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Abstract

Devolution has been described as a key 'global trend' over recent decades as governments have decentralised power and responsibilities to subordinate regional institutions (Rodriguez-Pose and Gill, 2003). UK devolution is characterised by its asymmetrical nature with different territories granted different institutional arrangements and powers. In this paper, we seek to examine the role of state personnel in mobilising the new institutional machinery and managing the process of devolution, focusing on transport policy. Our research shows a clear contrast between London and Northern Ireland, on the one hand, and Scotland and Wales, on the other, in terms of the effectiveness of political leaders in creating clear policy priorities and momentum in transport.

Keywords

Devolution, state restructuring, state personnel, strategic-relational approach, filling in

Introduction

Devolution, or political decentralisation, has been described as a key ‘global trend’ over recent decades (Rodriguez-Pose and Gill, 2003), involving a “transfer of power downwards to political authorities at immediate or local levels” by the central state” (Agranoff, 2004, p.26). It can be seen as one of the most important processes of state restructuring, representing one way in which established nation-states have sought to adapt to conflicting pressures such as globalisation, the rise of supra-national institutions and sub-state nationalism (Jessop, 2002; Peck, 2001). This on-going process of adaptation now tends to be understood in terms of the qualitative adjustment of state forms, involving elements of both deregulation and re-regulation and decentralisation and centralisation, rather than resulting in a simple quantitative diminution or erosion of state powers (Brenner, 2004; Peck, 2001). Here, a focus on devolution (Brenner, 2004) is particularly useful in conveying a broader sense of the state “as a (political) process in motion” in place of the conventional view of it as “some lumbering bureaucratic monolith” (Peck, 2001, p.449).

Many Western European states have devolved power to the regional scale since the 1970s (Keating, 1998). The UK resisted this devolutionary trend until the late 1990s when the Labour government introduced a programme of devolution (Hazell, 2000). UK devolution is characterised by its asymmetrical nature with different territories granted different institutional arrangements and powers, in contrast to symmetrical forms of devolution in which all regions have the same powers (Keating, 1998). Thus, Scotland has an elected parliament that has primary legislative competence over most ‘domestic’ policy issues; Northern Ireland has an elected, power-sharing assembly with wide-ranging legislative competence; and Wales has an elected assembly without primary legislative responsibilities – these are currently reserved to Westminster – although certain additional powers were granted

in 2006 and it is planned to hold a referendum on moving to full legislative powers by 2011. London, stripped of city-wide government by the abolition of the Greater London Council (GLC) in the 1980s, now has an elected mayor and assembly with powers that are restricted to certain key areas such as transport, planning and policing.¹ In the remainder of England, only limited administrative reform took place, largely through the creation of Regional Development Agencies (although these are now being abolished by the new Coalition Government that took office in the UK in May 2010).

In this paper, we seek to extend the agenda of Jones et al (2004), both theoretically and empirically, by examining the role of state personnel in mobilising the new institutional machinery put in place by Westminster and managing the process of devolution. The term state personnel refers to ministers, civil servants and policy advisors as well as representatives of state agencies which operate outside of the civil service, emphasising the nature of the state as a 'peopled organisation' (Peck, 2001). Our analysis is informed by Jessop's strategic-relational approach which holds that the power of the state is the power of the social forces acting in and through it (Jessop, 1990: 269-270). This highlights the relationships between structure and agency, particularly in terms of the differential effects of state structures on agents (Jessop, 2001).

The paper focuses on the policy sphere of transport. Just as in many policy areas, devolution grants the devolved administrations the institutional capacity to develop their own policies. But transport is an especially interesting case due to the complexity of the division of powers between central government and the devolved administrations (MacKinnon et al, 2008; Smyth, 2003). Unlike other policy areas which were either devolved or reserved to Westminster by the devolution legislation, transport powers were divided between the two levels of government. Added to this is the asymmetrical distribution of transport powers

between the different devolved administrations (see Table 1, below). The research upon which this paper is based was conducted between December 2004 and March 2006. It involved the collation and analysis of policy documents and 32 semi-structured interviews with 36 respondents across the four devolved territories of Scotland, Wales, Northern Ireland and London, including state personnel, policy advisors and representatives of key interest groups and transport operators.

