth stressing that Scotland does not do better as a result of devolution and any social benefits they give people, such as in terms of tuition fees or free residential care for the elderly, have to be paid for somehow within the Scottish budget.

Mr Clarke: I agree with those last two sentences, in case anyone asks.

Q140 Chairman: Lord Tyler?

Lord Tyler: I think Professor Curtis in his evidence to the committee suggested this was not quite such a huge issue in the public mind as it is amongst the chattering classes. I think the Barnett Formula is likely to remain for some time yet because it is a very convenient place on which people hang all their problems of feeling aggrieved. Lord Barnett has quite rightly identified that, whatever else it has done, it has given a focus to people's feeling of grievance, which I suppose has a temporary value anyway, but it does not, of course, relate to need, and I entirely endorse what Professor Bogdanor says, but evaluating the actual requirements of different forms of need, which is attempted, of course, within England, rather ineffectually but it is attempted, is going to have to be extended to Scotland and Wales eventually, though I think it is not going to come very quickly.

Chairman: At that point, to the three witnesses, who could have talked to us for the rest of the evening, much to our enjoyment, thank you.

Witnesses: Michael Knowles, Campaign for an English Parliament, and Peter Facey, Unlock Democracy, gave evidence.

Q141 Chairman: Peter Facey and Michael Knowles, we are very grateful to you for coming. You have heard, of course, the previous witnesses, which helpfully gives you, as it were, a flying start in exploring the arguments. Michael Knowles has a particular point which has not been represented in the evidence from witnesses so far and Peter Facey's evidence may overlap into more with evidence that we have heard already. Just to start off, two distinct aspects to the English Question have been identified: England's place and status within the United Kingdom and whether there needs to be decentralisation within England. Do you agree and which of these is more significant?

Michael Knowles: Both are significant, Chairman, and both are equally the English question. I have never been on one of these things before so I will have to look at my notes. You do not mind?

Q142 Chairman: No, not at all.

Michael Knowles: And the one should not be set against the other. The English Question is most definitely about the role and status of England within the Union. I do not know how many of you MPs understand this. I am saying that, listening to the discussion. England constitutionally and politically does not exist but Scotland and Wales now politically and constitutionally exist, and that is a grievance, which was not mentioned by any of these three establishment speakers. There was no English Question before the 1998 devolution legislation. The legislation brought in the English Question, so, yes, we want England to have the same constitutional and political recognition as Wales and Scotland have. The two Welsh MPs here I am sure are pleased that their country has now got separate political recognition. We want the same. I hope you appreciate that, and that only the English Parliament can do that, just as only the Welsh Assembly has done it for you. At the same time we are democratic in another respect. We want decentralisation within England as well because we have this democratically grotesque situation in England now, that almost every detail of government is here in Westminster. That does not apply to Scotland and that does not apply to Wales, so that therefore is as big an English question as the one I have just mentioned. We want an English Parliament which is physically and directly separate. That is the first bit of decentralisation, the most important one, that we have an English Parliament which is elected separately and exists separately, whether it is in Manchester, Derby, Stoke.

Q143 Chairman: We are going to return to that particular question.

Michael Knowles: But you understand that it is both?

Q144 Chairman: Oh, yes. I want to give Peter Facey an opportunity to comment on this question but do not worry; we will return to the point you were making.

Peter Facey: There is an extra element which has not been mentioned. There are both the national question and the question of decentralisation. There is also a density question, which is about the confusion between Englishness and Britishness. The example I always give is that if you watch the English rugby team play Wales you listen to the Welsh anthem being sung. The anthem on the other side is God Save the Queen.

Michael Knowles: Yes, exactly.

Peter Facey: The peculiarity of singing the UK anthem at fellow citizens in a sporting event for me sums up some of the questions of the English cultural question. It is also when you hear the

questions about being proud to be Welsh and proud to be Scottish. At the moment in the Britishness debate you are not hearing in England the same "proud to be English and proud to be British as well", and so I would say there are three elements and I think they are equally important: the centralisation of power in England, not just within the United Kingdom, the national question itself, but also this soft question, which may not be a question of legislation but for many people in England strikes a chord.

Mr Turner: I will not read the whole thing that Professor Bogdanor said, but he emphasised the role of electoral disparities, as the Union has always done. How would you respond to Professor Bogdanor's statement and what are your views on the potential risks involved in attempting to address the English Question?

