

Austen Morgan: Will Burnham govern 'by the book' – and have a written constitution?

🕒 August 11, 2026 | Dr Austen Morgan | [Comment](#)

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Dr Austen Morgan is a barrister at 33 Bedford Row Chambers. His next book is: Bringing Boris Down: the politicisation of the civil service, forthcoming.

'Bliss was it in that dawn [the 2019 winter general election] to be alive': the conservative manifesto had unexpectedly promised a constitution, democracy and rights commission.

Come the pandemic, I set to work as an advocate on a book, *Pretence: why the United Kingdom needs a written constitution*, London 2023.

Boris Johnson, however, had made a closet liberal democrat, Robert Buckland QC, a Welsh criminal barrister, lord chancellor, and he killed off the tory commission quietly. There was a pointless review of judicial review, and the human-rights professors were helped by civil servants to defend Tony Blair's Human Rights Act 1998.

Move forward to the four weeks this summer (which has been hot), when 'the king in the north', on the nomination of the (genuinely female) queens, half moved into number 10, establishing another one in Manchester. One of the queens – history does not yet record which one – told the *Spectator* (misconstruing her identity politics badly) that Andy would be '*Labour's first woman prime minister*'.

While the fourth estate complained correctly that it was not even being fed policy sound bites, no one spotted that Andy Burnham and Steve Rotherham had authored an important book, *Head North: a rallying cry for a more equal Britain*, published in paperback in March 2025 (279 pp) – shortly before he began his campaign to unseat Sir Keir Starmer.

It has not even been ferreted for embarrassing quotes.

Rotherham is a genuine Scouser. Andy was also born near Liverpool, but grew up in Culcheth, a village in Cheshire, and now describes himself as an adopted Manc; he lives with his family in Newton-le-Willows, a million miles from Chequers.

Burnham was a labour MP, 2001-17 (a junior minister under Tony Blair, and a cabinet minister under Gordon Brown). Rotherham was a labour MP only, 2010-17. In March 2016 (according to the book) – after Jeremy Corbyn and before Brexit – they decided to quit Westminster together, in order to stand as the first executive mayors of Liverpool and Manchester respectively, in May 2017.

Head North is an extraordinary – from my point of view as a constitutionalist – joint biography-cum-manifesto.

It does articulate a new, northern view of the world, dripping in cultural sentiment (*Boys from the Blackstuff* and more football than I can absorb), but rooted in En

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wannabe devolutionism. There is also an awful lot about pubs. The governance of Westminster and Whitehall – where fifty key people, elected and unelected, run the country, says Burnham – is slammed as divisive, London-centric, and grossly inefficient; one of the fifty must be Antonia Romeo, the recently appointed cabinet secretary, who gave her new prime minister longing looks at his first cabinet meeting.

The Hillsborough football tragedy (with which hitherto I associated Andy Burnham) – when 97 Liverpool fans were killed in Sheffield, under the care of the South Yorkshire police, on 15 April 1989 – is the real prologue to the book; ironically, Burnham was attending the other cup semi-final (as an Everton supporter) at Villa Park (Steve Rotherham was at Hillsborough as a Liverpool supporter).

Chapter 9 of the book is entitled 'a written constitution and a basic law' and chapter 11 (which says nothing about federalisation) is '*a federal UK through full devolution*'.

The *Head North* ten-point plan (still unreported) needs to be quoted in full: '1. A written constitution 2. A basic law 3. Reform of the voting system 4. Removal of the whip 5. A senate of the nations and regions 6. Full devolution 7. Two equal paths in education 8. A Grenfell law 9. A Hillsborough law 10. Net Zero to reindustrialise the north'.

What is one to make of this?

Well, no prime minister, conservative or labour – and months before taking office – has ever put forward such a programme. I have the following points, but first a preliminary observation.

There are no supply-side economics in the book, it all going the other way: '*as anyone who knows me will verify [writes Burnham], I'm more of a spender than a saver. I would much prefer to say "yes"!*'

I believe you, Andy!

One, Burnham can only mean what he says: he wants a written constitution. He knows the UK, as an occupying power, helped shape the 1949 German federal constitution, and it is a model for him.

(However, he mistakes the basic law, as the German constitution is called, for article 72 (which he even quotes): '(2) The Federation shall have the right to legislate on matters...if and to the extent that the establishment of equivalent living conditions throughout the federal territory...renders federal regulation necessary in the national interest.' – a clear unionist view which he espouses for our own country.)

Two, Burnham favours the federalisation of the UK (which I advocated on

ConservativeHome on 26 May 2026). However, he is silent on an English government, even though its ministers currently share the cabinet table with UK ministers. That is a big absence in the book, as are ideas on executive mayors in Scotland, Wales and even Northern Ireland – to be created by the centre or the periphery?

Three, the authors endorse Gordon Brown's pre-2024 general election idea of a senate of the nations and regions. I have taken the view that this can only follow the arranging of the nations and regions, but Burnham and Rotherham toy with Billy Bragg's 'second mandate' idea of 2004: re-running first past the post for the house of commons as a party list system for a new house of lords.

These guys think neatly!

A prime minister could advise his majesty to sack the current lot (including the 167 peers created by Sir Keir Starmer), and replace them with a Billy Bragg lot immediately after the next general election. '*We should be ashamed of ourselves*', Burnham writes, '*if we let the unelected Lords continue into the 2030s.*' So, get on to the palace and set it up.

Four, the crunch in Burnham's ten-point plan is likely to arise sooner rather than later with point 4: removal of the whip. There is talk of turning the whips' office into a HR department for labour MPs. This will lead to even further feminization of the parliamentary labour party, and its historic demise as a national (if not natural) party of government – with Reform UK the beneficiaries.

The last four points in the plan are nostrums of labour policy, and not really constitutional ideas: apprenticeships alongside university degrees (with Germany again the inspiration); social – especially council – housing, in the name of Grenfell (did Andy's parents own their own home?); a Hillsborough law – the duty of candour etc. – now in the form of the Public Office (Accountability) bill, introduced by the Starmer government (and on which Burnham spoke on 14 July 2026 having again been sworn a MP); and net zero, under the Climate Change Act 2008, as amended by Theresa May in June 2019 just before she resigned.

There are constitutional ideas in the book, with life stories of Liverpool and Manchester battling London, and a general argument – remember Boris talked of 'levelling up!' – about power and resources being taken from an exceptionally centralised UK government to be redistributed around principally England.

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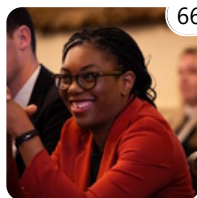
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