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**Deals and Devolution: how the UK Government is using local deals to undermine devolved decision making**

**Abstract**

*The introduction of the devolved administrations in the UK in 1999 was based on specific legal powers for this new scale of governance which included control of national and local priorities for expenditure within devolved matters. At the same time, the Greater London Authority was created as a new local authority. The legal powers conferred on these administrations included freedoms to determine expenditure within budgets which, in the case of the Devolved Administrations (DAs), included specific allocations linked to the Barnett Formula ensuring proportional allocations of UK state expenditure in a range of policy areas. In London, the directly elected mayor was given direct powers over the use of funding which is controlled by government agencies elsewhere in England. In both London and later in the DAs, powers were provided to allow direct access to borrowing and raising funding through a range of means.*

*In the period 1999-2014, the powers of the DAs and the GLA were gradually increased, with Scotland in the lead in the DAs, followed by Wales and then Northern Ireland. The powers of the Mayor of London were also increased. However, since 2014, the UK Central Government has been using the provision of local and sub-regional 'deal' funding models, controlled by Whitehall, to gradually erode and undermine this decision making through the use of devolved powers and associated funding. Politically it is difficult for the governments of the DAs to refuse UK central government funding to their local authorities, despite this removing their ability to control project approval in line with their own objectives. In England, these deal structures have been used to both control the powers of the mayors of the Combined Authorities which are established through Statutory Instruments, are sui generis and have no fund raising powers and for local authorities in return for delivering central government priorities or to reward political supporters. This means that the Mayor of London, through the GLA remains the only institution that retains the degree of devolved control as first implemented in 1999, although this has been under attack by the UK Government during the pandemic in areas such as housing and transport.*

*In England, the role of deals in increasing central control of local and combined authorities has been much discussed in the literature but this is less the case in the DAs. This paper examines the role of local deals in the DAs and the ways in which they are being used to undermine the devolved settlement as part of a widening strategy to reinstate the centralised power of the UK state.*

## Introduction

The introduction of the devolved administrations (DAs) for Scotland, Wales and Northern Ireland in the United Kingdom (UK) in 1999 was based on specific legal powers for this new scale of governance which included control of national and local priorities for expenditure within devolved matters (Mitchell 2004). At the same time, the Greater London Authority (GLA) was created as a new local authority, with its own specific legislative underpinning in the 1999 London Government Act, while using the institutional structures introduced in the 2000 Local Government Act in England for directly elected mayors with executive powers (Fenwick and Johnstone 2020). The legal powers conferred on these new administrations included freedom to determine expenditure within budgets which, in the case of the Devolved Administrations (DAs), included specific allocations linked to the Barnett Formula (Midwinter 2006) that are proportional to UK state expenditure in a range of policy areas. In London, the directly elected mayor was given powers over the use of funding for housing, regeneration and transport which is controlled by government agencies elsewhere in England (Morphet and Clifford 2020). In both the DAs and London, the administrations were given control over the implementation of EU defined programmes, including selection of priorities for any associated funding, although they were not permitted to engage directly in EU negotiation which was a reserved power. In London and later in the DAs, powers were provided to allow direct access to borrowing and raising funding through a range of means. In the period 1999-2014, the Westminster Government continued to increase the powers of the DAs, with Scotland in the lead (McGarvey and Kerley 2022), followed by Wales and then Northern Ireland (Mackinnon 2015). The powers of the Mayor of London were also increased during this period. In the DAs, and, to a lesser extent in London, there have been increasing policy divergences from England (Morphet 2021; Webb and van der Horst 2021).

However, after the first ten years of devolution to the DAs, there started to be a move from the Westminster Government to examine the implications of these changes and whether some of the powers now devolved should be returned to the centre in Whitehall and Westminster. In Scotland, the settlement for the DA did not foresee the potential of an SNP government. At the time of devolution, the governments in Scotland and Wales were, like that of Westminster controlled by the Labour Party. Much of the development of these early relationships between Whitehall and Westminster were within the party (Horgan 2004) and more formal institutional mechanisms for working together were not established (Trench 2007). At the same time, pressure from the OECD to use more devolved governance modes to support economic growth (OECD 2015) and in the EU, through the revisions to the Lisbon Treaty to implement further subsidiarity at all levels (Craig 2012), started to raise concerns about loss of power in the Westminster government. These concerns were reflected by permanent secretaries of Government Departments who always maintained their need for control as they were responsible for their budgets to Parliament, devolved or not (Rhodes 2005). The devolution settlement in 1999 did not change the constitution, leaving the institutions established within the scope of Parliamentary power. The pressure for further subsidiarity across all government programmes that would be apparent in future EU programmes and governance from 2009 onwards, led Whitehall to consider new directions in central-local relationships. New localism (Miliband 2006), introduced in 2004 in England supported by local authority freedoms and flexibilities was seen to be a positive approach to decentralising the state. By 2010, this view was beginning to change despite the apparent increase in powers in the 2011 Localism Act in England. For local authorities in England, more power could be exerted by the centre over local authorities through controlling financial resources provided by government through the use of austerity (Gray and Barford 2018) and the

gradual removal of the Revenue Support Grant and the introduction of a new operational model – that of deals. At this point, the use of this mechanism to control power within the DAs had not occurred.

