How Far Has Devolution Diluted Central Governmental Control Essay, Research Paper

To what extent has devolution of power diluted the central control of the Cabinet and government within the British state.

At present, the UK Parliament in Westminster is the supreme political assembly. The UK Parliament is one of the oldest representative assemblies in the world. Parliamentary government in the United Kingdom is based on a two-chamber system. The House of Lords (the upper House) and the House of Commons (the lower house), which sit separately and are constituted on entirely different principles. The legislative process involves both Houses. This has been the case since the signing of the Magna Carta in 1215.

The mechanisms of such a great machine as British democracy are indeed complicated. The Parliament is headed by the Prime Minister, who is then supported by a Cabinet.

The Cabinet is composed of about 20 ministers, although the number can vary. They are chosen by the Prime Minister and may include departmental and non-departmental ministers. The functions of the Cabinet are to initiate and decide on policy, the supreme control of government and the co-ordination of government departments. The exercise of these functions is vitally affected by the fact that the Cabinet is a group of party representatives, depending upon majority support in the House of Commons.

To keep its workload within manageable limits, a great deal of administrative work is carried on through the committee system. This involves referring issues either to a standing Cabinet committee or to an impromptu committee composed of the ministers directly concerned. The committee then considers the matter in detail and either disposes of it or reports upon it to the Cabinet with recommendations for action.

The Cabinet Office is headed by the Secretary of the Cabinet, a civil servant who is also Head of the Home Civil Service, under the direction of the Prime Minister. It comprises the Cabinet Secretariat and the Office of Public Service and Science. The Cabinet Secretariat serves ministers collectively in the ways of Cabinet business, and in the co-ordination of policy at the highest level.

This has essentially been the way of British politics for centuries. However, the political world is shifting under our feet, and devolution and nationalism have come to the forefront of modern political debates.

Devolution, as described by Lord Melrose, ?is the delegation of power to local or regional administration, so power is dispersed from a superior to an inferior political authority, or to be more precise it consists of a sub-ordinate elected body on a geographical basis of functions at present exercised by Parliament.?

i. Scottish Parliament

Due to the implementation of the Scotland Act 1998, the Wales Act 1998 and the 1998 British-Irish Agreement, Britain now has three forms of devolved government.

The Scottish form of devolution was drafted upon the basis that the Scottish Parliament would be responsible for legislation in all areas that were not specifically retained by Westminster.

The Scottish Parliament resides in Hollyrood, Edinburgh and until recently was headed by Sir Henry McLeish following the death of Donald Dewer whilst in the position of First Minister. It is a single chamber legislature of 129 members. The Parliament is assisted in its administrative duties by the Scottish Executive. It is responsible for most of the issues of day-to-day concern to the people of Scotland, including health, education, justice, rural affairs, and transport, and manages an annual budget of around 20 billion. The Executive is led by a First Minister who is nominated by the Parliament and in turn appoints the other Scottish Ministers.

Scottish Executive civil servants are accountable to Scottish Ministers, who are themselves accountable to the Scottish Parliament. Originally, Scottish affairs were executed by the British Cabinet and were headed by the secretary of state for Scotland. Five main departments of equal status: the Department of Agriculture and fisheries of Scotland, the Scottish Development Department, the Scottish Education Department, the Scottish Home and Health Department, and the Industry Department for Scotland perform the statutory functions of the secretary of state.

MSPs are elected through a hybrid system known as Additional Members system (AMS) or the Additional List system (ALS). These systems hold similarities with the d?Hondt system used for European elections. The Scottish system is based upon the election of seven constituency MSPs by the ?First Past the post? system thus mirroring the UK system of election. Upon this number, fifty-six extra seats are added. This inclusion is based upon a second ballot where voters select a political party of their choice. In the Scottish context, voters are grouped into ?Super constituencies? based on the Euro election?s constituencies of which there eight. Each ?Super Constituency? returns seven list MSPs chosen from party lists. These seats are allocated upon proportionality. This combination of voting approximates very closely to a Proportional Representation system with results being to an accuracy of approximately 1%. This system is favoured as it gives minority parties a fairer chance of representation in the parliament. The Scottish Parliament is able to make primary legislation; such actions will be known as, ?Acts of the Scottish Parliament?.

