

Regional government: the end of England?

By Malcolm Grant¹

Introduction

Regional government is one of the “wicked issues” of twentieth century governance in England. The regional dimension has hovered over every review there has been of local government structure in the past century. Until recently, however, the notion of a unitary state remained a seemingly unshakeable part of Britain’s constitution. It now looks increasingly fragile. There has been a significant fragmentation of power, into different forums and into different political hands. A new National Assembly has been established in Wales, and a Parliament in Scotland. They are different institutions in design and operation, but their members have demonstrated already a common desire to assert their independence from the practices and politics of Westminster.

A Greater London Authority will set up in business next year.² It is not, perhaps, widely perceived as a regional assembly, but it has a strong claim to being recognised as such. It will have both a population and an economy, measured in GDP per head, exceeding those of either Wales or Scotland. And, unlike its functional predecessor the Greater London Council, it is certainly not constructed along traditional local government lines. It will have a new model of internal political management with a directly elected executive Mayor, and 25 members of the assembly. Of them, 14 will be directly elected for constituencies made up of combinations of the areas of the London boroughs³; and 11 will be elected on the additional member system of proportional representation. Neither the Mayor nor the Assembly need be of the political party of the Government of the day, and the PR arrangements should ensure that the Assembly would rarely be within the overall political control of any one party.

What matching constitutional reforms might now follow for the rest of England is not yet clear. The Labour Government moved swiftly to establish the new Regional Development Agencies (RDAs) that it had promised in the Election Manifesto. An outline of the Government’s objectives was provided in a White Paper published in December 1997.⁴ It proposed that the creation of RDAs in each region would promote sustainable economic development and social and physical regeneration, and co-ordinate the work of regional and local partners in such areas as training, investment, regeneration and business support. The Government saw its proposals also as building on arrangements for Regional Chambers, which were already being established within the regions themselves on a voluntary basis.

Finally, the White Paper confirmed that the Government was committed to moving in due course to directly elected Regional Assemblies in England, where there was demand for it, but that this was not to be centrally imposed.

Hence, there were to be three regional organisations:

- (1) **RDAs:** these are appointed bodies. Appointment is by the Secretary of State, and is intended to secure representation of diverse regional interests, including business, trades unions, education in the rural sector, local government and the voluntary sector. The authorities are

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² Greater London Authority Act 1999. Elections for the Mayor and the Assembly will take place in May, and the Authority will have legal effect from July 6, 2000.

³ Local Government Commission for England, *Electoral Areas for the Assembly of the Greater London Authority* November 1998.

⁴ *Building Partnerships for Prosperity* (Cm 3814; December 1997).

subject to close controls by central government over their policies and funding.⁵ RDAs are now in place in nine regions,⁶ and have set about the preparation of their regional development strategies.⁷ They have wide-ranging functions with potentially significant implications for town and country planning, to which I return below;

- (2) **regional chambers:** chambers are non-statutory organisations. Several had been established on a voluntary basis prior to the 1998 Act, for the purpose of drawing together regional interests and promoting regional objectives. Special provision was therefore made in the Act for regional chambers to act as a local consultation and accountability mechanism for the RDAs. The Act allows the Secretary of State to designate a regional chamber for each region. The basic relationship is that the chamber must be consulted by the RDA in the preparation of its regional strategy,⁸ but the Secretary of State may go further and establish a more substantive relationship of accountability to the chamber, requiring the Agency to make available to the chamber information of such description as may be specified in the directions, and to answer questions put by the chamber about information supplied to it by the agency and to do so in such manner as may be so specified.⁹ All regions are now fully chambered, as the following table shows.