The new model of the ‘deal’ as characterising central-local relationships introduced by the Westminster government was initially a contract in its structure and introduced through city deals (Sandford 2017), using the OECD and EU favoured scale for economic governance, the functional economic area (Dijkstra and Poelman 2021), while in effect reducing local control of decision making over funding (Dahlstrom et al 2011; Jonas and Moisio 2018). In England, these deal structures have been used as a key narrative in the devolution of power from central to local (Newman et al 2021) since 2012, although without any assessment of their success in promoting these objectives or shifting power in either direction (NAO 2022). These deals have no legal basis, providing funding for specific projects that deliver central government priorities or reward political supporters (Walker and Allegretti 2021).

In 2014, the deal structures were introduced as an institutional arrangement directly between the Westminster government and Glasgow City Council in Scotland (Audit Scotland 2020). Since then, city or growth deals have now been agreed for all parts of the territory of a three DAs (DLUHC 2022). Politically, it is difficult for the governments of the DAs to refuse UK central government funding to their local authorities, despite this removing their ability to control project approval in line with their own objectives (Audit Scotland 2020). The extent of this deal structure across the territories of the DAs was confirmed in the Levelling Up White Paper (LUWP) (CP 604), where the increase in the Whitehall role for all formerly devolved matters apart from health and education was reiterated (p218, p278). While the LUWP proposes selective assistance to places that are lagging behind the national average in terms of investment, in comparison, the deal initiatives in the DAs have been political in their policy thrust and covering all their land area (Audit Scotland 2020; Cox 2022; LUWP 2022).

The role of deals in increasing central control of local and combined authorities in England has been much discussed (Waite et al 2013; Pike and Tomaney 2015; Jones et al 2017) but this is less the case in the DAs, where the focus has been on the processes of negotiation (Beel et al 2019; O’Brien and Pike 2019) rather than the changing levels of centralised control over local decision making. This paper examines the role of deals in the DAs and the ways in which they are being used to undermine the devolved settlement as part of a widening strategy to reinstate the centralised power of the UK state (Morphet 2021). This means that the Mayor of London, through the GLA, remains the only institutional sub-national government structure that retains the degree of devolved control as first implemented in 1999, although this has been under attack by the UK Government during the pandemic in areas such as housing and transport (Morphet 2021).

### **The site of the deal: the changing policy focus on cities**

In the period since 2000, the OECD, the EU and the UN have given an increased focus on the role of cities and their wider functional economic areas as a means of promoting economic growth and dealing with climate change (Dijkstra and Poelman 2012). The leadership role and encouragement of policy transfer by the OECD (2007) and the interrelationship between the EU and OECD on urban policy has grown since 2000 (Dijkstra et al 2019) resulting from the work of Krugman (1991). Within the UN, the New Urban Agenda, agreed as part of Sustainable Development Goal 11 in 2015 has also captured the increasing encouragement for cities and their hinterlands to work together. These urban policies

are national in their adoption and operation, with self-determination and local leadership that is found to be the motor of their economic success (Anderton, 2017) rather than the centralisation that is being pursued by the Westminster government through deals. An outward dimension of this policy (Jonas and Moisio 2018) might be seen as a display of compliance to meet these shifting international policy norms, they are also being designed to control subnational democratic institutions.

These are emerging arrangements that sit within the cracks of formal and informal governance spaces (Bowden and Liddle 2018), frequently described as soft or fuzzy (Haughton et al 2009). In these informal arrangements, units of local government are incentivised through government funding opportunities to work together horizontally (O'Brien and Pike 2015) to represent common economic geographies and vertically between these localities and the state using the tools of multi level governance (MLG). The financial arrangements between the locality and the state have no legal underpinning but are supported by a variety of government-led initiatives to encourage these emerging governance formations. This allows the centre to maintain control by denying a democratic governance institutional model. However, despite the narratives of devolution and more local control of decision making, these new patterns of MLG represent a more centralised form of decision making and a return to greater interventionism from the state within the locality (Morphet 2021).

