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A More Collaborative Way of Governing?

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

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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.

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Executive summary

One of the first acts of the Starmer government, after its election in July 2024, was to establish a potentially landmark innovation in the United Kingdom's (UK) model of territorial government: the Council of the Nations and Regions. 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 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 that 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.¹ 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 is a range of different specific functions that high-level intergovernmental forums can perform, and there are various 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.

1. Legislative or executive powers that are held exclusively by the UK Parliament or government.

- **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 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 the 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 differences of opinion may well place a strain on the informal and collegial approach which characterised the first meeting of this new body. And so a more structured approach to aspects of the Council's deliberations may be required in future. 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 system of intergovernmental relations (IGR) 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.

Our report places the Council of the Nations and Regions in the wider context of the history of UK intergovernmental relations and considers whether practices from other countries may provide useful pointers for this emerging model. Drawing on this analysis and a series of interviews with some of the key stakeholders from the UK government, devolved governments and mayoral authorities involved in the Council, we provide a set of recommendations for how its design might be improved and its purpose and scope more clearly delineated.

Summary of 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 commitments that are set out in its terms of reference to the values of 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.

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.

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.

Introduction

One of Keir Starmer's first acts as Prime Minister was to introduce a potentially landmark innovation to the UK's model of territorial government. For a government that has been criticised in some quarters for its lack of ambition in policy terms and, more specifically, for its apparent indifference to questions of political and constitutional reform, this was a striking move. A brand-new 'Council of the Nations and Regions' was organised, at some speed, and its inaugural meeting held on 11 October 2024. This was framed as a signal both of the Starmer government's wish to establish a more positive and collaborative set of relationships with the leaders of the devolved nations, and its commitment to developing a more robust and influential model of English devolution. This was the first ever occasion on which the full cohort of regional mayors from different parts of England had been brought into concert with the leaders of Northern Ireland, Scotland and Wales, at the behest of the UK's Prime Minister.²

The political motivation behind this innovation was clear: to establish a clear blue line between the approach of this new government, which had included in its manifesto an explicit commitment to working in partnership with the devolved governments, to that associated with its Conservative predecessors since 2019.³ In the aftermath of Brexit, the Johnson government was involved in a number of high-profile conflicts with the Scottish and Welsh governments, and had at times signalled its scepticism about aspects of the devolution settlements.⁴ A serious breakdown in trust occurred during this period, which the new UK government hopes this initiative can help rebuild.

Extending the middle-tier of devolution within England is also a major part of the new government's agenda. In its recent white paper on English devolution, it committed to speed up and deepen the decentralisation of power to these bodies and establish a greater number of directly elected regional mayors.⁵ Inviting these figures to the inaugural meeting of the Council to sit alongside the Prime Minister and the heads of the devolved governments was intended as a demonstration of the importance of this agenda.

This inaugural meeting happened in the first flush of the Starmer administration, and was characterised by a considerable degree of good will and enthusiasm about

this new body, most notably from those English mayors given an unusual opportunity to engage with the most senior figure in British government. And the interviews we conducted for this report revealed a largely positive response to the potential of this new body among stakeholders from the different governments who attended its inaugural meeting, as well as some disagreement about what role exactly the Council might play within the UK's system of territorial government. Given that this is an innovation in its infancy, this is to be expected. At one end sits the worry that this may be well be little more than a glorified 'talking shop', where discussions on issues tabled by the UK government will happen, but where there is no guarantee that these will have any real impact or result in subsequent action. At the other is the view that this could portend a significant shift in the UK's governance model, and becomes an opportunity for decisions of a significant kind to be taken among the leaders of these different governing authorities.

But the majority of views that were shared with us pointed towards the considerable space that lies between these extremes, and reflect the judgement that the Council could well be designed so that it does improve working relationships and enhance mutual understanding and coordination between the UK government and these other administrations, though not necessarily as a forum for decision-making (or at least not yet). Many of these stakeholders also highlighted as potentially valuable the opportunity to discuss issues of common interest and share learnings from the work of other devolved governments – with new relationships being developed between the devolved First Ministers and some of the English mayors. Most felt that, if designed in a way to make its deliberations meaningful, the Council may herald a more productive model of cross-governmental working within the UK. The proposals we advance at the end of this report are designed around the achievement of this broad purpose.

The Council itself, and the wider question of how intergovernmental relations within the UK are organised and conducted, are clearly not priorities for most citizens across the UK. Yet these issues are of considerable importance to the politicians and officials involved in decision-making within these governments, and to elected

2. The mayors of England's combined authorities and the Mayor of London are referred to variously as 'metro' mayors, regional mayors, and directly elected or elected mayors. While none of these terms are perfect, we use regional mayors to refer to this group throughout the report.

3. Labour Party, *Change: Labour Party Manifesto 2024*.

4. Most memorably, Johnson reportedly said that devolution had been a 'disaster' for Scotland in 2020. 'Boris Johnson 'called Scottish devolution disaster'', BBC, 2020. <https://www.bbc.co.uk/news/uk-politics-54965585/>.

5. Ministry of Housing, Communities and Local Government, *English Devolution White Paper: Powers and partnership: Foundations for growth* (2024).

politicians whose job it is to hold them to account. It is certainly worth reminding ourselves that whenever heads of government come together – either within a single polity or at the international level – the discussions that happen, and the manner in which they occur, can have huge consequences for the lives of millions of citizens. For this reason, above all, we urge that careful consideration be given to establishing a clearer sense of purpose and remit for the Council, and to taking steps to ensure that all of the stakeholders involved continue to view it as a meaningful opportunity for engagement across the UK.

For the most part, the question of how relationships between the UK and devolved governments are structured is the kind of ‘process’ question that receives little political attention, except when a dramatic breakdown in relations makes headlines. But it matters greatly if we are interested in thinking about different ways of ensuring that the UK is better governed. In the context of the deep conflicts that arose in the aftermath of the Brexit referendum in 2016, relationships between all of the three devolved governments and the UK government deteriorated markedly. And there were significant tensions and some public conflicts again in the context of the Covid-19 pandemic and beyond, leading many to worry that the lack of established forms of co-operation and co-ordination among the leaders of these governments may well be fuelling separatist nationalism and putting the integrity of the UK at risk.

There are also important administrative reasons to be concerned about this ‘process’ question. Some of the most important and complex policy challenges facing the UK, from decarbonisation to stagnating living standards and the advent of new technologies like AI, cut across established lines of demarcation between the responsibilities of the different governments, and often challenge the boundary line between ‘reserved’ and ‘devolved’ competencies. The devolution of additional powers to Scotland, and to some extent Wales, in the fields of social security and taxation in particular, blurred the line between devolved and reserved powers from 2016. And the UK’s departure from the European Union has also contributed significantly to this effect, creating the need for more extensive coordination in policy areas that were previously EU competences, such as agriculture and the environment.

For all these reasons, the UK and devolved governments need to learn to work better with each other in administrative terms. And while some commentators have argued that these relationships tend to work best on an informal, bilateral basis between relevant

officials, increasingly the focus has been on creating more systematic forms of engagement between these administrations and developing multi-lateral forms of interaction – of the kind that is promoted within the Council of the Nations and Regions. The fact that the UK and its devolved counterparts were prepared to commit so much time and effort to the negotiation of a new machinery for intergovernmental working during the course of the Brexit crisis says much about the recognition on all sides of the inadequacies of the previous machinery and the growing need for a more structured and regularised set of relationships, and for these to extend beyond the world of officialdom to include key ministerial decision-makers. One of the principal causes of this emerging focus is the marked asymmetry and growing complexity of the governance landscape across the UK. Formal structures can provide a channel for dialogue through which complexity can be navigated and disagreements avoided or resolved (that otherwise might become battles waged through the media), and regularised interaction can create new habits, in time generating different ways of working.

In the UK, arrangements to bring the devolved and UK governments together were introduced when devolution was first established in Scotland and Wales. But these forums proved ineffective, especially at the highest level. Plenary meetings of the Joint Ministerial Committee became formulaic and unproductive and were rarely attended by the British Prime Minister. And the fact that the UK government continued to act as the government for England in devolved areas – a highly unusual feature of UK devolution – was an ongoing source of complexity and confusion within this system. For the most part, the question of how collaboration and potential partnership between these administrations and central government might be promoted was left to one side in the early years of devolution. This was made possible in part because the same party – Labour – was in power at the UK level, and in Scotland and Wales, meaning that cross governmental relationships could be handled behind-the-scenes through dialogue between the different territorial Labour parties.

The establishment of the Council of the Nations and Regions indicates that the current UK Labour government wants to work through more formal channels and develop a more firmly embedded system of structured cooperation. But uncertainty remains about the status and function of the new Council and the precise role it will play. There is, we argue, a real imperative for its main purpose to be more clearly identified and communicated. Other more practical questions follow. Are the right people involved in its deliberations? How should it be structured and

organised? And who should be setting the agenda for its meetings? Additionally, does the UK government see this entity as a more important arena for intergovernmental negotiations than the more complicated machinery set up by its Conservative predecessor, which was the product of a lengthy negotiation between all four governments? And does the new Council sit separately from these structures, or is the ambition to make it a complementary component to them? The answers to these questions will shape whether this represents an enduring addition to the UK's territorial government that becomes accepted and respected by future UK administrations, or whether it is a creature of a particular political moment.

This report aims to initiate a discussion around some of these key issues, and place the new Council in the wider context of the history of intergovernmental relations in the UK and the way in which these relationships are organised in other countries. It starts with a brief overview of how intergovernmental interaction, especially between heads of government, has been institutionalised since devolution was introduced in 1999. It considers debates about the Council against this backdrop, before looking at trends and practices elsewhere and the lessons they might offer for the UK. It then moves on to explore the range of perspectives we encountered in our interviews and unpack questions such as what the Council's overriding purpose and function should be, how it should relate to pre-existing structures and bodies, how it should be structured and administered, who should be involved, and what it might mean for the longstanding, but still unresolved, question of how England should be represented within the UK's model of territorial government. Finally, it sets out some recommendations for how the Council might be best developed in each of these areas.

The organisation of intergovernmental relationships in the UK

Devolution and the establishment of the Joint Ministerial Committee

After successful referendums in each territory (though by a very slim margin in Wales), bespoke devolution settlements for Scotland, Wales and Northern Ireland were implemented in the late 1990s.⁶ This transformative moment in the territorial constitution of the UK was not accompanied by much thought as to what new processes and mechanisms of interaction might be needed to reflect the changing landscape of territorial governance and administration that was emerging.

The form taken by UK devolution and the constitutional debates that have followed have focused primarily on 'self-rule' – in other words, the greater autonomy and independence of the devolved governments from the central state over certain demarcated policy responsibilities (known as devolved competencies).⁷ This focus in the UK has tended to obscure the need for coordination and the possibility of partnership and collaboration. This is known in the expert literature as 'shared rule', meaning different governments within a state working together on common concerns affecting the whole territory.⁸ This term is often used to refer to the capacity of devolved governments to influence and, at the stronger end of the spectrum, be involved in making certain central government decisions, and also the level of coordination and cooperation among devolved governments themselves.⁹

There was little interest in exploring the kinds of formal structures present in many other devolved and federal systems to structure routine forms of administrative engagement between central and substate governments, let alone other institutional and legislative mechanisms of shared rule, such as a territorial second chamber or jointly held legislative powers.¹⁰ And this was in part because devolution was in essence grafted onto the UK's existing constitutional arrangements and not seen, at the British centre, as a fundamental alteration to them. And so, despite this significant shift in the territorial governance of the UK Union, very little changed at the heart of British government in its wake. There was little sense in Whitehall

that the core institutions of the British state – including the governance arrangements for England – might themselves have to evolve or adapt in response to these reforms.

Nonetheless, a forum for semi-regular discussion was established in 1999. The Joint Ministerial Committee (Plenary) was intended to bring together the devolved leaders with the UK government once a year, with several policy specific subcommittees meeting more regularly. The Joint Ministerial Committee's (JMC) terms of reference made clear that it was a purely consultative body, not a decision-making one.¹¹ This model never really got firmly established, and the plenary meetings stopped for a while from 2003. Other than the JMC subcommittee on European affairs, which was used as a forum for devolved input on EU issues, the preference – of UK and Scottish and Welsh heads of government – was to engage informally and bilaterally where needed.¹²

This was in stark contrast to the more firmly institutionalised structures that were set up to manage intergovernmental relations in the context of the Northern Ireland peace process, including the British Irish Council, which brings together the UK government, the government of Ireland, the devolved governments and the governments of the Crown Dependencies. At various points, the British Irish Council has been looked to as a model with features that could fruitfully be emulated in relation to multilateral engagements between the UK and devolved governments. According to some accounts it has played a useful role in building relationships across territorial boundaries, especially between officials, and facilitating policy learning and development in certain areas.¹³ However, it has not performed much of a strategic role¹⁴, and its top-level biannual summits have been criticised for being overly formulaic and lacking tangible impact.

While the UK Prime Minister and the devolved leaders in Scotland and Wales were all members of the same political party, engagement could largely be conducted through private channels and personal connections. The advent of the Scottish National Party (SNP) minority government in 2007 created a powerful challenge to this dynamic, and

6. Law-making powers for the then-National Assembly for Wales were subsequently approved by a significant majority in a referendum in 2011.

7. N. McEwen & B. Petersohn, 'Between Autonomy and Interdependence: The Challenges of Shared Rule after the Scottish Referendum', *The Political Quarterly* 86.2 (2015), p. 192.

8. M. Keating, *State and Nation in the United Kingdom: The Fractured Union* (Oxford: Oxford University Press, 2021), p. 75; D.J. Elazar, *Exploring Federalism* (Alabama: University of Alabama Press, 1991), p. 5.

9. N. McEwen & B. Petersohn, 'Between Autonomy and Interdependence', pp. 193-194.

10. M. Kenny, *Fractured Union: Politics, Sovereignty and the Fight to Save the UK* (London: Hurst, 2024), p. 77.

11. UK government, Scottish Executive and National Assembly for Wales, *Memorandum of Understanding on Devolution* (1999).

12. Kenny, *Fractured Union*, p. 77-78.

13. B. Clifford & J. Morphet, 'The British-Irish Council: political expedient or institution in waiting?', *The Journal of Cross Border Studies in Ireland* 10 (2015).

14. E. Tannam, *British-Irish Relations in the Twenty-First Century* (Oxford: Oxford University Press, 2024), p. 162.

Prime Minister Gordon Brown revived the JMC model in anticipation of this development.¹⁵

The Joint Ministerial Committee under strain

The same pattern of interaction largely continued from 2010 under the UK Conservative-Liberal Democrat coalition government. There was, however, an important attempt to reform the structures of intergovernmental relations after the referendum on Scottish independence in 2014. A review process was initiated that led to the proposal of a series of changes including a more regular timetable, rotating meeting locations, the commissioning of joint work, and more informal discussions at the margins.¹⁶ These modifications were inspired in part by the British Irish Council model mentioned above, but in the end failed to make it over the line.¹⁷

The machinery underpinning IGR, which had already been widely recognised as ineffectual, was therefore essentially unchanged when the UK voted to leave the European Union (EU) in 2016. The early indications from Prime Minister Theresa May were that she would seek a position on Brexit that might be acceptable to the devolved governments – even if their full support was always unlikely. And a new committee – JMC (EU Negotiations) – was established to ensure on-going discussion of the UK's emerging position. May received praise from Former Welsh First Minister Mark Drakeford for 'her willingness to be inventive', including via the later 'constitutional innovation' of including the devolved leaders on her 'no deal' Brexit cabinet subcommittee.¹⁸ But JMC (EN) did not live up to its widely drawn terms of reference, and 'a deep misunderstanding' about what it meant for the devolved leaders to have a meaningful say in the development of the UK's position stymied this body.¹⁹ Instead, the forum became a vehicle for the UK government to share information about the negotiations and the devolved governments to register complaints about being side lined.

The process of implementing Brexit proved to be an even greater source of friction between the UK and devolved governments. The ingrained – and hitherto unquestioned – convention that the UK government would not normally pass legislation on devolved matters without the

expressed consent of the relevant legislature was now set aside, with the UK government citing the exceptional nature of the circumstances to justify the passage of major pieces of key legislation without the consent of at least one of these parliaments. The UK Internal Market Act, introduced by the Johnson government in 2020, has had perhaps the most enduringly negative impact on levels of trust between the UK and the devolved governments. This legislation establishes a framework for managing the UK internal market outside the EU, including a 'mutual recognition' principle which means that all parts of the UK must allow access for goods sold in another part regardless of regulatory differences.²⁰ The implications of this part of this legislation were – and have continued to be – vociferously criticised by the Scottish and Welsh governments for undermining the devolution settlements. It has been argued that due to the size of the English market, their respective abilities to set standards for their own territories are significantly curtailed, as they will likely be forced to accept non-compliant English goods. A recent report found that the market access principles contained in the legislation were having an operational impact on devolved policymaking in Scotland and Wales, hindering in particular planned environmental regulations relating to goods.²¹ A process for excluding policies from the principles was included at a late stage in the legislative process. But it has also been the subject of criticism, as the final decision lies with the UK government and there are no established criteria for how this power is exercised. This legislation was passed without Scottish and Welsh legislative consent.

The more assertive, centrally directed approach embodied by the internal market legislation supplanted the more consultative approach taken by the May government which had proposed to manage potential internal divergence through a set of negotiated agreements, known as 'common frameworks'.

A new set of frictions, and some public conflicts, emerged in the course of the coronavirus pandemic of 2020-22. In contrast to the territorial tensions created by Brexit, this was a crisis where the relevant public health powers were clearly devolved. However, in the pandemic's early stages, there was a high degree of cooperation and coordination

15. M. Kenny, P. Rycroft & J. Sheldon, *Union at the Crossroads: Can the British state handle the challenges of devolution?* (London: Constitution Society/Bennett Institute, 2022), p. 12-13.

16. M. Kenny, P. Rycroft & J. Sheldon, *Union at the Crossroads*, pp. 21-22.

17. After being vetoed by deputy First Minister of Northern Ireland Martin McGuinness over the contentious issue of whether devolved leaders should have to toe the UK government line on foreign visits. See: Kenny, Rycroft & Sheldon, p. 21.

18. Transcript, Mark Drakeford, 15 July 2024, Ministers Reflect Archive, Institute for Government.

19. M. Guderjan, *Intergovernmental relations in the UK: cooperation and conflict in a devolved unitary state* (Oxford: Routledge, 2023), p. 129.