The remainder of the paper proceeds in four main parts. First, we examine the literature on state restructuring and devolution, drawing attention to the role of state personnel and institutional practices. Next, we outline the institutional structures established under devolution in the transport field across the different territories. This is followed by a consideration of the operationalisation of these structures, particularly in terms of the role of ministers and civil servants in facilitating the development of policy agendas. Fourth, we assess the evolving relations between the devolved administrations and the UK government, outlining how state personnel at both levels have responded to and shaped the new institutional landscape. A brief conclusion summarises our arguments and considers their wider theoretical implications.

State restructuring and devolution

Jessop's neo-Marxist strategic-relational approach combines two crucial concepts (Jessop, 1990; 2001). First, strategy is used to mediate between structure and agency. In contrast to Offe's notion of structural selectivity, Jessop (1990) defines the state as a system of strategic selectivity. Whilst state structures contain in-built biases that make them more accessible to some social groups than others, a particular group's prospects of gaining access to the resources and capabilities of the state will be shaped by the strategy that they adopt towards it.

Second, Jessop follows Poulantzas (1978) in conceiving of the state as a social relation that derives its specificity from the interplay between state structures and the efforts of social forces to promote their interests in particular contexts (Jessop, 1990). The state, as such, has “no power; it is merely an institutional ensemble; it has only a set of institutional capacities and liabilities which mediate that power; the power of the state is the power of the social forces acting in and through the state” (Jessop, 1990, p. 269-70).

According to the strategic-relational approach, the state has no essential unity, but must be actively unified through specific ‘state projects’ which mobilise the various apparatuses of the state behind a distinct line of action (Jessop, 1990). Jessop’s conception of the state as a loosely articulated institutional ensemble which must be actively unified through particular state projects focuses attention on the role of state personnel. In this sense, the state is a “peopled organisation, rather than being an insulated domain of anonymous policy-makers and authorless policy conventions” (Jones, et al., 2004, p.91; Peck, 2001). A focus on state personnel, however, raises the question of how to conceptualise structure and agency. Giddens’s structuration theory is an obvious point of reference here, regarding structure and agency as mutually constitutive rather than exclusive, with structures defined as sets of rules and resources which facilitate the production and reproduction of social action (Giddens, 1984). Ultimately, however, Jessop (2001) is critical of this formulation for both conflating structure and agency and assuming that a particular structure is equally constraining or enabling for all actors (cf. Archer, 1995). By contrast, the strategic-relational approach examines structure in relation to action and action in relation to structure, emphasising the differential capacities of actors. From this perspective, then:

Structures are thereby treated analytically as strategic in their form, content and operation; and actions treated analytically as structured, more or less context sensitive, and structuring. Applying this approach involves examining how a given structure may privilege some actors, some identities, some strategies, some spatial and temporal

horizons, some actions over others; and the ways, if any, in which actors (individual and/or collective) take account of the differential privileging through 'strategic-context analysis' when choosing a course of action (Jessop, 2001, p.1223).

Whilst Jessop's arguments are highly abstract in tone, he stresses the contingent nature of state strategies, requiring concrete research to examine the interaction of structure and agency in particular temporal and spatial contexts.

Neil Brenner (2004) explicitly spatialises Jessop's strategic-relational approach in his conception of 'new state spaces' (Brenner, 2004, p.90-4). Two aspects of this are of particular interest here. First, 'state spatial projects' refers to the internal operations of the state, mobilising state personnel and agencies behind a particular line of action. This process is often shaped by the tensions between centralising and decentralising tendencies. Second, Brenner emphasises the path dependent nature of state restructuring.² Drawing upon Jamie Peck's (1998) account of institutional 'layering', this focuses attention on the interaction between state projects such as devolution and pre-existing institutional arrangements, creating new 'geographies of governance':

The process by which new geographies of governance is formed is not a pseudo-geological one in which a new layer (or round of regulation) supersedes the old, to form a new institutional surface. Rather, it is a dynamic process in which (national) regulatory tendencies and local institutional outcomes mould one another in a dialectical fashion. Geographies of governance are made at the point of interaction between the unfolding layer of regulatory processes / apparatuses and the inherited institutional landscape (Peck, 1998, p.29).