Its legislative ability is limited in a number of ways. It is not able to legislate about non-devolved/reserved matters such as: The main reservations are:

?The Constitution

?Foreign affairs

?Defence

?The Civil Service

?Financial and economic matters

?National security

?Immigration and nationality

?Misuse of drugs

?Trade & industry (e.g. competition, consumer protection)

?Electricity; coal, oil & gas, nuclear energy

?Many aspects of transport (e.g. railways)

?Social security

?Employment

?Abortion, genetics, surrogacy, medicines

?Broadcasting

?Equal opportunities

It is able to legislate about other matters. The main devolved matters are:

?Health

?Education

?Training policy & lifelong learning

?Local Government

?Social Work

?Housing

?Planning

?Economic Development

?Financial Assistance to Industry

?Tourism

?Some aspects of transport e.g. The Scottish road network; bus policy; ports and harbours

?Most aspects of the criminal and civil law

?Criminal justice and prosecution system

?Courts

?Police and Fire Services

?Environment

?Natural heritage

?Built heritage

?Agriculture

?Food Standards

?Forestry

?Fisheries

?Sport

?The Arts

?Statistics, public registers and records

The most important control of the Scottish Parliament and one that sets it aside from the two other devolved assemblies as a more superior organisation is its tax varying power. The Parliament has the power to raise or lower Scottish taxes by ? three pence in the pound. This is an important step towards independence as this motion can be performed without the consent of the Westminster parliament.

All in all the Scottish form of devolved government has been welcomed by the majority of MPs and voters, however, it does has some complications:

?The McCrone Report

?The Sutherland Report

?Ending Tuition Fees in Further and Higher Education

?The West Lothian Question

These are significant parts of legislature as they are all bold political steps that have been made by the Scottish parliament which have resulted in conflict between Westminster and Hollyrood.

The McCrone Report

The report was the findings of a Scottish Parliamentary committee whose remit was to inquire widely into “how teachers’ pay, promotion structures and conditions of service should be changed in order to ensure a committed, professional and flexible teaching force which will secure high and improving standards of school education for all children in Scotland, into the new Millennium. And the future arrangements for determining teachers’ pay and conditions in Scotland following the removal of the statutory basis of the Scottish Joint Negotiating Committee proposed by the Scottish Executive.”

It is significant because its primary concern is that of the Scottish teachers and it is a bold, groundbreaking step away from under the wing of the Westminster government.

The Sutherland Report

This report was the findings of a ten-month inquiry by the Scottish Parliament?s Health Committee. It was based on the findings of Sir Stewart Sutherland?s Royal commission on long term care. The committee’s report calls for fairness and equality in the delivery of services, and an end to means testing. The importance of the inquiry is summed up by Committee convener Margaret Smith who said:

“A civilised society is judged upon how well it looks after its most vulnerable citizens and it is clear that many of Scotland?s most vulnerable people are not getting the support services they need or deserve?.

As a result, there is now the opportunity for the implementation of an act that will enable all elderly people free health care under the condition of Scottish residency.

Ending Tuition Fees in Further and Higher Education

This was a hotly contested debate and presently, it appears that the result has swung in the favour of the Scottish Parliament. The opposition of the point would argue that there should not be a national divide between Scotland and England over the subject of tuition fees as due to the magnitude of the subject, any dispute between the two assemblies will raise question regarding each government?s reasons and agendas. Nevertheless, it is the intention of the Scottish parliament to:

?Widen access to students of all backgrounds and to remove the barriers to study by promoting free tuition for full time students in Scottish further and higher education and to continue to remove fee barriers for part-time students.?

In addition, at present this scheme is being implemented to full effect and to the appreciation of the Scottish student community, however there will always be strong criticism of the scheme from Westminster MPs Who feel that the actions of the Scottish Parliament are flawed.

The West Lothian Question

This leads to the ?West Lothian Question? introduced by Labour MP Tam Dalyell, where Westminster MP?s will not be able to vote on Scottish legislature, but Scottish MP?s will be able to vote on legislature passing through Westminster. This means that Scottish MP?s will represent people from Britain who did not actually vote for them.