Q145 Chairman: You may recall this was a statement he made, and we quoted it at him earlier, in which he said that the English do not need to beat the drum or blow the bugle and if they do they will strain the settlement because they are in such a strong position anyway.

Michael Knowles: But that was a very strange thing, I thought, for the Professor to say. I just thought to myself, "What does he know about the reality of politics in this country?". All the English MPs are not here to represent England and the British Welsh MPs are not here to represent Wales or represent England. You represent political parties. You do not unite across the national boundaries. You divide on political grounds. In England in addition we have never had an English party, different from Scotland and Wales. We have never had it. We do not look at it in that way. English politics are on economic lines. Scottish and Welsh politics are also, of course, but they are also on national lines. Our politics have always been on economic lines and so I just do not think he is in touch with the parliamentary system, besides which, of the so-called English MPs, 40 or 50 of them are not English anyway, so there is a lot of confusion in what he has to say. I just felt, listening to Professor Bogdanor and previously reading some of his stuff, that he is a kind of King Canute. He has not recognised the reality of what has happened since 1998, that the three countries have now been separated because of the legislation, and he is hankering after a past that is not going to return. We have a Union now of three distinct countries. One, England, has got no political existence but the other two have and they have got home rule. That is the English Question. England has no political existence and England has no home rule. The other ones do.

Q146 Chairman: Peter Facey?

Peter Facey: Theoretically, Professor Bogdanor is right, that there are 528 English MPs and they can outvote MPs from other parts of the United Kingdom, including the fourth bit, Northern Ireland, but the reality is that this place splits on party lines, on policy lines. The example which was given in the earlier session was that if at the next election a government is returned with a majority based effectively on MPs from Scotland and Wales and, because of the present political make-up of the United Kingdom, this is going to be the Labour party, in those circumstances it will depend on MPs from Scotland voting through legislation in England. That, I think, is the fundamental difficulty with Professor Bogdanor's position, even though, yes, he is right: there are more English MPs than there are Scottish or Welsh MPs. The problem when it comes down to it is that, if there are more Conservative and Liberal Democrat English MPs than there are Labour MPs but Labour has a majority in Westminster, that is when it becomes a real political issue. On the question of risk, which was the second part of the question, yes, there are risks in dealing with the English Question (or questions) and we should not pretend that there are not, but the bigger risk for me personally is the group which says, "Do not ask the question", because I think we have now got to a point where doing nothing is probably worse than doing something, that if we simply stay where we are and we let circumstances develop and we get into that crisis point it is very difficult then to do something,

so now, when the issue is not as burning, is the time to deal with it. If it becomes a constitutional crisis because you effectively have England being governed by a party which is perceived, by the media at least, or elements of the media, as being not English but foisting policies on from elsewhere, then it becomes very difficult in a core, logical way to deal with the issue, and therefore we need to deal with it now, even though there are risks.

Q147 Mr Turner: Is it necessary for the Members to be separate from Westminster here? Can Members here perform both functions or is it necessary, as I think Michael Knowles suggested, that they should be separate in performing that role?

Peter Facey: I am not in favour of an English Parliament. I think part of the solution has to be a Westminster part of the solution. I happen to think there is also a bigger part which is to do with the decentralisation of power within England, which we may come on to later, but I do not think you can say that there should not be a national element, and how that is done we can discuss but there needs to be a national element, not just another element. If you created an English Parliament separately from that my fear is that you would have decentralisation from 60 million to 50 million and, in the case of the decentralisation I want to see, you would not get to that bit. History has shown that once you are given power you spend time wrestling down more power and you do not tend to give it away, whereas if you look at Scotland, the Scottish Government (as I suppose they now call themselves so I will call them that) have not yet decentralised power to Scottish local government. In fact, you could argue with the questions around the council tax that they are actually taking power away, and therefore, as someone whose agenda is to decentralise power a lot further, for me the worry is that you create an English Parliament and I will spend 20 years trying to get power out of it, so I would rather have that power first before an English Parliament. That is my concern.

Chairman: Michael Knowles I think will have a good opportunity to deploy his argument against that in answering Alun Michael.