City deals have also been used by other countries including Australia where they are also described as driving local growth, particularly through smart city initiatives and which are more akin to the MLG model that has been used in the DAs in the UK (Harris et al 2022). In Australia there have been seven deals with a primary focus on infrastructure and economic growth (Hulicka et al 2021; Newman et al 2021) and, as in the UK, while there is a narrative of partnership, the upper tier of government determines how schemes are assessed for funding (Burton 2016), thus, in effect, determining scheme selection. So while city deals in Australia and the UK may take different forms (Burton 2016), and indeed within the UK are made in at least three diverse ways (Ferry 2021), they remain the same type of intervention with variable content (Hu 2019). Within the EU Cohesion programme 2013-2020, these approaches focused on the economic benefits of smart specialisation and were supported by specific institutional frameworks – Integrated Territorial Investment (ITI) (van der Zwet et al 2014; Krukowska and Lackowska 2017) and Community Led Local Development (CLLD) (Servillo 2019).

A further consideration is of the use of the term 'city deal' as a generic rather than a specific term. All of the English MCAs created 2012-2021 include rural areas within them which do not always form part of the economic hinterland or journey to work area. Copus et al (2022) argue that in some ways, city regions, with their focus on economic growth, have come to stand for the regions that were predominant in substate strategic territorial policy until 2010 through slippage in terminology. Jonas and Moisio (2018) argue that by enrolling the devolved and subnational governments within these deals, the state is orchestrating a new form of national economic narrative, although they do not suggest it is a means of regaining power to the centre (Dahlstrom et al 2011) that is being used as a counter to emerging decentralising economic policy model (OECD 2015).

### **Deals as a new method of managing central local relations in England**

The introduction of deals as a new form of institutional relationship between central and local government in the UK commenced in England in 2010, coinciding both with the election of the Coalition Government and the need to apply the principles of subsidiarity within UK scales of government through the 2009 EU Lisbon Treaty (Craig 2012; Medeiros and Rauhut 2020.). The narrative of these growth and city deals in England was related to devolution of power, but, in practice

represented a centralisation of power (Diamond and Laffin 2021). The change of UK government in 2010 was a useful policy window to introduce a change without having to give much explanation outside political rhetoric (Kingdon and Stano 1984; Goetz and Mayer Sahling 2009). As Purkarthofer and Schmitt (2021) and Ward (2020b) demonstrate, these deals were a UK narrative to implement the Government's commitments agreed in the EU Cohesion Programme, Partnership Agreements which operated between 2014-2020.

The deals that emerged in England from this policy change were in three main forms each managed by the central government Cities and Local Growth Unit which acts as a means to draw together the requirements from different government departments and as a single point of contact with the deal localities which are supported by six local deal units to support policy delivery 'on the ground' (Ferry 2021). The deals are all negotiated in secret and once agreed between the parties, each local authority has to agree its contents (Sandford 2022). In some cases, the new governance arrangements agreed for statutory functions require secondary legislation within the 2016 Cities and Local Government Act. The deals have no statutory status. As the deals have developed, the government has increasingly moved away from devolving funding for local decision making towards smaller competitive pots of funding (Shared Intelligence 2021). The different types of English deal are shown on Table A.

The first English form was the city deal introduced in 2012, which was conceptualised as being 'contractual' between local and central government (Ward 2020a), where both were described as being equal partners and the menu of initiatives and funding was described as being bespoke for each contracted city deal relationship. The UK Government (2013) stated that these deals would "give the city and its surrounding area certain powers and freedom to:

- take charge and responsibility of decisions that affect their area
- do what they think is best to help businesses grow
- create economic growth
- decide how public money should be spent."

In practice, city deals were better described as fixed menus rather than table d'hôte (Sandford 2022) although there were a few exceptions to this such as the Cambridge and Peterborough five year housing programme for Cambridge City Council (Jones et al 2017).

This form of city deal was within the typology of EU territorial pacts (van den Brande 2009) promoted by the EU's Committee of the Regions that were introduced as part of the package to counter the 2008 economic crisis, Europe 2020 (CEC 2010). These territorial pacts were intended to be a new model of economic governance across Europe for smart, sustainable and inclusive growth (Antonescu 2015) that related to all parts of the EU's territories and beyond those primarily engaged in cohesion programmes for lagging and cross border areas. The pacts were meant to work with the other existing EU funding regimes but also marked a shift away from silo approaches to decision making at the local level by taking an integrated approach. These pacts foreshadowed the Partnership Agreements between member states and the EC in the 2014-2020 Cohesion programme (Piattoni and Polverari 2016), reinforcing the role of subnational government within an MLG framework.