This could have a good or bad impact on Britain, depending on the legislature going through Parliament.

The advent of such legislature would be extremely important, but not so important as past legislature such as the 1998 British-Irish Agreement.

ii. Northern Irish Assembly

On Thursday 2 December 1999, power was devolved to the Northern Ireland Assembly and its Executive Committee of Ministers. On the same date the North/South Ministerial Council, North/South Implementation Bodies, British-Irish Council and British-Irish Inter-governmental Conference became fully functioning institutions. This was a direct result of the Belfast (Good Friday) Agreement, which was endorsed by the people of Northern Ireland in a referendum on 22 May 1998. It was a truly momentous step as it gave the public their first opportunity to pass judgement on their politicians. The Assembly meets in Parliament Buildings and it is the prime source of authority for all devolved responsibilities and has full legislative and executive authority in Northern Ireland. One hundred and eight members were elected to the New Northern Ireland Assembly in June 1998 by way of the single transferable vote (STV) in six member constituencies. The functions of the eleven Departments were agreed by the Assembly in February 1999. The new agreement will establish two quasi-presidential figures in a devolved Northern Assembly, a First Minister, David Trimble and a Deputy First Minister, S?amus Mallon and ten Ministers have been appointed with responsibility for the new Northern Ireland Departments. Together these Ministers make up the Executive Committee. The Committee meets to discuss and agree on issues that cut across the responsibilities of two or more Ministers. It will prioritise executive business and recommend a common position where necessary. The Executive will seek to agree each year and review as necessary, a programme of government with an agreed budget. This will be subject to approval by the Assembly after scrutiny in Assembly Committees on a cross-community basis.

As mentioned previously, the North/South Ministerial Council (NSMC) was established on 2 December 1999, under the terms of the Good Friday Agreement. It brings together Ministers from the Northern Ireland Assembly and the Irish Government, on a regular basis, to develop consultation, co-operation and action within Ireland on matters of mutual interest within the competence of both administrations.

The work of the Council is supported by a Joint Secretariat, located in Armagh, which is staffed by personnel from the Office of the First Minister and Deputy First Minister (OFMDFM) and the Irish Civil Service. Amongst other duties, the Joint Secretariat is responsible for arranging NSMC meetings in both sectarian and plenary formats, co-ordinating the papers for the meetings and monitoring the work of the six Bodies

North/South Co-operation

The work of the North/South Ministerial Council covers twelve sectors, six have North/South bodies and the other six operate through existing agencies in each jurisdiction. Six North/South Implementation Bodies, established by international agreement between the British and Irish Governments, came into being on 2 December 1999. These bodies implement the policies agreed by the Ministers in the NSMC. The Implementation Bodies are:

?Waterways Ireland;

?The Food Safety Promotion Board;

?The Trade and Business Development Board;

?The Special EU Programmes Body;

?The North/South Language Body

The six aspects identified as “Areas of Co-operation” through the means of existing bodies in each separate control are:

?Transport

?Agriculture

?Education

?Health

?Environment

?Tourism.

Waterways Ireland

This institution is responsible for navigable inland waterways in Ireland. Its primary function is, ?the maintenance, development and restoration of the inland navigable waterway systems, primarily for recreational purposes.? Such systems were previously under the control of the Minister for Arts, Heritage, and the Islands in the South and the Rivers Agency in the North.

The Food Safety Promotion Board

The Food Safety Promotion Board is principally charged with promoting food safety ? through public campaigns, conferences, training and advising professionals and the public. It is also involved in supporting North/South scientific co-operation, and links between institutions working in the field of food safety ? laboratories, statutory food safety enforcement agencies, and international and domestic research bodies.

The Trade and Business Development Body

The Trade and Business Development Body, which operates under the name of ?Inter Trade Ireland? exercises a range of functions in the trade and business area. Under the overall policy direction of the North/South Ministerial Council, ?Inter Trade Ireland? works in close collaboration with the Department of Enterprise, Trade and Investment, Belfast, and the Department of Enterprise, Trade and Employment, Dublin. It also has a focus on promoting North/South trade and business co-operation by building enterprise capability and competitiveness.

