

Centralised by Design: Anglocentric Constitutionalism, Accountability and the Failure of English Devolution

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Abstract

The Labour manifesto in this year's election implied a radical restructuring of the UK state, the way in which England is governed and in relations across the United Kingdom. The aim of making English devolution the 'default option' is set against fifty years of unsuccessful and partial devolution initiatives which have failed to reverse the accretion of power in the central UK state. Centralisation can be seen as the consequence of an Anglocentric constitutionalism which vests power in the centre, underpins England's fragmented departmental governance and where accountability mechanisms flow to HM Treasury. Labour's success will reflect its willingness to challenge these constitutional assumptions, which are deeply embedded in the culture, practice and structures of Westminster and Whitehall. Successful devolution will require breaking the chains of accountability that tie local spending decisions to the centre and placing devolved English local government on a stronger constitutional basis.

Keywords: England, devolution, UK constitution, local government, combined authorities, sub-national government, English devolution, HM Treasury

Introduction

PRIME MINISTER KEIR STARMER'S early meetings with England's directly elected mayors and first ministers of the devolved administrations symbolised a desire to reset UK-wide relations and a commitment to English devolution. The King's Speech promised an English devolution bill and the devolution of skills and buses. 'Mission-driven government' would be 'a whole new way of governing.' Taken together, devolution, mission-driven government and a new 'Council of the Nations and Regions' seem to imply a radical restructuring of the UK state, in the way England is governed, and in relations across the United Kingdom.¹

But past attempts to devolve power and resources within England have very largely failed.² The devolution narrative has talked

of increased local power, but local government and local democracy have been consistently undermined while accretion of power at the centre has continued.³ Neither industrial nor regional policy—two key elements of devolution—have shown any consistency of purpose, strategy or organisation.⁴ New initiatives will fail unless based on a clear-eyed understanding of why the UK state that governs England is so centralised and why it has been so successfully resistant to reform. Without this understanding, the crucial local and

³J. Morphet, *The Impact of COVID-19 on Devolution: Recentralising the British State Beyond Brexit?*, Bristol, Bristol University Press, 2021; J. Morphet, 'Deals and devolution: the role of local authority deals in undermining devolved decision making', *Local Economy*, vol. 37, no. 7, 2022, pp. 622–638.

⁴D. Coyle and A. Muhtar, 'Levelling up policies and the failure to learn', *Contemporary Social Science*, vol. 18, nos. 3–4, 2023, pp. 406–427; P. Diamond, et al., "'Hyper-active incrementalism" and the Westminster system of governance: why spatial policy has failed over time', *The British Journal of Politics and International Relations*, 2024.

¹The King's Speech 2024; <https://www.gov.uk/government/speeches/the-kings-speech-2024>.

²J. Morphet and J. Denham, 'Trailblazer devolution deals: the next oxymoron in the policy litany of sub-national governance in England?', *Local Economy*, vol. 38, no. 8, 2024, pp. 755–772.

regional state capacity to deliver on the government's five missions will not be developed and the economic benefits of decentralisation identified by the OECD and sought by the Labour government will not be achieved.⁵ The general inability of the state to deliver coherent and effective government is increasingly widely recognised.⁶

Many authors have described the failures of devolution policy and criticised the role of central government.⁷ This article focusses on a largely neglected issue: the centralising accountability relationships that tie English local spending decisions both directly—and through UK government departments—to HM Treasury, using arguments set out elsewhere.⁸ This focus necessarily illuminates wider aspects of the ideology, culture and organisation of the UK state in England which rests on the Westminster model whereby sovereignty is held to lie in Parliament, power is exercised by an executive drawn from Parliament and is implemented by the Civil Service.⁹ The Westminster model has never provided for devolution and is thus a poor description of how power is practically exercised across the now devolved United Kingdom. Nonetheless, its assumptions are widely shared by academics, Westminster politicians, officials, think tanks and much of the commentariat.

⁵OECD, *Local Economic Leadership*, Paris, OECD Publishing, 2015.

⁶S. Freedman, *Failed State*, London, Macmillan, 2024.