This formulation highlights the relationship between inherited and projected spaces of governance with the former representing the institutional legacies of previous rounds of state restructuring whereas the latter carry the political and ideological imprint of the latest 'state spatial project' (Brenner, 2004). While Peck and Brenner are largely concerned with local and regional spaces, the key underlying point about the 'new state spaces' approach concerns its

sensitivity to the prior institutional occupation of state space and emphasis on the path-dependent nature of restructuring processes. In principle, it is scale-neutral, being equally applicable to the national, regional or local levels.

The notion of 'filling in' has been developed by a team of British political geographers to account for processes of institutional change occurring at the regional scale in the context of devolution (Goodwin et al., 2005; Jones et al., 2005). Filling in is a response to the limitations of the established concept of 'hollowing out' which conveys a sense of state restructuring as a unidirectional transfer of power away from national states (see Jessop, 1997). Shaw and MacKinnon (in press: 3) redefine filling in to refer to "any concrete form of institutional reconfiguration that enhances the capacities of, or the functions exercised by, state and quasi-state agencies". They distinguish between structural and relational forms of 'filling in' whereby the former refers to the establishment of new organisational forms and the restructuring of existing ones. The latter, by contrast, is concerned with how such organisations enact and utilise their power and their development of working cultures and relations with other institutions and actors (ibid). This distinction is consistent with the strategic-relational approach by maintaining a clear conceptual separation between structure and agency, aiming to examine the interaction between them empirically.

The recognition of a relational dimension helps to enrich the notion of filling in, emphasising that it should not be viewed as entailing a simple structural transfer of power from the central state to the devolved regions. Instead, the intricacies of filling in will vary between the devolved regions, according to a range of contextual factors and circumstances, including the nature and extent of devolved powers, political leadership and ideology, electoral pressures and relations with interest groups. The central UK government remains a very powerful actor within a state that is both asymmetrically devolved and still centralized in many respects. This

focuses attention on the ‘vertical’ relationships between the devolved administrations and the central state as two distinct but inter-linked scales of government (Brenner, 2001). Recent geographical work on scalar practices and politics (MacKinnon, 2010; Moore, 2008) provide conceptual insights into the development of such ‘vertical’ relations.

In the context of UK devolution, Jones et al (2004) view the relationship between state personnel and institutions as recursive in nature (Jessop, 2001; *ibid*). Particular agents are both shaped by processes of institutional change initiated by other branches and scales of the state and shape such changes through the development of day-to-day working practices, cultures and relations. Indeed, in this sense, to adopt the terminology of Duncan and Goodwin (1988), state personnel can be seen as both agents and objects of the broader process of state restructuring, representing part of what is actually identified as ripe for reform, alongside associated structures and practices, whilst at the same time being required to actually deliver new initiatives and organisational forms. As such, devolution has not only created new organisational forms, strategies and relations which have changed the role of state personnel; it has also been ultimately interpreted and delivered through the actions of such personnel in populating and mobilising the new structures, and in managing the project of devolution within particular spaces of governance (Jones et al., 2004). The role of state personnel in this respect will be influenced by the inherited routines and norms of civil service culture which have been characterised by a prevailing instrumentalism in the UK (Mitchell, 2004). This raises the question of the extent to which state personnel sought to adapt the ‘state project’ of devolution to these inherited routines and norms, fostering path dependence (Pierson, 1993).