<i>Regional Development Agency</i>	<i>Regional Chamber</i>
North West Development Agency One North East Yorkshire Forward Advantage West Midlands East Midlands Development Agency East of England Development Agency South West of England Regional Development Agency South East England Development Agency	North West Regional Assembly North East Regional Assembly Regional Chamber for Yorkshire and Humberside West Midlands Regional Chamber East Midlands Regional Chamber East of England Regional Assembly South West Regional Chamber South East England Regional Assembly

- (3) **regional assemblies:** the White Paper's commitment was to a longer-term vision, in which the chambers developed into directly elected assemblies. Now, what has happened already with the RDAs and the chambers is relatively conventional in constitutional terms. They are a new tier of regionally appointed quangos, who have picked up from English Partnerships and the former Rural Development Commission a range of functions and resources in order to promote the economic development of their regions. They have a precedent in the Scottish and Welsh Economic development agencies, upon whose success the English regions have looked with some envy over the years. But the prospect that this line of development might mature into directly elected assemblies is, constitutionally, in a wholly different league. A directly elected body, whether on the model of Wales or the Greater

⁵ See further Grant, *M Commentary on the Regional Development Agencies Act 1998* Sweet and Maxwell Current Law Statutes 1998.

⁶ East Midlands, Eastern, London, North East, North West, South East, South West, West Midlands and Yorkshire and the Humber. The regions are defined by Sched. 1 to the 1998 Act in terms of the county council and unitary council areas within them. Implementation is delayed in London, where the London Development Agency will be within the Greater London Authority.

⁷ Regional Development Act 1998, s.7.

⁸ *Ibid.*, s.8.

⁹ *Ibid.*, s.18.

London Authority, must inevitably involve either or both a further devolution of power from Westminster and Whitehall and the assumption of powers from local government.

There are several different models of future regional organisation.¹⁰ At one end of the spectrum there is something resembling business as usual: a strongly centralised, unitary state, with constitutional power concentrated in Westminster and Whitehall, and a dependent, rather than independent, structure of local and regional government. At the other lies a system of regional government that is so powerful as to spell the end of England as a unitary state. The further England moves to true regional governance, the closer it must become to a federation of regional assemblies, within a quasi-federal Britain. The end of England?

It is by no means clear that the Government is committed to anything like such an outcome, whether or not with regional referendums. At the beginning of this month [September 1999], there was a public division of opinion between the two ministers with principal policy responsibility for the future of the Government's regional programme. The Deputy Prime Minister was reported in *The Observer* on Sunday, August 29, 1999 as being:

“adamant that the county/district system will have to be scrapped as elected regional government comes to England. And he believes it will have to be brought in with a synchronised uniformity over the whole country—in contrast to those have suggested it should be introduced first in the North, where it is popular, and postponed in the South, where it isn't.”

The counties were immediately reported to be gearing up for a re-run of the local government review of 1992-95, and fearing that the abolition of their tier of local government would be the sacrifice to be paid when regional assemblies arrive.¹¹

Mr Caborn, formerly Minister for Planning and the Regions, has left for the DTI, and his successor is Hilary Armstrong, now Minister not just for the regions but also for local government. She was promptly reported as having ruled such change out 'for the time being', and that she believed there was a need first to establish the RDAs and to allow them to settle down and find local support.¹²

It is not surprising to find political unease in relation to regional governance, but for the reasons behind it and the implications of any possible structural change for town and country planning, it is necessary to go back a little way in history.

Regionalism in early history

Whilst Britain has always been a nation of regions, the same is less of true of England. Perhaps the height of regionalism in England was in the period of the Anglo Saxon kingdoms, but those who set out to identify significant racial or cultural differences between the people of the early kingdoms would still find little evidence upon which to base any distinctions. Sir Frank Stenton's authoritative history of the Anglo Saxons establishes that there was a clear distinction that existed for more than two centuries between peoples established respectively north and south of the Humber,¹³ and he notes that this was observed by Bede in the first book of his *Ecclesiastical History*. But beyond this distinction, the Anglo Saxon kingdoms tended to be built on fragile foundations. Even by the eighth century A.D. all the English provinces south of the Humber were under the control of Aethelbald, King of the Mercians, and his successor, Offa. Offa was the first ruler whose charters used the simple title “King of the

¹⁰ There is a useful review of the possible alternative approaches, from a minimalist to an advanced model, in the Constitution Unit's Report, *Regional Government in England* (1996).

¹¹ *Local Government Chronicle* Friday, September 3, 1999.

¹² *Public Finance*, September 3-9, 1999, p. 7.

