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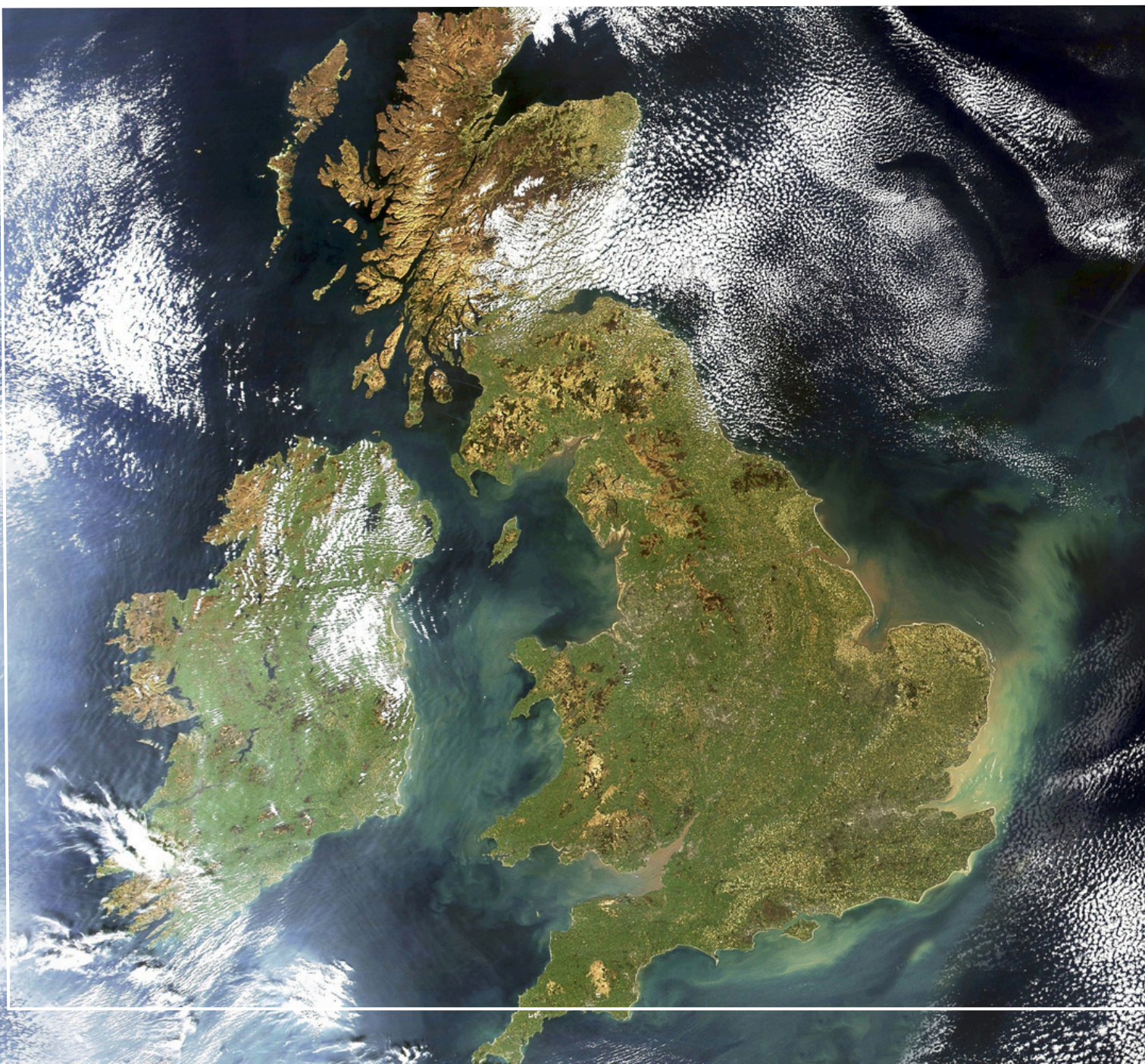
PolicyWISE

A More Collaborative Way of Governing?