Q148 Alun Michael: Indeed, I think this question, in view of that, should be posed to Michael Knowles in the first instance. Given that we have got a London Assembly, given that more people in London identify with London than with England, and, given that considerable powers have been devolved to London, including police and transport, is it not clear that the English Question is a misnomer; it is the England-outside-London question, so why is the idea of an English Parliament the right answer to the question?

Michael Knowles: I sometimes wonder what people in North Wales might say about Cardiff.

Q149 Alun Michael: as a North Walean I can tell you if we can have extended time for me to explain it to you.

Michael Knowles: But, you see, there are a lot of statements you have made which you have not backed up with any particular evidence, for instance, they feel that they are Londoners more than English. You have not produced any statistics on that.

Q150 Chairman: Professor Bogdanor produced some evidence.

Michael Knowles: Facts, facts, facts. This is why, as I see it, there are too many questions and issues in what you ask in a sense, but this is what I want to put to you, that an England which is elected separately and physically separate is so important. Just consider if an English Parliament was in Derby or Stoke or Manchester or Leeds or wherever and you were not just concentrating on

London and the north east of England. If that happened you would witness in this country the biggest and most radical transfer of economic power, cultural power, employment development and media development out of London and the south east into the rest of England. If the British Parliament were just here and the English Parliament was in another part of England the transfer of power, the decentralisation of power, would be radical and would be second to none. That is the point I would like to make to you.

Q151 Alun Michael: Sorry, are you saying that if we had an Assembly for London that would be a Parliament for England without London?

Michael Knowles: No. London is the capital of England at present. London feeds on the rest of England. London does not have devolution by any stretch of the imagination. It has not got legislative powers. It is just another form of local government, just the same way as the Assembly for the north east, which Prescott and Co wanted to impose, had no legislative powers. In fact, Professor Bogdanor made that point: it would be impossible to run any state with nine different legislative assemblies with the powers of the English Parliament. No; let us just get it straight: London has not got devolution; it has got another form of local government. As people have said to me time and time again, when they voted for a London Mayor they thought that was all they were doing, voting for a London Mayor, a new form of local government in London.

Q152 Alun Michael: Can I ask both of you, in the event of the creation of an English Parliament what would you see as the role of the House of Lords?

Peter Facey: The problem is you are putting to me something which I do not advocate. I think having a unitary English Parliament within the bicameral system would be difficult. I would like to come back to your point about London though. The reality is that London is a mess in the sense that the legislation talks about the Government but all the infrastructure of the GLA and the Mayor are regional. It has an electoral system which is unlike any other electoral system in English government. It has councillors, the GLA members, who have five times the constituents of Members of this House. I accept it is a very weak form of regional government. I call London "the region that got away". We had two regional referendums. London voted yes, the north east voted no. The people of London have said that they want a form of city government, and the City is larger than a lot of Member States in the European Union, and it should be given more powers, and one of the things which the Government could do is come back to the governance of London and, in terms of the powers that the Home Secretary has over policing and education, transfer those to the Mayor. It is not about breaking England up but about giving London self-government over the things which concern Londoners. I have lived in London; I now live outside, and the concerns in London are very different from the concerns where I live in Cambridgeshire. It should be given that power and it has already voted for it so why not, in the same way that the Welsh Assembly is now going through a debate about future powers, have the same process in London and then have a referendum in London later to say whether that settlement is acceptable to Londoners? The idea that because London voted yes and the north east voted no London has to stop I do not think is appropriate. In terms of the role of the House of Lords, I think that is a question for those people who advocate an English Parliament, not for somebody like me who thinks that your powers should be decentralised first.

Q153 Chairman: Michael Knowles, what do you think?

Michael Knowles: There is, of course, misrepresentation here. When Peter mentions that there were two votes, one in the north east and one in London, the one in the north east was definitely formally for a regional assembly, but at the time the one in London happened there was no talk of a regional

assembly. It was just for another form of local government, for the Mayor. There was no discussion of it being a region. On the issue of the House of Lords, the House of Lords -----

Peter Facey: Your organisation has campaigned for it.

Q154 Chairman: I would like to hear what Michael Knowles thinks about the House of Lords issue because it is quite important to judging the English Parliament issue.