20. Aside from Northern Ireland, which follows different arrangements under the Windsor Framework.

21. C. Brown Swan, T. Horsley, N. McEwen, & L.C. Whitten, *Westminster Rules? The United Kingdom Internal Market Act and Devolution. Project Report* (Glasgow: Centre for Public Policy, 2024), p. 20. See the full report for a summary of this issue, and analysis of the impact of the UK Internal Market Act on devolution and intergovernmental relations.

between the UK and devolved governments, resulting in the jointly produced Coronavirus Action Plan. All of the First Ministers were involved in the UK Cabinet Office emergency response meetings, and new mechanisms for engagement and information-sharing were set up. The immense threat posed by the pandemic appeared for a while to have created the conditions in which political differences might be put aside, and more collaborative cross-governmental working was possible. And at first the policies pursued by all of them were closely aligned to the UK government. But cracks in this united front appeared in May 2020, as the UK government started lifting measures in England earlier than the devolved governments, and quickly deteriorated thereafter.²²

It is worth noting that even in the initial collaborative phase, the UK-wide joint approach was not decided via the JMC structure. Instead, it was through the UK's emergency planning body, Cobra, and specially created new 'ministerial implementation groups' that the leaders of these governments engaged with each other. One minister in the Welsh government during the pandemic questioned the extent to which these were 'meaningful exchanges' but nonetheless highlighted the value of 'having a forum to get our point across' and 'get serious engagement'.²³ However, the UK government subsequently opted to handle the pandemic through cabinet committees, to which the devolved governments were not invited. Regular interaction was initiated again from December 2020 in the form of calls between Chancellor of the Duchy of Lancaster Michael Gove and the devolved leaders, but these were primarily information-sharing opportunities rather than forums for the kind of joint decision-making that had taken place in the earlier stages of the pandemic.²⁴ And in the course of the pandemic, some of the English regional mayors become increasingly frustrated with the UK government's lack of communication and decision-making, with key changes imposed from the centre with very little warning and no formal mechanism of engagement.²⁵

The Review of Intergovernmental Relations, 2018–22

That the JMC structures were not fit for purpose was a view shared by key figures in all of the four governments. And in 2018, work began on a review conducted jointly by officials in them, with the aim of establishing a more developed and systematic machinery.²⁶ While political relations between the governments continued to decline during this period, away from the spotlight work continued on this front. New proposals were finally published in early 2022, and widely heralded as an improvement on the previous system.²⁷ The Review set out plans for a new three-tier model, with regular meetings of the Prime Minister and heads of devolved governments in a new 'top tier': the UK Prime Minister and Heads of Devolved Governments Council. They also included provision for two new cross-cutting forums – the Interministerial Standing Committee (IMSC) and the Financial Interministerial Standing Committee (FISC) – as the system's middle layer, and a suite of interministerial 'portfolio' groups (IMGs), focused on specific policy areas.

The IGR Review also set out a number of key principles which should underpin intergovernmental engagement, including 'mutual respect for the responsibilities of the governments and their shared role in the governance of the UK', 'building and maintaining trust, based on effective communication', 'sharing information' and 'resolving disputes according to a clear and agreed process'.²⁸

Other innovations included the establishment of a standing secretariat staffed with officials from all four governments, a pattern of regular meetings, the potential for consensus-based decision-making, as well as an independent dispute resolution process, and greater transparency and parliamentary accountability over decisions taken in these forums.²⁹ With reference to the shared challenges of economic recovery and climate change, this pointed towards more substantive policy collaboration. Overall, the planned changes amounted to a more jointly-owned system which was implicitly based on an acceptance of the need for greater parity of esteem

22. For a summary of this trajectory see P. Anderson, C.B. Swan, Carles Ferreira & J. Sijstermans, 'State making or state breaking? Crisis, COVID-19 and the constitution in Belgium, Spain and the United Kingdom', *Nations and Nationalism* 30.1 (2023), p. 110-127.

23. Transcript, Lee Waters, 15 July 2024, Ministers Reflect Archive, Institute for Government.

24. Kenny, Rycroft & Sheldon, *Union at the Crossroads*, pp. 29-36.

25. P. Walker, 'UK Covid response was London-centric, Andy Burnham tells inquiry', *The Guardian*, 2023. <https://www.theguardian.com/uk-news/2023/nov/27/uk-covid-response-was-london-centric-andy-burnham-tells-inquiry>.

26. UK government, 'Joint Ministerial Committee Communique', 2018. <https://www.gov.uk/government/publications/joint-ministerial-committee-communique-14-march-2018/>.

27. M. Kenny & J. Sheldon, 'Green shoots for the Union? The joint review of intergovernmental relations', *The Constitution Unit Blog*, 2022; D. Wincott, 'UK intergovernmental relations (IGR): machinery and culture changes', *UK in a Changing Europe*, 2022.

28. UK government, Scottish government, Welsh government & Northern Ireland Executive, *The Review of Intergovernmental Relations* (2022).

29. Kenny & Sheldon, 'Green shoots for the Union?.'

between the UK and devolved administrations, and was a significant move away from the older model of JMC meetings.

In some respects, these changes brought the UK's system of IGR more in line with the practices of many other democratic states with federal or devolved models of government. The process of co-producing the new machinery between the UK and devolved governments, and the necessity for compromise to get agreement on these issues, took central government out of its comfort zone and also reflected a recognition on the part of key ministerial decision-makers, such as Michael Gove, that the future stability of the UK's asymmetrical and complicated system of territorial government required this more formalised approach to IGR. These new structures are still fairly new, and it is hard to provide a clear judgement about how well they are working. The new top-level Prime Minister and Heads of Devolved Governments Council met only once – under Rishi Sunak – before the Conservatives left office. Reports suggest that some of the IMGs function much more effectively than others, and the new, more independent dispute resolution procedure has yet to be properly tested.

As commentators observed at the time, while improved machinery has an important role to play in improving levels of trust and instilling the habit of greater administrative cooperation, ultimately a change in mindset and cultural habits in all of these administrations is key.³⁰ There were some notable intergovernmental achievements during this time, mostly at official level – the common frameworks programme and the smooth negotiation of a new fiscal framework for Scotland, which was agreed in 2023, for example.

But there were also major public rows after 2019 between the Conservative and SNP governments, including disputes over the Scottish government's deposit return recycling scheme and gender recognition reforms. These kinds of disagreement happen in all multi-level systems. But evidence suggests that effective and legitimate intergovernmental structures can help their navigation, and may well, if properly engaged, provide ways of taking the heat out of these disputes.³¹ It might also be expected that more regular interaction enables better personal relationships and mutual understanding among some of the principals involved.

30. N. McEwen, 'Worth the wait? Reforming Intergovernmental Relations', Centre on Constitutional Change, 2022. <https://www.centreonconstitutionalchange.ac.uk/news-and-opinion/worth-wait-reforming-intergovernmental-relations/>.

31. N. McEwen, M. Kenny, J. Sheldon, and C.B. Swan, *Reforming Intergovernmental Relations in the United Kingdom*, (Edinburgh/Cambridge: Centre on Constitutional Change/Bennett Institute for Public Policy, 2018), pp. 26-30.

Labour in opposition: the road to the Council of the Nations and Regions

Against this backdrop, Keir Starmer began to set out Labour's stall on devolution under his leadership towards the end of 2020. In a set-piece speech, he termed devolution to Scotland, Wales and Northern Ireland 'one of the proudest achievements of the last Labour government' and called for a cooperative union of 'all four nations working together'. With Holyrood elections on the horizon, he announced a constitutional commission led by former Prime Minister Gordon Brown on devolution and the future of the UK.³² Brown's report connected the constitutional structure of the UK – in particular its overcentralisation – with its economic weaknesses, and argued for 'a new system of governing which will demonstrate the benefits of cooperation' and 'transform the relationships between different levels of government across the UK.'

It proposed a new body – the Council of the Nations and Regions – 'to promote joint working between every level of government at its heart'. This would be placed in legislation and supported by an independent secretariat with the power to call meetings and set agendas. The commission suggested a new Council of the UK, involving the UK and devolved governments; a Council of England, convening the English regional mayors, local government, and central government; and the Council of the Nations and Regions, which would 'in its fullest form' bring together leaders from the UK government and the devolved governments, but also 'representatives of the different parts of England, Scotland, Wales and NI', with an expected focus on economic development. These new structures would be linked to a 'solidarity clause' which would give legal effect to a principle of mutual solidarity and create a duty of cooperation between the different levels of government across the UK.³³

Furthermore, the Brown commission identified a number of policy areas – from climate change to security – that should be the focus of joint policy initiatives that would 'embed co-operation'. Finally, and most controversially, the report proposed a territorially representative second chamber – an elected Assembly of the Nations and Regions – which would play a role in scrutinising the work of the intergovernmental councils, as well as a wider function as a constitutional guardian.³⁴ One analysis described the approach to shared governance proposed by Brown

as 'genuinely radical', arguing that it would 'take the UK constitution... into new territory' if implemented.³⁵

The report was initially welcomed, albeit cautiously, by the UK Labour leadership.³⁶ However, between its publication and the 2024 general election, it became clear that the majority of its recommendations would not be taken forward, and that the new administration was unlikely to make constitutional reform a major part of its policy programme. However, a version of the Council of the Nations and Regions idea did survive, and figured in the party's general election manifesto. This was now conceived as an informal forum bringing together the Prime Minister, the devolved heads of government and the English regional mayors. The manifesto pledged to 'improve relationships and collaboration on policy' with the devolved governments, and repeatedly talked of the need for more 'partnership'. It also included a longer-term commitment to a second chamber 'that is more representative of the regions and nations'.³⁷ Nonetheless, the wider ambition and more detailed proposals of the Brown report for a form of 'shared government' were now quietly set aside.

32. K. Starmer, 'A socially just Scotland in a modern United Kingdom', *LabourList*, 2020. <https://labourlist.org/2020/12/a-socially-just-scotland-in-a-modern-united-kingdom-starmer-full-speech/>.

33. There are examples of the codification of similar principles in other contexts. For instance, the Spanish constitution contains a principle of solidarity, and the Treaty on European Union includes a principle of 'sincere cooperation' between member states.

34. Labour Party, *A New Britain: Renewing Our Democracy and Rebuilding Our Economy Report of the Commission on the UK's Future* (2022).

35. C. Martin, *The Union and the state: Contested visions of the UK's future*, (Cambridge/London: Bennett Institute/Institute for Government, 2024).

36. K. Starmer, "'Together, we will forge something bold'" – Keir Starmer's speech, *LabourList*, 2022. <https://labourlist.org/2022/12/together-we-will-forge-something-bold-keir-starmer-speech/>.

37. Labour Party, *Change: Labour Party Manifesto 2024* (2024).

The new Council

Following Labour's success in the July 2024 general election, Starmer was quick to signal a shift in approach to relations with devolved governments. One of his very first acts as Prime Minister was a tour of the UK during which he held meetings with the first ministers of Scotland, Wales and Northern Ireland. And on his fifth day in office, he hosted all of the English regional mayors in Downing Street.

The new Council promised in the manifesto was duly set up, and met for the first time on 11 October 2024 in Edinburgh – much sooner than many had anticipated. According to its terms of reference, the Council of the Nations and Regions 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'.³⁸ Unlike the system of IGR set up under the Conservatives, it also includes England's regional mayors as well as the first ministers (and deputy First Minister in the case of Northern Ireland) of the devolved governments and the UK Prime Minister (and Deputy Prime Minister and Minister for Intergovernmental Relations). It is set to meet twice a year at different locations around the UK on dates that are agreed by all the relevant parties.

The initial response to this initiative has been largely positive. The reception from the regional mayors, in particular, was notably enthusiastic. This is perhaps unsurprising in that figures such as Andy Burnham and Sadiq Khan have in the past heavily criticised the lack of structured, regular interaction with central government.³⁹ Burnham declared that 'the new council for regions and nations is the gamechanger for which we have been patiently waiting'.⁴⁰ The only Conservative English mayor at the time, Tees Valley's Ben Houchen, also cautiously welcomed the forum, saying that he was willing to 'work with anybody who will help me deliver for our area and I am pleased that the government are committed to doing the same'.⁴¹

Some commentators have, however, wondered about the coherence and viability of this body. Former Labour minister John Denham gave a more ambivalent response, arguing that while the Council sent 'an important message about Labour working to deliver across the UK', as a remnant of the wider reforms proposed by Brown it is an 'odd-looking body' that could end up satisfying no one. Like others, he questioned whether without wider and more ambitious constitutional changes the new Council could do much to shift the dial on the way the UK is governed.⁴²

The response in Scotland has been more mixed as some politicians and commentators have been sharply critical. In one of the last interventions before his death, former Scottish First Minister Alex Salmond argued that the Council carried 'the perception of a regional status for the nation of Scotland', and said that First Minister John Swinney should have declined his invitation.⁴³ Meanwhile, Members of the Scottish Parliament representing Glasgow, including former First Ministers Nicola Sturgeon and Humza Yousaf, wrote to the Secretary of State for Scotland to express their concern that Scotland's local authority leaders were not invited.⁴⁴

But First Minister John Swinney praised Keir Starmer at a meeting of the British Irish Council in December 2024, calling the relationship 'incomparably better' than under the previous administration. Michelle O'Neil, the Sinn Féin First Minister of Northern Ireland, made similar comments about the improvement in relations under Starmer.⁴⁵ In general, it appears that the devolved governments are open to engaging with the new Council and England's mayors, so long as they are not treated as on a constitutional par with them.

In addition to the new Council, the UK government has established two other intergovernmental bodies. Deputy Prime Minister and Minister for Housing Communities and Local Government Angela Rayner has set up a mayoral council, which brings her into regular formal contact with

38. 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>.

39. See evidence from Sadiq Khan and Andy Burnham to the Public Administration and Constitutional Affairs Committee: House of Commons, 'Oral evidence: Devolution and exiting the EU, HC 484', 2018. <https://committees.parliament.uk/oralevidence/8168/pdf/>; House of Commons, 'Oral evidence: Devolution and exiting the EU, HC 484', 2018. <https://committees.parliament.uk/oralevidence/8044/pdf/>.

40. A. Burnham, 'Tory governments talked down to regional mayors like me. Now Keir Starmer is listening to us', *The Guardian*, 2024. <https://www.theguardian.com/commentisfree/article/2024/jul/11/tory-government-regional-mayors-keir-starmer-andy-burnham>.

41. B. Houchen, X/Twitter, 2024. <https://x.com/BenHouchen/status/1844784830820602145>.

42. J. Denham, 'Today's Council of Nations and Regions summit sends an important message – but does it risk pleasing no-one?', *LabourList*, 2024. <https://labourlist.org/2024/10/sue-gray-council-nation-regions-job-mayors-devolution/>.

43. A. Ferguson, 'Alex Salmond's last Twitter post: "Scotland is a country not a county"', *The National*, 2024. <https://www.thenational.scot/news/24648413.alex-salmonds-last-post-says-scotland-country-not-county/>.

44. A. Learmouth, 'Sturgeon and Yousaf slam Starmer over Glasgow snub at key UK summit', *Herald Scotland*, 2024. <https://www.heraldscotland.com/news/24644799.sturgeon-yousaf-slam-starmer-glasgow-snob-key-uk-summit/>.

45. Liz Bates, 'Devolved nation leaders praise Starmer in rare win for No 10', *Sky News*, 2024. <https://news.sky.com/story/devolved-nation-leaders-praise-starmer-in-rare-win-for-no-10-13268088>.

the English mayors. Its inaugural meeting was held the day before the nations and regions council and focused on the forthcoming English devolution white paper. The government hopes that it will 'allow for increased partnership working, helping to bring regional insight to national policy, and ensure everyone is aligned with the government's mission to boost economic growth'.⁴⁶ Another Rayner initiative, the Leaders' Council, convenes a representative group of local authority leaders to 'tackle shared problems' and 'give local government a voice at the heart of government'.⁴⁷

The thread running through all these initiatives is the Starmer government's commitment to 'partnership working'. Designed to strike a different political note to the more combative approach taken at times by figures in the Johnson government, the notion of partnership was also intended to be artfully vague about whether this involved getting these other governments to come on board with his own priorities, or merely implied a commitment to engaging more respectfully and constructively with them.

These reforms are intended to address recent challenges around administrative coordination and cooperation, and the serious erosion of trust between the leaders of these governments that resulted from Brexit and the pandemic. And they also respond to the imperative to devise ways of integrating the emerging tier of devolved English governance into the structures of British government. A key question that arises is whether it is feasible and wise to address both of these significant challenges through a single innovation. Certainly, there is a degree of strain created by the attempt to bring into one meeting these different kinds of devolved entity. The Scottish, Welsh and Northern Ireland devolution settlements all differ from each other, especially the power-sharing arrangements for Northern Ireland, but they share one key feature: in each case there is an elected legislature holding the government to account and providing legitimacy for its decisions. In the English case, by contrast, a fairly small number of administrative responsibilities have been handed to these authorities and the legislative authority overseeing policy for England is still the Westminster parliament. The combined authority mayors invited to the Council are formally accountable to the local authorities within their jurisdiction, not an elected assembly. They do not have legislative powers, and the budgets they manage are relatively small. The Greater London Authority (GLA),

on the other hand has a different standing and history altogether. But there is some overlap in that the Greater London Assembly also does not have legislative powers, but is directly elected to scrutinise the Mayor of London. And there is no parallel regional or urban mayoral model in Scotland, Wales or Northern Ireland to that which is being built in England.

England is also in a very distinct – some would say incoherent – position in relation to these kinds of intergovernmental negotiation. This is because the absence of any governing authority or legislature for it – the largest part of the UK – means that the British government is in effect its governing authority while also being required to 'hold the ring' for discussions and negotiations between the various territorial governments. This 'dual hatted' role has been the focus of a growing volley of criticism as devolved government has become more established elsewhere in the UK and is echoed by a number of English-focused critics.⁴⁸ As the UK has become an ever-more complex, multi-level state, adaptation within Whitehall to reflect this new reality has been minimal. Various studies have pointed to the resilience of traditional, more unitarist understandings and practices within the British state, even as the governing landscape has increasingly fragmented.⁴⁹

Given the significant asymmetries in constitutional standing outlined above, one of the biggest challenges facing the Council is how to afford due recognition of the distinct position and needs of the devolved governments without losing the undoubted benefits that flow from bringing these different leaders together.

A key related question is what overall purpose should be served by a forum with this membership? What issues should it focus on and what might follow from its deliberations? As the international examples in the next section illustrate, there are a variety of different functions which bodies of this kind can perform. The initial terms of reference of the Council were drawn widely enough to allow for a degree of constructive ambiguity around these questions. But without greater clarity, there is a risk that participants come to view this as little more than a talking shop with a photo opportunity attached.

46. UK government, 'Deputy Prime Minister launches first-ever Mayoral Council', 2024. <https://www.gov.uk/government/news/deputy-prime-minister-launches-first-ever-mayoral-council/>.

47. A. Rayner, 'Local Government Association Conference', 2024. <https://www.gov.uk/government/speeches/local-government-association-conference/>.