Why the UK's Council of the Nations and Regions Matters

Executive Summary Report

Alex Walker, Michael Kenny and Dewi Knight



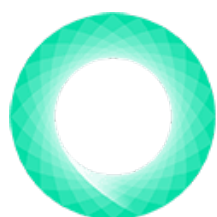


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PolicyWISE

PolicyWISE is a unique UK and Ireland comparative policy, research, and knowledge exchange initiative. It brings people and research together to find solutions to cross-nation issues facing policymakers.

PolicyWISE is UK and Ireland by design (working across The Open University's unique four nations base), supporting policymakers and researchers across the nations to develop relationships, respect, and knowledge. Through their Wise in 5 briefings, training, and cross-nation research projects, PolicyWISE aims to improve and inform policymaking through comparative research and analysis.



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Our funder

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Methodology

The report draws extensively on the academic literature on intergovernmental relations as well as analysis of policy and practice in the UK and internationally. We also conducted a series of interviews with key stakeholders from the UK government, devolved governments and mayoralities. The conclusions we draw and recommendations we provide reflect our own independent judgements.

Overview

One of the first acts of the Starmer government, after its election in July 2024, was to establish a potentially landmark innovation in the UK's model of territorial government: the Council of the Nations and Regions.

This brand-new body held its inaugural meeting on 11 October 2024, and was the first ever occasion on which the full cohort of regional mayors from different parts of England were brought into concert with the leaders of Northern Ireland, Scotland and Wales, at the behest of the UK's Prime Minister. The new Council is intended to be a 'central driving forum' that 'facilitates partnership working' on 'some of the biggest and most cross-cutting challenges the country faces, on a structured and sustained basis.'^[1]

This report provides the first substantial examination of this flagship intergovernmental initiative. It highlights a number of dilemmas which its establishment has raised, and argues that there is real potential for the new Council to contribute to improved relationships between, and across, the UK government and the devolved governments and English mayors, even if these are led by leaders from different political parties. Moreover, this innovation could fill a gaping hole in the model of territorial government within the UK, which has lacked mechanisms for genuine collaboration between its various governing authorities. This matters in a context where, because of the nature of the devolution settlements which have developed in the last 25 years,

none of these governments – including the UK's – can achieve its key priorities without collaboration with other government bodies.

▶ **The Council of the Nations and Regions reflects the new UK government's desire to signal a departure from the more combative approach taken, at points, by its Conservative predecessors to relationships with the other heads of government, and the English regional mayors.** The Council's origins lie in the proposals put forward by the Commission on the UK's Future led by former Prime Minister, Gordon Brown, in 2022. It is a key manifestation of Keir Starmer's wish to 'reset' relations with the devolved governments, to take forward the English devolution agenda, and to introduce a new ethos of 'working in partnership' at the intergovernmental level.

▶ **The system of incremental and asymmetrical devolution which has developed in the UK in the last twenty-five years has been weakened by the lack of institutionalised cooperation between the Westminster government and the devolved governments.** The Joint Ministerial Committee system that was in operation between 1999 and 2022 became an ad hoc and irregular form of engagement, which was widely viewed as a talking-shop for the airing of grievances, rather than an effective vehicle for top-level collaboration. Subsequently, Brexit damaged trust

[1] UK government, 'Council of the Nations and Regions: Terms of Reference', 2024.

<https://www.gov.uk/government/publications/council-of-the-nations-and-regions-terms-of-reference/council-of-the-nations-and-regions-terms-of-reference/>.

between the UK and the devolved governments of Northern Ireland, Scotland and Wales, and the Covid-19 pandemic highlighted the inadequacy of established structures for intergovernmental coordination in times of crisis. A new, more expansive system was agreed between the Johnson government and the devolved governments in 2022, but its impact has been variable. And there was no role for England's mayors within this system, meaning they continued to lack a voice at the heart of British government. There are, therefore, important gaps that need to be addressed, and the new Council – depending on how it functions – could become an important part of the response to them.

▶ **There is a very clear administrative need for the leaders of these governments and authorities to come together more often to work through areas where their policy responsibilities overlap, and to develop a better understanding of the thinking behind, and implementation of, each other's priorities.** A number of key policy challenges cut across the boundary line between powers that are devolved and those that are 'reserved' to the UK centre.^[2] There is a growing need – increasingly recognised by the UK and devolved governments – to work together to address these issues. It makes good sense as well for the Scottish and Welsh First Ministers to be in dialogue with the English mayors who manage jurisdictions which share a border with them – for instance in the North East of England – as there are important, cross-border issues which need to be managed jointly. And the new Council can help on both of these scores.