⁷S. Warner, et al., 'English devolution and the Covid-19 pandemic: governing dilemmas in the shadow of the treasury', *The Political Quarterly*, vol. 92, no. 2, 2021, pp. 321–330; M. Flinders, et al., 'Power with purpose? Further reflections on strengthening the centre of government', *The Political Quarterly*, vol. 95, no. 3, 2024, pp. 544–552; M. Kenny, 'Governance, politics and political economy—England's questions after Brexit', *Territory, Politics, Governance*, vol. 10, no. 5, 2022, pp. 678–695; J. Newman, et al., *Rebuilding Local Democracy: the Accountability Challenge in English Devolution*, The Productivity Institute, Productivity Insights paper no. 28, 2024; <https://www.productivity.ac.uk/research/rebuilding-local-democracy-the-accountability-challenge-in-english-devolution/>; D. Richards, et al., 'Crisis and state transformation: Covid-19, levelling up and the UK's incoherent state', *Cambridge Journal of Regions, Economy and Society*, vol. 16, no. 1, 2023, pp. 31–48.

⁸Morphet and Denham, 'Trailblazer devolution deals'.

⁹Richards, et al., 'Crisis and state transformation'.

Only by reforming the assumptions, culture and operational mechanisms of the UK state can devolution be more than 'devolution in name only.' The failure of previous devolution initiatives—being weak, short-lived and partial—are not 'policy failures' to be addressed by better evidenced and informed policy or by the reorganisation of Whitehall.¹⁰ The need is for more fundamental quasi-constitutional reforms that embed the principle of subsidiarity in the operation of the UK state, but which are seldom discussed in England.

Proposals for English devolution

An implied radicalism of the new government's aspirations was evident in its manifesto, speeches by senior figures, first King's Speech and proposals from former Prime Minister Gordon Brown.¹¹ In 2023, Starmer described 'the Westminster model as part of the problem', seen as inherent in its construction.¹² Starmer called for a 'whole new way of working' in which communities have the 'chance to control their economic destiny ... the argument is devastatingly simple: decisions which 'create wealth in our communities should be taken by local people with skin in the game'.¹³ Mission-driven government will focus on 'long-term' and 'complex' problems which have 'common causes', but also can generate 'measurable outcomes' and 'ambitious but attainable goals.' This will require the 'organisation of government around a shared vision' and 'devolving decision making away from Westminster'.¹⁴ Subsequently, the King's Speech promised an English

¹⁰Flinders, et al., 'Power with purpose?'

¹¹G. Brown, *A New Britain: Renewing our Democracy and Rebuilding our Economy Report of the Commission on the UK's Future*, The Labour Party, 2023; <https://labour.org.uk/updates/stories/a-new-britain-renewing-our-democracy-and-rebuilding-our-economy/>.

¹²S. Warner, et al., 'The challenge of devolved English governance and the rise of political spatial inequality', *Parliamentary Affairs*, 2024.

¹³'Keir Starmer New Year's speech', *The Labour Party*, 5 January 2023; <https://labour.org.uk/updates/press-releases/keir-starmer-new-years-speech/>.

¹⁴'A "mission-driven" government to end "sticking plaster" politics', *The Labour Party*, 2023; <https://labour.org.uk/wp-content/uploads/2023/02/5-Missions-for-a-Better-Britain.pdf>.

devolution bill to make devolution ‘the default option’ and other devolutionary measures on skills and buses. The accompanying legislative programme was largely grouped under five missions on economic growth, net zero, health, security and opportunity. However, while an important role for mayors and local authorities has been recognised in Labour policy documents, the relationship between UK missions, devolution and the exercise of territorial powers has not yet been articulated. There is also a lack of clarity about the extent to which powers and resources may be devolved to local authorities or combined authorities. In this article, ‘local authority’ refers to both combined and local authorities.