¹³ Sir Frank Stenton, *Anglo Saxon England*, Oxford University Press 1971, p. 32.

English”, and he suppressed many dynasties, including Kent, Surrey, Sussex and East Anglia. Only Northumbria and Wessex maintained some degree of independence.¹⁴

By the eighth century, Stenton concludes, the England south of the Humber was rapidly developing into a single state, of which the ancient kingdoms of Sussex, Essex, Kent and Lindsey were no more than provinces.¹⁵ By the ninth century there was in effect a confederacy of southern English kingdoms with an overlord, and the lesser kings of southern England gradually lost the power of independent political action. There were at least eight separate royal families, which once ruled simultaneously in England.

By the time of the Norman Conquest, many of the internal administrative boundaries of England today had been established. Everywhere south of the Humber had been divided into the historic counties, which are recognisable still today.¹⁶ Their external and internal administrative boundaries, the shires, hundreds and wapentakes, were accepted as a matter of course by the conquerors. Indeed, they found it necessary to introduce relatively few new institutions, and:

“[none of their] innovations interfered at any essential point with the accustomed course of local government. The framework of the Old English state survived the Conquest.”¹⁷

The consequence of the Conquest was that England became united as a single nation ruled by a single monarch, albeit with a foreign ruling class. This constitutional unity has survived several local uprisings and civil wars through the middle ages, and a civil war that led to a protectorate beyond.

But whilst England remained a single nation, its relationship with Wales, Scotland and Ireland remained different. After centuries of attrition between the two countries, Wales was to fall in the early Middle Ages to Edward I, and by the Statute of Wales (1284) Welsh counties (Flint, Anglesey, Merioneth and Caernarfon¹⁸) were established on the English model.¹⁹ Scotland was to prove less straightforward a venture for Edward when he invaded in 1296. It had its own King, and it was fiercely defended, especially in the battle of Bannockburn in 1314. Union with Scotland thereafter was never an easy affair.

The Scots and the Welsh have strong historical differences, which the English regions do not share. That is not to say that the English regions are nothing more than administratively convenient sub-divisions, but it does mean that in drawing administrative boundaries there is less of common historical sense of difference within or between the English regions than there is with the Welsh or the Scots.

Central government policy towards the English regions

Nor has this constitutional unity been dented by the numerous policies of central government towards the regions during this century. The Labour Government of 1964 to 1970 invested heavily in regional development, with significant improvements to the physical infrastructure including the development of a national motorway network. These were also the days of investment and improvement in higher education, and saw the foundation of new universities in regional towns and cities. Economic

¹⁴ John Blair, “The Anglo Saxon period”, in Kenneth Morgan (ed.), *The Oxford History of Britain*, Oxford University Press rev. ed 1999; 84–85.

¹⁵ *Ibid.*, 36.

¹⁶ Stenton observes that “The only county which has since arisen in this part of England is the anomalous shire of Rutland, of which the southern half, in King Edward’s day, was an integral part of Northamptonshire, and the northern half formed a great ‘liberty’, detached from the organisation of the neighbouring shires for the benefit of its lady, Queen Edith” (*op. cit.*, 502). The local government review of the 1990s was to see Rutland become detached again, this time from Leicestershire, and translated into a unitary authority.

¹⁷ Stenton, *op. cit.*, p. 683.

¹⁸ A further seven counties were created by the Act of Union in 1536 under Henry VIII.

¹⁹ Morgan, *op. cit.*, 157.

instruments were also developed, like Regional Employment Premium and Regional Selective Assistance; and regulatory barriers imposed to advance the cause of economic decentralisation. Two, which will be remembered with little fondness by planning lawyers of a certain age, were industrial development permits and office development certificates.

Regional physical planning also developed informally in England during the 1960s, and the process was reinforced in 1965 with the setting up of the Regional Economic Planning Councils. A tripartite pattern of regional policy-making then developed in most of the regions, involving consultations between the REPC, the local authorities in the region and central government.²⁰ The process was completely non-statutory, and it was also clumsy and slow. The Thatcher Government of 1979 was quick to announce not only the abolition of the REPCs, but also that it intended not to be bound by the existing strategies.