48. M. Kenny, *Fractured Union*, pp. 129-179; Dr E. Jepson *Cross-nation Policy Learning and Research Series: Scotland Roundtable Full Report*, PolicyWISE (2024).

49. For a summary of these debates see: J. Ward, B. Ward & P. Kerr, 'Whiter the Centre? Tracing Centralisation and Fragmentation in UK Politics', *Political Studies Review* (2024).

The UK in comparative perspective

Intergovernmental relations are a feature of all states with multiple levels of administration. But there are many possible modes of interaction and degrees of formality when it comes to structured engagement between different tiers of government. The operative constitutional framework of a state is an important constraining factor, and so too its political culture and history. The UK's constitutional arrangements are, by international standards, highly idiosyncratic, with its combination of a strong central executive undergirded by the hegemonic – though variously interpreted – principle of parliamentary sovereignty, on the one hand, and an asymmetric system of devolution and varying forms and kinds of local government on the other. This makes easy comparisons with other countries difficult. But equally an understanding of the history and institutional forms of IGR in other contexts can illuminate potential challenges for the development of IGR in the UK, and provide some pointers about how these might be overcome. Below we identify a few salient features of the models developed in a number of other western countries – specifically Spain, Italy, Australia, Canada, the Netherlands and Germany. More detail on each of these case studies can be found in the appendix at the end of the report.

The influence of constitutional frameworks

The constitutional traditions and characteristics of a state have a marked impact on the nature of its intergovernmental relations, an observation that carries important lessons for the Council of the Nations and Regions in the UK. A distinction is often made in the expert literature between 'dualist' and 'integrated' federal or devolved systems.⁵⁰ In dualist systems, powers tend to be allocated clearly between different levels of government, with some competencies that are exclusively the preserve of substate governments and others that are exercised by central government. The ethos of decentralisation in these countries centres upon the merits of autonomy and greater self-government for the devolved entity.

In integrated systems, on the other hand, the distinction between central and substate governments is typically developed on the basis of function: the federal level is where policy is made while substate units are responsible largely for implementation and administration. Regions are usually represented at the centre and have a formalised role allowing them to exercise some influence over the policy that they will be responsible for implementing. In

very broad terms, the dynamic between governments in this model tends to be more cooperative. Germany is a familiar example of this kind of federal system, with the Länder (provinces) represented in the federal legislative process through the Bundesrat (second chamber). The dynamic in dualist polities, by contrast, tends to be more competitive, and IGR often happens in a fashion in some ways more reminiscent of international negotiation.⁵¹ Canada is a good example of such a model.

Devolution to Scotland, Wales and Northern Ireland is closer to the 'dualist' model, with a clear distinction made between what is reserved to the UK government and what is devolved. (Although, as the devolution settlements have expanded in recent years this distinction has in practice become increasingly blurred, with areas such as tax and social security essentially shared.) As it stands, the dynamic of English devolution has more parallels with integrated, cooperative federalism. Regional mayors have some flexibility in the exercise of strategic powers in relation to their areas, but they do so within a framework set by central government.

Shortly after the Starmer government was elected, one mayor wrote that it was 'fantastic to see our Labour government recognise devolution as their delivery arm'.⁵² This way of thinking about devolution is, by contrast, anathema to the devolved governments of Northern Ireland, Scotland and Wales. Bringing together the leaders of authorities that are profoundly different in this sense is bound to be challenging. And if the UK government intends over time to use this forum to secure approval or agreement upon concrete proposals, it will need to be very mindful of this distinction. The way in which the model of English devolution works means that cooperation around the UK government's aims may be more forthcoming. But, the character of devolution to Scotland, Wales and Northern Ireland may well point towards a model of structured deliberation which is more akin to the dynamics of an international negotiation.

Political culture

Political culture is a second key influence upon the character of intergovernmental relations in different places. In the Netherlands, for example, there is a high degree of integrated cooperation between the provinces, municipalities and the central government. Representatives of the provinces and municipalities

50. Integrated systems are also sometimes referred to as 'cooperative', 'administrative' or 'functional'.

51. M. Guderjan, *Intergovernmental relations in the UK*, p. 21.

52. Steve Rotherham, X/Twitter, 2024. <https://x.com/MetroMayorSteve/status/1813548018324697168>.

are involved in the policymaking process from an early stage, and an agreement is negotiated with the national cabinet which effectively serves as the basis of a joint work programme. In practice, the central government has the power to intervene and subnational authorities raise hardly any of their own revenue. But despite this asymmetry, intergovernmental relations tend to proceed on a largely cooperative basis.⁵³ This is often put down to the ingrained political culture of the Netherlands, sometimes referred to as the 'polder-model', which places value on the process of bargaining between many stakeholders in pursuit of consensus.⁵⁴

Coalition governments are the norm in the Netherlands, and policy is set via agreements that are the subject of lengthy negotiation. And this illustrates a wider point: there tends to be greater institutionalisation of intergovernmental cooperation in consensus-based democracies with proportional electoral systems.⁵⁵ By contrast, in predominantly majoritarian systems there are typically more ad hoc arrangements for bringing governments together. This is most likely due to the winner-takes-all nature of such systems and the greater frequency with which parties gain and win power, with looser arrangements allowing for more flexibility and responsiveness to new political dynamics. Additionally, where the same party is in power across different tiers of government, there is – unsurprisingly – much greater chance of cooperation. But when the opposite is the case, competition is more likely. And the pressure to compete is heightened in majoritarian systems where single-party governments often alternate and the political incentive is to distance from and attack your opponent's record.⁵⁶

This highlights a second entrenched obstacle to the creation of more cooperative model of IGR in the UK. The UK's winner-takes-all electoral system is an integral part of a distinctive political culture which is characterised by a high degree of partisanship and intense party competition. In the past, as we have seen, when there have been different parties in government across the UK, relations between the Westminster and devolved governments have been especially strained. In the aftermath of the general election of 2024, political conditions were conducive to

greater cooperation. There were only four non-Labour figures at the first meeting of the Council of the Nations and Regions.

But this situation no longer holds after the May 2025 mayoral elections, and is bound to change further especially as more English mayoralties are created and hold elections for the first time. And the approach of elections to the Scottish and Welsh legislatures in 2026 may incentivise political opponents to adopt a more combative approach.⁵⁷ With various electoral cycles playing out in a context of heightened electoral volatility, greater political diversity among the governing authorities of the UK is inevitable. In developing this Council, the UK government needs to keep in mind the challenge of devising a structure and set of processes around it which mitigate the effects of the conflictual dynamics that are likely as a result of a more fragmented party-political landscape in the UK. Making the Council a more jointly-owned, co-produced initiative is one approach worth considering in relation to this challenge. Equally, in these circumstances there is a clear need for the British government to bear in mind its unique role as guardian of the entire UK Union and to do all it can to ensure that policy discussions happen in this space at one remove from naked party rivalries. Indeed, one of the key questions for this new entity is whether it can become an institution that endures even in less amenable political circumstances.

The role of central government

In Canada, which – like the UK – uses a majoritarian electoral system for its federal elections, its system of IGR has developed over time, very much in response to changing political circumstances and the attitude taken by different Prime Ministers. The government led by Stephen Harper (2006-2015), for example, was in favour of a smaller, federal state with greater freedom of manoeuvre and often stepped around the structures of multilateral IGR, favouring bilateral deal-making with different provincial administrations.⁵⁸ Justin Trudeau, on the other hand, came into power speaking the language of

53. OECD, *OECD Territorial Reviews: Netherlands 2014*, Organization for Economic Cooperation & Development (2014).

54. Deriving from the noun 'polder' (meaning a piece of low-lying land that has been reclaimed from the sea), it generally denotes a deliberative process of give and take, in which each party may have a great deal of responsibility and autonomy in part, but also substantial co-responsibility and interdependence in the whole. See: Martijn Grienleer and Frank Hendricks, 'Subnational mobilization and the reconfiguration of central-local relations in the shadow of Europe: the case of the Dutch decentralized unitary state', *Regional & Federal Studies* 30.2 (2018), p. 200.

55. N. Bolleyer, *Intergovernmental cooperation: rational choices in federal systems and beyond* (Oxford: Oxford University Press, 2009).

56. M. Guderjan, *Intergovernmental relations in the UK*, p. 31.

57. Recent polling in Wales points to a three-way split between Labour, Plaid Cymru and Reform UK in Senedd voting intention: Jack Peacock, 'Senedd polling points to a three-way split', 2025. <https://www.survation.com/senedd-polling-points-to-a-three-way-split/>.

58. G. Anderson & J. Gallagher, 'Intergovernmental relations in Canada and the United Kingdom', *Constitutional Politics and the Territorial Question in Canada and the United Kingdom: Federalism and Devolution Compared* (Cham: Palgrave Macmillan, 2017) eds M. Keating & G. Laforest.

intergovernmental cooperation with a more ambitious and expansive federal policy programme in mind, and looked to revive the structures of multilateral IGR to help drive this forward – a parallel of sorts with the Starmer government's approach.⁵⁹ However, the extent to which this rhetoric of partnership was realised has been questioned. In some areas at least, it appears that Trudeau pursued a top-down strategy for implementing his government's social reforms, relying on federal funding power to get provincial support rather than a genuinely collaborative approach.⁶⁰

And a similar pattern of uneven top-level engagement has played out in the past in Spain. The highest intergovernmental body – the Conference of Presidents – is meant to meet annually. However, Prime Minister Mariano Rajoy only held one meeting of the conference during his first term and one during his second. Between 2004, when it was first established, and 2017, only six meetings of the conference were held. By contrast, Rajoy's successor Pedro Sánchez has invested more time and effort in the forum, holding 21 sessions of the conference during his time as Prime Minister (although a number of these were held online in 2020 to coordinate the Spanish response to the Covid pandemic).⁶¹

In Australia, the Commonwealth government scrapped the system of IGR that had been operating since 1992 entirely during the pandemic, and replaced it with a less bureaucratic and more flexible model designed to improve coordination (and which has since been retained after a change in Commonwealth government).⁶²

These snapshots serve to show that even in federal states with somewhat more developed IGR systems, much depends on the attitude taken by central government towards multi-level cooperation. Making the structures of IGR work requires political will from all the governments involved, but the level of commitment from central government tends to be particularly decisive.

Asymmetry and different types of substate government

The Council of the Nations and Regions in the UK brings together two different tiers of substate government – the devolved governments (which are 'national' in the case of Scotland and Wales) and an intermediate or 'meso' level in the case of the regional mayors.⁶³ In some states, IGR is organised around the relationships between central government and a single tier of substate government. Canada and Germany are two such examples. However, elsewhere, multiple tiers of authority below central government are involved in the bodies that bring governments into concert.

In the Netherlands, all multilateral IGR involves the representative organisations for the provinces and the municipalities. The leaders of these organisations are key players in the system of IGR, and both engage on a regular basis with the central government via the same processes. However, the provinces and municipalities are seen as constitutionally equal, which makes this arrangement more straightforward.⁶⁴ In Australia, the president of the national local government association is invited to meet with the National Cabinet – the top-level IGR forum – once a year, but is not a full member (it typically meets at least quarterly).⁶⁵

Italy has a system involving three conferences which involve various tiers of government in different combinations. The most conventional of these is the State-Regions Conference between central government and the regional presidents. However, there is also the State-Municipalities Conference convening central government and representatives of various authorities below the regional level, including the president of the Association of Italian Municipalities, the president of the Association of Italian Mountain Communities and 14 mayors. Finally, the 'Unified Conference' brings together the members of both the other conferences in one setting.⁶⁶ These intergovernmental bodies have different remits, reflecting their divergent memberships. The Unified Conference, for example, is primarily concerned with wider fiscal matters that affect all levels government.

59. M. Kaczorowski, 'After years of neglect, we've lost a key element of federal-provincial negotiation', *Policy Options*, 2023. <https://policyoptions.irpp.org/magazines/january-2023/effective-first-ministers-meetings/>.

60. . Dinan & D. Beland, 'Federalism and Social Policy Expansion in Canada during the Justin Trudeau Era', *Publius: The Journal of Federalism* 55.2 (2024) pp. 1-20.

61. President of the Government of Spain, 'The Government of Spain expresses its satisfaction with the Conference of Presidents in Cantabria for consolidating the dialogue and co-governance model', 2024. <https://www.lamoncloa.gob.es/lang/en/presidente/news/paginas/2024/20241213-conference-of-presidents.aspx/>.

62. N. Kapucu, A. Parkin, M. Lumb, & R. Dippy, 'Crisis coordination in complex intergovernmental systems: The case of Australia', *Public Administration Review* 84.3 (2024), pp. 389-399.

63. Although the Northern Ireland Executive holds similar powers to the Scottish and Welsh governments, the complexity and multiplicity of national identity in Northern Ireland mean that it is problematic to refer to it as a nation.

64. OECD, *OECD Territorial Reviews: Netherlands 2014*, p. 200.

65. Department of the Prime Minister and Cabinet, 'National Cabinet Terms of Reference'. <https://federation.gov.au/national-cabinet/terms-of-reference/>.

66. OECD, 'Italy: Conference for cross-government dialogue'. https://infrastructure-toolkit.oecd.org/wp-content/uploads/Italy_Conferences.pdf/.

As well as the two tiers of substate government present in the UK's Council of the Nations and Regions, there is also asymmetry among those tiers – with Scotland, Wales and Northern Ireland holding different competences from each other; and, in the English context, Greater Manchester holding different powers to the West of England, for example. Whereas some countries are reasonably symmetrical in how they are organised, such as Australia and Germany, others are characterised by greater asymmetries in their model of territorial government, for instance Spain and Italy. In Italy, there is an important distinction between 'ordinary' and 'special' regions, with the autonomy of the special regions constitutionally protected. Special regions have different competencies, both from each other and from the ordinary regions.⁶⁷ In Spain, Catalonia, the Basque Country and Navarre have different arrangements in some key areas compared to the other autonomous communities.⁶⁸

However, the UK is an outlier in a different sense – in that the British government also acts as the government of England, despite devolution to Scotland, Wales and Northern Ireland – an arrangement which is almost without parallel in other democratic states. This creates significant challenges, making it harder for the UK government to cast itself as an 'honest broker' which is in some sense above the fray, when it deals with other governments, as there will always be questions about whether it is acting in the interests of the UK as a whole or England.

The various functions of IGR forums

There are multiple different functions that intergovernmental forums can fulfil and they typically serve more than one purpose. Below we set out some of the primary purposes that inform the working of the councils or forums that exist in other countries. The UK's IGR machinery performs some of these functions better than others, and some not at all. In the following section, we turn to the range of different views on what purpose the Council of the Nations and Regions should serve.

Influencing

Influencing can be one of the major functions of IGR structures in multi-level states. In several of our case studies, multilateral forums provide the opportunity for substate governments to influence the decisions of central or federal government and the ways in which decisions affecting their areas are implemented.

This is one of the primary functions of IGR in Italy, with its tripartite system of conferences. The conferences meet regularly and perform, among other things, a variety of 'shared rule' functions, whereby substate governments and authorities are able (in theory) to influence central government legislation and actions that will impact on their areas of competence. Although Italy is now a quasi-federal state, there are still fairly expansive powers that subsist within central government, and many areas of concurrent responsibility. 'Opinions' are required on all draft laws that have implications for regional competencies and 'understandings' are required on some additional central laws.⁶⁹ However, while it is mandatory to seek these positions, they are not binding on the central government.

One specific policy domain in which this influencing dynamic is common in many European Union member states is in relation to EU issues. In Spain, for example, the conference on European affairs meets regularly to formulate joint positions ahead of EU Council meetings, and has become a key mechanism for substate influence over EU policy.⁷⁰ And in the Netherlands, the representative organisations for the provinces and municipalities are permanent members of the central government's working group that assesses new European Commission proposals and prepares the Dutch position ahead of EU Council meetings.⁷¹

At the top-level in Spain, one of the functions of the Conference of Presidents is to provide an opportunity for the autonomous communities to influence central government policy. A wide-ranging policy dialogue between the central government and autonomous communities took place at the most recent Conference of Presidents covering housing, regional funding, migration

67. N. Alessi & F. Palermo, 'Intergovernmental relations and identity politics in Italy' in *Intergovernmental Relations in Divided Societies* (Cham: Palgrave Macmillan, 2022), eds. Y.T. Fessha, K. Kossler, & F. Palermo.

68. C. Navarro and F. Velasco, 'From centralisation to new ways of multi-level coordination: Spain's intergovernmental response to the Covid-19 pandemic' *Local Government Studies* 48:2 (2022), pp. 193-194.

69. N. McEwen, M. Kenny, J. Sheldon, and C.B. Swan, 'Case Study Annex', *Reforming Intergovernmental Relations in the United Kingdom*, (Edinburgh/Cambridge: Centre on Constitutional Change/Bennett Institute for Public Policy, 2018), p. 35.

70. Josep M. Castella Andreu and Mario Kolling, 'Intergovernmental relations and communal tensions in Spain', in *Intergovernmental Relations in Divided Societies* (Cham: Palgrave Macmillan, 2022), eds. Y.T. Fessha, K. Kossler, & F. Palermo.

71. B. van den Barg, 'Inter-administrative cooperation on EU affairs in the Netherlands: a formal code as basis for a broad structured dialogue and consultation'.

and healthcare. Many aspects of migration policy are reserved to the central government, such as asylum and border control. But others, especially in relation to integration, are the responsibility of the autonomous communities. At the meeting, Sánchez reiterated that he was willing to work towards reform of central government immigration law in response to the pressures being experienced by some border territories.⁷²

Foreign policy, defence and security are the exclusive domain of the central government in almost all instances. However, geopolitics can have profound implications that cut across different spheres of authority. In this context, IGR forums can be used to bring devolved governments into dialogue with the central government on these matters of federal importance. Canada provides a striking recent example. Former Prime Minister Justin Trudeau convened the federal premiers via the First Ministers' Conference to discuss the huge challenge posed by the second Trump presidency in the US.⁷³ He used the forum to foster a 'Team Canada' approach in response to a significant foreign policy issue with specific implications for the provinces around trade and border security. His successor Mark Carney has indicated that he intends to continue using the forum to engage with the first ministers on the implications of Trump's policies for Canada.⁷⁴

Decision-making and coordination

Another key function of the top level of IGR systems in many other countries is that of decision-making – although the status and scope of the decisions that are taken vary widely. In some states the negotiation of agreements with specific policy commitments forms a core part of intergovernmental activity.