The second type of English deal was a local growth deal which government offered to Local Enterprise Partnerships (LEPs) (MHCLG et al 2014) in three rounds. In these deals, the LEPs, created by central government in 2010, covering all of the territory of England and with no legal basis were invited to bid for 'local growth deals' which covered the delivery of EU's Cohesion programme 2014-2020 (Sandford 2022). These LEPs were seen by government as the practical replacements for the Regional Development Agencies (RDAs) (BIS Select Committee 2013), which had operated 1996-2010 to

undertake the same role on government's behalf. In these growth deals, the parameters for expenditure together with the detailed programmes of projects were set by central government departments with a strong role exercised by the Treasury and Cabinet Office, which transferred 400 staff to DLUHC in 2021, in addition to the 'doing departments' – DEFRA, DfT, BEIS and MHCLG. The boards of the LEPs were not subject to principles of public life in appointments and contracts and had no democratic accountability except for Greater Manchester where the ten local authorities incorporated the LEP into its common governance structures of AGMA, and in London, where the Mayor of London already had the powers of the RDA and for EU funding programmes. From 2014, European Commission refused to give funding to LEPs as they were not democratically accountable (Ahmad 2015). However, where the government agreed the establishment of Mayoral Combined Authorities (MCAs) and in the GLA, these became intermediate bodies for EU cohesion funds, with local decision making (Sandford 2020).

The third type of deal that was introduced in England was transactional. These devolution deals offered more 'freedoms' for self-government, with bespoke funding programmes in return for changes in local government arrangements within these areas primarily focussing on a directly elected mayor and the creation of a combined authority (Sandford 2022) (MCA) within the terms of the 2009 Local Democracy, Economic Development and Construction Act supplemented by the 2016 Cities and Government Devolution Act. These new MCAs are not local authorities and are *sui generis*. The twelve deals agreed 2014-2022 include three that have subsequently collapsed, two of which have then been revived. The deals comprise a range of powers including a number of common components together with one bespoke element for each deal. These include an investment fund for each devolution deal agreed and within MCAs these can be put together with other funds into a single pot. In some of the Growth deals - Greater Manchester, Liverpool, West of England and West Midlands, the MCAs have been permitted to keep 100% of the business rate income each year since 2017 (Sandford 2022). Some MCAs hold the power to add a 2% precept on to council tax bills but this has not been used as yet although it is used in London, where the GLA is a local authority. Some of the MCAs have transport deals that include bus franchising. In addition to these powers, which are common across a number of devolved areas there are also specified elements in some deals including for police, justice, health, brownfield land and housing. However, despite having these powers devolved, the directly elected mayors of the MCAs are still subject to agreement by the members of the combined authority. In London, the mayor does not have to obtain the agreement of the London Boroughs.

The potential for further English devolution deals was opened by the Prime Minister in 2021 with a direct link between the government's approval of the governance structure with the scale of the deal being offered. This speech also introduced the possibility for new county deals in more rural areas, which would not require a directly elected mayor although there has been no statement of what other kind of governance arrangements might be acceptable (Sandford 2022). There is also a requirement that these new county led deals should have some coherence as a functional economic area (Rycroft et al 2022). However, the internal governance arrangements within these devolution deal areas remain awkward and problematic. There are uncertainties about the respective roles and powers between the constituent local authorities, their role within the MCA and the directly elected mayor where there is one. Many of the local authorities do not accept the MCA as having the same status as it is not a local authority. The mayors themselves seem to share this uncertainty about their roles with some adopting a more disruptive style while others are showing leading, partnership working or advocacy (Shared Intelligence 2021).

These institutional deal relationships between the government and the locality did not sit within any democratic framework that was recognised through legislation in England. The MCAs are created

through secondary legislation with each one being *sui generis*. Further, while the terms of these MCA competences, rather than powers of MCA mayors, were negotiated, government still amended these between the final agreement sign off and the Regulation being laid before parliament without any agreement or knowledge of the local authorities as in the West Yorkshire Combined Authority. Here the government removed the mayor's proposed planning role without any consultation with the MCA (Parsons 2021). There is also evidence that these deals do not reflect local authority priorities for their areas. As Smith et al (2021) have shown, using city deal theme heat maps, by the end of 2020, while over three quarters of UK local authorities had declared a climate emergency, these priorities were not reflected in their deals despite the UK's international commitments to achieving the UN's Sustainable Development Goals in 2015 and the Paris Climate Accord also in 2015. In each of the deals examined, climate was always lowest in rank order of priorities, although some cities were seeking to use their maritime locations or seek improvements in housing to support their carbon reduction objectives. In these deals, transport infrastructure improvements were focused on economic rather than climate ends.

type	Period active	Length of deal	number	funding
City deals	2012-2014	5 years	26	'earn back' model
Growth deals	2014-2017	2015-2021 (period of EU Cohesion programme)	39 (one for each LEP)	Central government
Devolution deals	2015- 2022	5 year cycles	12 offered (by 2020) plus London	Central government

Table A. deals in England

The deals in England can be seen to have some distinct characteristics. They were conducted in secrecy with no transparency. The focus of the deal was on the devolution of powers which fitted within the EU's principles as applied within the Cohesion programme 2014-2020, with the earlier city deals falling within the Europe 2020 initiatives for territorial pacts. The funding for these deals was provided by central government and there appears to be no suggestion that the councils should be funding elements of the deals from their own budgets. The structure of the three types of deal were similar, with a project mix from a specified menu of priorities (Sandford 2022) and individual projects needing to be signed off by central government. While there were some devolved powers made available, these were specific and time limited rather than being a generic change in the devolved status of decision making for sub-national government in England in contrast to the proposals made by Heseltine (2012) for changing the power relationships through reforms in MLG.