Reviews of local government

Regional governance has been a disappointed guest at the two major post-war reviews of local government structure in England. For the Redcliffe-Maud Commission that reported in 1969, it was a powerful force. That Commission was enamoured of the view that the ideal local government unit had to be large in terms both of population and territory. This was because their primary concern had been to establish what range of size of authority, in terms both of population and area, was needed for the democratic and efficient performance of local government functions. They settled for a population range of between 250,000 and 1,000,000, but recognised that this might produce authorities that were too large for proper democratic accountability. The evidence submitted to them pointed to the need for large authorities for all local government functions. Although research evidence that had been commissioned by them pointed to a need for between 130 and 140 coherent socio-geographic units as the basis for the new authorities, the majority on the Commission believed that social geography alone did not provide the answers to the problems of reorganising local government; and many of those areas would be too small to allow for satisfactory administration of many major local government services.

The Commission's final recommendations therefore drew many of those areas together, and grouped them into 58 units where all local government powers might be assigned to new unitary authorities whose populations would fall within the Commission's population parameters. There were, however, two important qualifications: first, a two-tier structure was proposed in three highly urbanised areas—Greater Manchester, Merseyside and West Yorkshire—where services would be divided between a metropolitan authority and a number of metropolitan district councils. Second, the Commission pressed strongly for a system of a regional government system based on eight provinces.

The reasoning of the majority is of interest in our study. They argued that the earlier legislation had led to a fragmentation, in which each of the 79 county boroughs and 45 counties was concerned with its own interests, making the proper planning of development and transportation impossible. The result was that central government had been forced to try to fill the gap, but that none of its attempts had been satisfactory. They considered that the structure institutionalised a false division between town and country; the boundaries had no meaning in terms of service delivery; and the system of divided responsibilities under the two-tier structure in the counties was liable to be haphazard, and militated against strategic thinking for the totality of related services and their adequacy for local needs.

So for the majority, the clear answer to the problems of English local government lay in creating a series of large unitary authorities. They believed that a single authority had the great advantage that, through

²⁰ See further A. G. Powell, "Strategies for the English Regions" (1978) 48 *Town Planning Review* 5.

allocation of priorities and co-ordinated use of resources, it could relate its programmes for all services to coherent objectives for the future progress of its area considered as a whole. Being responsible for the total span of local government activity, such an authority would be able to see the full extent of the relationships between different services, what developments in each would be necessary to meet people's needs and what gaps between services ought to be filled. It would be *the* local government of its area. This would be local government in its most efficient form.

We should note, however, that there was a dilemma with this view related to the role of the proposed regional government. The stronger the regional institutions, the less credible the view that the new unitary councils would be at all unitary.

Mr Derek Senior, in a powerful dissenting report, accepted the majority's general view, but pointed to the perennial dilemma that arose in trying to adapt it, or indeed any uniform model, to the social geography of England:

“As soon as one tries to apply this unitary principle to ‘the realities of people's lives’ in almost every part of modern England, one is confronted with a choice. One can create a series of units based on coherent district communities, in which case one fragments planning and development problems and either lets them go unsolved or violates the unitary principle by superimposing a wider authority to deal with them Or one can create a single unit for the whole of the plannable area and deny the district communities the right to democratic self-government in the personal-service field. But there is, of course, a third choice, worse than either, and that is to create units of intermediate scale which suit neither kind of purpose and have no basis in community structure.”

He therefore proposed a predominantly two-tier system comprising 35 directly elected regional authorities, and 148 directly elected district authorities.

Both recommendations were swept aside by the incoming Conservative administration. In the local government reforms of 1974, the regional dimension of the majority and the minority on Redcliffe-Maud was lost altogether. So too was any idea of unitary local authorities. A separate Commission on the Constitution at the same time backed away from regional government.²¹ All the cities lost their self-governing status, and a uniform two-tier structure was introduced throughout England and Wales. What England actually got was 39 shire counties and 296 shire districts; plus a further six metropolitan counties containing 36 metropolitan districts. Those different outcomes resulted not just from quite different political perspectives (though it would be very naive to underestimate the effect of calculated political advantage in this power game), but also fundamentally different visions of the purpose and functions of local government, and the roles of the regions.

