

# Written evidence submitted by the Mile End Institute, Queen Mary University of London



September 2015

APPG FOR REFORM, DECENTRALISATION AND DEVOLUTION IN THE UK  
INQUIRY INTO BETTER DEVOLUTION FOR THE WHOLE UK

## About us

1. The Mile End Institute is a major new policy centre based at Queen Mary University of London. It is currently running a major research project into English Votes for English Laws ('EVEL'), conducted by Professor Michael Kenny (Director of the MEI) and Daniel Gover (a Research Fellow). The project is funded by the Centre on Constitutional Change and by the Economic and Social Research Council. Further information is available through our website at <http://mei.qmul.ac.uk/about/english-laws/index.html>.

## English Votes for English Laws

2. Our evidence is confined to the topic of EVEL. We have attached to this evidence submission a research briefing that we published in July, shortly after the government announced its detailed proposals. This document is available online: <http://www.centreonconstitutionalchange.ac.uk/papers/english-votes-english-laws-viable-answer-english-question>.
3. Since we published our briefing, there have been further developments on the implementation of EVEL. Most notably, the government has made available further time for scrutiny, and the Commons vote on whether to approve the changes is now expected to be held in October 2015. We welcome this development. Even so, significant issues remain, and we wish to draw attention to three that we believe the government should now pay close attention to.
4. First, there remain important questions about how EVEL will operate in practice, some of which we drew attention to in our attached briefing. We suggest that the government should pay particular attention to 'spillover', whereby decisions taken in one part of the UK may have consequential effects in other parts. One of the most commonly cited examples of this has been the so-called Barnett consequentials. However, former civil servant Jim Gallagher has highlighted another example, whereby tax decisions taken by a subset of MPs may spill over into spending implications for UK-wide projects.<sup>1</sup> Such cross-border effects have the potential to inflame territorial tensions, and must be carefully considered and managed. One solution

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<sup>1</sup> Jim Gallagher, *The Problem of EVEL: English Votes and the British Constitution*, <http://www.nuffield.ox.ac.uk/News/Documents/The%20Problem%20of%20EVEL-Final-GGCPPwp140715.pdf>.

might be that such matters be considered by a new Devolution Committee in parliament, as suggested by the McKay Commission. However, the government does not so far appear to have opted to pursue this recommendation.

5. Second, the introduction of the 'veto' in the Commons is a significant change, and has the potential to provoke tensions within parliament. Were a UK government to lack an English majority, it is likely that political parties would need to demonstrate a willingness to bargain and compromise over policy. Yet this may prove difficult unless the main parties already accept as legitimate the principles underpinning EVEL. It is therefore concerning that the government has not so far succeeded in building anything like cross-party consensus around its proposals. It is important that the government's review of EVEL is as comprehensive and transparent as possible, and that the government shows that it is willing to compromise on its original proposals where necessary.
6. Third, very little attention has so far been paid to how these changes will be perceived outside parliament. There is clear evidence that the English are increasingly unhappy with England's constitutional position in the UK, and that reform of voting arrangements in the Commons has strong support.<sup>2</sup> Yet a change to the Commons voting procedures is unlikely to adequately address such concerns unless it is properly communicated outside parliament. Here the government must strike a very careful balance: it is important that the reform is presented clearly as a pro-union measure, to put the UK on a fairer footing for the future, rather than as a narrowly pro-English policy.
7. This current reform is also likely to have wider constitutional implications. It is possible that it will in time lead to pressure for a more substantive form of EVEL, particularly if further powers are devolved to other parts of the UK. Given the highly dominant size of England, such a development might require new mechanisms to protect the interests of other parts of the UK, perhaps within a more federal UK structure. Alternatively, it might provoke further debate about devolution within England itself, particularly given the current government's commitment to pass significant powers to some cities and combined authorities. Whatever the case, it is important that EVEL should not be considered in isolation, but must be treated as part of a wider set of debates around UK constitutional reform.

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SEPTEMBER 2015

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<sup>2</sup> e.g. the Future of England survey. See Charlie Jeffery et. al. (2014) Taking England Seriously: The New English Politics, [http://www.centreonconstitutionalchange.ac.uk/sites/default/files/news/Taking%20England%20Seriously\\_The%20New%20English%20Politics.pdf](http://www.centreonconstitutionalchange.ac.uk/sites/default/files/news/Taking%20England%20Seriously_The%20New%20English%20Politics.pdf).