

The case for a statutory Mayoral Council for England

In the English Devolution White Paper, the Government confirmed its intention to sustain the new Mayoral Council that has already met three times since the last election. This paper argues that

- The Council's core role should be to develop and negotiate policy with Whitehall on the powers and resources offered by the evolving devolution framework, including those areas such as economic growth and public service reform where national and local priorities align
- It is essential to the efficiency of dealings between central and devolved government, and that,
- Embedding the Council in legislation is essential to bolstering the current reforms in English Governance and will protect the Council from future changes in ministers and governments. It will also militate against partisan disagreements between individual MSAs weakening devolution at some point in the future

The case for a Mayoral Council

A common feature of subnational governance in many countries is the role of forums (local government conferences or councils) in which devolved layers of governance can meet regularly to resolve shared problems, and to agree how they should collectively engage with central government.

At the core of that are the tensions which arise because centrally mandated policies are delivered through locally elected bodies, with the expectation that they be in part financed by locally raised taxation. (Social care would be a good example in the English system). This situation is not unique to the UK, it pertains in most OECD countries.

Each country finds its own safety valve, and that generally includes a forum where local concerns and pressures can be aired with the centre, and policy recommendations be developed and negotiated. Forums can ensure that the centre more fully understands the complex problems facing devolved bodies than it can through bilateral engagement. At the same time, the centre can engage with the whole of devolved local government on its priorities. (Growth, spatial planning and the need for local growth plans might be current issues).

What value would a mayoral council add?

The Government suggested some roles for the Mayoral Council in the 2024 White Paper. These were: delivering the Devolution Framework; discussing proposals for additional powers for mayoralties; working together on local growth policy; and enabling mayors to engage systematically with government.

The Mayoral Council has met on three occasions in the Government's first year in office. This signifies that the Government believes there is value in mayors from different parties and areas meeting, talking, and exchanging best practice.

There are considerable advantages to both central government and the MSAs from an effective Mayoral Council and ensuring that it does not become a talking shop or place to air grievances. This will require clarity about its structure, role and responsibilities and the obligations on the centre to engage with it. For reasons set out below, this will be best be achieved by placing the Council on a statutory basis.

In the case of England, the advantages for the centre should be:

- Regular and effective communications with the mayors collectively, reducing the need for bilateral discussion or competitive proposals from individual MSAs. This would apply to discussions about the devolution framework, but also to systematic engagement more generally.
- A regular dialogue would ease policy formation. (The operation and evolution of the statutory devolution framework needs just such a collaboration).
- A regular flow of information in both directions
- The potential for collective discussion of the system of finance for mayoral authorities, including further simplification of financial flows

For the work of Strategic Authorities, particularly bearing in mind quite how much is new in their world, the advantages are also manifold:

- Delegation of policy and financial negotiation to a body representing the sector
- Shared experience to avoid reinventing the wheel – which also mitigates against intervention by Whitehall
- A forum for new authorities to receive advice and assistance
- Specialist advice and policy exchange with government departments
- Engaging with the centre when it proposes new powers which affect devolved entities
- Assisting members with the establishment of joint operations between SAs. For instance, SAs may want in the future to establish cross-border development plans, or collaborate on rail service provision.

An effective Mayoral Council would reduce central government costs by simplifying the central oversight of devolution and by transferring additional responsibilities to the MSAs. It would also simplify engage by MSAs with the centre.

Regular and transparent dialogue between strategic authorities will also enable financial difficulties to be identified at an early stage. That should prevent the MSA sector from being afflicted by the type of financial issues that have emerged amongst English local authorities in the early 2020s.

Statutory Status

These roles are new to the government of England, and the leaders navigating them will be on unfamiliar ground. No previous government has gone as far in its intentions for systematic engagement, joint working, and promising gradually to devolve extra powers. The Mayoral Council will face pressure from future governments and mayors that are tempted to reduce their involvement and revert to traditional ways of working.

There is a need for a bespoke forum for consultation with the MSA sector that is protected against either future governments or mayors choosing to reduce their commitment to the Council.¹ To achieve that, the framework for mayoral engagement with the centre needs to be formalised and given statutory status. The Mayoral Council should have specific terms of reference and its own secretariat. Central government would be under duty to consult with the Mayoral Council on all issues covered by the terms of reference. The legal framework would facilitate constructive engagement and agreement, but the Mayoral Council would not have the power to determine central government policy.

Establishing the Mayoral Council in this way would emphasise the government's vision of devolution as a permanent element of the governance of England.

¹ In other countries' systems, councils are respected by central government but not defined in statute. That is the case for the German and Canadian councils of subnational ministers. Their leverage arises from their operating within systems where the central and subnational roles are defined in statute. In the UK a statutory mayors' council would compensate for the absence of a wider constitutional framework.