1. Is a settlement that does not include legislative devolution to or within England sustainable in the long term?

- Can a parliamentary mechanism such as ‘English votes for English laws’ or an English Grand Committee answer the ‘English Question’?
- Does decentralisation under the Cities and Local Government Devolution Bill and City Deals provide a long-term solution?

I am not in favour of an English Parliament; nor am I in favour of England being broken into regions with elected regional assemblies. I am in favour of a two-pronged answer to the English question, the first prong being to recognise that the UK Parliament is both the legislature for the United Kingdom and England’s legislature. This is what “English votes for English laws” does, by making it clearer which of these two roles the House of Commons is playing at any one time. I have voiced some concerns about the detail and delivery of “EVEL” in my written and oral evidence to the House of Commons Procedure Committee (published on that committee’s webpages), and I need not rehearse those concerns again here, but as I stated in my evidence to that committee, I support the principle of EVEL. The second prong is to seek devolution within England along the lines of the Government’s city deals and growth deals programmes, both of which I strongly support. We wrote about this in Chapter 5 of the Bingham Centre report, A Constitutional Crossroads, and, again, I need not repeat here what we wrote there.

2. A ‘territorial’ role for the House of Lords is widely advocated. In the absence of any proposals for large-scale reform of the House, are there ways in which it can adapt to fulfil such a role?

I am in favour of exploring ways in which this may occur. But I would suggest that we should not under-estimate how big a change this would be. At the moment the constitutional function of the Upper House is to act as a revising chamber. Legislative scrutiny is what the House of Lords does best (aided, of course, by its scrutiny committees!). It is not at the moment the constitutional function of the Upper House to represent the nations and regions of the United Kingdom. I do not know if the two functions could be effectively melded together, but I rather doubt it. To “bolt on” a regional representation role to the House’s existing legislative scrutiny role would likely do more harm than good, I should have thought. House of Lords reform has become stuck, as an item on the menu of constitutional reform, because far too much attention has been paid its composition and far too little attention has been paid to its functions. To begin a new campaign for Lords reform by reversing this – and focusing on functions rather than composition – may well be more profitable and has a lot to commend it.

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