### **The role of central government deals in the Devolved Administrations**

The introduction of deals in the DAs in 2014 had no mention of devolved powers and were rather seen as an opportunity to gain additional funds and more influence by local authorities. While some aspects of the deals were the same as in England – a lack of transparency, a menu driven approach, programmes and projects signed off by the Westminster government, there were also differences from England although similar in the devolved administration as discussed below.

## Scotland

While the form of the deals in Scotland, Wales and Northern Ireland has varied from the English versions, in Scotland they are still judged to be more of an English import than a mechanism derived by the DAs (Audit Scotland 2020). The first deal was for the Glasgow City region in 2014 after which the Scottish government undertook a post hoc policy retrofitting approach to align domestic policy to the deal propositions being made directly from Whitehall to local authorities (Scottish Government 2016) and now all the territory in Scotland has a deal which are shown in Table Z. The Glasgow deal was negotiated in the period before the referendum on Scottish independence held in 2014 and appears to have been initially conducted between the Glasgow City Council and the UK government, taking the Scottish government by surprise. The deals in Scotland are for periods of between 10-15 years with the earliest ones for Glasgow and Inverness lasting 20 years and despite being described as bespoke, appear to be menu driven. The funding for the deals differs from the approach in England with funding being provided jointly by the UK and Scottish governments (Copus et al 2022) and with constituent local authorities also being expected to commit contributions to their own programmes. The narrative of the deals is economic in its character and, unlike the deals in England, there is no mention of devolution of powers to local authorities. Between 2014 and 2020, twelve deals have been agreed covering all 32 of Scotland's local authorities, with the use of 'growth' replacing the term 'city' as more rural areas were included. Then final deal was called the Islands deal. As Copus et al (2022) state, there appeared some determination of the areas of these deals related to functional economic areas initially with the later growth deals appearing to be catching up or filling in remaining areas of territory. In their structure and governance arrangements, the deals are managed by a mixture of models - partnership boards for some and local authorities for others. The projects that comprise the deal programmes are assessed within criteria set by the Whitehall government and it also has the final agreement for their approval even though these are both devolved matters and the UK Government has only made a partial direct funding contribution.

Date agreed	Deal name	governance	duration	Main focus
August 2014	Glasgow City Region Deal	Local authority joint committee	20 years	Infrastructure, Skills Employment, Innovation Business Growth.
March 2016	Inverness and Highlands City Deal	Single local authority	20 years	Digital, life sciences tourism; social housing transport
December 2016	Aberdeen and Aberdeenshire City Deal	Local authorities and private sector partnership	10 years	Digital infrastructure innovation
May 2018	Stirling and Clackmannanshire	Local Authorities and university	10 years	Digital, culture, skills transport
August 2018	Edinburgh and South East Scotland City Deal	Local Authority Joint Committee	15 years	R&D , Skills transport, culture, housing
November 2018	Tay Cities Region	Local authorities and partners	15 years	Skills; innovation, tourism,



				manufacturing, infrastructure
October 2019	Argyle and Bute growth deal	Single local authority	10 years	Marine; skills; tourism; digital
July 2020	Falkirk Growth Deal	Single local authority	10 years	Net zero, transport
July 2020	Islands Growth Deal	Local authority joint Committee	10 years	Marine; food and drink
November 2020	Ayrshire Growth Deal	Local authority joint Committee	15 years	Infrastructure; aerospace; digital
March 2021	Borderlands Inclusive Growth Deal	Local authority joint Committee	10-15 years	Infrastructure; green growth; skills;
December 2021	Moray Growth Deal	Single council deal	10 years	Jobs; skills retention; tourism; manufacturing; rural start-ups

Table Z Deals in Scotland

The issues which emerged from the initial Glasgow City Deal and have been consistent for all that followed, but rarely discussed, is the extent to which these deals cut across the devolved settlement agreed in 1999. The priorities, programmes and projects in the deals are devolved matters in Scotland and the effect of the deal structure is to give Westminster control over them and undermining, indeed replacing, devolved decision making, including that which existed before the creation of the DAs in 1999 in some policy areas.. The deals provide a double bonus to a Westminster recentralising agenda, (Dunlop 2019; HMG 2022) as the Scottish Government provides half of the funding so it is also reducing its capacity to spend these funds on projects which meet their own priorities (Audit Scotland). As the deals in Scotland are typically 10-15 years, and longer than those in England – then the level of this control over DA decisions on their budgets runs for much longer.