Brown’s influence is evident in the emphasis on strategic regional and subregional economic development and in the creation of a Council of the Nations and Regions, bringing together devolved administrations with England’s elected mayors. Other devolutionary proposals recently discussed include ‘place-based public service budgets’. A revival of the ‘total place’ initiative of the last Labour government was endorsed by former local government leaders, Jim McMahon MP and Georgia Gould MP—who now hold ministerial positions in the Ministry of Housing, Communities and Local Government (MHCLG) and the Cabinet Office respectively—and is given prominence in papers on devolution and mission-led government by the well-connected Future Governance Forum.¹⁵

Starmer’s engagement with mayors acknowledged the high public profile and effective use of informal convening powers by some.¹⁶ However, save for limited areas such as adult skills, the mayoral role has largely been performative. Even the high-profile franchising of bus services in Greater Manchester used powers conceded by central government, not exercised by right.

¹⁵J. Denham and J. Studdert, *Place-Based Public Service Budgets*, New Local, 2024; https://www.newlocal.org.uk/wp-content/uploads/2024/01/Place-Based-Public-Service-Budgets_New-Thinking.pdf; Newman, et al., *Rebuilding Local Democracy*.

¹⁶S. Kippin and J. Morphet, ‘Coordination, agenda-setting, and future planning: the role of combined authorities during the Covid-19 pandemic’, *International Review of Public Policy*, vol. 5, no. 3, 2023, pp. 246–268.

Notwithstanding the Conservative government’s support for mayoral combined authorities and its ‘levelling up’ white paper in 2022, as of 2023, the total central government resource committed to the mayoral authorities in all deal areas was only some £2.6 billion per year.¹⁷ The new ‘single pot’ funding under ‘trailblazer devolution deals’ promised by the previous government was to be held tightly accountable to central government.¹⁸ Indeed, from the establishment thirty years ago of a ‘single pot’ and ‘integrated government regional offices’ through the establishment and abolition of regional assemblies, regional development agencies and local enterprise partnerships, the piloting of ‘total place’, numerous initiatives for ‘joined-up government’ and now—including the mayoral combined authorities, repeated efforts at devolution have done little to reverse forty years of centralisation.

Explaining elsewhere why devolution thus far had been in name only, it has been demonstrated consistently how, ‘in English sub-government, accountability remains with Whitehall’.¹⁹ When John Gummer launched new regional government offices, he promised that he ‘shall be accountable to Parliament for the budget’. Labour policy papers have too suggested ‘mission boards’ be made accountable to Parliament, although without any indication of how local and combined authorities will be involved in setting their agendas or delivering their outcomes.

Labour’s programme implies the construction of a UK state that is decentralised in the exercise of power but with improved vertical coordination between different levels of power: UK government, national governments and local and regional governments.

¹⁷*Annual Report on Devolution 2022 to 2023*, Department for Levelling Up, Housing & Communities, 26 March 2024; <https://www.gov.uk/government/publications/annual-report-on-devolution-2022-to-2023/annual-report-on-devolution-2022-to-2023>.

¹⁸*Memorandum of Understanding for the “Trailblazer” Single Settlements for Greater Manchester and West Midlands Combined Authorities*, HM Treasury, 22 November 2023; <https://www.gov.uk/government/publications/memorandum-of-understanding-for-the-trailblazer-single-settlements-for-greater-manchester-and-west-midlands-combined-authorities>.

¹⁹Morphet and Denham, ‘Trailblazer devolution deals’.

To fulfil its aspirations, Labour will need to understand the culture, politics and ideology that sustains the retention of a powerful centre and how the UK government is organised to maintain this order, and then imagine how the state can function without it.²⁰

The centralisation of England

Despite the rhetoric of devolution in England, the practices of centralisation have been apparent since Leon Brittan's speech to local government leaders in 1982, where he argued that local freedoms had broken a constitutional convention and local authority expenditure should be determined by the government. While Jones and Stewart argued at the time that local authorities were equal to government departments in their status in determining expenditure, it is doubtful whether anyone would make this claim now.²¹ Since then, England's centralisation has evolved through four dimensions. First, following Brittan and Thatcher, the central state has tightened its grip on public spending, seeking both to control its levels and how money is spent in local authorities and government departments through a constantly changing system of spending reviews, targets, outcome measures and competitive bidding for central pots of money. Since 2010, both austerity and enforced bidding have fortified central control over the subnational level.