Given this history, and the continuing rivalries between town and country interests in England, it could not have reasonably been expected that things would be allowed to stay this way for long. There was strong pressure from the large cities in particular for a return of self-governing status. There were areas where it was believed that the new counties had never found public acceptance, because their boundaries had been determined more along service delivery lines than historical county boundaries. The case was accepted in principle by the then Labour government in a White Paper in 1979, shortly before it went out of power. And it was to form part of the Conservative Government's three-point programme for local government reform in 1991: reform was pledged of the structure, the finance, and

²¹ *Report of the Royal Commission on the Constitution, 1969–1973*, Cmnd 5460: “If assemblies were to be established in Scotland and Wales and this later led to a demand for similar assemblies in some or all of the English regions, that would be the time to consider establishing them. But that, in the view of the majority of us, is not so likely a consequence that it ought to be anticipated by laying down a uniform system of government from the outset.”

the internal political management of local government. Finance was taken care of by the repeal of the poll tax; internal political management was submerged and is only now being addressed,²² and structural reform became the new battle ground for the 1990s.

The Local Government Commission

For Scotland and Wales, the solution was to be Parliamentary legislation, which simply converted the two-tier structures into new unitary local authorities, from April 1996. For England, the process was to be different. There was no consensus within the Government, and even less outside it, as to the ideal structure for local government. So Parliament was persuaded to allow the setting up of a new statutory commission, the Local Government Commission for England, and to give it the task of reviewing local government structure throughout non-metropolitan England, and making recommendations to the Secretary of State. The legislation set the Commission no criteria, other than the need to have regard to the interests and identities of local communities, and the need to secure effective and convenient local government.

Big or small?

Yet these criteria pull in different directions. Units of local government that are small in population terms are hugely politically attractive. They have the best chance of relating closely to the people they govern. Surveys commissioned by the Local Government Commission for England have demonstrated what we know intuitively to be true, which is that people identify more closely with small units of social organisation than with large units.

COMMUNITY IDENTITY: AVERAGE MORI FINDINGS

Percentage of residents who feel they belong:

	<i>Very strongly</i>	<i>Very or fairly strongly</i>
Neighbourhood/village	41	79
Town/nearest town	30	70
District/borough/city area	18	56
County council area	17	52

Source: MORI for the Local Government Commission for England, 1994.

At one time, arguments of economy of scale were used to counter any move to small units of governance. But research since has established the absence of any consistent correlation, and have proven those arguments to be false. The economies of scale of provision in larger units have tended simply to be offset by higher overheads in management. Moreover, in today's culture of enabling rather than direct provision, small units are well capable of delivering services to a high standard through contractual arrangements with the private sector or other public sector providers.

If local government's functions were confined to service provision, the 'small is best' campaigners would be on strong ground. But these arguments tend to overlook the diversity of functions exercised by multi-purpose units of local government, and particularly those functions which relate to the governance of territory. Territorial governance is, necessarily, an interdependent process. No nation is

²² See further the White Paper, *Modern Local Government. In Touch with the People* (Cm 4014). It is not yet clear how far the proposals in Scotland for the extension of proportional representation to local government, put forward by the Mackintosh Committee, *Local Government and the Scottish Parliament; The report of the Commission on Local Government and the Scottish Parliament* (Scottish Office, June, 1999) will prove politically attractive in Scotland, let alone England.

self-sufficient in today's global economy, let alone any unit of local government. People are accustomed to travelling extensively, primarily by private car, for their employment, social and leisure requirements. So growth or anti-growth policies in one local government area necessarily impact upon other areas. Indeed, one of the perverse effects of granting unitary status to many of the major shire cities was always going to be the risk that the advantages of urban self-government would be at the cost of the surrounding hinterlands.²³ An attraction of regional governance is that it provides a territorial command that reflects the extended range of spatially based interdependencies. But it is at the cost of remoteness from local people.