This issue of undermining devolution in terms of decision making on specific projects together with pre-committing funding for the deals where the decisions are outside the Scottish government's control was raised at the time of the Glasgow City Deal (Audit Scotland 2020). Further, the issue of devolution was raised at the time concerning UK government funding projects that were included in the devolved competencies and, although there were promises by the UK government that this would not occur again, the UK Government has been flexible in the application of this agreement (Audit Scotland 2020 p20). The contribution to the deal funding is taken from the Scottish government's block grant which is for devolved decision making and 'Once the block grant has been determined, the devolved administrations have the freedom to make their own spending decisions in areas of devolved responsibilities' (Audit Scotland 2020 p13). Further, as Audit Scotland points out, it has the power to audit the Scottish government and public bodies but not the UK government's activities in Scotland. This will be the same for the other DAs. The National Audit Office has responsibility for the UK government's activities but their reviews have been for deals in England (NAO 2015, 2016, 2022). The lack of provision for a clear audit responsibility for UK funds spent in the DAs on devolved projects indicates that this was not anticipated as part of the devolved settlement.

There is a Scottish City Region and Growth Deal Delivery Board that manages all deals. The members of this board include three representatives of the Westminster Government and one from the Scottish

government as standing members and the remit of the Board includes overseeing the business cases for the component projects and coordinate their relevant approval (UK Government and Scottish Government 2019; Scottish Government 2019). The standing members are representatives of :

- Scottish Government, Regional Economic Development
- UK Government, Office of the Secretary of State for Scotland
- UK Government, Cities and Local Growth Unit
- Her Majesty's Treasury/Scottish Government Finance representatives
- other UK or Scottish Government departmental/directorate representatives as required

## Wales

In Wales, there are four deals that cover the whole of the nation's territory as are set out on Table X. Initially, when deals were being offered in Scotland and England, there was a concern expressed that Wales would be missing out on funding opportunities if no deals were offered (Pike 2015). Cardiff City Region and Swansea City Region (Taylor-Collins and Downe 2021) were the first to be agreed in 2016 and 2017. As part of these deals, the local authorities had to commit their own funding immediately (Taylor-Colins and Downe 2021) while the Westminster and Welsh governments committed theirs over 15-20 years. The deals in Wales are led by local authority governance through the establishment of joint committees. The funding committed to these deals by the UK and Welsh governments are equal, with the Welsh Government funds provided from the Whitehall financial settlement given to the DA. The North Wales Growth Deal has embedded gateway reviews for its funding and in its review of the progress and governance of this deal, Audit Wales (2021) recommended that there should be explicit and greater links to the Well-being of Future Generations (Wales) Act 2015's seven Well-being Goals.

The four deals in Wales are divided between two predominantly urban and two predominantly rural deals (Beel et al 2020). While having an economic focus, there appears to be little link to their definition as functional economic areas but rather an administrative division of Wales into four sub-units. The local authorities in Wales have been positive about the deals, regarding them as a means of obtaining more funding for their areas and particularly as a means of helping with mitigating austerity funding reductions for the Welsh government (Taylor-Collins and Downe 2021). Following the Brexit referendum in 2016, there was no specific link between the deals offered for Wales and the replacement of EU funding (Bell 2018) although subsequently this has been rolled into a broader common approach of 'levelling up' across the UK . In Wales, this linkage has been specifically addressed by Watkins (2021) who criticises it as a significant break with 'previous experience, expertise and evidence' (p2). In particular Watkins raises the issues of access to funding by local authorities and like other emerging experience, as in Glasgow, the local authorities are being encouraged by Whitehall to consider their priorities for expenditure to be on the deal projects than on their more local needs. In their review of the deals, the Welsh Affairs Select Committee in the UK Parliament (2019) found that the deals were being led by Whitehall and they recommended more liaison and joint working with the Welsh government

Date agreed	Deal name	governance	duration	Main focus
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March 2016	Cardiff Capital Region Deal	Local authority joint committee	20 years	Cyber and tec; creative economy; energy; life sciences
March 2017	Swansea Bay City Deal	Local authority joint committee	15 years	Skills; digital; energy; marine; life sciences
November 2020	North Wales Growth Deal	Local authority joint committee	15 years	Employment; infrastructure; energy
January 2022	Mid Wales Growth Deal	Local authority Joint committee	10 years	Energy; skills; R&D;

Table X Deals in Wales

#### Northern Ireland

Northern Ireland deals comprise two predominantly urban and two predominantly rural deals. The Causeway Coast and Glens growth deal is with a single local authority and the funding contribution is shared between Westminster and Northern Ireland assembly governments. It has an economic focus (Grant Thornton 2020a) and in assessing projects for this deal, the council's consultants Grant Thornton have evaluated each proposal against the priorities from Westminster and the Northern Ireland executive as well as locally (Grant Thornton 2020b). Like Wales, the deals in Northern Ireland are governed by local authorities and last for ten years. They have the same priority, programme and project structure as deals in the rest of the UK.

