Andy Burnham and the Constitution

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Andy Burnham was elected to the House of Commons (as MP for Makerfield, in North West England) on 18 June 2026. Following a rapid process – in which he ultimately stood unopposed – he replaced Keir Starmer as leader of the Labour Party on 17 July and, as a result, as Prime Minister of the United Kingdom on 20 July. He had previously been MP for Leigh (2001-2017), holding several senior government positions under Labour and, in opposition, twice mounting unsuccessful challenges for the party leadership. He then served for nine years as Mayor of Greater Manchester – a high-profile and comparatively powerful role in local government – from which he increasingly intervened on national, not merely regional, policy.

In 2024, he published *Head North*, co-authored with his close friend and political ally Steve Rotheram, Mayor of the Liverpool City Region. Despite its conversational tone and apparently regional focus, the book set out a serious proposal for the government of the whole United Kingdom, explicitly grounded in his experiences (and the obstacles he faced) as Manchester Mayor. Its policy scope is broad, touching nearly all areas of state activity, and it is bundled with a detailed and radical programme for redistributing political power – constitutional reform – set out in the language of "rewiring the state".

As a new Prime Minister coming into office mid-term, Burnham inherits a Parliamentary Labour Party of 403 members – a working majority of 167. This is slightly reduced since Starmer's 2024 general election victory, but in modern political history only Tony Blair (at the peak of New Labour in 1997 and 2001) has governed from a stronger position in the Commons. He also inherits Starmer's 2024 manifesto programme, but he is clearly well placed to implement his pre-existing "rewiring" agenda – and not just because of that majority: his personal commitment to the agenda was precisely the policy offering which propelled him to emphatic victories in the June by-election and the July leadership contest.

As articulated consistently in the 2024 book, the 2026 campaigns, and as Prime Minister, the project is presented as a single coherent programme, connected by one core idea: that political power across the United Kingdom should be (re)located in the people best placed to make decisions, and that the people should be heard by those in power. *Head North* culminates in a 10-point summary of the plan, of which seven were distinctively constitutional (the remainder were education reform, net-zero reindustrialisation and a response to the Grenfell disaster).

In this post, I look at the seven constitutional elements of that programme, in six sections, and set out how far Burnham has begun to address them as he converts it into an active programme for government.

The Programme

Devolution

A **reinvigoration of devolution** is the flagship policy and centrepiece of Burnham's programme. Since the New Labour 1998 settlements, significant legislative and executive power has been devolved to Scotland, Wales and Northern Ireland. The picture is very different in England, where what devolution has happened is largely modest, tentative and asymmetrical, and primarily focussed on regionalising the delivery of centrally-set policy objectives. Burnham's project completely reorients this understanding of what devolution – or more devolution – means. His stated aim is to devolve power to "every postcode" in the country, empowering "people and places", by effectively repurposing one pre-existing tier in the patchwork of local authority organisation: strategic authorities in city-regions and sub-regions. The plan has three parts: the transfer of *powers* (across a huge bundle of policy areas); the creation of new *funding streams*; and the reform of existing institutions, and creation of new ones, to exercise the new powers and provide accountability. Some of the necessary machinery has already been legislated – in the *English Devolution and Community Empowerment Act 2026* – and Burnham has indicated his intention to

accelerate its implementation. Further legislation (e.g. for some of the financial elements) will be needed in due course. The (sub-)regional focus also introduces a slight tension with existing understandings of devolution, because this kind of reform in Scotland and Wales falls within devolved competence, and would be a kind of devolution-devolution. This has already been a source of friction, and the Westminster government will need the buy-in and cooperation of the devolved administrations if further devolution is to succeed nationwide.

Lords Reform / Senate of the Nations and Regions

Democratisation of the House of Lords has been – officially – unfinished constitutional business since the *Parliament Act 1911*, which (on the grounds that such democratisation could not "be immediately brought into operation") reduced the second chamber's powers to oppose legislation to an effective power of delay. Piecemeal reforms have followed – including the creation of appointed life peers and the admission of women members (1958), a reduction in the number of hereditary members to 92 (1999), and provision for retirement, resignation and expulsion of members (2014-2015) – and Parliament finally enacted the removal of all remaining hereditary peers earlier this year. But the House remains essentially appointed, and none of its approximately 800 members is democratically elected. Proper democratic reform has always been stalled because, although there is stable consensus on the need for change, no particular version of that change has ever attracted sufficient approval. In 2012, government legislation providing for a mainly (80%) elected House, promoted by Nick Clegg, leader of the Liberal Democrats (the minor party in the coalition government of the time), failed to overcome resistance from Conservative MPs, i.e. members of the dominant party in that coalition. Burnham has adopted former Prime Minister Gordon Brown's proposal to replace the House of Lords with a Senate of the Nations and Regions, fully elected on a regional basis. But this change is not immediately in prospect – he has indicated at this stage only an intention "to consult" about the plan, and to include it in Labour's next general election manifesto. In *Head North*, he endorsed the "secondary mandate" – using the votes cast under *first-past-the-post* for the House of Commons to (also) elect the House of Lords on a proportional basis – as an "easily introduced" interim method, suitable for introduction at a 2028 or 2029 general election. As Prime Minister, however, Burnham seems more likely to complete the more modest programme of Lords reform from his party's 2024 manifesto – a Bill to provide for the removal of peerages was already promised in the King's Speech in May 2026 and the government is considering a report on introducing a retirement age and participation requirement for members.