Second, the autonomy of local government to raise local revenues has been weakened through central controls on council tax and on leveraging the use of assets. Local authorities' increasing inability to respond to local needs has been exacerbated by austerity and the rising share of resources taken by statutory duties such as social care and provision of temporary accommodation for the homeless.

Third, large areas of public service provision that were once the responsibility of the local state have been removed from local democratic control or influence. This includes most schools and early years provision, social housing, care homes for the elderly and children, and local bus services. In many cases,

privatisation or the transfer to non-state bodies was either enforced or reinforced through central funding regimes. These providers are overseen, if at all, by government agencies and government-appointed regulators ultimately responsible to UK government ministers. Although nominally made to improve service quality and efficiency, the increasing transfer of democratic power from local to central has never been examined for its effects on service standards, delivery or its outcomes for service users.

Fourth is the reduction of local democracy and the concentration of local power in fewer hands. In Scotland and Wales, local government was reformed in 1994 for reasons which can now be seen in hindsight: in preparation for the devolved administrations that were implemented in 1999. In England, local government reform started after the Maastricht Treaty introduced the principles of subsidiarity, but also included Government Offices for the Regions and the putative 'préfet' model, accompanied by a chaotic period of local government reform that set councils against each other, fuelling the argument that local authorities were not capable of managing anything. The next wave of reform is now grouping local authorities into mayoral combined authorities. Directly elected mayors are increasingly expected to speak on behalf their member authorities and are often supported by former or seconded civil servants. Since 1972, the UK state has reduced the numbers of local authorities and elected councillors, diminished the powers, responsibilities and resources of remaining councillors, imposed new models of governance and given a new focus to elected mayors covering wide geographical areas.

The Westminster model and Anglocentric constitutionalism

Such hollowing out of local democracy and concentration of power at the centre could only have taken place in a culture where political accountability is held to lie only at the centre. This centralisation of power and resources was facilitated by assumptions about the operation of the UK state that are deeply embedded in its political and official leadership, as a continuing cultural legacy of largely uncodified constitutional thinking from the nineteenth

²⁰Freedman, *Failed State*.

²¹G. W. Jones and J. D. Stewart, 'The Treasury and local government', *The Political Quarterly*, vol. 54, no. 1, 1983, pp. 5–15.

century and imperial administrative habits. These assumptions are, without question, reflected by much of the media and the ‘policy community’.

The Westminster model is sometimes dubbed the ‘British political tradition’, but both sobriquets obscure the peculiarly English exceptionalist perspective it expressed. Since the nineteenth century, the dominant English view of the union-state has regarded the UK—formerly Great Britain and Ireland—or ‘Britain’ as essentially a unitary state whose interests could be broadly equated with those of England. While Scotland and Wales might assert their national interests and identity within the Union, England needed no such national expression. The persistence of this view was evident when Theresa May described the overwhelmingly English decision to vote to leave the EU as a decision of ‘one United Kingdom’ and in the confusion of Boris Johnson and the media over devolved responsibilities during the Covid-19 pandemic.

The doctrine of parliamentary sovereignty at the heart of Anglocentric constitutionalism provides a significant obstacle to devolution within England. While other nations are said to have adopted the Westminster model, none have created a system of unchallenged parliamentary sovereignty outside any written constitution or constitutional courts.²² Many have incorporated federal or other systems of constitutionally devolved powers. These have only partially been conceded in the UK and not at all for England. When the UK Parliament created devolved democratic institutions in Scotland, Wales and Northern Ireland, it did not—in principle at least—cede ultimate sovereignty. In practice, the powers of the devolved administrations were significantly extended and they enjoy a system of national Accounting Officers (AOs) which fosters a more coherent structure of national governance. It would now be politically impossible for the UK government to abolish the devolved national institutions without national consent, although recent years have seen the UK government seek to intervene in devolved matters to exclude national governments from the shaping of UK-wide domestic

policy and to ignore the provisions of the Sewel Convention.