The Northern Ireland (NI) Assembly has published the details of the mechanisms for the deal funding governance between the DA and Whitehall (Belfast City Council nd). This makes it clear that while the NI government and the local deal area will be able to submit their priorities for projects, the final decisions for each project within each deal will be undertaken by Whitehall. Although these detailed administrative rules have not been published for other deals in the UK, there is a likelihood that the deal arrangements for project approval are the same, both through the selection of the evaluation criteria applied for deal projects and their final approval. By 2022, there were deals for the whole of the Northern Ireland territory although it is interesting to note that in 2020, the NI Assembly was not considering such an extension, but rather an approach for its two major urban areas (NIAR 2020).

Date agreed	Deal name	governance	duration	Main focus
March 2019	Belfast City Region Deal	Joint Council Forum	10 years	Digital; tourism; infrastructure; skills.
February 2021	Derry-Londonderry and Strabane Region City Deal	Single local authority	10 years	Digital; health; regeneration; tourism; jobs skills
May 2020	Mid South West Growth Deal	Local authorities	10 years	Skill, infrastructure, digital; tourism

May 2020	Causeway Coast and Glens Growth Deal	Single local authority	10 years	Digital; infrastructure ; regeneration; tourism
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Table Y Deals in Northern Ireland

## Discussion

In considering the deals that have been agreed by the Westminster government across the UK, it is possible to see a number of similarities and differences in their development, structure and governance. The first common factor is that the term ‘deal’ is seen to be *temporary and negotiated* and is used in place of mainstream funding for local authorities that was available until 2010. Second, all the deals, of whatever type and territory, have been conducted in secrecy and with a lack of *transparency*. There has been no public engagement or espousal of community priorities despite their narratives of responding to local needs. Further, all the deals appear to be *menu driven* within their category, with common priorities and associated delivery programmes. The deals all appear to have a common *structure* within these priorities, of programmes and projects. The *criteria based assessment* of the projects is set by Westminster in all deals. The selection of the projects for inclusion appears to have some local elements within them, but, as well as Westminster setting the terms of the assessment, it also gives *final approval* to the projects included within each deal. Lastly, in all the deals conferred in the UK, there has been little attempt to monitor their *outcomes* or success in achieving their objectives – either for devolution or economic growth (NAO 2022; Audit Scotland 2020).

There are also differences between the deals in England and those in the DAs. In England, the deals were promoted on a narrative of increased *devolution* with funding being a secondary benefit, albeit that the deals were funded entirely by the government. In the DAs, the deals have been seen as a means of providing more funding and access to Whitehall through *bypassing* the devolved governments. There have also been differences in the issue of *temporality*. In England, the deals have been for shorter periods with much closer alliance in the city and growth deals to EU initiatives for Europe 2020 and Cohesion programmes. This also explains the focus on the devolution narrative in England which was central to these EU policy and a requirement for the 2014-2020 Cohesion partnership programmes. In the DAs, the deals are for much longer time periods and while their economic focus is aligned to EU programmes, this was not explicit in their structures. This may be as the delivery of EU programmes was a central feature of the 1999 devolution settlement.

The *governance* of the deals also varies. In Wales, the deals are managed by local government joint committees whereas in England, growth and devolution deals have primarily been set within the framework of MCAs. In England, the first wave of deals – city deals from 2011 onwards, were between local authorities and the government with a smaller role for partners and set out in a contractual format. Growth deals have included economic and social partners, with the precise mix varying in each location. The deals are all promoted as being bespoke and responsive to their areas but there is little or no community engagement and each deal within each grouping appears to have a boilerplate format with marginal local variation.

Another key difference between the English and DA deals is the role of *economic geography* in defining the deal areas. In England, the economic geography is a stated driver for the city and devolution deal areas while the role of functional economic areas was a stated determinant of the boundaries of the LEAs (Bentley et al 2010). In the DAs, economic geography appears to have been a starting concern

but was replaced in practice by ‘filling in’ all of the DA’s territory in all three nations. The deals have been couched in a narrative of bespoke priorities (Sandford 2022; Smith et al 2021) but attempts to negotiate a deal which is more aligned to local priorities, such as in rural areas (Copus et al 2022; Beel et al 2020) demonstrate that they are regarded more as either left over spaces to be filled in or spill over spaces for nearby conurbations.

It is in the issue of *funding* where there is the greatest difference between the deals in England and the DAs. In England, funding was seen as a secondary outcome within a transactional framework for economic objectives as in the city and growth deals or changes in governance in the devolution deals, although all were set within a devolution overlay. In Scotland, the deals were promoted as a means of providing additional funding from the Westminster government but this was provided only if the DAs committed their own funding to the deals where the UK government took the power over final project agreement. Further, in the deals in the DAs, the local authorities also had to commit their own funding. Finally, as there was no intervening tier of government in England, the narrative of devolving more powers can be contrasted with the effective removal of *devolved decision making* in these deals in the DAs (Scottish Parliament 2018).