In Spain, much intergovernmental activity takes place via a suite of policy-specific sectoral conferences. Among other things, these forums are used to cooperate on joint plans and programmes in areas where there are common goals or shared responsibilities.⁷⁵ They engage in joint-working on many 'shared-cost' agreements, for example in certain healthcare programmes.⁷⁶

In Australia, the negotiation of intergovernmental agreements of a variety of types is one of the main functions of its National Cabinet and the ministerial councils that report to it. Some of these agreements concern information-sharing and regulatory alignment. But others take the form of joint policy initiatives between the Commonwealth and state governments, which set out a direction of travel, the roles and responsibilities of the different levels of government, as well as agreed objectives and how they are going to be measured. These intergovernmental agreements are not legally binding, however, and agreed actions are implemented, where necessary, by state-level legislation. The National Plan to address violence against women and children is one recent example, which stems from the shared objective of ending gender-based violence in a generation. The jointly agreed action plan sets out who is responsible for what, with progress and implementation being monitored by a new IGR committee – the Women and Women's Safety Ministerial Council – which reports back to the National Cabinet, which has itself met several times on this issue. The Commonwealth government has committed to spending \$3.9 billion on tackling the problem, and a matched funding agreement on family, domestic and sexual violence responses is being negotiated.⁷⁷

Intergovernmental agreements are often tied to Commonwealth funding so that states agree to participate in national policy programmes in order to access discrete funds from central government. In general, initiatives tend to originate with the central government, and while the state governments are involved in shaping these policies through the intergovernmental machinery the effect of agreements can be to restrict their flexibility.⁷⁸

Agreements of a similar kind can also be found in Canada, another 'dualist' federal state. They are prominent, as in Australia, when the central government has overarching policy ambitions that encompass areas of substate competence. This can be seen in the Trudeau government's approach to social policy, much of which is formally within the competence of the provinces, but with the latter often lacking the fiscal capacity to expand provision. In areas such as healthcare and early learning and childcare, the

72. President of the Government of Spain, 'The Government of Spain expresses its satisfaction with the Conference of Presidents in Cantabria for consolidating the dialogue and co-governance model', 2024.

73. Prime Minister of Canada Justin Trudeau, 'First Ministers' Statement on the Canada-United States Relationship', 2025. <https://www.pm.gc.ca/en/news/statements/2025/01/15/first-ministers-statement-on-the-canada-united-states-relationship/>.

74. M. Carney, 'Mark's Plan', 2025. <https://markcarney.ca/one-canadian-economy/>.

75. S. Leon, 'Intergovernmental councils in Spain: Challenges and opportunities in a changing political context', *Regional & Federal Studies* 27:5 (2017), p. 650-651.

76. M. Castella Andreu & M. Kolling, pp. 167-179.

77. For more detail, see Box 2 of the Appendix.

78. For a summary of this dynamic, see: J. Poirier & C. Saunders, 'Comparing Intergovernmental Relations in Federal Systems: Conclusion' in *Intergovernmental Relations in Federal Systems* (Ontario: Oxford University Press, 2015) eds. J. Poirier, C. Saunders & J. Kincaid, pp. 475-476, 492-495.

federal government secured provincial support for its reforms in exchange for funding that came with specific requirements.⁷⁹ In Canada, Québec tends to be more concerned about protecting its autonomy than other provinces, and has at times opted out of intergovernmental agreements and federal programmes.

In the UK, the primary mechanism for allocating funds to the devolved governments is via block grants determined by the Barnett formula, which has to some extent closed off the kind of dynamics around funding mentioned above. Funding for combined authorities in England, on the other hand, has typically involved ring-fenced pots established by the UK government which are allocated around centrally-determined goals, with limited opportunity for mayoral influence over their formulation.⁸⁰ There has been little in the way of the sorts of cooperative programmes common in countries like Australia, where IGR mechanisms are used to disperse federal funds and agree joint funding around shared initiatives.⁸¹ If the UK government wants to incentivise new forms of collaboration through the Council of the Nations and Regions, putting money on the table for joint projects is one approach that may shift the dynamic in this direction.

Policy learning and information-exchange

Information-sharing is a common purpose for IGR bodies. It is especially important when it comes to issues of implementation, providing best practice, or learning from mistakes, and also in relation to the establishment of shared standards and metrics⁸² – a particular challenge in the UK context given the absence of data comparability in relation to key policy outcomes such as health and education. This function can translate into giving early warnings about forthcoming initiatives, sharing policy lessons and exchanging data. In Spain, many intergovernmental agreements are focused upon exchanging statistics and information. Likewise, a function of the Italian conference system is to promote information-sharing.⁸³

This is also a significant feature of the Australian system. Recent meetings of the National Cabinet have involved information-sharing and lesson-learning agreements. Following a spate of antisemitic attacks, an agreement was recently made to establish a national database tracking antisemitic crimes and share best practice across the governments in tackling antisemitism.⁸⁴

In Germany, information-sharing forms one of the primary purposes of intergovernmental interaction in the system of German Länder ministerial conferences. As the Länder's influence over national policy is institutionalised via the Bundesrat, ministerial conferences are organised mostly among the Länder themselves, rather than in conjunction with the federal government. These conferences, which take place frequently, focus mostly on technical questions and the sharing of best practice. They are concerned with coordination at the substate level on questions of effective implementation.⁸⁵

Autonomy protection and enhancement

Substate governments may also use intergovernmental machinery to protect their autonomy from encroachment by the central state, for example by pushing back on, or opting out of, central initiatives. Intergovernmental forums can also play a role in autonomy enhancement, although this kind of negotiation more often takes place in bilateral settings or private meetings. In Spain and Italy, for example, regions with strong minority identities have used forms of bilateral IGR to expand and protect their autonomy. This dynamic can also be seen to a certain extent in the UK, where bilateral 'Joint Exchequer Committees' were used to negotiate new fiscal frameworks for Scotland and Wales after the transfer of new tax powers, and through which they managed to exert influence over this process and often sought to defend their autonomy.⁸⁶

79. For more detail, see Box 1 of the Appendix.

80. More flexible funding arrangements via a single integrated settlement are now being rolled out to the more established mayoralities, with the English devolution white paper setting out an ambition for this approach to become the norm.

81. A limited example of this kind of initiative in the UK context can be found in the 'city deals' that were negotiated for cities outside of England from 2014, where the deal involved the agreement of joint funding from both the UK government and the devolved government in question.

82. N. Behnke & S. Mueller, 'The purpose of intergovernmental councils: A framework for analysis and comparison', *Regional and Federal Studies* 27.5 (2017), p. 515.

83. N. McEwen, M. Kenny, J. Sheldon, & C.B. Swan, 'Case Study Annex', p. 40, p. 30.

84. M. Grattan, 'Albanese finally summons national cabinet to consider antisemitism epidemic', *The Conversation*, 2025. <https://theconversation.com/albanese-finally-summons-national-cabinet-to-consider-antisemitism-epidemic-235637/>.

85. Y. Hegele & N. Behnke, 'Horizontal coordination in cooperative federalism: The purpose of ministerial conferences in Germany', *Regional & Federal Studies* 27.5 (2017), pp. 529-548.

86. N. McEwen, 'Still better together? Purpose and power in intergovernmental councils in the UK', *Regional & Federal Studies*, 27.5 (2017), pp. 678-681, 684.

Dispute resolution and avoidance

One further function of intergovernmental forums is to help prevent disputes between different levels of government from emerging. Disagreement is inevitable in any multi-level system, but it is often argued that through regular and early engagement, as policies are being developed, the potential for future disputes might be mitigated. Nevertheless, jurisdictional conflicts do often end up being resolved in the courts. In the past, this has been fairly common in Spain and Italy, for example.⁸⁷ In Spain, bilateral commissions now have a specific role in avoiding the judicial adjudication of intergovernmental disputes.⁸⁸ Intergovernmental agreements of the Australian variety typically include specific procedures in them for dispute resolution. In the UK, as we have seen, the agreement of a more independent dispute resolution process was one of the key outcomes of the 2022 IGR Review.

Conclusion

This brief survey of some of the main functions associated with IGR structures in general, and their top-level forums in particular, highlights their importance to the governance of multi-level states. These bodies often focus on the concrete formulation and coordination of policy, and produce various kinds of output. They are rarely just ‘talking shops’. IGR machinery in the UK has typically been weakest when it comes to providing structured, multilateral opportunities for influencing central government, sharing policy lessons, and coordinating actions. In the next section, we turn to consider the current views of its main participants about what purpose the Council of the Nations and Regions should serve in the UK context.

87. N. McEwen, M. Kenny, J. Sheldon, C.B. Swan, ‘Case Study Annex’, p. 36, p. 45.

88. S. Leon, ‘Intergovernmental councils in Spain’, p. 652.

The Council of the Nations and Regions: challenges and dilemmas

In this section we examine the main challenges and dilemmas associated with the Council of the Nations and Regions. We reflect upon some of the different perspectives we encountered when speaking to key stakeholders from the different governments involved, and unpack what purpose the Council might serve, its place within the wider architecture of UK IGR, how it should be run, and who should be involved.

Purpose and role

We came across a fairly wide range of perspectives in our interviews about what should be the purpose of this Council. Some of the functions which were most enthusiastically proposed were those which have typically been more absent from the system of UK IGR in the past, such as enhanced collaboration around common priorities and the opportunity for devolved leaders to influence UK government thinking and UK-wide strategy. While everybody we talked to acknowledged the challenges involved in setting up the Council, it was universally held that it has the potential to be a useful and important body. One recurrent theme in these conversations was that in order to become a lasting entity, it would need to be more than a ‘talking shop’. Rather, it should be an occasion where there are discussions of important issues of real substance which may have a demonstrable impact. Below we set out the main potential functions which were identified by participants.

Relationship building

There was a widely shared sense that there is immense value to bringing these leaders into more regular contact with one another. There is no other setting in which the UK government, the devolved leaders and the mayors interact. And it thus provides an opportunity for relationships to develop that otherwise might not. The relational aspect of these gatherings should not be overlooked as there is plentiful evidence that solid relationships are the bedrock upon which trust can be built, and trust is a vital ingredient of successful collaboration. We heard that for the British Irish Council, these informal interactions on the side of the formal sessions, and at the accompanying dinner, were some of the most valued aspects of its gatherings. Given this, it will be important that space and time is built into the Council schedule for this kind of informal interaction and ‘networking’.

Connectivity

Cross-border working was another benefit cited by some of these stakeholders. A number indicated that the Council could facilitate cross-border conversations, and highlight issues that pertain to areas on different sides of a borderline, which require better collaboration. Scotland has a substantial border with the North East combined authority, and there are connections between Wales and the combined authorities in the west of England, such as the West Midlands. Issues such as transport connections, and infrastructure challenges, would therefore be a fruitful area for discussion and collaboration facilitated by the Council. And by bringing the UK government and all the heads of devolved governments and mayors together, it could facilitate wider conversations and coordination around the connectivity of the UK as a whole. During Boris Johnson’s premiership the UK government commissioned and published a Union Connectivity Review, which proposed a UK-wide framework for future transport infrastructure plans. It was hampered, however, by the distrust between the UK and devolved governments at the time, but the Council could provide a forum for more productive engagement on this wider topic.⁸⁹

The operation and planning of the energy system is another area where there may be cross-border issues relating to infrastructure and planning that would benefit from this kind of multilateral engagement. The National Energy System Operator (NESO) – the public body responsible for Great Britain’s energy system – has been commissioned jointly by the UK, Scottish and Welsh governments to create an overarching Strategic Spatial Energy Plan (SSEP).⁹⁰ And the English devolution white paper proposed more of a role for mayors in the wider energy system, stating that NESO should engage with them as it also develops Regional Energy Strategic Plans.⁹¹ It is widely accepted that a coordinated and collaborative approach across different orders of government is needed here, and the Council could, again, provide a forum to have a more joined up conversation among the relevant principals.

89. Union Connectivity Review, *Final Report* (2021).

90. Department for Energy Security & Net Zero, *Strategic Spatial Energy Plan: Commission to the National Energy System Operator* (2024).

91. Ministry of Housing, Communities and Local Government, *English Devolution White Paper*, p. 75.

Policy learning and information-exchange

It was argued, at the time of its establishment, that devolution across the UK could create the conditions for a kind of policy laboratory to emerge, with authorities and leaders learning from the success or failure of others, and a wider repertoire of options and thinking being stimulated. But, despite some notable exceptions, this has not really happened.

A 2016 report from the Institute for Government identified several barriers to effective evidence-exchange between governments. Political differences and a lack of strong personal relationships were one impediment. But the report also identified the weakness of formal intergovernmental structures, where the focus has been primarily on dispute resolution and the objective of influencing central government rather than upon the idea of policy discussion and learning. The report recommended that evidence exchange and joint learning should be a priority for a reformed IGR machinery (which was being reviewed at the time). Unsurprisingly, when different parties are in government, they may be less inclined to share information with each other due to being in competition and the fear that this information will be used as political ammunition.⁹² And the likelihood that more parties will be in power in different parts of the UK in the coming years creates a significant challenge for the Council of the Nations and Regions. But, as suggested above, more regular interaction can help build the personal relationships and trust needed to create the kind of environment in which governments and authorities might be more open to exchanging information and learning from each other.

The consensus among our interviewees was that, despite the structural and constitutional differences between the devolved nations and combined authorities, there are common challenges and opportunities for learning from each other. This chimes with a series of recent roundtables held to mark 25 years of devolution, which highlighted an appetite for enhanced cross-nation policy exchange.⁹³ There are shared concerns – whatever the colour of the party in power – around, for example, raising productivity, tackling economic inactivity, and improving public

services. And the Council offers a rich opportunity to foster collaboration and learning in these kinds of areas.

Both the North East combined authority and the Scottish government have made tackling child poverty a priority, and the child poverty strategy being developed by the UK government has declared its interest in learning lessons from their approaches.⁹⁴ The Council could well provide concrete opportunities for participants to discuss best practice and different approaches in such an area. And this kind of discussion might well encourage political decision-makers to take seriously the challenge of designing data collection methods with greater comparability in mind – a longstanding weakness of the UK model.

The different governments within the UK tend to collect data in ways that reflect their own priorities and traditions, so when their approaches diverge, this makes it difficult to assess whether one is working better than others, and what are the right lessons to draw from comparison.⁹⁵ When data is collected at the British or UK levels, this can also create challenges for comparison given the size of England and the presence of London within it, which is an outlier in many respects. Given this, the devolved governments have often preferred to look to small countries further afield rather than compare themselves to England. And the UK government may be more inclined to look at medium-sized countries than the devolved nations. But there are good reasons to create the conditions for better cross-national comparison within the UK, not least the institutional and cultural similarities across different parts of it.⁹⁶ And as more powers are devolved to the regional level within England, this may well open up new opportunities for comparison at a more useful scale (for example, between Scotland and the North East). But moving towards systematically collecting data in ways that make it easier to analyse comparatively requires coordination at an early stage. This is an area where an overarching collaborative institution such as the Council of the Nations and Regions could make a significant difference.

92. A. Paun, J. Rutter & A. Nicholl, *Devolution as a policy laboratory: Evidence sharing and learning between the UK's four governments*, (London: Institute for Government/Alliance for Useful Evidence, 2016).

93. Dr E. Jepson, *Cross-nation Policy Learning and Research Series: Scotland Roundtable Full Report*, PolicyWISE (2024); Dr E. Jepson, *Cross-nation Policy Learning and Research Series: Wales Roundtable Full Report*, PolicyWISE (2024).

94. Secretaries of State for Work & Pensions and for Education, 'Tackling Child Poverty: Developing Our Strategy', 2024. <https://www.gov.uk/government/publications/tackling-child-poverty-developing-our-strategy/tackling-child-poverty-developing-our-strategy-html/>.

95. For an example of this, see S. Bush 'UK's devolved governments can learn from each other on welfare reform', *Financial Times*, 2025. <https://www.ft.com/content/3230070e-014c-45f1-af10-1c8ff393299/>.

96. A. Paun, J. Rutter & A. Nicholl, *Devolution as a policy laboratory*.

Influencing

Most of our interviewees felt that the Council should be an important forum where meaningful debates about public policy issues – both those that were technically the ‘reserved’ responsibilities of the UK, and those where other governing authorities had devolved competencies – would take place. There were different views, however, on what this might look like in practice. Some argued that the Council should primarily be a forum where the mayors and devolved leaders might be able to have a degree of influence over UK government policy. On this view, the focus of discussion should mainly be on areas that are the UK centre’s responsibility and which have a clear impact for the whole of the UK. International trade is a pertinent example of such an issue, given the impact that trade deals carry for sectors across the UK.

It was suggested that the Council could provide a space for participants to feed into and influence the development of UK-wide strategies and the UK government’s strategic thinking. In this vein, the first Council meeting involved a discussion of the industrial strategy green paper, ‘Invest 2035: The UK’s Modern Industrial Strategy’ and this appears to have elicited a fairly useful, wide-ranging discussion among participants. And, given the economic and geopolitical turbulence triggered by the early actions of the new US President, Starmer might well find it useful to share his own strategic thinking with, and test the views of, this group of leaders as he tries to navigate the immensely challenging geopolitical environment, and works through the fiscal and policy implications of the significant uplift in defence spending which he has announced.

The primary purpose of the Council, on this view, is as a space for participants to exchange views and put forward ideas, with a view to influencing strategic thinking and policy formulation. In areas where the UK government is seeking to set a strategic direction for the whole of the UK, it would provide a regular channel for input from territorial leaders. This could bring a number of benefits, including a greater sensitivity to the particularities of different places and identification of issues that might otherwise be overlooked. And sounding out policies that fall primarily within reserved areas of competence, and taking on board the perspectives of devolved leaders, could help secure their buy-in, which in turn will help manage the impact and implementation of these decisions across the UK.

While the focus in our discussions was primarily on opportunities to influence the direction taken by the UK government, this should cut both ways, with the UK

government seeking to inform thinking in relation to devolved policy areas too. Many – if not most – policy challenges, including the UK government’s missions, are cross-cutting in nature, meaning that the relevant powers are dispersed among different authorities. Given this, the UK government is likely to want to use this forum to share its views on the approaches of other authorities in relation to key priorities. This kind of dialogue may be a staging post towards the more substantive forms of coordination and collaboration we explore below.

Decision-making and coordination

A common theme that emerged from these interviews was the need to demonstrate the practical impact of the Council’s deliberations in order to sustain its participants’ sense of its value. Others suggested, more ambitiously, that the discussions held at these meetings should result in firm agreements between the participants on actions that would then be pursued by other governments too. And progress on these could then be reported on at subsequent meetings. Although these would not be legally binding, a public agreement to pursue a certain course of action would create a degree of political pressure to follow through on what had been agreed.