Establishing the new transport structures

In this section, we examine processes of structural filling in under devolution (Goodwin et al., 2005). Given that devolution was effectively grafted on existing institutions (Jeffery, 2007), there is a need to relate the establishment of new administrative and political structures to pre-devolution arrangements. While discrete transport sections, or units, were found within the different regional administrations in Scotland, Wales and Northern Ireland prior to legislative devolution, their role was rather limited, as the Welsh case indicates:

...transport policy... used to exist as a stand alone division prior to devolution. A very small division because it very largely, to use that wonderful term, Welshified everything that came out of whatever was the English Department... Whichever department it was in Westminster that was responsible for transport, we had a small transport policy division which basically took those forward. A lot of times actually doing no more than arranging for the Welsh translation of whatever policy document or implementation process was coming through, it really didn't do a great deal more, administered some grants, there were some grant regimes (Transport official, Wales).

In this sense, the role of the transport units was essentially one of adapting UK-wide policy to local conditions, securing 'parity with particularity' (Carmichael and Knox, 2004).

As already noted, the division of transport powers between Westminster and the devolved administrations is complex and asymmetrical. Northern Ireland and Scotland enjoy the greatest powers, followed by London and then Wales (Table 1). The main transport policy responsibilities of the devolved administrations are road infrastructure and predominantly local issues such as bus policy and concessionary fares, broadly corresponding to the areas administered by the Scottish, Welsh and Northern Irish Offices before devolution. Those functions retained at UK level are generally regulatory in nature – safety, economic regulation, vehicle and driver licensing and so on – and those governed by international treaty, especially aviation and shipping. Arrangements for national railways (the former British Rail) were probably the most complex, with the strategic direction and regulation of the industry reserved to Westminster, although in recent developments Scotland has assumed

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more-or-less complete control over its railways and both London and Wales have taken on further responsibility.³

Table 1 here

Following devolution, important changes to the institutional architecture of transport policy were made in all four of the devolved jurisdictions through processes of structural filling in (Goodwin et al., 2005). These new structures of governance emerged out of the interaction between devolution as a national state project and pre-existing institutional arrangements (Peck, 1998). The initial organisation of the Scottish Executive saw transport bracketed along with planning and environment in one department from May 1999 until November 2001. Transport was then added to the responsibilities of the Minister for Enterprise and Lifelong Learning in November 2001, followed by the incorporation of transport into the Enterprise, Transport and Lifelong Learning Department (ETLLD) in May 2003 (Table 2). Transport was, however, the subject of a separate ministerial portfolio from 2003-2007, whilst previously it was the responsibility of the Deputy Minister for Enterprise and Lifelong learning. After forming a minority government in May 2007, the SNP restructured the Scottish Executive by reducing the number of senior ministers from 11 to 6 'Cabinet Secretaries', and Transport became part of the expanded Finance and Sustainable Growth portfolio with a dedicated junior minister responsible for Transport, Infrastructure and Climate Change.

Table 2 here

The filling in of transport structures has been broadly similar in Wales, with some specific differences. After being initially integrated as part of the environment function with local

government, transport remained with environment and planning when this was split from local government in February 2000 (Table 3). Again, departments and ministerial portfolios were reorganised following the May 2003 elections as transport was merged with economic development into one department under one minister, reflecting lobbying from business organisations and the “strategic view of the First Minister” (Assembly member, Wales).

Table 3 here

Devolution created a complex structure of governance in Northern Ireland, comprised of an expanded and reorganised executive, flanked by the newly-established assembly. The devolved institutions inherited responsibility over a plethora of quangos in the form of public boards and authorities at the intermediate level – largely established under direct rule, often to depoliticise service delivery in a context of sectarian strife and violence – and a relatively powerless tier of local authorities (Knox and Carmichael, 2006). Unlike Scotland and Wales, the structure of the central executive under devolution was a direct product of the power-sharing agreement between unionists and nationalists, dictating – in order to ensure proportional representation of the two communities in government – that the previous arrangement of six departments was replaced by a new one of eleven departments (Table 4). Within the new structure, transport is part of the Department of Regional Development (DRD), consisting essentially of infrastructure functions and regional planning. After the restoration of devolution in May 2007, Sinn Fein gained regional development under the d’Hondt formula used for allocating ministerial portfolios. In a similar fashion to the Government of Wales Act 1998, the 1998 Agreement required the establishment of an Assembly Committee for each of the main departments of the Northern Ireland Executive.