But equally significant for England was that Anglocentric constitutionalism deemed no consideration was needed to the governance of England either at national or local level. England was left to be governed—as it had been before UK devolution—by the UK state and the UK Parliament. The King’s Speech in 2024 demonstrated how the legislative programme is fragmented between administrative parts of the UK. Most legislation is for England, whilst specific national alignments vary for each bill. So, twenty-five years after UK devolution, most of the UK’s domestic policy is England-only. England’s governance is defined by a fragmentation of government departments which, through the doctrine of ministerial accountability, reinforces the departmental siloes and the inability of the centre to deliver joined-up government. No political or official structure oversees the development or implementation of England-only policy. The ‘machinery of government’ is an uncoordinated mishmash of UK government departments with different national responsibilities pertaining to the UK, Britain, England and Wales or exclusively England. Any Cabinet role in providing an overview of policy has been effectively undermined over thirty years through the ‘sofa government’ of Blair, ‘the quad’ of the coalition and Cabinet divisions and stalemates from May to Sunak.

The Anglocentric constitutionalism of the Westminster model assumes that the rights and powers of English local government should be at the discretion of the centre and that local authorities should have no legal or constitutional right to exercise any powers. UK governments of all political shades have reduced the fiscal autonomy of local government without ever considering whether this breached the fundamental rights of local government and local people to exercise local decisions. The policy desirability of removing services from local democratic control was debated, but not the right of the UK state to impose it. Even the application of international treaties stands in stark contrast to other states in the OECD.²³ The UK state reduced the

²²W. E. Bulmer, *Westminster and the World*, Bristol, Bristol University Press, 2020.

²³OECD, *Making Decentralisation Work: A Handbook for Policy-Makers*, Paris, OECD Publishing, 2019; https://www.oecd.org/en/publications/making-decentralisation-work_g2g9faa7-en.html.

autonomy of local government implementing the World Trade Organization's government procurement agreements (GPA) in 1980 and 1994.²⁴ In other states, including EU nations where local government is part of the constitution, councils used social value rather than lowest price in awarding contracts as permitted by the GPA. This right was only recognised in England in 2012 after pressure from the EU.

The centralisation of England has taken place within a UK state wedded to the Anglo-centric Westminster model of sovereignty whereby the UK government is held to be accountable solely to Parliament through its departmental ministers. This formal political accountability was underpinned and reinforced by the accountability of permanent secretaries in their AO roles to Parliament and HM Treasury, while Anglo-centric constitutionalism fostered a political culture whereby ministers are responsible for English domestic policy and are held accountable by the media, as well as Parliament, for even the most local of service failures. The culture provides a powerful incentive to ministers to reduce the scope of local government and increase their own power and responsibility in the often vain hope of raising the quality of provision and the effectiveness of the state. Doing so has not succeeded and the evidence of the accelerating failure of the central state has surely prompted Labour's commitment to devolution and mission-led government. It is less clear whether Labour has appreciated the constitutional radicalism that this implies.

Anglo-centric constitutionalism and the dominance of the Treasury

The fragmented nature of England under the UK government and the absence of any official or political coordinating machinery of English governance has allowed HM Treasury to assume a uniquely powerful position.²⁵ Its power has no formal constitutional underpinning, but is a direct consequence of the ideology surrounding the Westminster model,

resting both on custom, practice and the formal mechanisms of accountability built into the structures of Whitehall and Parliament. The Treasury has pursued the aim of controlling public spending relentlessly. According to its critics, it does this irrespective of whether its tight controls lead to poor value for money—for example, by fragmenting spending across different government departments, or insisting on resource intensive and expensive bidding processes for even relatively trivial amounts of public spending. Siloed departments have been convenient for a Treasury 'divide and rule' strategy to exercise tight control over their spending. Departmental permanent secretaries are instructed by the Treasury manual on 'managing public money' to exercise control over those organisations which are within their departmental purview. The population and total public spending in England's larger city regions are not dissimilar to that of Wales, but, while Scotland has a single AO for £60 billion of annual expenditure and Wales for £22 billion, England's domestic local expenditure of £245 billion is held accountable nationally through a siloed system of Whitehall departmental AOs.