Michael Knowles: The House of Lords is a very ancient English institution, is it not, and I think what it represents should be retained whether it is an English Parliament or we still have it with the British Parliament. The Scottish and the Welsh do not have it. There has to be a check upon legislation. There has to be that longstop. That principle should exist. It is an English principle; at least, it is not a Scottish one because the new Scottish system of government, which was brought in really through the thinking of the Scottish Constitutional Assembly, does not have it. The second chamber, whichever way we do it, should be retained because you need that longstop.

Q155 Chairman: But it is currently a United Kingdom body. It does not have any power over the legislation in the Scottish Parliament, but on your proposal it would have.

Michael Knowles: No, we have not given any thought, quite frankly, to that. It is no good making it up. We have given no thought whatsoever to the relationship of the House of Lords to the Scottish Parliament. That I thought would be something for the Scots to make up their own minds about. We are concerned about what happens in England, that England is recognised both politically and constitutionally and has the same status within the Union as Scotland and Wales.

Q156 Chairman: Just to get this clear, on matters that concern England alone is your proposal that the House of Lords would retain a role like the role it has now, in which case England would be different from Scotland, or would it confine itself to United Kingdom matters and not deal with any of the English Parliament legislation?

Michael Knowles: It is proceeding along the road in which there might just be a very strong argument for a separate set-up. This committee should give consideration to setting up an English constitutional convention in which these matters should be worked out. They are very complicated. We are just thinking of what should be with an English Parliament and we are saying that with an English Parliament on the English principle, the historic principle, that there should be a second chamber. How that would impact upon Wales and Scotland with the present House of Lords, which is a British institution, I think is beyond our brief but it is not beyond the brief of the British Parliament, so you should give consideration, if anything comes out of this meeting, to setting up an English constitutional convention or a British constitutional convention because you rushed - and when I say "you" there were some members on the other side - that 1998 devolution legislation through, in my opinion. The West Lothian question would never have arisen if you had given it sufficient thought. You never gave any thought to the impact upon England. That is the point I tried to make in my submission to you, which I presume everybody read very carefully. No thought was given to that and so you get Lord Irvine and others, and Lord Falconer saying only two weeks ago in the House of Commons in a Hansard meeting, that the best thing to do with the West Lothian question - he repeated what Lord Irvine said - was just to ignore it and it cannot be ignored. As I said, the resentment is building up. It is there.

Peter Facey: I think if you had an English Parliament the House of Lords or the second chamber would effectively become a UK second chamber. I do not see how you could have the House of Lords functioning as the second chamber for a devolved parliament at the same time as functioning

as the second chamber for the United Kingdom as a whole. If you devolve power I do not think you could have a body in this place having two functions.

Q157 Alun Michael: It is an interesting issue, which is the question of scrutiny, because the House of Lords provides that element of scrutiny in the legislation. I think with the unicameral Assembly of Wales we are now with the legislative powers actually seeing some issues of scrutiny coming to the fore, which the Welsh Affairs Select Committee members are wrestling with, so it is an issue that needs to be addressed.

Peter Facey: It is why in lots of cases which have devolved assemblies they have two chambers, such as in the United States lots of states have two chambers. I think there is a strong argument for having a second chamber elsewhere for scrutiny. I do not think you could use the same chamber for the UK and for England or for Wales or for Scotland or for Northern Ireland.

Q158 Chairman: Or for England alone.

Peter Facey: Or for England alone. If you devolved power to an English Parliament, which is not what we are arguing, you could do it as a bicameral model or you could do it as a single model, but there would be a new bicameral chamber, not the existing one.

Q159 Julie Morgan: Michael Knowles, some critics have argued that the creation of an English Parliament would be the fatal blow to the "United Kingdom". What is your view on that?

Michael Knowles: Who is arguing that, did you say?

Q160 Julie Morgan: I think quite a lot of people.

Michael Knowles: Oh, I am sorry. I thought you said I was arguing that.

Q161 Julie Morgan: No, not you. Others have said it would be a fatal blow. I thought this was something you could be asked for your view on.

Michael Knowles: I think quite the opposite, actually. I think an English Parliament would be the salvation of the Union if you want to stop this resentment which is building up, and there is resentment. I do not know to what extent the ordinary MP speaks for the ordinary person in a conversational way.

Q162 Chairman: We are normal people, you know.