The Secretary of State was given power under the Act to issue guidance to the Commission, but this turned out in practice to be a guarded and neutral statement of matters the Commission ought to take into account, rather than any developed preference for any particular configuration. When, some way through the review process, the Secretary of State attempted to provide a clear statement of the Government's unitary preference, the courts struck it down as going beyond what was allowed as "guidance".²⁴ That one decision, on a judicial review application, was the turning point in the review, because the counties could sense that no longer was there any policy presumption in favour of unitary local government.

In the absence of clear policy, the process for the review was far from ideal. The Commission was required to review each county area, in accordance with a programme intended originally to take over seven years, and to consult widely in the local areas. It couldn't therefore announce clear policy preferences, even if it had had the time to develop them in a way that would have been intellectually satisfactory, because that would have involved the predetermination of issues that were *ex hypothesi* up for local determination. It was not to be a matter of applying national policy to local areas; but of making national policy through local consultation. Local consultation in some areas meant little more than a pitched battle between vested interests. The inevitable outcome of that process, and those terms of reference, was a series of different local outcomes.

The Commission was an advisory body, not an executive body. Its recommendations went to the Secretary of State, in successive stages. The majority of the recommendations were eventually accepted by the Government, which is a record not enjoyed by any previous Commission. But the staged processes of recommendations and of approval meant that feedback was entering the system each time the Government accepted or rejected a recommendation, which necessarily had a distorting effect on the process still being undertaken. In their variety, at least, the outcomes were wholly in accord with the Government's original expectations, which, having rejected a uniform approach, set the aim "to achieve the structure which best matches the particular circumstances of each area".²⁵ Yet the process was controversial, and in many respects highly unsatisfactory both in its design and its implementation.

The regional spectre

In its 1993 Progress Report²⁶ the Commission drew attention to the want of any regional dimension to the review, and advanced its belief that any local government structure would need to recognise that many economic development and infrastructure questions have a regional dimension. The Commission returned to the theme in 1995, in its report on the review process, and stressed the need, in

²³ For this reason, the Local Government Commission usually recommended that the new unitary authorities should be tied into joint structure planning arrangements with their former counties, rather than being authorised to prepare unitary development plans. The only exceptions were areas of low interdependency, such as the Isle of Wight and Herefordshire.

²⁴ *R. v. Secretary of State for the Environment, ex p. Lancashire County Council* [1994] 4 All E.R. 165.

²⁵ *The Structure of Local Government in England: A consultation paper* (DoE, April 1991), para. 27.

²⁶ *Renewing Local Government in the English Shires*, HMSO 1993.

the absence of appropriate regional institutions in England, to develop collaborative approaches to regional economic development.²⁷

The experience of the two local government reviews is instructive in contemplating the creation of directly elected regional assemblies, for a number of reasons.

First, it shows that the debate over the principle and form of regional governance is not new. It was a central part of Redcliffe-Maud's approach to the future of local government, and it figured, though necessarily (given its terms of reference) to a lesser extent in the 1990s local government review.

Secondly, it would be naive to imagine that it would be possible simply to graft a new set of regional institutions onto the existing institutions of government, without a significant change in the character—and even the existence—of the existing institutions. If regional assemblies are to be introduced there must, as the counties already fear, be implications for the future of the two-tier structure of local government that remains throughout most of shire England, and there will be an equal fear on the part of England's new unitary authorities and the major urban authorities that their newly found independence is again to disappear. Few would wish to see a further major reorganisation of local government so soon after the last round. It is likely, of course, that many of the important functions that would go to regional assemblies would be devolved from central government: for example, political responsibility for matters such as transport, environment, planning, education and social services. But the counties could not remain unaffected by such a new set of relationships. Responsibility for strategic land-use planning, transportation and economic development would shift most naturally to a regional assembly. There need not, of course, be an imposed transfer of functions to ensure divisions between tiers. Sharp tensions have arisen in Belgium, Spain and Italy between regional and local government, as a result of reluctance on the part of the regions to deal with or delegate to the local authorities.²⁸ Directly elected regional assemblies who wish to play a major role on the European stage will wish to have sufficient territorial command to be able to respond flexibly and swiftly to economic development opportunities. We must conclude that, perversely, a move to directly elected regional assemblies could squeeze out of existence the very counties whose willingness to work collaboratively on a regional basis has helped lay the foundations for the new policy.