The Special European Union Programmes Body

The Special European Union Programmes Body has significant managerial, including grant-making and oversight functions in relation to the new Community Initiatives under the post-1999 European Structural Funds and the new Peace Programme. The Body is also responsible for monitoring and promoting the implementation of the Common Chapter in the National Development Plan for Ireland and the Northern Ireland Structural Funds Plan.

The North/South Language Body

The North/South Language Body is a single body reporting to the North/South Ministerial Council, but composed of two separate and largely autonomous agencies: the Irish Language Agency, and the Ulster-Scots Agency.

The Irish Language Agency

The Irish Language Agency was established on 2 December 1999 after taking over the functions of the board of Irish Language, it is responsible for ?promoting the Irish Language on an all-island basis.? Its wide range of functions includes the promotion of Irish, for example, in the area of education, dictionaries and terminology.

The Ulster-Scots Agency

The Ulster-Scots Agency is responsible for promoting a greater awareness and use of the Irish language and of Ulster-Scots cultural issues, both within Northern Ireland and throughout the island as a whole.

From these points it is obvious that nationalism is a point high on the agenda of the Northern Irish Assembly.

Areas of Co-operation

As mentioned previously the Assembly has six areas of co-operation, the North/South Ministerial Council is responsible for taking forward: –

Transport

Strategic planning and development of cross-border co-operation (while co-operation would primarily arise in respect of road and rail planning, it would take account of issues arising in the port and airport sectors), and road and rail safety;

Agriculture

Discussion of Common Agricultural Policy (CAP) issues, animal and plant health policy and research and rural development, between North and South;

Education

Education for children with special needs (eg autism, hearing impairment), educational underachievement, teacher qualifications, and school, youth and teacher exchanges on a cross-border basis;

Health

Accident and emergency planning, emergency services, co-operation on high technology equipment, cancer research and health promotion. The Council in the Health and Food Safety Sector considers matters for co-operation in Health as well as considering matters relating to the Food Safety Promotion Board; -see above.

Environment

Research into environmental protection, water quality management and waste management in a cross-border context;

Tourism

A limited company publicly-owned by Bord F?ilte Eireann and the Northern Ireland Tourist Board markets Ireland overseas as a tourism destination It will be known as, Tourism Ireland Limited and will operate under the auspices of the North/South Ministerial Council.

The Agreement appears to have been implemented well but in reality, it is of an immensely subtle construction, a very detailed plan. Such intricacy opens the Agreement to public criticism: Is it a house of cards, vulnerable to the slightest pressure, vulnerable to the rising tide of nationalism? The recent events at Omagh and Drumcree show that these are not foolish concerns.

iii The Welsh Assembly

The Wales Act (1998) created a Welsh Assembly with sixty members using the Additional members system (AMS) as in Scotland. In addition, forty constituency members (These will be the same as the forty Welsh constituencies at Westminster.) are elected by way of the FPTP system and twenty additional members selected from ‘party lists’ in the country’s five electoral regions. These regions are the same as the current European parliamentary boundaries and each will elect four MWAs through AMS. Electors will therefore have two votes on separate ballot papers. One for a candidate in their constituency, (mauve ballot paper) and one for a party list in their region (peach ballot paper). Voters will also be given a white ballot paper, but this is for the separate Welsh local council elections. The proportionality of the Assembly is calculated using the d?Hondt principle

The National Assembly for Wales meets in Cardiff and has the power to develop and implement policy for Wales in the areas of:

?Education

?Health

?Environment

?Economic development

?Local government

?Agriculture

?Fisheries

?Forestry, Water and flood defences;

?Economic development;

?Schools, colleges and training;

?Community development;

?Food;

?Housing;

?Sport and leisure;

?Some transport policy, such as Welsh roads;

?Arts, culture and the Welsh language.

The assembly can also set performance targets and establish new standards in, for example, the NHS in Wales. However, unlike the Scottish parliament, it cannot make laws and it has no tax-raising powers. It can also “do anything it considers appropriate” to support certain aspects of Welsh culture – museums, libraries, recreation and the Welsh language. Members of the assembly will also be able to make speeches in Welsh.