▶ **The Council of the Nations and Regions needs a more clearly defined purpose, which is apparent to, and broadly shared by, its participants.** There are a range of different specific functions that high-level intergovernmental forums can perform, and there are a variety of views about what ultimate purpose the Council should serve. Greater clarification is needed about the kinds of policy questions it will focus on, and what the consequences of its discussions will be.

▶ **There are different perspectives about the appropriate remit and role of the Council, and these reflect divergent constitutional understandings of devolution itself.** The UK's political culture – centred as it is on the ethos of parliamentary sovereignty – undoubtedly limits the extent to which the Council can be developed as a formal decision-making body. And there are also significant differences between the constitutional standing and capacities of the Northern Irish, Scottish and Welsh governments compared to the English mayors, which need to be recognised and reflected in the way the Council operates.

▶ **The UK remains an international outlier where the 'central' government acts both as the overarching 'national' convener and the government of the largest constituent unit within its jurisdiction – England.** This dual role creates some anomalies and tensions in terms of the conduct of intergovernmental relations. In practice, the UK government is much more inclined to

[2] Legislative or executive powers that are held exclusively by the UK Parliament or government.

present itself as the governing authority for the whole of the UK and much less comfortable in acknowledging its role as the de facto government for England.

▶ **There is currently a lack of clarity around where the new Council fits into the existing architecture of UK intergovernmental relations, and this uncertainty needs to be addressed.** A new system for structuring the relationships between the devolved and UK governments was agreed in 2022, after a lengthy joint review process. This model, which was in essence co-designed by Westminster and devolved governments, moved the UK's model onto a more independent and systematic footing, and was broadly welcomed by each of them, including the Johnson government at UK-level. It has not yet been made clear, however, what the relationship of the Council of the Nations and Regions is to these existing forums and where it fits within this newly created machinery.

▶ **The UK government's current approach to running the Council may not be adequate in the more volatile and turbulent political context that is now unfolding, both within the UK and the wider world.** The positive atmosphere surrounding the first meeting of this body in October 2024 may not be replicated in future, given the greater political diversity of the group following recent mayoral elections – including, for the first time, the election of two mayors from Reform UK – and devolved elections approaching next year.

Greater political diversity and more differences of opinion may well place a strain on the informal and collegial approach which characterised the first meeting of this new body. At present, the forum is being run by a small Secretariat based in the Cabinet Office, in contrast to the more independent, standing secretariat which administers the inter-governmental relations (IGR) system created by the previous government. Past experience suggests that a model of administration that feels like it is accountable to all the members of the forum may help ensure the Council endures future changes in government and the pressures and tensions created by political disagreement among participants.

▶ **The question of who should be invited to participate in the Council is another area which has proved contentious.** There is an important trade-off between being inclusive and ensuring that the Council is of a size that permits effective and candid discussions of sensitive issues.

Recommendations

It has been widely observed that the UK's system of territorial government has lacked structures that support collaboration and partnership, especially at leadership level.^[3] And there are strong administrative and political reasons for addressing this gap. The Council of the Nations and Regions represents an opportunity to foster better relations between the key players in the territorial government of the UK – the UK's central government, its devolved governments and the English regional mayors. And, if well-designed, it could also have a positive impact on the development of effective policy and the quality of governance across the UK.

Given the extent of devolution to Northern Ireland, Scotland and Wales, in particular, it is increasingly difficult for the UK's governing authorities to achieve their priorities alone – a reality which makes the achievement of more collaborative relationships imperative. Although there are significant disparities between the constitutional standing of the devolved governments and England's regional mayors, there is a strong case for including the mayors in this top-level forum (while acknowledging that some areas of England will not have their own direct representative around the table until they have a mayor).

To make this initiative work, however, will require flexibility from all its participants. For the UK government, this may involve ceding some ownership of the Council, and viewing it more as a co-production.

None of these governments – including the UK's – can achieve its key priorities without collaboration with other government bodies. This message may not be an easy one for Whitehall to hear. But it is an implication of moving towards a more collaborative and productive mode of engagement. There are real benefits to be achieved from developing the Council in this way for those interested in stabilising the UK's Union and finding more effective ways to incorporate these other governments within it.