Deals have also been created between the DAs and England across the Mersey including one for the Mersey/Dee alliance area and the Western Gateway that stretches between Swansea and Salisbury, Swindon and Cheltenham. These are described as cross-border economic partnerships ‘of Local Authorities, City Regions, Local Enterprise Partnerships and Governments (in Wales and Westminster), working together to bring additionality to the area’s existing strategies and structures’ (2022) which will deliver ‘at pace’, an oft used Whitehall term. The Western Gateway is established as a company rather than as an accountable democratic structure with both the Swansea Bay City Deal and the Cardiff Capital Region included as individual members. The Western Gateway was proposed in 2019 and has subsequently promised two economic assessments. Its chief executive is a former Whitehall civil servant who has held senior roles in the FCO and BEIS.

In addition to the deals, the Government is also seeking to implement its Union policies through territorial structures. In North Wales, a transport commission has been launched to consider the future for road, rail, bus, and active travel across the whole of North Wales. While being set up by the Welsh government, it is chaired by Lord Burns former permanent secretary of the Treasury, thus reinforcing the Whitehall link (2022). Other expenditure such as the Shared Prosperity Fund, the government has introduced as part of the replacement of EU Cohesion Funds will also not be devolved as set out in the Levelling Up White paper (HMG 2022).

## Conclusions

While the role of the ‘deals’ made with local authorities in the DAs is frequently mentioned in passing as an issue in the changing relationship with Whitehall (McGarvey and Kerley 2022), they rarely are considered in any depth for their role in recentralisation. They are also falling within an accountability gap between the NAO and DA Audit bodies. As Audit Scotland (2020) states, it is then exceedingly difficult to hold any public bodies accountable for the outcomes of these deals other than in the completions of specific projects. In England, the NAO has made similar comments on the way in which the deals have been operated (NAO 2020; 2022).

These deals have also highlighted a policy vacuum (Beel et al 2020) that has been opened up since the UK left the EU in 2020. In the period of the Johnson premiership, since 2019, this has increasingly been filled by muscular unionism (Morphet 2021) or increased clientelism between Westminster, local authorities and the electorate. In England, deals have become much more aligned to local electoral outcomes with no transparency on criteria based funding allocations (Walker and Allegretti 2021). The award of these deals also provides a positive local government news story as delivered through the local and technical press (Mason 2022; Eichler 2021). In Scotland this exploited an inherent tension in the devolution arrangements that was recognised from the outset and has allowed for ‘gaming’ of projects as local authorities exploited competition between Westminster and Holyrood (Audit Scotland 2020).

The deals have created a new form of MLG which the LUWP (HMG 2022) aims to make more uniform across the whole of the UK. For local government, the deals provide the promise of access, influence and additional funding. Whitehall flatters the locality by emphasising this role by appointing former senior Whitehall leaders or advisers. Gibson et al (2022) suggest a notion of *coercive monopoly*, which they use to analyse the closed relationships set for the private sector in these relationships in Australia. While it is not suggested here that this is the case for the private sector within UK deals, the concept is useful when considering this form of institutional scalecraft (Fraser 2020) and as a form of statecraft (Buller 1999).

While the Scottish and Welsh governments have been politically obliged to engage in these deals, they have increasingly been seen as mechanism to undermine devolution (Lochhead 2021; Drakeford 2021). These actions on the part of the Westminster government, show an early intention to undermine the devolution project before this became more explicit in the actions to remove powers from the DAs in the post Brexit agenda – through the European Union (Withdrawal) Act 2018, the Single Market Act 2021, the failure to adhere to the Sewel convention (McHarg 2018), the Subsidy Control Bill 2022 and the LUWP (HMG 2022). The increase in the centralising role of the state appears to run counter to the economic evidence of the extent to which devolved power can support increases in national GDP (OECD 2015). While deals create an opportunity for local government to make the case to their electorates that they are working on their behalf they also create a similar narrative for central government on the doorstep (Hoole and Hincks 2020). The combination of Westminster government initiatives to undermine and reduce the role of the DAs is now accumulating and visible in plain sight. If the roles of deals in creating the first move in this destabilisation had been noticed sooner, could it have been stopped or its power to reduce the DAs control over their own budgets limited? What is certain is that this control by Westminster of DA priorities, programmes and projects as represented in these deals will continue for up to 20 years and reduces *de facto* devolution while the post Brexit legislation reduces the *de jure* devolved powers of the DAs. It demonstrates the power of Whitehall to use temporality and narrative to present policies in their perceived interest that anticipate agreements or commitments. It also contributes to the wider discussion about the future of devolution and the constitution across the UK.

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