The Treasury's influence goes well beyond spending control. As the architect of fiscal and economic policy, it has fostered the financialisation that concentrated economic growth and wealth in London and Southeast England.²⁶ The Treasury Green Book—used to appraise capital investment—has consistently favoured investment in the same corner of England. This structure makes the Chancellor of the Exchequer a peculiarly powerful figure within the governance of England. Successive chancellors have sought to shape not just fiscal and economic strategy, but the direction of English domestic policy too, as evidenced by Gordon Brown and George Osborne.

A crucial obstacle to English devolution remains the relationship between HM Treasury policy and departmental spending. Spending control is exercised through both the cultural and financial relationships between departments and the Treasury. The financial settlement of each government

²⁴J. Morphet, *Outsourcing in the UK: Policies, Practices and Outcomes*, Bristol, Bristol University Press, 2021.

²⁵P. Dunleavy, 'Restructuring UK government at the centre—why the IfG's commission's naïve plan will not work', *The Political Quarterly*, vol. 95, no. 2, 2024, pp. 356–362.

²⁶R. Martin and P. Sunley, 'Capitalism divided? London, financialisation and the UK's spatially unbalanced economy', *Contemporary Social Science*, vol. 18, nos. 3–4, 2023, pp. 381–405.

department is established on a bilateral basis between the Treasury and each respective department. Although the precise mechanisms have changed over time and under different administrations, these settlements reflect detailed agreements on the spending of each department, its purpose and the expected outcomes. The degree to which individual secretaries of state can shift funds within 'their' budget is strictly limited and those who attempt to do so will be warned by their officials that 'the Treasury won't like it'. Keeping on the right side of their Treasury counterparts is valued by departmental officials and by ministers who are only too well aware of the greater power of the chancellor. It is reported that when Michael Gove attempted to spend £50 million which had been allocated to housing—but in housing schemes not yet approved by the Treasury—his entire department's right to make capital spending decisions was removed.²⁷

Treasury responsibility for all government expenditure was established in a Treasury memorandum of 1868 and AO by a Treasury minute in 1872.²⁸ The current role of AO is based on a convention agreed between the Treasury and the public accounts committee (PAC) in 1932. The original wording applied by the Treasury in describing this role is almost unchanged. The Treasury can also apply the fiscal rules at any time, including during a conversation with a minister. The AO role is a linchpin of the distribution and exercise of power in the state both within and by government, although this is never discussed. In turn, the submissive departmental culture within government is formalised through a system of AOs, making each permanent secretary responsible to Parliament

through the PAC. These permanent secretaries' powers are also required to be exercised over their client agencies and organisations in line with Treasury requirements, while increasing levels of budget reductions following on from austerity has accelerated the trend of greater departmental financial control over these wider accountabilities.

Hence, potential conflict between ministerial authority and political accountability and that of officials' responsibility for fiscal accountability has been inherent in the state since 1872. In practice, Parliament was earlier pre-occupied by matters both imperial and national and much less engaged with local expenditure. Throughout the twentieth century, the role of the state expanded dramatically. Local government's role in service provision expanded, albeit with significant fiscal autonomy not requiring accountability to Whitehall.²⁹ The expanding welfare state increased the financial importance of domestic policy for UK government departments, and much of local spending has now been taken directly into the hands of ministers as Treasury pressures for Whitehall control increased. It might have been expected that a tension between political accountability to Parliament and financial accountability to HM Treasury would have become more visible and difficult to handle. In practice, however, the dominant position of the Treasury exercised both through its formal structure of AOs and its cultural dominance within Whitehall has worked to diminish departmental ministerial influence. The inability of ministers to exercise discretion over their department's responsibilities—something which, in principle, should be at the heart of their accountability to Parliament—has been masked in part by the extent to which public services are delivered by private or arm's length bodies with only indirect ministerial accountability.

The rapid churn of departmental ministers in frequent government reshuffles limits their ability to grip a departmental agenda. This leaves the AO system and official relationships with the Treasury as the most consistent set of relationships across Whitehall. In a reflection of the real balance of power, some permanent

²⁷A. Adu, 'Treasury reins in levelling up spending amid Gove's plan for more grants', *The Guardian*, 8 February 2023; <https://www.theguardian.com/politics/2023/feb/08/treasury-levelling-up-spending-michael-gove-grants>.