Thirdly, there are some powerful tensions at work in the design and territorial configuration of local government institutions. This is inevitable for a multi-functional institution. For some functions, administrative boundaries are merely boundaries to service delivery areas. Many service functions can be carried out by small units; indeed, some do not need to be carried out by a unit of government at all, but can be delivered by privately owned utilities. For other functions, like planning, they define a space over which regulatory power is exercised. The areas of the district councils in England—shire and metropolitan—do not allow for effective strategic planning. Indeed if planning were the principal function by which the configuration of local authorities were to be determined, even the existing counties would be regarded in many instances as being too small.²⁹ This is a major reason why the two-tier structure was to prove so resilient in the English shires in the last review. It retained units of local government—the districts—which could relate well to medium size cities and rural settlements, whilst, with the counties, keeping a unit of local government which was big enough, in terms of resources, population and territory to wield real power on the national stage and to make a major impact at a regional level and on a European stage.

Fourthly, there is already emerging a tension between uniformity and diversity. There are many for

²⁷ *Renewing Local Government in the English Shires: a report on the 1992–95 structural review*, HMSO 1995, p. 15.

²⁸ Constitution Unit, *op. cit.*, p. 62.

²⁹ That was the view consistently advanced by the Royal Town Planning Institute in the local government review 1992–95.

whom systems of governance must above all be neat. This makes it easier to explain them to foreigners. It follows that the whole of England should have a two-tier system, or the whole of England should have unitary councils. It also follows, therefore, that the whole of England should have regional assemblies, and at the same time.

In fact, uniformity has always been the exception rather than the rule. The only period ever during which there has been a uniform system of local government structure in England was from 1974 to 1986, when there was two-tier local government everywhere. There are two reasons for this: the first is the immediacy of political pressure. The abolition of the Greater London Council and the metropolitan counties had less to do with improvements in service provision than it had to do with the ongoing battle of the time between central and local government (though it is worth remembering the difficulty the metropolitan counties had in countering the government's allegation that they were bureaucratic and inefficient, and in garnering any public support for their continuance).

The second reason is that the social geography of England does not lend itself to uniform administrative solutions. It is a hugely diverse nation, in terms of demography and topography. It has some of the most densely populated areas in Europe, and some of the most sparsely populated. There is a powerful town-country antipathy, which has dominated political views of local government for centuries. Cities have fought to avoid county dominance of the urban areas, and rural areas have struggled to resist the encroachment of the expanding cities. Each has had powerful political allies.³⁰ Whether the establishment of regional assemblies will be uniform or diverse will depend upon whether the commitment to regional referendums prevails. If it does, there is likely to be a significant difference in popularity of the idea. This is no bad thing. A pilot assembly in a region that has a strong sense of regional identity could demonstrate to more sceptical regions the advantages and disadvantages of the model. Diversity must be seen as a strength of a pragmatic constitutional system, not a weakness.

Fifthly, public opinion. Opinion polls over the years have demonstrated that there is no powerful public support for directly elected regional assemblies. The Constitution Unit's excellent study of regional government commented³¹:

“There is certainly little public demand for regional structure—some polls have shown scores as high as 40–60% against increasing the powers of the regions, but these findings are difficult to interpret—especially without greater definition of exactly what is meant by regional government, and a wider public understanding of it.”

Even in Wales, the public gave its support to the National Assembly by only the narrowest of margins. There is certainly a fear that these will be expensive talking shops for superannuated local authority politicians, far removed from the people. The people of England are in general far more interested in the quality and price of the services they receive from their local authorities than they are in which tier it is that delivers them. And they have quite different perceptions of regional identity. The Local Government Commission commissioned several large surveys of public opinion from the market research organisation, MORI, to try better to understand this sense of identity, and the results are informative to the regional debate. As we have seen, MORI explored the concept of “relating”: how people would define the area to which they felt they most closely related (*e.g.*, neighbourhood, village, town, county), their perceived sense of “community”; their behavioural patterns for work, shopping,

³⁰ For example, the Bill that was to lead to the County Councils Act 1888 entered Parliament with provisions that would have created just 10 urban county boroughs. It emerged from Parliament with no fewer than 59, and with a mechanism that would allow other cities to seek this status. By 1918 that process had led to the creation of a further 23, and 110 extensions to the territories of existing county boroughs. The battle continued to rage until the 1970s, as successive Local Government Commissions were appointed and dissolved, but failed completely to dent the vested interests.