A similar ethos needs to inform the approach of the devolved governments and English mayoral leaders. Making the Council work is a two-way street. There is a longstanding temptation in these kinds of meetings to use them to air perceived grievances or present a set of zero-sum demands to representatives of the British state.

Engaging in constructive dialogue, which aims at better mutual understanding, is incumbent on all participants if these are to be useful conversations – rather than occasions where leaders make a series of pre-rehearsed, set-piece speeches. All sides in them need to display a degree of flexibility and a willingness to engage constructively and be open to collaboration with others (including those from different parties) for the Council to sustain itself as a productive venue.

[3] See, for example: M. Keating, *State and nation in the United Kingdom: The Fractured Union* (Oxford, 2021); N. McEwen & B. Petersohn, 'Between Autonomy and Interdependence: The Challenges of Shared Rule after the Scottish Referendum', *The Political Quarterly* 86.2 (2015).

Recommendations

Purpose and role

- The core purpose of the Council should be the practice of a more collaborative form of territorial governance, meaning the establishment of **new ways of working in partnership** across territorial boundaries to achieve **shared policy goals**.
- The Council should focus on enabling participants to exchange information and best practice, **better understand each other's policy thinking**, and agree to work jointly and **coordinate action** in areas of common interest.
- All of the Council's participants should bear in mind the commitment they have made in its terms of reference to **partnership, improved collaboration and policy learning**.

Remit

- The Council should focus on **collectively identifying issues of shared concern and importance** regardless of where they may fall within the 'geometry' of reserved and devolved powers.
 - The Council should focus upon **major strategic issues** – especially when there is an emerging, common challenge for the whole of the UK.
 - We suggest that the next meeting of the Council should discuss the **fast-changing geopolitical situation** and the UK's international strategic response to it.
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Recommendations

Structure

- The UK government should confirm that the **UK Prime Minister will continue to meet regularly with the heads of the devolved governments** outside the full Council of the Nations and Regions format.
- The UK Prime Minister should always meet with the heads of devolved government ahead of the full Council of the Nations and Regions later in the day, and this meeting should be formally presented as the ‘top tier’ of the previously agreed intergovernmental machinery.
- A fixed spot in the autumn and spring should be agreed for the Council’s meetings to ensure a more predictable schedule, and so that it can feed into the regular cycle of policymaking for all of its participants.
- Time should be built into the schedule for informal discussions at the margins of the main event, as evidence suggests that these kinds of opportunities help build trust and mutual understanding between participants.

Administration and delivery

- The Council should draw upon the **practices and processes associated with international summits**, with lead senior officials acting as ‘sherpas’ tasked with preparing submissions and working with each other on options for leaders to discuss, and potentially agree, when they meet.
 - The standing IGR Secretariat set up under the 2022 IGR review should be responsible for the administration of the Council of the Nations and Regions.
 - The choice of main agenda item should be the product of prior discussion and subject to **input from all the Council’s members**.
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Recommendations

Composition

- The current membership principle, including the full participation of all the English regional mayors, should be maintained for the time being.
- But ahead of the potential election of a further cohort of mayors in 2026, consideration should be given to exploring different ways of managing the size of the Council as its membership continues to grow, including different meeting formats, such as breakout sessions alongside a plenary, and agreeing with the mayors some kind of system of representation which does not involve all of them attending each Council meeting.
- It is a mistake to view the Council as an answer to the deeper tensions and anomalies caused by the conflation of UK and English governance within the UK system, and we suggest that other avenues be explored in relation to this longstanding conundrum.
- The UK government should be **clearer about when it is representing the UK as a whole, or just England**, particularly when it enters into agreements with other governments.

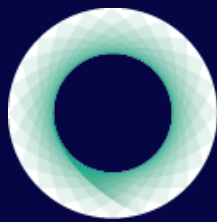
Transparency, scrutiny and accountability

- Responsibility for transparency should lie with the IGR Secretariat which should be responsible for publishing in one place a range of information related to the Council and its ongoing activities.
 - We encourage the relevant parliamentary committees to monitor and examine the Council as it develops and continue to **enhance their inter-parliamentary capacity and working** in doing so.
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