A Hillsborough Law

Labour's 2024 manifesto promised the enactment of a Hillsborough Law – to impose on public authorities and public officials **a duty to act with candour, transparency and frankness**, and to secure **parity of representation at inquests** involving the state. The reform is motivated by, and takes its shorthand name from, the victims' families' sustained experience of obfuscation and non-cooperation following the Hillsborough disaster in 1989. The legislation – the Public Office (Accountability) Bill – passed all its Commons stages under Starmer, and Burnham took his seat in time to speak in the third reading debate – where his contribution was framed in his distinctive language of "rewiring the state". He is also at the centre of a twist in the story: the draft initially introduced under Starmer was criticised by campaigners as watered-down, and this pushback led the government to fall back on a more rigorous text – based on a version originally introduced as a private member's Bill by… Burnham. He should therefore see his version of the reform complete its passage through Parliament and come into force whilst he is serving as Prime Minister.

Ending the Whipping System

The House of Commons (in particular, but also the House of Lords) operates a **"whipping" system** – a technique for maintaining party discipline, especially in the voting behaviour of MPs, and the means by which party leaderships secure the votes of "their" majority in the chamber. But it is sometimes controversially coercive and transactional. In *Head North*, Burnham advocated boldly for its abolition. His objections are consistent with the principles underlying the rest of his programme: it centralises power in London, concentrates power in a small elite, and undermines democracy by preventing elected legislators from exercising their own judgement on behalf

of their electors. And – as a cultural issue – reform wouldn't necessarily require legislative intervention (let alone a general election mandate). To achieve this aim, Burnham needs to embed a lasting change in culture and practices, which is hard to do in sustainable fashion. His attempt to change the culture of Parliament is already underway, through modifying the way the whipping system works and redefining relations between Prime Minister, Ministers and the backbenches. At least at this stage, abolition of the whipping system itself is not on the agenda. Rather, even before taking office, Burnham wrote a long letter to his MPs setting out his intention to operate in a less controlling – and therefore less centralised – way than his predecessors.

Electoral Reform

Members of the House of Commons are currently elected by *first-past-the-post*, and Burnham is committed to introducing a system of **proportional representation** – probably regional, and maintaining some kind of constituency link for MPs (which, in *Head North*, emerges only as a compromise in conversation with Rotheram). This would be a very significant reform, and there seem to be no plans for its hasty or imminent introduction. In July, Burnham told Reddit that he planned to "seek to persuade my own Party of the need for a manifesto commitment to it in the next manifesto". In his first Commons appearance as Prime Minister, he resisted proceeding "ahead of any general election" because of the need for a mandate, and indicated an intention to "get a consensus at the next election" to enable change during the "next Parliament". He subsequently announced in his speech to the Labour Party Conference that he will invite all parties to participate in a national commission on electoral reform and that the next Labour manifesto will include a pledge to change the voting system.

A Written Constitution and a Basic Law

In *Head North*, **a written constitution** is conceptualised as a *precondition* to the successful implementation of the rest of the programme. Again, the rationale is a corrective to the uneven distribution of power across Britain – for Burnham the hallmark of the current, uncodified, constitution is a need for (necessarily unequal) negotiations. This implies an order of priority in which the constitution is put in place before the other (subordinate) elements of the programme. But whilst Burnham has reaffirmed his commitment to a written constitution in a media interview, the realities of office seem to have reversed that order: he now characterises his other intended reforms as strengthening the case for a written constitution. *Head North* also goes further with **a Basic Law** (a separate proposal there, but here I will treat it as part of the same development). Its core is "equivalent living standards across the regions and nations", underwritten by an entrenched funding formula, based on social need. This thicker proposal for social guarantees seems to survive – for the time being at least – only as fragments pursued as, or as part of, concrete policy aims ("equivalent living standards"; a "have regard to inequalities" duty) rather than constitutional ambitions. As things stand, there is no real sign of a concrete process or timetable for codification.

Conclusion

Burnham is unusual in coming to office with a personal commitment to a relatively complete programme of constitutional reform, set out clearly before taking office and central to his (equally unusual) campaign to become Prime Minister. In the early months of his premiership, the way he intends to translate that programme into reality has started to become clear, and the early signs are that implementation will proceed as a kind of case study of political constitutionalism in action. His plan appears to be to persuade people to support the various elements of the programme, to lean – where he thinks necessary – on a general election mandate, and to use his majority in Parliament to reconfigure the constitution in fundamental ways through ordinary legislation. This sets up several years focussed on those elements of his programme consistent with existing manifesto commitments, followed by a 2029 general election campaign in which further fundamental constitutional reform – in particular the democratisation of the House of Lords and a more proportional Commons electoral system – will be a prominent feature of Labour's manifesto.