Table 4 here

The lack of pre-existing regional structures in London gave the Labour Government greater scope to design a new form of devolution which directly embodied the ‘state spatial project’ of devolution (MacLeod and Goodwin, 1999). This resulted in the creation of a new ‘strategic’ authority, charged with responsibilities for transport and economic development (Sweeting, 2003). In practice, however, the introduction of this executive model of devolution meant that the background and personality of Ken Livingstone was central to the establishment and activation of the new structures (Sweeting 2002, 2003).⁴ This created early difficulties given the Labour government’s opposition to his candidacy:

I mean one of the interesting things I think is because of the particular dynamics of Ken coming in as an independent, there was a legacy of some suspicion and... concern in his mind that he was being left with an organisation that had been set up by people fundamentally opposed to him... It might not be his best tool... And it took some time I think to work through that, significant changes in personnel etc. But I think you know within a couple of years we had cleared that hurdle largely (GLA official, London).

Thus, the first couple of years saw considerable changes in structures and staff within the Greater London Authority (GLA) as the Mayor placed his stamp on the organisation. As well as Bob Kiley, the former Chief Executive of the New York City Metropolitan Transportation Authority, who became London’s first Transport Commissioner, the Mayor appointed a “highly motivated” and highly-paid senior management team within Transport for London (TfL) (TfL official, London). This, along with the leadership provided by the Mayor and the attractions of working in London as a world city (Sweeting, 2002), helped to create a dynamic and entrepreneurial organisational culture (see Jones et al., 2005).

The changing role of state personnel

The capacity and expertise of state personnel – in the context of our discussion, relational filling in – is obviously a key factor determining the stability and success of devolution in the different jurisdictions. Many non-state actors – representatives of business organisations, transport operating companies, consultants – were fairly critical of civil servants’ ability to develop policy, particularly in terms of ‘championing’ and delivering strategically important projects with one respondent (a transport operator in Northern Ireland) describing them as “process controllers” (i.e. good at overseeing administrative matters but ill-suited to policy innovation). Northern Ireland and Wales were characterised by a considerable continuity of key civil servants in transport, allowing expertise and relationships with external actors to be maintained, unlike Scotland where there was considerable turnover of personnel. According to one local government representative, the increased administrative burden of formulating and implementing transport policy under devolution has not been matched by any increase in staff numbers or expertise within the devolved administrations, a problem compounded by the civil service practice of staff rotation (authors’ interviews). The ‘churn’ of state personnel with the Scottish Executive created some uncertainty, particularly in a devolved structure predicated on notions of change (Jones et al., 2004). As another respondent commented, referring to what he saw as a tendency to launch a succession of ill-considered initiatives and reforms:

So you do actually wonder what is actually gained by moving the... changing the superstructure because organisation of capabilities is a very fragile thing and a part of organisational capability comes actually from doing the job for a while and actually understanding your patch and building up accumulated knowledge of the way things work. If you start undermining that process for whatever reason, I think you have got to demonstrate the changes better than what is there at the moment. At the moment we don’t think what is on offer is actually better and more effective than what is there at present (Local government official, Scotland).

While this respondent – referring particularly to proposals to establish Regional Transport Partnerships and the delivery agency Transport Scotland (MacKinnon and Shaw, in press) –

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conceded that the Executive might be a marginal improvement on the old Scottish Office, the reduction in contact with Whitehall under devolution was held to have impeded the sharing of 'good practice' and choice of policy directions. In Northern Ireland, by contrast, stronger relations with the Department for Transport (DfT) in London seemed to have been maintained, despite the institutional separateness of the civil service there.