This more substantive conception of the Council’s role echoes that played by equivalent bodies in some other countries, notably Australia. In the UK context, the making of binding agreements in this context would raise constitutional sensitivity both in terms of the potential for the UK government to reach into areas of devolved responsibility and vice versa, and due to the lack of parliamentary oversight of these inter-executive deliberations. The first prospect is especially sensitive to the devolved governments, given the perception that successive Conservative governments had eroded the autonomy of devolved decision-making through mechanisms such as the Internal Market Act. More generally, all of these leaders – including those from the same party as the Prime Minister – are under huge pressure to demonstrate that they will not become delivery agents for priorities dictated by the UK centre.

But this idea also raises constitutional sensitivities and dilemmas for the UK government. Trying to make the Council a body with formal decision-making power would be difficult without undermining the principle of parliamentary sovereignty. And even a looser movement towards voluntary agreement in certain areas would require the UK government to cede a degree of control to these other governments, a situation which might well open it to the charge that this innovation is moving

outside the bounds of British constitutional practice. Nevertheless, even within this constraint, there is still the possibility of non-binding political agreement between these leaders around coordinated actions in certain areas.

A serious movement in the direction of agreements to partner on key policy objectives would require sensitivity and diplomatic effort on the part of all the parties involved, but particularly the UK government given its dominant constitutional position and the perceptions of previous overreach mentioned above. And it may well be that viewing this process through the lens of an international negotiation might be helpful, with shared objectives being agreed in advance, and officials playing the role of 'sherpas' in working up concrete proposals that can be discussed at the meetings. Regardless, it is important to recognise that the substantive policy work of the Council will be done by officials between meetings. For the new forum to realise its potential, it will be necessary to ensure there is sufficient capacity to undertake this work – particularly among the English authorities.

Conclusion

Although we came across a range of different emphases and levels of ambition, most of the possible functions for the Council that were raised in our interviews gesture in a similar direction – that of shifting the UK towards a more collaborative form of territorial government. The concept of 'collaborative governance' has a number of applications in the academic literature, but can be broadly defined as activity among multiple actors, both within and outside government, 'with potentially overlapping jurisdiction', that focuses 'on the process through which they achieve policy goals in partnership'.⁹⁷ We take collaborative territorial government to involve a recognition from the different orders of government across the UK that they are embedded within a wider, interconnected system, and that if they are to achieve their core aims, they need to work with others.⁹⁸ And this applies to the UK government too, especially given the complex, cross-cutting nature of its missions and the extent of the powers now held by the devolved governments. The functions raised and explored above are in many ways practical reflections of this idea – including managing cross-border connections, influencing UK-wide strategic frameworks, improving data comparability, and agreeing, in some instances, to partner on specific defined policy initiatives. This is not, however, to say that they should always seek to align

or follow the same approach. There are many instances when the different governments and authorities involved will have divergent policy agendas that reflect their accountability to different electorates. But while there are undoubtedly challenges stemming from party competition, a more collaborative framework can co-exist with and even support potential divergence by providing channels through which it can be more effectively managed.

Remit

A number of different areas of potential focus for the Council were floated by our respondents. The majority of these concerned specific policy issues where it was felt that there were overlapping interests, and where there could be benefits from working more cooperatively. Some of the issues raised relate primarily to powers that are 'reserved' to the UK government, but most are 'cross-cutting' in nature, meaning the boundaries between reserved and devolved competences are fuzzy and the relevant policy levers are held at various levels. While there are some areas where the relevant policy levers are almost all devolved (and where the UK Prime Minister is in effect acting only for England), most major policy challenges tend to fall into the 'cross-cutting' category.

The area that came up most frequently was the challenge of securing higher economic growth. This is a shared priority across the UK, but involves the complex interplay of different factors. The various plans that have been published by different governments contain similar proposed courses of action, involving new transport and energy infrastructure, support for particular sectors and industries, and ideas for attracting investment, planning reform, encouraging innovation, using new technologies, and improving skills. However, the relevant powers are not neatly distributed, but fall in varied ways to different orders of government. Given how high a priority this is for all the leaders involved in the Council, it would make a good deal of sense to make this a focal point of its activity. But while some thought that the Council should focus its efforts primarily on the growth agenda, there were other complex, cross-cutting issues of this kind that were also proposed, including climate and energy policy, and the challenges and opportunities posed by artificial intelligence.

And, as we have seen, the opportunity for territorial leaders to be brought into the policy-making picture on

97. L. Blomgren Bingham, 'Collaborative Governance' in *The SAGE Handbook of Governance*, ed. M. Bevir (London: SAGE Publications Ltd, 2011), pp. 386-389.

98. See Sandford's exploration of the concepts of 'collaborative governance' and 'embedded autonomy' in M. Sandford, 'Slow burn revolution? Collaborative governance in the English Devolution White Paper', Bennett Institute, 2025. <https://www.bennettinstitute.cam.ac.uk/blog/english-devolution-white-paper/>.

reserved issues such as international trade and foreign policy – especially in the context of the global instability associated with Trump's second presidency – was also mentioned. Given the impact that trade deals have across the different parts of the UK, the devolved governments have long argued for more input into UK trade strategy and negotiation positions. And with the geopolitical world order in a considerable state of flux, there is a persuasive logic to bringing the full capacity of the multi-level state to bear on the various different challenges and dilemmas this poses.

Although most respondents talked to us about specific policy issues on which discussions should focus, the Council could also facilitate discussions and learning around the 'how' questions of delivery and governance. Participants could share learning, for example, on different approaches to building capacity and governing more strategically. However, in the conversations we had about the scope and potential foci of the Council's discussions, we came across an important cautionary view, which indicated that it should not try to be too wide-ranging in terms of the topics it covers and should instead focus on a particular set of related issues until it beds down.

Given the range of issues floated in relation to the Council's work, it may make sense to think less about jurisdictional boundaries in this forum and more about the different forms of cooperation appropriate to them. Given the complexity and cross-cutting nature of many of these challenges, it is difficult for governments and authorities to make progress on their own. The Council could provide the political direction to explore the kinds of collaborative activity highlighted above in relation to challenges such as securing higher growth and protecting living standards. This would involve governments and authorities beginning by more systematically sharing learning and best practice, coordinating better across jurisdictions, and then considering whether to commit to clearly defined joint initiatives.

The wider landscape of UK IGR

The Council of the Nations and Regions, and Labour's two new English leader forums (the Mayoral Council and the Leaders' Council), are the latest additions to an already complicated IGR machinery in the UK. These bodies add to the new structures agreed between the devolved governments and the previous UK government in 2022. As mentioned, these include a number of inter-ministerial groups working through very specific policy areas, as well as two intermediate bodies focused on financial and cross-cutting issues. The key question posed by the

Council of the Nations and Regions relates to the 'top-tier' body established by the IGR Review – the 'Prime Minister and Heads of Devolved Governments Council' – as the membership of the two bodies very clearly overlaps and there appear to be some areas of similarity between their functions. This high-level IGR forum was meant to meet annually, but was only convened once – by Rishi Sunak in November 2022 – before the change in government at UK level.

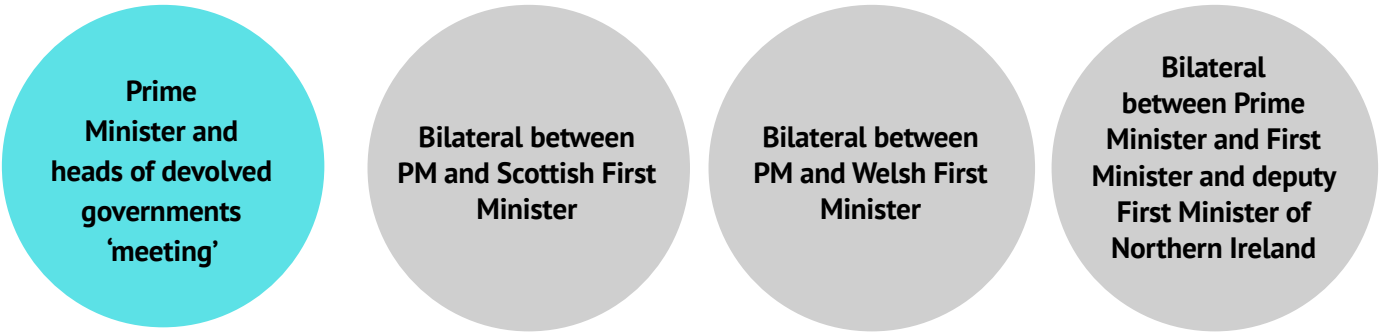
The approach taken at the first meeting of the Council was to structure proceedings to allow for two differently configured groups of stakeholders to be convened on the same day. The UK Prime Minister engaged in a small meeting with the heads of devolved governments, in the morning, and then the full Council of the Nations and Regions met later in the day. Bilateral meetings between the Prime Minister and individual first ministers also took place around these sessions, and the Mayoral Council was convened the day before by the Deputy PM Angela Rayner. From an administrative point of view, there are clear benefits to holding all of these meetings on, or around, the same day.

Diagram 1: Sequencing at the first meeting of the Council

Day before



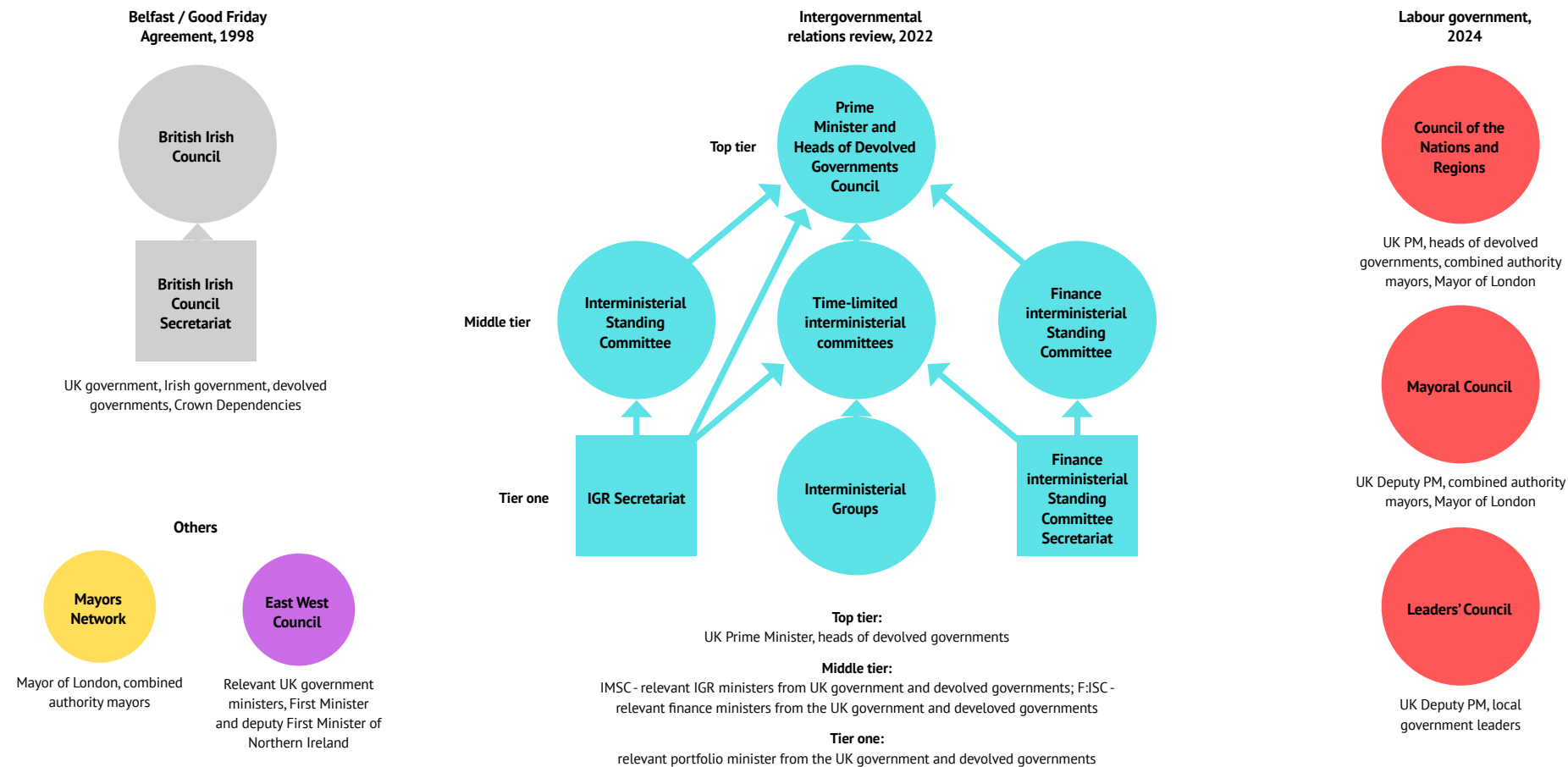
Morning



Afternoon



Diagram 2: The architecture of UK intergovernmental relations⁹⁹



99. This illustrates the various structures bringing together governments and authorities across the UK but does not show every aspect of what is a complex and fragmented landscape. The diagram of the IGR review structures draws on the diagram on p.11 of the House of Lords Constitution Committee report *The Governance of the Union: Consultation, Co-operation and Legislative consent* (2024). The memberships given for the East West Council and the Leaders' Council are approximations as no official terms of reference have been published.

It is not entirely clear whether the morning meeting between the Prime Minister and the first ministers constituted a formal session of the 'top tier' of the pre-existing IGR machinery – the Prime Minister and Heads of Devolved Governments Council – or should be seen as distinct in kind, falling under the umbrella of the new Council of the Nations and Regions.¹⁰⁰ And, more generally, there remains some ambiguity about the relationship between these two Councils. In particular, it is not entirely clear whether they sit alongside each other, or if there is a hierarchy between them.

More clarity is also needed, we suggest, regarding their different functions. The terms of reference for the IGR top tier focus primarily on its role overseeing the broader functioning of devolution, the three-tiered system of IGR which it sits at the top of, and the dispute resolution process that forms part of that system.¹⁰¹ The terms of reference for the Council of the Nations and Regions suggest more of an action and delivery focus, with the emphasis on partnership working, collaboration and sharing lessons.¹⁰² However, both mention the consideration of issues affecting the whole of the UK. And collaboration and policy learning form part of the functions set out for the middle and portfolio tiers of the pre-existing IGR machinery. There is, therefore, some potential for overlap. The different emphases of the terms of reference indicate a possible division of labour, but it would be helpful to make this more explicit to avoid confusion and duplication.

The broad structure of the first Council meeting was viewed positively by a majority of our respondents. There was widespread acceptance that it was appropriate for there to be a forum for the leaders of the devolved governments and the Prime Minister to meet outside the full Council of the Nations and Regions format, without the English regional mayors. And there was general agreement that the new Council had not disrupted or supplanted the pre-existing IGR machinery. In general, there was a sense that the Council, and these other new bodies for English leaders, could usefully complement the existing architecture. And the majority view was that the Council should be seen as a supplementary pillar to the IGR forums – a parallel structure with a wider membership. There are similarities here with the Italian system, where the 'Unified Conference' brings together the members of the two other

intergovernmental conferences. Our conclusion is that this is an area that requires particularly careful consideration and where greater clarity is needed about the focus and scope of both of these forums.

The Council's schedule of twice-yearly meetings was welcomed by participants from the devolved governments as a positive commitment to more regular engagement with the UK Prime Minister. There were, however, some notable differences in view about when these meetings should fall, and the extent to which they should be connected to other significant events in the annual schedule of policymaking, such as the UK Chancellor's spring and autumn fiscal statements. On the one hand, there was the feeling that holding the Council too close to a big fiscal event would render its discussions too transactional in character. But others argued that unless the Council's deliberations could feed into Treasury decision-making, it would struggle to have any real impact. This is an issue that needs careful consideration. We would suggest that there is a strong case that meetings of the Council should happen at a fixed point in the annual calendar. This would help embed them in the annual cycle of governmental business and enable the shift towards work that happens in advance of these meetings and feeds into them.

Administration and delivery

We heard different views on how, and by whom, the Council should be run. A standing secretariat, staffed by officials from all four administrations, was one of the outcomes of the IGR Review. This has some parallels with the model used by the British Irish Council, which has a permanent headquarters and staff based in Edinburgh. It is, however, notably less transparent – with very little public-facing presence – and, despite being staffed by officials from all four administrations, remains embedded in the UK Cabinet Office.

The Council of the Nations and Regions is, at present, being run by a separate small secretariat based in the Cabinet Office, supported by a Cabinet Office-led delivery group composed of representatives of all the participants. The standing Secretariat that administers the IGR machinery was part of a package of measures designed to increase organisational capacity and ensure that meetings

100. A communiqué was published by the UK government which refers to it as 'a meeting between the Prime Minister and the Heads of Devolved Governments'. UK government, 'Prime Minister and Heads of Devolved Governments Meeting communiqué 11 October 2024', 2024. <https://www.gov.uk/government/publications/prime-minister-and-heads-of-devolved-governments-council-communique-11-october-2024>

101. UK government, Scottish government, Welsh government & Northern Ireland Executive, 'Annex B: Draft terms of reference for the Council, IMSC, ICs, and draft list of IMGs', *The Review of Intergovernmental Relations* (2022).

102. UK government, 'Council of the Nations and Regions: Terms of Reference', 2024.

did not just take place as and when it suited the UK government. It has been praised for improving the running of IGR meetings and ensuring longer lead-in times.

These questions of process and administrative equity tend to be of much greater concern to the devolved governments than the UK government. And our sense is that in order to ensure that political and territorial differences do not spread to administrative matters, a similar model is worth considering for the Council.

There are two potential approaches to this issue. Either it would be possible to fold the administration of the Council of the Nations and Regions into the responsibilities of the existing IGR Secretariat, or the current Cabinet Office-based approach could be retained, but with some agreed principles over the basic rules of its operation. Proponents of the first option argue that the IGR Secretariat should be better resourced so it can continue carrying its existing functions effectively alongside this new responsibility. This would reduce the administrative burden on central government and allow officials within each government to focus their attention more exclusively on intergovernmental policy work. As the IGR Secretariat is accountable to all four administrations, this route would require the agreement of the devolved governments, and thought would have to be given as to how to consult and include the mayoral authorities. Whichever administrative model is used, it seems clear that longer planning horizons are advisable.

If the Council is to be more than a photo opportunity and occasion for platitudes, getting the right delivery model will be crucial. It may well be that viewing the Council through the lens of the practices associated with international summits could be beneficial. This would help square the tension between the Council's symbolic function and the desire for it to be an opportunity for meaningful discussion that may issue into jointly agreed action. Time will always be of the essence at the meetings of the Council itself, and there will be limited opportunity for technical discussions at them. The top-level meeting among leaders should broadly focus on setting the political direction on key issues, reviewing ongoing joint activity, and finalising any prospective agreements. In the context of international summits, the substantive work on such agreements typically takes place between meetings through government-appointed 'sherpas' and technical working groups. These lead officials act as a bridge between their administrations and the high-level meeting itself, and are responsible for turning technical proposals

into agreements to cooperate through negotiation with their counterparts. For the 'sherpa' model to increase the potential for the Council to drive forward new forms of cooperation, the appointment to this position would need to be a senior one. And this is especially the case in the context of Whitehall, with its strong departmental silos. The UK government-appointed sherpa would need to be able to liaise across and secure input and agreement from various different UK government departments, including the HM Treasury, which would be impossible unless this individual has sufficient authority and the clear backing of the Prime Minister.