Michael Knowles: You might do. I have met a lot of MPs in my time but what I mean to say is that when you hear the person sitting opposite you on a train coming down here the day before yesterday saying, "The first thing I would do is get rid of that Scottish Prime Minister. Boot him back to Scotland, that Scottish Prime Minister, and boot that Scottish Chancellor of the Exchequer and we will look after our own affairs". That is building up. That is being said because of what is going on with prescription charges and all the rest of it. I think I will read this; it is very short: "It will indeed be the establishment of an English Parliament, its powers constitutionally restricted to domestic English matters, which will reduce even further the possibility of any English dominance within the Union. England will not be able to interfere in the internal affairs of Scotland and Wales. Their internal affairs will be constitutionally reserved solely to the jurisdiction of their own Parliament without fear of interference, not just by the English but by the Union Parliament itself." That outcome will be a very balanced, stable and harmonious union if the people of Wales after all

these centuries know that the people of England cannot interfere in their internal affairs, if the people of Scotland after all these centuries know that the people of England cannot interfere in their internal affairs, and if we know that the people of Scotland, as we have experienced with the West Lothian question, cannot interfere in ours. At the same time we are always in one Union because we are just one little country. We are only a little island and we are joined at the hip, but if we have that recognition of our separate nationality but we are all British, and we know there are restrictions on what each can do, the relationship is exactly the same to each other and to the Union, I think we are looking at a balanced, stable and harmonious Union.

Q163 Julie Morgan: There are not very high profile politicians coming out in support of an English Parliament. Why do you think that is?

Michael Knowles: They are not doing it?

Q164 Julie Morgan: No, not that I know of.

Michael Knowles: In many ways, to be quite frank, as we say within ourselves, you are on a good thing here. It would be like turkeys voting for Christmas. You could get away with a Scottish Parliament for the most part easily because it is only 16% of the population. If you have an English Parliament you are talking about 80% of the population. That would be a most radical change. People do not want more MPs. They do not want more money spent on Members of Parliament. In fact, they would have much less if they could get away with it. What there will have to be is a much reduced British Parliament restricted to reserved matters and no more MPs dealing with English matters than are at present in the House of Commons. That is a very radical change but it has got to come about because if you do not do something like that we, the English, are not going to put up with this for ever, you know. We are not going to put up with the prescription charges when a person in his constituency a yard on the other side of the boundary can have free prescriptions, or if we have a situation where a Scottish student can come to an English university and does not have to pay the fees and an English student goes up to Scotland, to Aberdeen, and has to pay the fees. We are not going to put up with that for much longer and we should not have to put up with it. If you MPs here were to get up in your constituencies and say to your English constituents, "This is the situation we are in", there would be anger. It is just because you are sitting on it and repressing it that they say, as we have heard here, -----

Chairman: I do not think we have seen much repression this afternoon.

Daniel Kawczynski: On this point of politicians, you say you do not want any more politicians. I certainly do not want any more politicians. In fact, over the last three years I have said to my constituents, any group that I have gone to see I have said to them -----

Chairman: Can we have a brief question please?

Q165 Daniel Kawczynski: Would it not be better to have an English Grand Committee here for English MPs to vote on only English matters, because by creating an English Parliament you are setting up another layer of politicians and already your average constituent is dealing with a huge number of different politicians on a daily basis?

Michael Knowles: An English Grand Committee was brilliantly described by all three people you had before. It is chaos, it is silly, you would make a mockery of Parliament, no two ways about it. The only good thing about English votes on English matters and an English Grand Committee is that it is the first recognition that has been arrived at inside this Parliament that this is an English

Question. They are addressing the fact that England is different. It is the first step, you might say, towards recognition of the problem. It is the wrong solution but at least they are addressing the question. On the other one I have just answered, if there is a British Parliament and a Scottish Parliament and a Welsh Parliament they must not have collectively any more MPs than we have at present. That we would have to be very ruthless about because people do not want any more. Look at the situation. The only reason the Scottish Parliament and the Welsh Assembly were set up, if you gave it any thought in 1998, was that the Scottish Members of Parliament have had their responsibilities reduced by about 50-70%. They were transferred to the Members of the Scottish Parliament. If their salaries had been reduced accordingly they would never have got that through Parliament. What did they do? They created another 129 Members of Parliament for Scotland and they kept the Scottish Members on full salary. You would never get away with that in England.