²⁸S. H. Beer, 'Treasury control: the coordination of financial policy in Great Britain', *American Political Science Review*, vol. 49, no. 1, 1955, pp. 144–160; B. Harris, 'The Scots, the Westminster parliament, and the British state in the eighteenth century', in J. Hoppit, ed., *Parliaments, Nations and Identities in Britain and Ireland, 1660–1850*, Manchester, Manchester University Press, 2003, pp. 124–145.

²⁹Jones and Stewart, 'The Treasury and local government'.

secretaries pay scant attention to their formal accountability for their departmental spending to the PAC, though it should be acknowledged that PAC hearings can take on a ‘bear pit’ atmosphere. Overall, England’s current governance is one in which ministers exercise less power than either they would like and which the Westminster model might suggest they should enjoy.

Anglocentric constitutionalism and English devolution

The Westminster model prevents devolution. Taken together, the fragmented nature of England’s national governance, the power of the Treasury and the mechanisms used to enforce control of departmental spending and policy objectives explain the characteristics of the failure of previous attempts at English devolution. These have been identified elsewhere as being discretionary—being reliant on decisions taken by central government—limited in scope, denying constitutional powers for subnational government, with increased accountability towards the centre, marked by short-term policy and short-lived institutional change and concentrating power in the hands of fewer elected representatives.³⁰

This leaves England as an international outlier, lacking local power and autonomy in subnational government. The Council of Europe has declared that English local government does not fulfil the requirements of its Charter of Local Self-Government: ‘as the principles of local self-government are still not recognised in domestic law, local authorities cannot rely on the Charter as a source of substantive rights and cannot perform their tasks effectively, since financial resources available to them do not meet the requirements of the Charter’.³¹

Despite the renewed interest in devolution, much of the focus on the failures of the central state has been on Whitehall and/or Civil Service reform in the hope that the centre can be persuaded to adopt more effective and evidenced-based approaches of strategic policy making.³² Freedman argues that this is one of

the core elements of a ‘failed state’.³³ There is little or no discussion on the culture of Whitehall and why previous attempts at devolution reform have failed.³⁴ Drucker’s adage ‘culture eats strategy for breakfast’ is not recognised in these reform discussions. Indeed, there appears to be an expectation that culture will trump any reform, as evidenced by past devolution failures. England’s centralisation does not rest only on policy choices of successive governments, but on their shared Anglocentric cultural assumptions about how the UK and England should be governed. The radical restructuring of the state implied by Labour’s commitment to devolution and mission-led government is more than a one-term parliamentary challenge to the current distribution of power: it is a profound challenge to deeply rooted cultural assumptions about how the UK state should operate.

What needs to change to implement English devolution?

There has been a significant and growing debate about the ways in which change needs to be implemented to support greater devolution, although there appears to be fundamentally very little engagement with the Westminster model and the role of the Treasury, as discussed. Rather, there is reliance on the ‘deal’ model, which has been shown to be a centralising tool.³⁵ The Institute for Government (IfG) has reported on the need to reform the centre of government, but has not addressed the culture of centralisation in Whitehall which creates a persistent return to the status quo ante after any devolved reforms are dissolved by changing governments.³⁶ Dunleavy also calls the proposed IfG reforms ‘naïve’ for failing to understand the

³²Flinders, et al., ‘Power with purpose?’.

³³S. Freedman, ‘The Treasury takeover’, *IPPR Progressive Review*, 2024.

³⁴J. Morphet, *The British Civil Service: Current Issues and Future Challenges*, Bristol, Bristol University Press, 2025.

³⁵Morphet and Denham, ‘Trailblazer devolution deals’.

³⁶J. Urban, A. Thomas and R. Clyne, *Power with Purpose: Final Report of the Commission on the Centre of Government*, London, Institute for Government, 2024; <https://www.instituteforgovernment.org.uk/sites/default/files/2024-03/Centre-Commissionfinal-report.pdf>.