On the whole, attitudes and practices at the centre of government – especially in certain departments – have changed relatively little in response to devolution. One of the views we came across in our interviews was that the work associated with the Council on the UK government side could have knock-on positive effects on this front. If the Council is given a sufficiently high priority, then a wider range of officials from across departments will be brought into contact with perspectives from different parts of the country and the realities of the UK as a multi-level state.

If taken forward this would undoubtedly be a more resource intensive approach than the current model. But without sufficient resources and support, this forum will struggle to play the meaningful role hoped for it.

Composition

Whether the Council has the right membership, as currently constituted, remains a contested issue. The current membership principle is to include 'authorities with devolved responsibilities' alongside the UK and devolved governments.¹⁰³ However, there are parts of England that are currently not represented at it by dint of the absence of a model of devolved government, and this was raised as a challenge for the Council, especially if it moves in the direction of negotiating agreements on substantive actions. Separately, criticism was aired in advance of the first meeting about the lack of representation of the largest cities of the devolved territories in comparison to some of their English counterparts. Both of these features are reflections of the striking variability of local and regional governance arrangements across the UK.

Equally, the idea of including representatives from local government – which has been aired in some quarters –

103. UK government, 'Council of the Nations and Regions: Terms of Reference'.

from any part of the UK received a negative response from most of the stakeholders with whom we spoke. It was felt that it would be more appropriate for central government to engage these voices through bodies like the newly-created Leaders' Council in England.

From a UK government perspective, membership of the Council is one of the incentives it is using to encourage areas of England to agree to form mayoral combined authorities. This may prove to be an effective carrot, especially if the Council does come to be seen as an increasingly important body. But in the interim those areas of England that are not yet covered by devolved authorities will continue to lack a voice around the table. It will be incumbent on the UK government to ensure their interests are not overlooked during this period. However, the ongoing growth in the number of regional mayors itself creates a logistical challenge for the Council, given both the preponderance of English leaders in the room and the trade-off between ensuring a more open and responsive conversation and the number of people present. The Council now has 21 members, making it slightly larger than most of the equivalent top-level forums we looked at elsewhere.¹⁰⁴ But as the number of English mayors increases, this gap will grow much bigger, making the Council more of an outlier on this metric. In this context, the question of whether all of the English mayors should be present at every meeting will become more pertinent. For now, practical questions such as how much speaking time different participants get will become more important, and a more formal approach to the Council's business may become necessary as its size increases.

England

Concerns have long been raised about how and whether English interests are represented within the structures of intergovernmental engagement, given that UK government ministers are routinely asked to represent both UK and English standpoints. Agriculture, for instance, is primarily devolved, with different agricultural support systems across the different jurisdictions of the UK. But aspects of agricultural policy, such as those that relate to trade, are formally the responsibility of the UK government. The UK government's 'dual hat' in IGR processes raises questions from a devolved perspective about whether the UK government can act as an honest broker, or whether it will necessarily prioritise English interests. And it raises exactly the opposite concern for those who believe that given the extent and nature of devolved government elsewhere,

English interests are often overlooked within Britain's governing system.

In one obvious sense, the Council does provide for English representation that is distinct from the UK government. And the idea that the presence of the English mayors might start to address the so-called English question was raised in the discussions we had with various stakeholders. But most respondents saw this as a weak and partial solution to this deep-seated problem. The Council model cannot serve as a democratic forum for England, nor can the mayors act collectively as a single point of representation for England, until the whole of England is represented by elected leaders of this kind. And there is a significant further question to be engaged about whether the English national territory also needs a single voice or representative who is present at the meeting of the territorial leaders. Regardless, there is a case for greater clarity about when the UK government is acting as the de facto government for England and when it is acting as the governing authority for the UK as a whole.

104. This number includes the UK Deputy Prime Minister and Minister for Intergovernmental Relations, who also attend meetings of the Council.

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.¹⁰⁵ 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. Higher economic growth, for example, which is a goal in some form across all the governments and authorities involved, can only be achieved by pulling on a range of policy levers – including investment, infrastructure, planning, skills, regulation and taxation – over which influence and control are dispersed. Collaboration between institutions and across sectors is therefore required. The UK government needs to come to terms with this situation and show more flexibility in its dealings with the devolved leaders, who must in turn show a similar willingness. And while the UK government should be clear about its unique role in defending the strategic interests of the UK as a whole, this may involve ceding some ownership of the Council and viewing it more as a co-production.

The need for greater flexibility may not be an easy message for Whitehall to hear. But it is an implication of moving towards a more collaborative and productive mode of engagement. There are real benefits that could be achieved if it does so, for the challenges of stabilising the UK's Union and finding more effective ways to incorporate these other governments within it. And there are also advantages from a delivery perspective to be had from this way of working as the current UK government undoubtedly needs different partners to achieve its missions. If, however, the perception takes hold among the devolved authorities that the British government is not genuinely committed to collaboration and partnership – both of which involve a willingness to listen to and understand better the perspectives and positions of other governments, and demonstrate a respect for their constitutional status – then there is every chance that this initiative will fail.

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.

This is particularly incumbent upon the UK government, given both its dominant constitutional position and status as the government for the largest territory and economy present in this enterprise. For intergovernmental relations to be genuinely collaborative, it will at times have to refrain from making use of these structural advantages and work instead to present itself as both a trustworthy partner and 'holder of the ring' for these discussions.

Purpose and role

There was a broad consensus among our interviewees that the Council should be a forum with a clear sense of purpose, and where substantive issues are routinely discussed. It should not, in other words, be a 'talking shop'. By this we do not mean to suggest that forums that facilitate discussion cannot be worthwhile. But they cannot be purely performative if they are to ensure that participants engage meaningfully with them.

More work is needed to clarify the overall purpose of the Council. We argue that its core mission should be to help create the conditions for a more collaborative form of territorial governance – especially given a dearth of venues of this kind in the UK system. This means that the different governments and authorities across the UK need to recognise that in order to achieve many of their core objectives, they need to work with others. The specific functions of the Council, as set out below, follow from this imperative.

There have been limited opportunities in the past for other layers of government to be involved in strategic discussions with central government concerning the

105. See e.g.: M. Keating, *Fractured Union: State and nation in the United Kingdom*, chapter. 5; N. McEwen & B. Petersohn, 'Between Autonomy and Interdependence'.

development of policy for the UK as a whole. We argue that this kind of dialogue should take place in the Council, and may well result in UK government policies at times being influenced by the thinking of other participants. The prospect of influencing should cut both ways, however, with all the members of this body open to hearing, and learning from the perspectives of others. At the very least, there are numerous areas in which the Council should help in terms of the better sharing of information, evidence and best practices. But it can be more ambitious than this. The identification of shared priorities may lead to the commissioning of joint work and, in some instances, plans for coordinated action. This is a very different proposition from the idea that the Council should become a joint decision-making body, which would represent a significant departure from the UK's political and constitutional culture centred as it is on the principle of parliamentary sovereignty.

The Council's terms of reference talk about the merits of partnership working, sharing lessons and best practice, and facilitating collaboration.¹⁰⁶ All parties should bear these principles in mind at the next and future meetings of the Council. If they do not, there is a real risk that this repeats the pattern of earlier intergovernmental forums which either fell into disuse or were occasions for the rehearsing of grievances.

- 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

There are broadly three potential categories of issues that could be on the Council's agenda: those that relate primarily to powers that are 'reserved' to the UK government; those that are 'cross-cutting' in nature, with the relevant policy levers held at different levels; and

issues where the relevant policy levers are devolved. In relation to the latter, the UK Prime Minister is in effect acting as the leader for England. A large number of pertinent issues – such as the ambition for higher economic growth, improved living standards and net zero carbon emissions – fall into the second category. And even those that are more exclusively reserved or devolved have spill overs with significant implications for other administrations. The Council can play a key role in helping with the practice of multi-level governance – a slowly emerging reality in the UK. Whilst we acknowledge that participants will understandably be concerned about protecting their formal responsibilities, we suggest that the focus should be on collectively identifying issues of shared concern and strategic importance – wherever they fall within the 'geometry' of reserved and devolved powers.

The first meeting of the Council, held in October 2024, centred upon economic growth and enabled a broad discussion about how to attract inward investment and on the UK government's industrial strategy. This selection made sense, not least because growth is a shared priority for all the leaders who were in attendance. But future meetings may well, we argue, focus upon other kinds of issue where there is a strong administrative argument for seeking to generate better mutual understanding and some policy coordination. The negotiation of international trade agreements, for example, is reserved to the UK government. But trade agreements have major implications for product standards and environmental protections, which are devolved. And they can have significant impacts for sectors such as manufacturing, which will be key to many of the growth plans being developed by combined authority leaders. There are also shared ambitions on clean energy. Meeting these will involve significant new pieces of infrastructure across different parts of the UK, involving both the devolved nations and English regions. These cross-cutting issues could well provide fruitful areas of focus for the Council.

While it is ultimately for the Council itself to decide what it focuses on, in the context of the profound geopolitical challenges arising from the course being pursued by US President Donald Trump, we would suggest that the next meeting of the Council should focus upon questions of international security and foreign policy. The UK government could share – so far as is appropriate – key aspects of its strategic response to these challenges, which would have the additional benefit of signalling how seriously the UK centre takes these discussions.

¹⁰⁶ UK government, 'Council of the Nations and Regions: Terms of Reference'.

- 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, when appropriate, focus upon major strategic issues – especially when there is an emerging, common challenge facing 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.

Structure

The relationship of the Council of the Nations and Regions to the existing structures of UK intergovernmental relations, particularly its top-tier forum – the Prime Minister and Heads of Devolved Governments Council – is at present somewhat ambiguous. The co-existence of these two leaders' forums is not a problem in itself. Given the differences between the devolved governments and the English regional mayors, it is appropriate that there is a separate opportunity for the three first ministers (and deputy First Minister of Northern Ireland) to meet alone with the UK Prime Minister. But there needs to be greater clarity about how these two top-tier bodies relate to each other and the differences between them.

There are certain issues that should be discussed between the Prime Minister and the heads of devolved governments, as they relate primarily to devolution to Scotland, Wales and Northern Ireland – for example, the operation of the Sewel convention, or regulatory divergence within the UK internal market. And in parallel, issues relating to the model of English devolution – that are not pertinent to these other settlements – should be discussed in the Mayoral Council.

In October, a meeting of the First Ministers and the UK Prime Minister – along with separate bilateral meetings – was held before the full meeting of the Council of the Nations and Regions later in the day. We suggest that this sequencing be maintained, but that this meeting be formally presented as the 'top tier' of the IGR Review structures. This makes practical sense in terms of taking advantage of the presence of all the relevant leaders and avoiding the need to schedule a separate occasion to meet. At the same time, it would serve to maintain the jointly-agreed UK-devolved government IGR structures, which will continue to have a central role to play in the wider system. We suggest that the 'top tier' forum of the IGR machinery should always meet ahead of the full Council of the Nations and Regions.

This would mean that it would meet formally on a biannual basis, rather than the annual meeting that had originally been envisaged in the terms of reference that were published in 2022. As well as those issues that relate primarily to the functioning of devolution to Scotland, Wales and Northern Ireland, this top tier should focus in particular on its oversight of the IGR structures that it sits at the top of, including the dispute resolution procedure that forms part of those arrangements. The Council of the Nations and Regions, on the other hand, should be the primary mechanism for top-level cooperation, mutual learning, and dialogue on wider strategic issues of relevance across the UK. It may be necessary to refine and update the terms of reference of the two forums to ensure there is sufficient clarity about their different functions.

As previously, the Mayoral Council should also be convened shortly ahead of the Council of the Nations and Regions. Aside from the practical benefits, this should help ensure that the Council of the Nations and Regions remains more focused on broader policy questions and strategic issues, and kept apart from the kinds of operational issue that can be discussed in these other settings.

- 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.
- We suggest that the UK Prime Minister should always meet with the heads of devolved governments ahead of the full Council of the Nations and Regions later in the day, and that 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 and allow plenty of time for all its participants to conduct the necessary preparatory work.
- 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

All of our interviewees agreed that the atmosphere at the first meeting of the Council was positive and its establishment welcome. It took place in what might be seen as the new Starmer government's 'honeymoon'

period, and reflected its ambition to achieve a 'reset' of relationships with devolved leaders. What also facilitated this sense of harmony was that the overwhelming majority of those around the table were from the same political party. But this condition no longer holds after the elections held on 1 May 2025.

It remains to be seen how the newly elected mayors representing Reform UK will seek to interact with intergovernmental structures such as the Council but we suggest that the UK government should start anticipating a context in which there is more open and wide-ranging disagreement over policy.

When consensus is harder to achieve, and there is more open disagreement, having an independent organisational structure that is answerable to the various administrations involved, rather than in the control of any one of them, may well help to keep the different participants positively disposed to the Council. It is for this reason that we propose that the already existing, independent IGR Secretariat takes on the administration of the Council. This should mean that the different governments involved continue to feel that they have a stake in this innovation and help avoid the perception that it is run in a way that suits the interests of one of its members (the UK government) above others. For the same reason, it is important that a commitment has been made to hold the Council's meetings at different locations around the UK, and efforts should be made to maintain this rotation. Passing the administration of the Council to the IGR Secretariat would also help integrate the new Council into the system of IGR structures agreed in 2022, for which the IGR Secretariat already has administrative responsibility. This enhanced role for the Secretariat will need to come with additional resources and support. The example of the Canadian Intergovernmental Conference Secretariat (CICS) – a permanent, jointly-funded and staffed, standing agency that has been running intergovernmental meetings in Canada since 1973 – may be instructive here. The CICS, which has over 30 staff, focuses on all administrative matters, 'thereby enabling participants to concentrate on substantive intergovernmental policy issues.'¹⁰⁷ Given that the IGR Secretariat is currently staffed by officials from the UK, Scottish, Welsh and Northern Ireland governments, consideration will have to be given to how to incorporate the English mayors into this model while recognising their acute capacity constraints.

As with any top-level political meeting, much of the important work will be undertaken by officials between gatherings. We suggest there are benefits to adopting an approach to the Council of the Nations and Regions that draws upon practices and processes associated with international summits. There are of course important differences between internal intergovernmental and international relations. Nevertheless, there are also useful lessons to be gleaned from the organisational structures of these meetings. Summits often combine an important ceremonial function – where part of the value comes from the messages they send about dialogue and willingness to engage – with more substantive cooperative agreements, which require a considerable amount of advance work. On this approach, agenda items would be discussed and agreed far enough in advance that officials from relevant governments and authorities could be tasked with preparing submissions ahead of a meeting of the council. These papers could be discussed, before the Council itself, and a range of potential options presented for the leaders to consider when they meet. In time, it may be helpful to adopt a 'sherpa' model, where a relatively senior official acts as the key point of contact between their head of government, officials conducting relevant technical work in their administrations, and the sherpas of the other participating governments. They would be responsible for overseeing the all-important preparatory policy work and negotiation, which is essential due to the limited time available for detailed deliberations at the Council itself.¹⁰⁸

For this approach to work, the position of the 'sherpa' would have to carry sufficient authority for them to secure the cooperation and input of the relevant teams in their respective administrations. This is particularly the case for the UK government in the context of London's departmental silos and the relative lack of understanding of devolution in some of these quarters. For the Council to realise its potential as a vehicle for more cooperative territorial government, wider attitudes and ways of working in Whitehall will have to evolve too.

Any agreed actions that come out of this forum should be subsequently monitored and a report on them submitted at the following meeting. This more structured approach may create challenges around capability for some of the English mayoral authorities, which are currently operating with very small staffs and limited budgets. And it may well be that this is a prompt for the mayors to consider some form of collaboration and co-working in relation to the

107. Canadian Intergovernmental Conference Secretariat, 'Organisation Overview'. <https://scics.ca/en/organization-overview/>.

108. For more on the role of sherpas in the context of the G20 see: D. Hagebölling, 'The Design of Informal Intergovernmental Organisations: An Anatomy of the G20', *Global Governance* 30 (2024), pp. 137-138.

Council, and to consider making joint submissions, agreed by a sub-set of them. If the UK government wants to see the mayoralities participate fully in this initiative, then it should ensure they have sufficient resources to do so and work with them to build up their capabilities.

- We suggest that the Council draws upon the practices and processes associated with international summits, with lead senior officials 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.

Composition

While there are significant disparities between the constitutional standing of devolved governments and England's regional mayors, there is a strong case for bringing them together in a structured way as the first meeting of the Council did. This is an important and, overall, welcome innovation that should be preserved.

All of these leaders face common challenges, and the quality of governance and policy-making across the UK can only be improved by well-managed discussions about them and potential policy responses to them. But there are emerging challenges about the composition of the membership of the Council that do need to be addressed.

At present, those parts of England without devolved structures are unrepresented. And while this issue can be addressed by creating more such leaders – as the Starmer government intends – that will in turn accentuate a different problem: the numerical disparity between English leaders and the heads of devolved governments elsewhere. Two new mayors were elected in May 2025, with a possible further six emerging after May 2026, bringing the likely total membership of the Council to at least 27 within the next two years.¹⁰⁹ Eventually, there could be upwards of 30 English mayors.

We argue that meaningful dialogue among a manageable number of participants should be a priority for the Council. Careful thought will need to be given to the practical challenge of how to avoid this becoming an unwieldy gathering in which leaders feel impelled to make 'stump speeches' that are of relatively little value. Research suggests that between six and ten participants is ideal in terms of having a diverse enough range of perspectives to minimise groupthink, while avoiding a collective that is too big to be an effective forum for debate.¹¹⁰ It may be that inviting all of the sitting mayors to this occasion soon becomes impracticable, and that a system of rotation replaces the current practice, or perhaps even the election of a leadership mayoral group who would attend. We acknowledge, however, that any such approach is likely to be unpopular. Different formats for the Council could be explored as an alternative, such as break-out sessions or sub-committees orientated around particular workstreams meeting alongside a full plenary session. At a bare minimum, the organisers of the Council should consider ways of structuring the discussion so that the number of participants does not undermine the ethos of trusted and open discussion (by, for example, specifying a time limit for contributions).