Keeping in line with the principle of devolution, Westminster has retained a number of powers to remain under Sovereign Government control. These are:

?The constitution

?Defence

?Foreign affairs

?Electricity

?Coal

?Oil and gas

?Nuclear energy

?Employment

?Financial and economic matters

?Social security

The actual power that the Welsh Assembly holds in comparison to the other Assemblies is very small, it cannot implement an issue without the approval from Westminster. Once Westminster has decided that the matter is appropriate to Wales, the Secretary of State for Wales issues a “concordat” defining what the assembly can discuss. The assembly is entitled to dispute the concordat, for example if it considers it should be allowed to make representation about a wider range of issues. Once it has approved the concordat, the assembly can go on to debate the issue in Wales.

Indeed there are many positive points regarding the Welsh Assembly but there have also been some complications regarding:

?Deputy First Minister Michael German

?Soaring costs of Assembly building

Deputy First Minister Michael German

The Michael German incident was an embarrassing episode in the Welsh Assembly?s short history. Mr German MWA had been forced to resign from his senior post in the Assembly due to an ongoing police investigation into claims that he misused a credit card when running an examinations body. The inquiry will centre on the period in which Mr German was head of the European unit of the Welsh joint education committee (WJEC) exam board. There are allegations the unit overspent on overseas trips. The humiliation of the Assembly and Mr German does not stop, as, last year an independent audit of the unit by ?PricewaterhouseCoopers? said the WJEC might have to repay ?430,000 to the European Union. Another independent review by auditors ?Bentley Jennison? concluded that the WJEC could, in the event of an audit by the EU, have to pay back more than ?1m.

Soaring costs of Assembly building

Similarly to the events regarding the construction of the Scottish Parliament buildings, the Welsh Assembly has also come under fierce criticism concerning the escalating costs of the Assembly building, which had been planned to sit beneath a gently undulating roof on the edge of Cardiff Bay, at a cost of ?26.6m; latest estimates suggest the final bill could reach ?47m. At present, there is an air of indecision surrounding the project, seriously denting the competency of the Assembly as a major administrative organisation.

British devolution has always been an ideal of many politicians however many scorn the possibilities through an intense fear of a dilution in the power and control held in Central Government. Even hard-line members such as the Right Honourable Lord Biffen has criticised the possibility but at the same time realise its potential and use.

?Britain has never relished doses of constitutional reform, although they have accepted the drip-feed of frequent, unpalatable and ill-fated local government changes. Ambivalence to reform was reinforced in recent decades. The 1974 Labour government proposed an ambitious program of devolution for Scotland and Wales. It was a luckless policy, not least because of Labour?s divisions. Now it is all different. The case for devolution is being argued with renewed vigour.? (Rt. Hon. Lord Biffen)

Nevertheless, one must, due to the advent of devolved power in Britain, analyse its impact on British politics. In the case of the Scottish parliament, already there have been some momentous pieces of legislation past in the chamber that will have a direct effect on Scottish people?s lives. Such significant occurrences have been welcomed by the Scottish public As according to new research one in ten Scots believes Holyrood has a greater impact on their lives than Westminster. This information will be welcomed by the Parliament but it will be important for central government to observe and understand the expectations of the Scottish electorate and answer to their needs accordingly as it is apparent that Westminster?s strangle hold on policy north of the border has been somewhat relaxed since 1998.

However, in the cases of Northern Ireland and Wales the branching power of central government has yet to be shown as dwindling. As a result of recent troubles and complications in both administrations, the respective public opinions of the organisations are not as complimentary as in Scotland, so much so that in Wales, many of residents recognise that their lives would be led better without the hassle of a non-functioning government assembly. The same opinions can be found in Northern Ireland where the fragile nature of the agreement and the complicated structure deny the same fluency of implementation as evident within Scotland.

Nevertheless, in years to come it is almost certain that each administration will gain in power and confidence; their controls will relax and they will emerge from the domineering shadows of Westminster to fulfil destined roles of self-determination.