Q166 Chairman: Peter Facey on this point?

Peter Facey: On the question of?

Q167 Chairman: The Grand Committee.

Peter Facey: I think we need to recognise that there would need to be something done at Westminster. On the face of it English votes for English matters is appealing. I think it is very difficult to do in practice. Certainly an English Grand Committee, in the same way there used to be a Welsh Grand Committee and a Scottish Grand Committee, would at least be a first step as a way of recognising England's place in the Union. I have never advocated that the north east or London are the same as Scotland because there is a difference between English regions and the other parts of the United Kingdom in the sense that the north east is not a nation; Wales is a nation, and therefore treating them exactly the same way you get this idea that there is a plot to destroy England. I do not think there is a plot to destroy England. I simply would not be involved in any plot to destroy England and I am proud to call myself an Englishman, but I think having a parliamentary vehicle which deals with English concerns is a sensible way forward. I would hope that most of the powers for the things that we deal with would be decentralised further than that and not sit there because my problem fundamentally is that if you simply replaced the two, having the powers of this place transferred to an English Parliament does not deal with the concerns of your constituents or where I live; it simply replaces them with another centralised body. Even if England became independent and the rest of the Union ended I would still be sitting here calling for decentralisation of power because from the point of view of England where I live I do not want power centralised; I want power driven down.

Q168 David Howarth: I just want to follow up what Michael Knowles said about prescription charges. One of the problems for me in what he is saying is this. How, Michael Knowles, can you be sure that if there were an English Parliament it would have a different policy on prescription charges from the present one? Surely the change of policy on things like prescription charges in Wales came about because a different electoral system in Wales led to a different composition of government, whereas if the English Parliament were to be elected on a first-past-the-post basis, it would be likely to have a different policy on that issue from the one that we have now.

Michael Knowles: I used the issue of prescription charges and tuition fees as an example of the difference, but if we have an English Parliament it is up to the English MPs in that Parliament to make their own decisions. They might decide, given it is 80 million people, that it cannot afford it.

Q169 Chairman: They might decide something else was a higher priority. The difference is endemic in either system, is it not?

Michael Knowles: There might be just different priorities, as you say, but at present the situation is that the evidence is building up the other way. It is cancer drugs and all the rest of it. Everything that is happening now is building up in the opposite direction and England has got no voice. That is the thing - England has got no voice. None of you sits in this Parliament representing England. If we have an English Parliament, like the Scots have a Scottish Parliament, they represent their country. Look at the legislation. The words are, "This Assembly will be the forum for the concerns of the Welsh nation". Nobody objected to that notion. We found that was quite okay for Wales. Why can the English not have, "This Assembly", or "This Parliament", or whatever you want to call it, "will be the forum for discussion of the concerns of the English nation"?

Q170 Dr Whitehead: Peter Facey, in your evidence you suggested that devolution in England should take the role of directly elected regional government but not necessarily on the existing regional boundaries. Do you think that sort of radical devolution, and you have suggested in several of your responses this afternoon that that is the way you are looking at the English Question, would in itself be a solution to the English Question or not?

Peter Facey: It is part of a solution. I think you cannot address the governance of England without dealing with decentralisation. We have to find a way to bring governance closer to people to give people more control over the services they have and a way of dealing with the fact that in the parts of England I have lived in in my lifetime, whether it be Devon, Stoke-on-Trent, London or Cambridge, their concerns are very different. The concerns of Stoke-on-Trent are very different from the concerns in my village in Cambridgeshire. To have a situation where everything runs from a central point, whether that be an English Parliament or a UK Parliament, I think is part of the fundamental problem, and therefore finding a way forward on devolution which fits within the nature of England is essential. I think one of the problems with the route we have gone down for decentralisation is that we have created government regions where even the one I used to live in in the south west has no recognition on the ground. Devon does not necessarily feel in the same region as the northern parts around Bristol. We also get this idea that you have to break England up into large units which can be given the same powers as Scotland and Wales. Kent has 1.3 million people. That is 300,000 people less than Northern Ireland, but Northern Ireland already is regarded as big enough to have those powers. Kent has more people in it than ten US states and those states, the smallest one being Wyoming, have more powers than the Scottish Parliament, so the idea in terms of decentralisation is that we have to somehow create these large units. I am not against it if the people in the north east want to have it on a regional basis but we must find a way forward which is flexible enough to allow those units to be choosing, whether those are government regions, collections of existing local government units or in some cases individual councils at the moment. Where you live, the county of Hampshire, again is a very similar size to Northern Ireland and if you include in it the unitary authorities it is larger than Northern Ireland, so we need to start thinking about some of our counties and local units as the vehicles for devolution and then look at bringing government below that down as well, not simply to have the idea that to do devolution in England we have to always create new units. Where that is appropriate, yes, but we also have to say that where there is demand that can be to existing units.