³⁰Morphet and Denham, ‘Trailblazer devolution deals’.

³¹Monitoring of the application of the European charter of local self-government in the United Kingdom’, *Congress of Local and Regional Authorities*, 2022, para. 261.

weight of the Treasury and its operational model within government.³⁷ He proposes creating a departmental counterweight, but without identifying the need to deal with the culture that sustains the Treasury's power. The weak legal basis for the change, when coupled to the strong operational codes for AOs, is unlikely to make much difference. There is a need to recognise the weakness of the Treasury's mandate and move to codify it in a way that would reduce its reliance on dominant behaviours and on a fuzzy Westminster model for its power.

A new model of devolution outside these traditional debates is needed. Devolution should enable both local and combined authorities to exercise control over a significant degree of public expenditure within their area, to determine their own priorities and set the outcomes for which they will be held accountable. Devolution should be seen as part of the evolution towards a new UK constitutional model in which the principle of subsidiarity is embedded and operationalised. The understanding of sovereignty should reflect the devolved distribution of power across national and local government. Though the evolution of such a constitutional model will take time, it is realistic to move quickly to introduce new legal and statutory protections and rights for local government as part of the English devolution model. The immediate aim should be to create rights based on the principles of subsidiarity and improve coordination between the different levels at which power is exercised. Successful devolution will require two key reforms, both of which could be enacted in the English Devolution Bill which is expected in 2025:

- (1) Control over local expenditure: the umbilical cord tying local spending decisions, via fragmented departmental silos and AOs to HM Treasury, needs to be cut. A new system of local accountability should be created to ensure the proper and effective use of devolved public money. This would include new local AOs and the establishment of strong local institutions such as local PACs to ensure rigorous scrutiny of local spending decisions. Any ambiguity in this process—for example,

by attempting to strengthen local scrutiny and accountability, while retaining current elements of upward accountability—will fail to allow real devolution.

- (2) 'Constitutional autonomy'—as identified by Gordon Brown's advocacy for devolved English local government, including combined authorities and local authorities—should be placed on a clear statutory basis. This should establish the rights of local authorities to exercise defined powers, be able to access the necessary resources and to draw down additional powers and resources. A statutory body representing devolved English local government, also proposed by Brown, should play a role in co-designing the detailed regulatory and financial framework for English devolution.³⁸

It is not yet clear how radical Labour will be. The Deputy Prime Minister's invitation for new expressions of interest in combined authorities has confirmed the move towards devolution as the default option, but its emphasis on mayors and the centre's right to determine local competence reflects some continuity with the Gove regime. The extension of 'trailblazer' devolution deals to more areas does not yet indicate any reforms to the fundamentally upwards nature of their accountability. 'Mission boards' have been established, but the extent to which these will reach beyond traditional Cabinet sub-committees is not yet clear. If mission boards are made accountable to Parliament for their outcomes, it is easy to see how Treasury influence over local decision making might be enhanced rather than reduced. The available descriptions of mission-led government from Mariana Mazzucato, the Future Governance Forum and the Labour Party itself are unclear on how UK-wide missions will engage with the territorial distribution of power across the devolved nations and with devolved English local government.

³⁸J. Denham and D. Liddington, *The Local Governance of England*, Constitutional Reform Group, 2024; <http://www.constitutionreformgroup.co.uk/download/thelocalgovernanceofengland/>.

³⁷Dunleavy, 'Restructuring UK government'.

Conclusions

English devolution is a manifesto commitment from the government, but it cannot be delivered through reliance on current or past policies. Practical changes to the structures of existing upwards accountability, ensuring local government autonomy and improving relationships between different levels of government are required, but these involve a profound challenge to assumptions and cultures of Anglocentric constitutionalism which dominate the UK state, its practices and organisation. Without fundamental and radical

change, the crucial development of a devolved local and regional state capacity to deliver on the new government's five missions will not be achieved, nor will the economic benefits of decentralisation identified by the OECD and targeted by the Labour government be realised—and devolution will have been shown to have failed once again.

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