One of the most striking, and innovative, features of this body is the inclusion of representatives of various parts of England, debating alongside leaders of devolved governments beyond its borders. And this carries resonance in the context of enduring debates about and growing contestation over the elision of England within the UK's structures of territorial government. Indeed, it may well represent a staging-post on a long and unsteady journey by the British political elite towards the idea of granting greater recognition for the largest part of the UK within those structures. But in other respects, the question of where England sits within the Union's governing system and who it is that represents the English people, remains a source of confusion at the heart of IGR in the UK context. These interactions throw into relief the oddity of the position of the UK government, which is acting simultaneously on many issues on behalf of England's interests while also being the executive authority that is uniquely tasked with representing the interests of the UK as a whole. In these settings, the British government switches awkwardly between something akin to a more typically federal role as the UK-wide authority in a devolved state, and its instantiation as England's serving government (on many issues). This awkwardness is

109. Ministry of Housing Communities and Local Government, 'Devolution revolution: six areas to elect Mayors for first time', 2025. <https://www.gov.uk/government/news/devolution-revolution-six-areas-to-elect-mayors-for-first-time>

110. D. Grube & A. Killick, 'Groupthink, Polythink and the Challenges of Decision-Making in Cabinet Government' *Parliamentary Affairs* 76.1 (2023), p. 218.

particularly acute when it comes to engagement between the UK and devolved governments, where there is no separate representative for England present.

Recognition of this incongruity does not invalidate the idea of developing more co-operation and collaboration between these different governments. But the anomaly which is laid bare in these processes, and which stems from the unbalanced nature of this Union (with England the biggest land mass and population within it), will not be resolved by changes in the practices of IGR – even the important move to include English leaders in the Council of the Nations and Regions. For that to be addressed, more fundamental constitutional reforms would be necessary. Nevertheless, interim ways of addressing this issue might usefully be considered by the main British political parties, including such ideas as a Minister for England – who could attend top-level meetings between the UK and devolved governments – or the creation of an English territorial office in Whitehall.¹¹¹ At the very least, it is incumbent on the UK government to be clear about whether it is representing the UK or England when it communicates, and enters into agreements with, other governments.

- The current membership principle, including the full participation of all the English regional mayors, should be maintained for the time being.
- In anticipation of the election of a further cohort of mayors in 2026, consideration should be given to exploring different possible approaches to 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

In order to avoid the charge that these governments are conducting business behind closed doors and away from democratic scrutiny, it is imperative that the Council operates as transparently as it can, while respecting the need for its deliberations to be conducted in privacy, and for the parties involved to be able to feel that it is a genuinely ‘safe space’. Responsibility for transparency should lie with the IGR Secretariat, which should publish in one place information related to the Council’s ongoing activities, including, for example, records of meetings, communiqués, and reports on progress and outcomes. The Secretariat currently has very little visibility, with a minimal online presence and a lack of public-facing profile. This stands in contrast to the British Irish Council Secretariat, which maintains a useful website containing information on what the BIC is, its themes and workstreams, recent activity, history, and more.¹¹² The IGR Secretariat should establish a similarly substantial online presence, which clearly communicates the purpose and remits of the different bodies it administers. Any further transparency arrangements should be agreed between participants and the bodies to which they are accountable.

It is important that there is a reliable read-out and record of any actions that have been agreed, so that elected representatives and the public are broadly able to find out what this body is considering and the executives involved can be held to account by the relevant legislatures. The four parliaments that operate within the UK are key to scrutinising IGR, with the House of Lords Constitution Committee and the Senedd Finance Committee conducting recent inquiries into these matters, for example. And an Interparliamentary Forum was established in 2022 as a mechanism for cooperation between parliamentarians of the UK’s different legislatures in meeting shared scrutiny challenges, particularly around IGR.¹¹³

- 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 of the Nations and Regions as it develops and continue to enhance their inter-parliamentary capacity and working in doing so.

111. See: M. Kenny & J. Newman, *Devolving English Government* (Cambridge/London: Bennett Institute/Institute for Government).

112. ‘British Irish Council’, 2025. <https://www.britishirishcouncil.org/>.

113. For background on the Interparliamentary Forum, see the Senedd Research briefing, ‘Concerns of “unfulfilled opportunities” discussed at fifth meeting of the Interparliamentary Forum’, 2024. <https://research.senedd.wales/research-articles/concerns-of-unfulfilled-opportunities-discussed-at-fifth-meeting-of-the-interparliamentary-forum/>.

Diagram 3: Sequencing

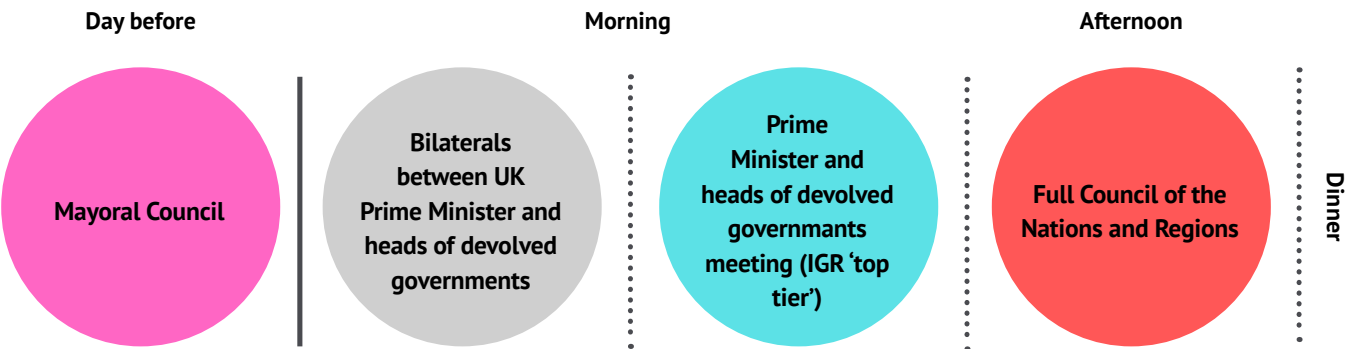


Diagram 4: Process

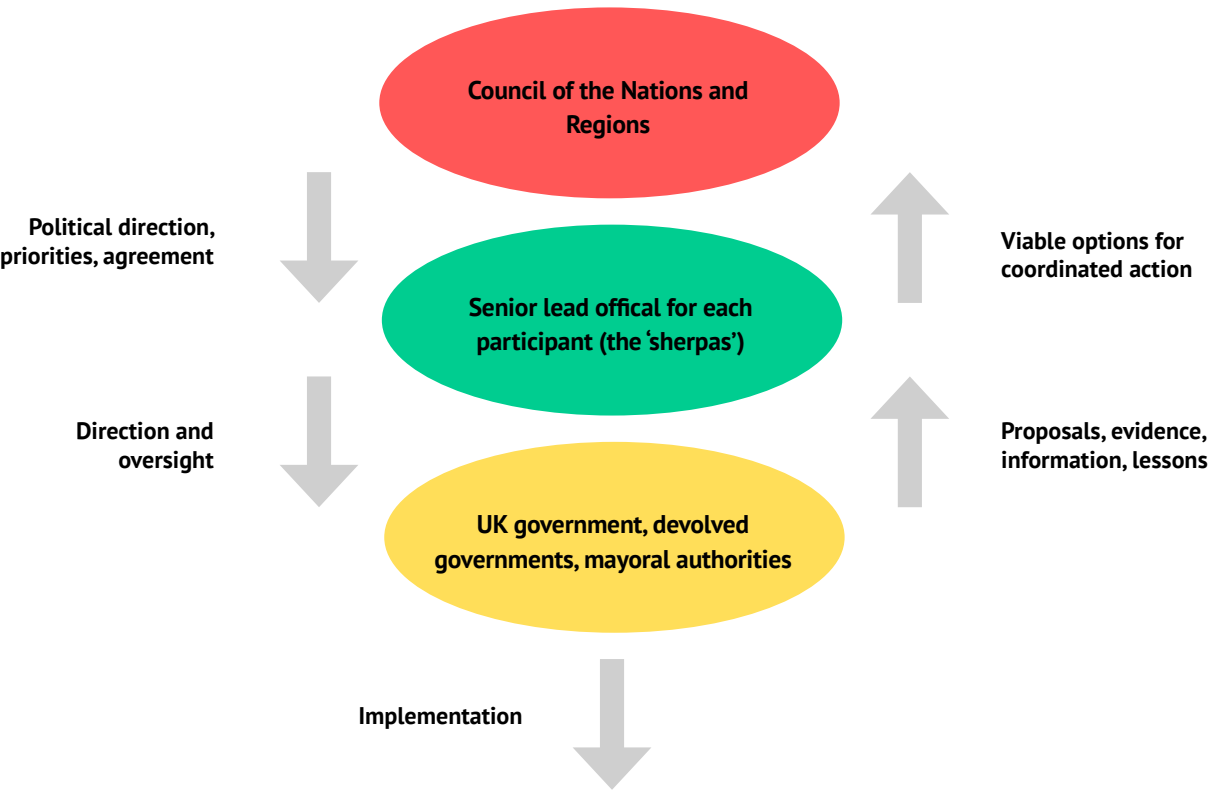
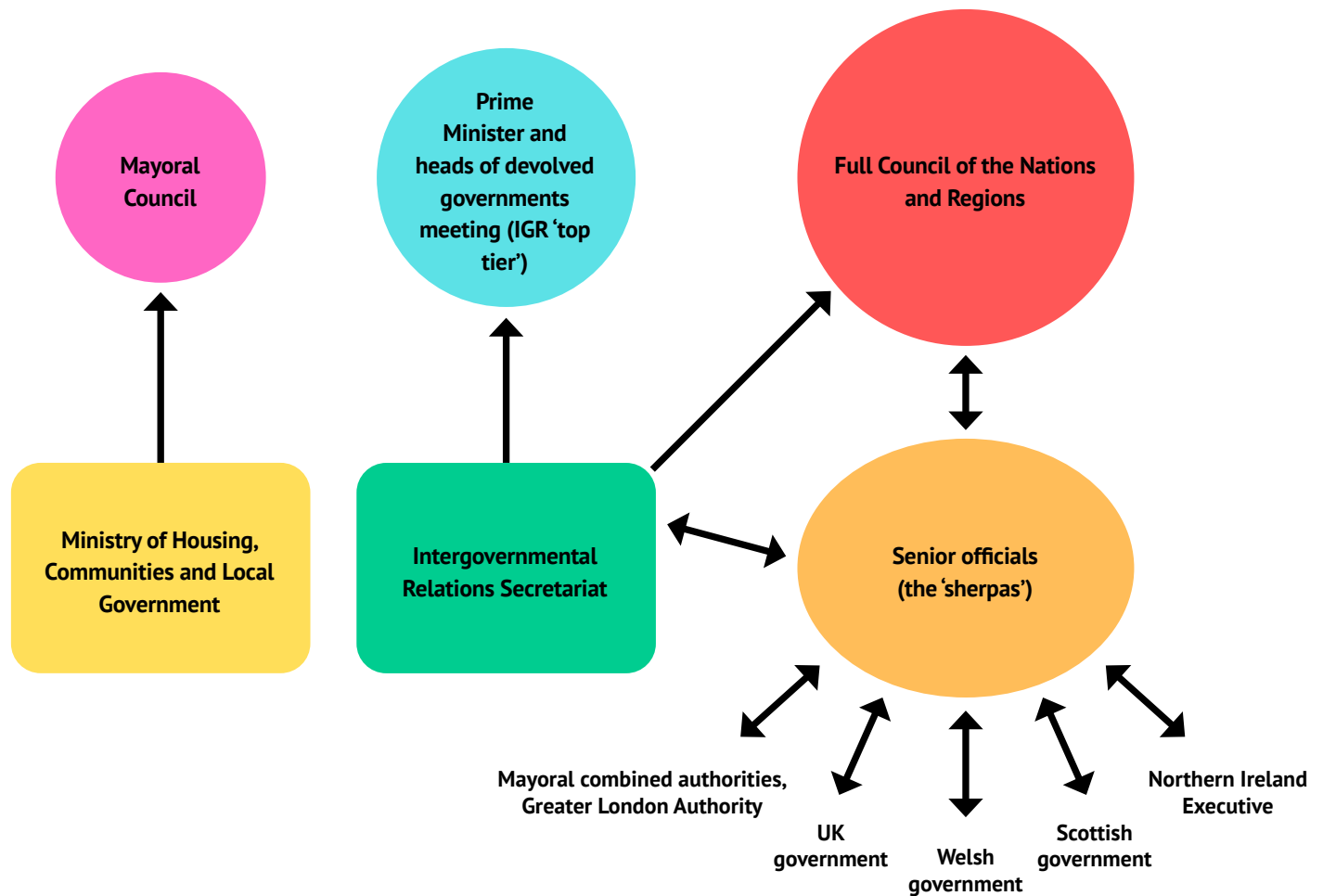


Diagram 5: Administrative structure



Appendix: International case studies

Here we set out in more detail the key features of how intergovernmental relations (IGR) are structured in six different case study countries: Italy, Spain, Germany, Australia, Canada and the Netherlands. We have chosen these examples so as to include a range of different types of multi-level system with varying dynamics and structural features.

Canada

Canada is a 'dualist' federation, with clear distinctions between the powers of the provinces and the federal government. There are fairly limited areas of shared or concurrent competence (areas over which both levels have some responsibility). The system of IGR does not have a formal constitutional status and has developed in an ad hoc manner, depending on whether different governments are more less inclined towards centralisation.¹¹⁴ While Canadian federalism is technically symmetrical at a constitutional level, in practice there is differentiation primarily in terms of the arrangements for Québec. Québec has opted out of various state-wide programmes and has additional powers and its own revenue collection agency.

At the top of the Canadian system is the First Ministers' Conference, which brings together the Federal Prime Minister and the provincial premiers. There is no regularised timetable for meetings of the forum, and it is called at the discretion of the Federal Prime Minister.¹¹⁵ This top tier body was at its most influential from the 1960s through to the 1990s, covering a period in which it was the site of protracted and high-profile constitutional negotiations. But it declined following a series of cost-cutting initiatives and the government of Stephen Harper, who held only three meetings during his premiership and preferred bilateral engagement over multilateralism.¹¹⁶ Multilateral intergovernmentalism has seen a resurgence under his successor Justin Trudeau, although the extent to which the approach his government has taken has matched its rhetoric on partnership and collaboration has been questioned (see Box 1).

Below the top-level First Ministers' Conference lies the Council of the Federation and various sectoral conferences focused on specific areas of policy. The Council of the Federation is a horizontal forum (it convenes substate governments without the federal government). It has been classified as the most institutionalised of the Canadian IGR forums given its permanent secretariat, an annual rotating chair, regular biannual meetings, and a founding agreement.¹¹⁷ The sectoral conferences cover a range of policy areas and degrees of institutionalisation. Most involve both federal and provincial ministers, but some are purely horizontal.

There is a longstanding Canadian Intergovernmental Conference Secretariat (CICS) that is involved in the administration of most of the IGR conferences that take place in Canada. The CICS is a permanent standing agency that has been dedicated to running these kinds of forums since 1973. It is jointly funded by the federal and provincial governments and is staffed by officials from across governmental levels, with over 30 employees. The idea is that by offering a bespoke administrative IGR service it relieves client departments of these tasks 'thereby enabling participants to concentrate on substantive intergovernmental policy issues.'¹¹⁸

114. G. Anderson & J. Gallagher, 'Intergovernmental relations in Canada and the United Kingdom', in *Constitutional Politics and the Territorial Question in Canada and the United Kingdom: Federalism and Devolution Compared* (Cham: Palgrave Macmillan, 2017), eds M. Keating & G. Laforest.

115. N. McEwen, M. Kenny, J. Sheldon, C.B. Swan, 'Case Study Annex', *Reforming Intergovernmental Relations in the United Kingdom* (Edinburgh/Cambridge: Centre on Constitutional Change/Bennett Institute, 2018), p. 22.

116. M. Kaczorowski, 'After years of neglect, we've lost a key element of federal-provincial negotiation', *Policy Options*, 2023. <https://policyoptions.irpp.org/magazines/january-2023/effective-first-ministers-meetings/>.

117. N. McEwen, M. Kenny, J. Sheldon, C.B. Swan, 'Case Study Annex', p. 23.

118. Canadian Intergovernmental Conference Secretariat, 'Organisation Overview'. <https://scics.ca/en/organization-overview/>.

Box 1: Intergovernmental relations and social policy under Justin Trudeau¹¹⁹

Justin Trudeau became Canadian Prime Minister in 2015 promising an expansion of social policy coupled with intergovernmental collaboration. Provincial governments in Canada have competence over most social policy areas, but their fiscal capacity is often not commensurate with the scale of their responsibilities. This was in contrast to Trudeau's predecessors from the 1990s through to 2015, who avoided Canada-wide programmes and focused on federal areas of responsibility. Among other policies, Trudeau embarked on initiatives in early learning and childcare, pensions reform, and healthcare. In each of these instances, the language of partnership, collaboration and joint working was prominent.

However, in two out of three of these cases (healthcare, and early learning and childcare), it has been suggested that the federal government pursued a 'top-down strategy', utilising its funding power to impose its policy approach on the provinces via specific requirements for the use of funds. Such an approach has been said to be lacking in genuine partnership, as it involves the provinces having to accept the federal government's vision and there is a lack of flexibility in implementation. This was not the case for reform of the Canada Pension Plan, which has collaboration built in as changes require the support of at least two thirds of the provinces. Trudeau began negotiations with the provinces on arriving in office and managed to get the required support for an expansion in the pension plan by 2016.

Australia

Australia is a 'dualist' federation, with power allocated between the federal (Commonwealth) government and the six states (and two self-governing territories). There are several exclusive Commonwealth powers along with a number of further areas where both the Commonwealth and states may legislate but Commonwealth legislation takes precedence. All remaining powers are exercised by the states. There is more symmetry and less divergence between provinces in the Australian system than in Canada. The Commonwealth has pursued Australia-wide policy initiatives that encompass state-competences. The states have often been willing to participate in these initiatives and less concerned about protecting their autonomy than in other federations. The machinery of IGR is the key mechanism for state influence over, involvement in, and agreement of wider policy initiatives.