Q171 Dr Whitehead: Except you might say, of course, that the English county system was designed by the Plantagenets -----

Peter Facey: Or King Alfred or whoever.

Q172 Dr Whitehead: ----- and does not necessarily in itself reflect what people think of this regionalism, for example, in the question of South Hampshire/North Hampshire. The purport of the

question would be that if you had regional devolution in the way that you have described, as you said in your submission, there is nothing that you could see an English Parliament do that could not be done by that sort of radical devolution?

Peter Facey: Yes, unless you are talking about separation of the Union.

Q173 Dr Whitehead: And if you then decided that that devolution would not be based on the existing government regions, and I agree there would be a difference in identity between Lands End and Tewkesbury and Bournemouth and the south west, for example, how would those regions then emerge? Would it be by affirmation? What would happen if you got left out of all the regions? Would you be a bit upset about that?

Peter Facey: What we are toying with the idea of is having an English devolution enabling act, which says, "These are the powers which have already been devolved elsewhere in the United Kingdom", and if powers are then devolved later it could be be added to it, where they could be called down. They could either be asked for by existing local authorities, and if they met certain criteria they could be given to them, subject to a referendum endorsing it, or central government could say, "We would like you to have this, subject to a referendum", or, the third option, the people themselves could call for those powers. We have already had a situation in Cornwall where, at the time when there were attempts to have a south west regional government you actually had 50,000 people, approximately 10% of the Cornish population, sign a petition for a Cornish regional assembly. If they had been calling for a Cornish mayor they could have had it because it was more than the 5% threshold for a Cornish mayor, but because it was for a Cornish regional assembly they could not have it. If we changed that and used that mechanism and said, "The powers are there for you if you want them, and if you want them you call for them", then we can answer that question. One of the problems is that the Scots and the Welsh have something which we do not or cannot have. If Michael is correct and he can get 5% of the English population to sign a petition demanding a referendum for an English Parliament, I am not opposed to having a referendum on the English Parliament. I happen to think though that if other places call for the power to be below that, in the principle of subsidiarity, they should not be able to take it back without the express approval of the people of Stoke-on-Trent or London or wherever. It would be a flexible approach to devolution which deals with the history of our country of England in terms of its different respects but also gets away from this victimhood idea and says, "The powers are there for you. They come with responsibilities. If you take on these powers there are consequences, but they are there for you if you want them", and if the people of Hampshire or the county council decide that they want them and they can win a referendum, all good to them. The same would apply to London, et cetera. I accept there may be places left over.

Q174 Dr Whitehead: Which is what has happened in California.

Peter Facey: The option would have to be that they could either join in with another area if they want to or they would continue with being governed by the United Kingdom Parliament. It is a messy way of doing devolution but I happen to think it goes with the grain of the governance of England.

Q175 Chairman: Michael Knowles is under time constraints, and so are we. Do you have another couple of minutes? We do not want to make you miss your train. I will shorten it by asking a question which Mr Sharma would otherwise have asked. Have you got anything special you want to say on the Barnett Formula?

Peter Facey: I think it needs to be addressed but I do not think it is a solution in itself.

Michael Knowles: I think it should just be scrapped. I think there is no other way round it than to scrap it and treat every person in the United Kingdom equally. That is what I think. It was brought in to enable, as I understand it, under Wilson, some very wily Glaswegian MPs who wanted to hold --- right; I will leave it. I think it should be scrapped.

Chairman: We must let Michael Knowles catch his train and my colleagues who have further supplementaries will have to be disappointed on this occasion. Thank you to both of you very much for your clear exposition of your views.