³¹ Constitution Unit, *Regional Government in England* (1996), p. 26.

school and leisure and also the relative weight that people attach to different qualities of local government (e.g., quality of services, democratic participation). They also explored the depth of people's roots in their local areas. In Kent for example, the question "how long have you lived in this area?" elicited the following response:

	%
Less than 1 year	6
1–2 years	5
3–5 years	11
6–10 years	15
11–20 years	19
Over 20 years	29
All my life	15

It is widely accepted that truly local government needs to be rooted in people's sense of place, of local identity. But, the evidence from MORI also suggested that people have other concerns and expectations about local government. One of them is the strength and power that can only come from a large local authority: an important reason that was given by respondents for resistance to change to existing county council arrangements, for example, was that they needed a county council "to represent us nationally". People identified most strongly with small geographical areas, areas which were a good deal smaller than most existing districts which comprise a number of distinct communities. But the MORI results also confirmed that individuals saw themselves as part of a number of different communities each of which was important to them in one way or another.

There is a sense not only of community identity ("affective" communities), but also of "effective" communities—that is, where people go to shop for food, clothes and household goods; where their children go to school; where they and other members of their household work; and where they go for leisure and sporting activities. Clearly, most people are now mobile and no longer shop, work or play in the relatively small areas represented by many district councils, nor even the traditional county boundaries. But in many parts of England, and particularly the South East, people's notions of region will be determined as much by economic as by historical or social factors.

Whether popular support should be the determinative factor is difficult to assess. As any politician knows, public opinion can be influenced, and results can be falsified. Many county councils in the 1992–95 review prevailed upon their own staff to write in to the Commission in support of retention of the county, and campaigned vigorously (and often tendentiously) in the local and national media. Moreover, there is a view that people's responses will always be conservative, and that a simple yes/no referendum will therefore always favour the status quo. An "opt-out" referendum could well produce a different outcome. And experience in Germany suggests that the Lander, not all of which were established for clearly defined regions, have settled down well over time into a coherent system of powerful regional governance. Finally, experience in Scotland and Wales may have a powerful effect on public opinion.

Conclusions

Governance today is more than government. The old shibboleths of what could be delivered only by the public sector, and the notion of natural monopoly in providing services such as water, energy and transport, have gone. We now know that these services can be delivered as well as, better even—or

much worse—when their ownership is in private hands and where increases in tax rates no longer are reflected in the public sector borrowing requirement. We have developed more complex approaches to regulation and to service delivery. There is a new emphasis on the private-public mix, on the use of task forces and panels, on inter-authority co-operation, on partnerships, and on joint working. Many of these operate at regional and sub-regional level. The case of regional planning guidance, outlined in the paper from Mike Ash, is a case in point. The quite distinct roles now being urged for internal political management of councils, though far from perfect and with a long way to go in terms of gaining experience, carry with them the capacity to enable councils to provide clear leadership with improved visibility and enhanced image.

Regional development agencies and regional chambers are a part of this emergent network of regional governance. Directly elected regional assemblies are in many ways a logical extension of what is already developing. They would undoubtedly strengthen Britain's regional capacity in a Europe of regions. They would have the potential to strengthen significantly the regional strategy for planning. The Welsh model, for example, would have the Assembly assuming the Secretary of State's planning functions for the region, so combining a regional planning guidance function with a capacity to steer development through the exercise of planning appeal, call-in and reserve powers.

But directed elected regional assemblies are not a neutral, no-cost, add-on to existing structures. Their introduction would have real costs for existing local government structures, and create new tensions, some of them creative; some potentially destructive.