From 1992 until the Covid-19 pandemic the main forum for IGR was the Council of Australian Governments (COAG). It was composed of the Commonwealth Prime Minister, the heads of the state governments and the President of the Australian Local Government Association (ALGA). Below this was a plethora of sectoral committees between the relevant ministers and their state-level counterparts, some of which were operating under the auspices of COAG, and some of which were outside of this structure. However, the COAG system was scrapped at the outset of the pandemic by Scott Morrison's government and replaced by the 'National Cabinet'. The COAG architecture had been criticised for being slow and overly bureaucratic.¹²⁰ The National Cabinet model was meant to aid coordination in response to the pandemic and be more streamlined, operating in a manner closer to an actual cabinet. It meets four times a year (COAG typically met twice). The composition is the same, but the ALGA president is no longer a full member and now only attends one meeting a year.¹²¹ It appears to have served its purpose in the context of the pandemic, with one assessment calling it 'an effective and highly visible leadership-level coordination body for timely and consistent multi-government decisions.'¹²² Despite a subsequent change in the Commonwealth government, this system has been retained, suggesting bipartisan support for the new structure. The National Cabinet is described as 'Australia's premier interjurisdictional body' which provides 'a forum to work collaboratively on issues of national significance'. Its current priorities are addressing gender-based violence, disability reform, health reform, housing reform and intergovernmental cooperation.¹²³ There are a number of portfolio specific ministerial councils that are accountable to the National Cabinet, and work beneath it.

119. S. Dinan & D. Beland, 'Federalism and Social Policy Expansion in Canada during the Justin Trudeau Era', *Publius: The Journal of Federalism* 55.2 (2024) pp. 1-20.

120. N. Aroney & M. Boyce, 'The Australian federal response to the COVID-19 crisis' in *Comparative Federalism and Covid-19: Combating the Epidemic* (New York: Routledge, 2021) ed. Nico Steytler, pp. 298-316.

121. Department of the Prime Minister and Cabinet, 'National Cabinet Terms of Reference'. <https://federation.gov.au/national-cabinet/terms-of-reference/>.

122. N. Kapucu, A. Parkin, M. Lumb, & R. Dippy, 'Crisis coordination in complex intergovernmental systems: The case of Australia', *Public Administration Review* 84.3 (2024), p. 396.

123. Department of the Prime Minister and Cabinet, 'National Cabinet priorities'. <https://federation.gov.au/sites/default/files/2024-11/national-cabinet-priorities.pdf>.

In the Australian system, one of the primary functions of the IGR machinery is the negotiation of intergovernmental agreements, which form one of its main outputs. These agreements are varied in their nature. Some concern sharing data and other information across territorial boundaries, while others relate to regulatory frameworks. They can also take the form of joint policy initiatives, setting out the direction of travel, the roles and responsibilities of the different levels of government, as well as agreed objectives and how they are going to be measured (see Box 2). Intergovernmental agreements are frequently tied to Commonwealth funding, where states agree to participate in national policy programmes so as to access specific funds from central government.¹²⁴ Although the National Cabinet's terms of reference refer to the collaborative determination of its agenda, initiatives tend to originate with the Commonwealth government. The state governments are involved in the formulation of these policies through the intergovernmental machinery but the agreements restrict their flexibility. They do not, however, interfere with state sovereignty and remain political – rather than legally binding – and are implemented, where relevant, by state-level legislation.

Some have argued that the general effect of this in Australia has been a movement towards a more integrated, cooperative form of federalism, where the Commonwealth formulates policy and the states have more of a delivery role.¹²⁵ While state governments are able to influence policy formulation through executive IGR, this is not constitutionally embedded in the manner of cooperative federations such as Germany, for example via a territorial second chamber.

Box 2: Australia's National Plan to end violence against women and children

The National Plan to End Violence Against Women and Children was published in October 2022, reflecting the commitment of all the governments of Australia to ending gender-based violence in a generation. It set out a blueprint for change covering prevention, early intervention, crisis response, recovery and healing. This joint initiative of the Commonwealth and state governments suggested focus areas for action, and the plan set out which level was responsible for what and what areas were shared responsibilities.¹²⁶ Two further plans followed in August 2023, detailing the specific actions to be taken and who was responsible for implementation.¹²⁷

A new inter-ministerial committee was established by the National Cabinet in 2022 – the Women and Women's Safety Ministerial Council – as 'a forum for member governments to work collaboratively to drive national progress on gender equality and women's safety across all areas in ending violence against women and children.'¹²⁸ Addressing gender-based violence is one of the five National Cabinet priorities, and the ministerial council reports back on progress.

In May 2024, National Cabinet met to discuss gender-based violence and agreed to share best practice on supporting victims, and heard lessons from the Premier of Victoria on the state's Royal Commission into Family Violence. First Ministers also agreed to improve information sharing about perpetrators across jurisdictions.¹²⁹

In September 2024, National Cabinet convened again on this issue to agree a new funding package including a \$3.9 billion investment from the Commonwealth government. National Cabinet agreed that negotiations would begin on a new agreement covering family, domestic and sexual violence responses delivering \$700 million in matched investments from Commonwealth and state governments. The meeting also followed up on commitments made in May around information-sharing on better identifying perpetrators and sharing information about them across boundaries.¹³⁰

124. J. Poirier & C. Saunders, 'Comparing Intergovernmental Relations in Federal Systems: Conclusion' in *Intergovernmental Relations in Federal Systems* (Ontario: Oxford University Press, 2015) eds. J. Poirier, C. Saunders & J. Kincaid, pp. 475-476.

125. *Ibid.*, p. 492.

126. Commonwealth of Australia, *National Plan to End Violence against Women and Children 2022-2032* (2022). <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>.

127. Commonwealth of Australia, *First Action Plan 2023-2027* (2023). <https://www.dss.gov.au/system/files/resources/d23-1021308-first-action-plan-accessible-pdf.pdf>.

128. Department of the Prime Minister and Cabinet 'Women and Women's Safety Ministerial Council', 2022. <https://www.pmc.gov.au/office-women/womens-safety/women-and-womens-safety-ministerial-council/>.

129. The Prime Minister of Australia, 'Meeting of National Cabinet on gender-based violence', 2024. <https://www.pm.gov.au/media/meeting-national-cabinet-gender-based-violence/>.

130. The Prime Minister of Australia, 'Meeting of National Cabinet', 2024. <https://www.pm.gov.au/media/meeting-national-cabinet-7/>.

Italy

Italy can be described as an asymmetric decentralised state with many federal features. There is a distinction between 'ordinary' and 'special' regions. Each 'special' region has its own constitutional Statute of Autonomy setting out its competences (each of which differs). The asymmetry between the special and ordinary regions was previously more pronounced, but constitutional reforms at the turn of the century brought their powers more into line with one another. These reforms moved Italy in a somewhat more 'dualist' federal direction, although state-level powers remain wide-ranging and there are a significant number of areas of concurrent responsibility where the regions can only legislate within a framework established in national statute. While the 2001 reforms shifted the dynamic of central-regional relations, austerity after the 2008 financial crisis and a centralising approach to the Covid-19 pandemic have in practice been at the expense of regional autonomy and created intergovernmental conflict.¹³¹

There is nonetheless a substantial architecture of intergovernmental relations in Italy. The State-Regions Conference brings together the Prime Minister (or Minister of Regional Affairs) with the regional presidents on a regular basis. It includes other state ministers when the subject is related to their portfolios. This operates alongside the State-Municipalities (or Local Autonomies) Conference, which convenes central government and representatives of various local authorities, including the president of the Association of Italian Municipalities, the president of the Association of Italian Mountain Communities and 14 mayors. The 'Unified Conference of State-Regions-Municipalities and other local authorities' brings together the members of both conferences in one setting.¹³² Finally, there is a horizontal forum – the Conference of Regional Presidents – which convenes the regional presidents and seeks to form common positions ahead of the vertical conferences.

The conferences are mainly used as a form of 'shared rule', whereby substate governments and authorities are consulted on and (in theory) able to influence central legislation and actions that will impact on their areas of competence. This is a reflection of the traces of Italy's unitary past, meaning that despite the 2001 reforms there are fairly expansive powers that still lie with the state and a multiplicity of concurrent responsibilities. Where some federal states, such as Germany, have a territorial second chamber to manage this kind of shared rule, proposals for such a system in Italy have not progressed.

'Opinions' from the State-Regions Conference are required on all draft laws that have implications for regional competences. Similarly, *intese* (understandings) are required on some central laws, and *accordi* (agreements) are used to coordinate policies between different levels of government.¹³³ While it is mandatory to seek these positions, they are not binding on the central government. The States-Regions Conference also engages in some decision-making activities, such as approving general guidelines to ensure coordinated healthcare services.¹³⁴ The unified conference advises on issues that cut across substate levels, primarily financial matters, and it had a notable role in the negotiations on the system of financial allocation and equalisation that took place in the early 2000s.¹³⁵ The exchange of data and information also forms a key part of the function of the conference system.

Spain

Spain can be classed as a quasi-federal state. It has decentralised to a significant extent since the end of the Francoist dictatorship in 1970s and now has the features of a federation without having formally changed its constitution. The primary substate unit is that of the autonomous community (AC), of which there are 17 (plus two autonomous cities). Spain has evolved in a more symmetrical direction than was initially expected at the outset of decentralisation. But there are some asymmetries, especially between those regions with distinct national identities and the other regions. For example, Catalonia, the Basque Country and Navarre have their own police forces and the latter two have distinct fiscal

131. N. Alessi & F. Palermo, 'Intergovernmental relations and identity politics in Italy' in *Intergovernmental Relations in Divided Societies* (Cham: Palgrave Macmillan, 2022), eds. Y.T. Fessha, K. Kossler, & F. Palermo.

132. OECD, 'Italy: Conference for cross-government dialogue'. https://infrastructure-toolkit.oecd.org/wp-content/uploads/Italy_Conferences.pdf/.

133. N. McEwen, M. Kenny, J. Sheldon, & C.B. Swan, 'Case Study Annex', p. 35.

134. N. Alessi & F. Palermo, 'Intergovernmental relations and identity politics in Italy', p. 197.

135. N. McEwen, M. Kenny, J. Sheldon, & C.B. Swan, 'Case Study Annex', p. 30.

arrangements.¹³⁶ The Spanish constitution stipulates which powers are reserved to the central state, with the capacity for AC powers to extend to anything that is not reserved. In practice, there are also several areas of concurrent responsibility, such as education and health, where the central state sets the framework in which AC powers are exercised. There is no provision for the conduct of IGR in the constitution, but a legal and institutional framework has developed, and structured cooperation between the centre and ACs has improved.¹³⁷ While intergovernmental engagement has become more institutionalised, dynamics have typically fluctuated depending on the political context and degree of commitment to cooperation.¹³⁸

At the top of the IGR system lies the Conference of Presidents, which brings together the Spanish Prime Minister with the presidents of the ACs. The primary function of the Conference of Presidents is to ensure high-level communication, coordination, dispute resolution, and for ACs to influence central government policy. The conference was established in 2004, but only met six times in the following 14 years. During this period, there was more engagement at the top level via informal bilateral channels. However, Prime Minister Pedro Sánchez intensified engagement through the Conference of Presidents during the Covid pandemic, and for a time held meetings online every week.¹³⁹ Although the pace of activity has subsequently slowed, Sánchez has continued to convene the Conference of Presidents on a regular basis. The most recent meeting focused on housing, regional funding, migration and healthcare.¹⁴⁰

Much of the intergovernmental activity in the Spanish system takes place in a range of policy specific sectoral conferences that convene the relevant portfolio ministers. One of the main functions of the sectoral conferences is for regional ministers to influence central government framework legislation, where the detail will then be the subject of regional legislation. This function reflects the lack of other institutionalised channels for 'shared rule', as the Spanish Senate has a weak role in the central legislation process. More generally, they are used to cooperate on joint plans and programmes in areas where the state and the ACs have common goals or shared responsibilities.¹⁴¹ The sectoral conferences engage in joint-working on many 'shared-cost' agreements, for example in certain healthcare programmes. Two of the most active conferences are those related to EU affairs and fiscal and financial matters. The Fiscal and Financial Policy Council is the main forum for negotiation between the state treasury and the ACs on changes to the 'ordinary financial model' which allocates funding. The conference on European affairs meets to formulate joint positions ahead of EU Council meetings, and has become a key mechanism for shared influence over EU policy.¹⁴² Information-exchange represents another key function of the IGR machinery, and many intergovernmental agreements concern data-sharing.

While multilateral interaction has been developing, there is still much activity that takes place in bilateral commissions which have been established between particular ACs and the central government to discuss region-specific issues.¹⁴³ Jurisdictional disputes have often ended up in the Spanish constitutional court, but since 2000 the bilateral commissions have been assigned a specific role in the avoidance of these kinds of disputes.¹⁴⁴

The Netherlands

The Netherlands is a decentralised unitary state. It is divided into two tiers of subnational governance, with 12 provinces and 388 municipalities. Also important within the Dutch system are the 23 regional water boards. Constitutionally, there is no hierarchy between them and each tier is equivalent. One of the features of the Dutch system is that while the provinces and municipalities are fairly autonomous in many ways, the central government has the power to intervene

136. C. Navarro and F. Velasco, 'From centralisation to new ways of multi-level coordination: Spain's intergovernmental response to the Covid-19 pandemic', *Local Government Studies* 48:2 (2022), pp. 193-194.

137. J.M. Castella Andreu & M. Kolling, 'Intergovernmental relations and communal tensions in Spain', in *Intergovernmental Relations in Divided Societies* (Cham: Palgrave Macmillan, 2022), eds. Y.T. Fessha, K. Kossler, & F. Palermo, pp. 165-167.

138. S. Leon, 'Intergovernmental councils in Spain: Challenges and opportunities in a changing political context', *Regional & Federal Studies* 27:5 (2017), p. 649.

139. C. Navarro and F. Velasco, 'From centralisation to new ways of multi-level coordination: Spain's intergovernmental response to the Covid-19 pandemic', *Local Government Studies* 48:2 (2022), p. 202.

140. President of the Government of Spain, 'The Government of Spain expresses its satisfaction with the Conference of Presidents in Cantabria for consolidating the dialogue and co-governance model', 2024. <https://www.lamoncloa.gob.es/lang/en/presidente/news/Paginas/2024/20241213-conference-of-presidents.aspx/>.

141. S. Leon, 'Intergovernmental councils in Spain', p. 650-651.

142. J.M. Castella Andreu & M. Kolling, pp. 167-169.

143. *Ibid.*, p. 171.

144. S. Leon, 'Intergovernmental councils in Spain', p. 652.

and can direct them towards certain priorities. It also holds considerable fiscal control as subnational tiers raise very little of their own revenue. Despite this, the central government does not typically make use of these structural advantages.¹⁴⁵ The Dutch political culture emphasises collaboration and consensus, with *polderen* an important concept in Dutch politics. Deriving from the noun *polder* (meaning land reclaimed from the water), it 'generally denotes a deliberative process of give and take, in which each party may have a great deal of responsibility and autonomy in part, but also substantial co-responsibility and interdependence in the whole.'¹⁴⁶

The primary mechanism for central and substate interaction in the Netherlands is via representative associations that were established in the early twentieth century. The provinces are organised via the Interprovinciaal Overleg (IPO) and the municipalities via the Vereniging van Nederlandse Gemeenten (VNG). One of the most important activities of the associations is to agree a joint work programme with the central government on matters that affect their areas of competence. The chairs of these organisations are key players in Dutch IGR. The IPO and VNG also facilitate mutual learning and the exchange of best practice. Day to day business is run by a board with a range of representatives from their respective levels of government, but some decisions are taken by 'general assembly'. The VNG general assembly convenes over 3000 representatives on an annual basis.¹⁴⁷

The Code of Interadministrative Relations sets out the principles underpinning these interactions and the detail of how Dutch IGR should function. It stipulates that 'the Ministers of the Interior and Kingdom Relations and Finance and the chairpersons of the IPO, VNG and UvW are permanent participants' in government consultation on 'inter-administrative subjects'.¹⁴⁸ The VNG and IPO are also permanent members of the working group that assesses new European Commission proposals and prepares the Dutch position ahead of EU Council meetings. The dynamic in the Netherlands is one in which a degree of influence for substate actors is institutionalised via their respective representative associations reflecting the broader political culture of consensus building involving various interest groups.

Germany

Germany is often pointed to as an archetypal 'integrated' or 'cooperative' federal system, and is divided in 16 states – the *Länder*. The *Länder* governments are powerful actors, but their discretion mostly concerns the implementation of federal legislation. Their role in the formulation of federal law is institutionalised via the second chamber: the Bundesrat. The representatives of the *Länder* in the Bundesrat must vote according to the decision of the *Länder* government they represent, rather than exercising their own discretion. The *Länder* play an important role in German national politics through the Bundesrat, but the dynamic is largely constructive.¹⁴⁹

The pursuit of uniform living standards across the federation is a core part of the German constitution. This means that even in instances where the *Länder* do have autonomy, cooperation is usually sought voluntarily. The Bundesrat is the most important IGR institution in Germany and the key mechanism of 'shared rule'. Indeed, 'shared rule' is particularly pronounced in the German system, with *Länder* approval – and initiation – of laws (via the Bundesrat) and joint actions and fiscal powers.

145. OECD, *OECD Territorial Reviews: Netherlands 2014*, pp. 200-223.

146. Martijn Grienleer & Frank Hendricks, 'Subnational mobilization and the reconfiguration of central-local relations in the shadow of Europe: the case of the Dutch decentralized unitary state', *Regional & Federal Studies* 30.2 (2018), p. 200.

147. OECD, *OECD Territorial Reviews: Netherlands 2014* pp. 223-229.

148. Government of the Netherlands, 'Code of Intergovernmental Relations', 2023. <https://www.rijksoverheid.nl/documenten/rapporten/2023/01/20/bijlage-2-code-interbestuurlijke-verhoudingen/>.

149. R. Lhotta & J. von Blumenthal, 'Intergovernmental relations in the Federal Republic of Germany: Complex co-operation and party politics' in *Intergovernmental Relations in Federal Systems* (Ontario: Oxford University Press, 2015), eds. Palmer, Saunders & Kincaid, pp. 206-213.

However, there is also a considerable network of intergovernmental councils focused on particular policy areas to facilitate cooperation around implementation. Additionally, the councils can act as agenda-setting bodies ahead of sessions of the Bundesrat. There are 18 of these forums. Because the Länder are primarily concerned with the execution of policy, a lot of their activity is around sharing information on legislation and best practice for implementation, as well as broader coordination. The councils do not have a constitutional basis, but are well-established part of the system, typically meeting between once and four times a year, with rules of operation and dedicated secretariat support. Between meetings of the forums, working groups are often established to focus on particular topics. Given the emphasis on implementation, discussions can be quite technical and focused on delivery. Although the federal government can be involved in the councils, in contrast to many IGR systems, they are organised and operated independently by the Länder.¹⁵⁰ The federal Chancellor also often invites the Länder presidents for discussion around twice a year in a more conventional central-substate government arrangement.¹⁵¹

150. Y. Hegele & N. Behnke, 'Horizontal coordination in cooperative federalism: The purpose of ministerial conference in Germany' *Regional & Federal Studies* 27:5 (2017), 529-548.

151. R. Lhotta & J. von Blumenthal, 'Intergovernmental relations in the Federal Republic of Germany', p. 213.