One key factor shaping the success of transport devolution is the role of individual ministers in terms of gaining additional resources and priority for transport and injecting dynamism and direction into the policy process. Such political leadership can be seen as particularly important in the context of devolution given the magnitude of change and the challenges of negotiating and operating the new institutional machinery for state and non-state actors alike (Rhodes et al., 2003; Sweeting, 2002). In response to a question on whether devolution has changed the dynamic between ministers and civil servants, one respondent remarked:

I think by and large the opposite problem was mainly the case where the new ministers were being taken in and being educated by the 'Sir Humphreys'⁵ of each department. And you know the new boss is the same as the old boss as The Who once sang. So... there was a tremendous variation in that, depending on... well, almost the personality and the determination of each minister to make their mark you know. Some ministers will come in, the civil servants will say there is a list of 50 important things, and if you are like me you say, tell me the 5 most important ones. Of course the civil servants will say, oh they are all equally important you know... So the trick is in being a minister is to say, well I am telling you I am picking 3 or 4 things, and this is what we are going for hell for leather! (Local government official, Scotland).

Elsewhere two politicians emerged as key players of transport devolution in terms raising the profile of transport and developing radical policy measures. The first is perhaps obvious, the London Mayor, Ken Livingstone, who prioritised transport, appointed a high profile Transport Commissioner and introduced the UK's first congestion charge in the face of media opposition and government scepticism. This reflects not only the importance of transport to

the City and the nature of the powers available to the Mayor, but is also the result of the political strategy adopted by Livingstone in exercising his powers:

But a rather stark difference to what there was before from London, this clearly was an open door, with clearly legislated responsibility. So what did the mayor do? I think this picks up one thing which you will probably hear a lot in conversation... that part of how things will develop will depend on the initiative and the assertiveness of local government today, in terms of asking for things and saying what they will do with them... Maybe it was just a quirk of history, a quirk of personalities, but... some key issues which... led Mr Livingstone to really embrace the accountability of saying he wanted to do certain things, he wanted to be judged on the successes. He was more than willing to take responsibility if they failed (TfL official, London).

Partly as a result of this strategic political leadership (Leach and Wilson, 2004), TfL has delivered several major projects on time and on budget, building a reputation for competence and innovation.

The second key political figure of transport devolution is more surprising, Peter Robinson, Minister for Regional Development in Northern Ireland from 1999-2000 and 2001-2002 who was instrumental in the development of the Regional Transportation Strategy there, securing wider political and media support for its main provisions. According to one prominent transport expert we interviewed:

People always moan about politicians, transport professionals think it would be a much better world without politicians. Transport professions, leave it to us, bloody politicians, we are better off without them. But my experience in Northern Ireland was that it was that period when you had a very...the most powerful...apart from Livingstone, Ken Livingstone, the most powerful transport minister that I have come across... [Peter] Robinson. I mean I thought the guy was an absolute nutter... one of Paisley's guys. And I was writing him off... a very astute, intelligent politician who ran that department and he got quite a sum of money for transport in Northern Ireland ... You see here is the thing; devolution in itself isn't the key issue. Devolution... opens the door but you have got to get somebody to walk through that door. So it was a

powerful politician who argued the case for transport with political colleagues. And they got a sum of money for railways which I was pleased about because my heart is in it... But if you want a politician who played the media really well, civil servants would never have done that.

The respondent's use of the metaphor of devolution as 'an open door' is worthy of comment. In both London and Northern Ireland, the devolved structures provide a basis for an integrated transport policy in terms of the powers available to ministers and the existence of integrated delivery mechanisms in the form of TfL and Translink.⁶ But of course the outcomes of transport devolution are not just structurally determined; they also depend on how powers are exercised and implemented by state personnel. This echoes Jessop's argument that the state has no power as such, only the power of the social forces acting in and through it (Jessop, 1990). Even within distinctive state spaces like London and Northern Ireland, the diverse agencies and interests associated with the state have no essential unity. As such, the development of new transport strategies and initiatives such as the RTS can be seen as a key element of the 'state spatial project' of devolution, generating a degree of inter-party consensus and unity in Northern Ireland, prior to the suspension of devolution in 2002. Whilst the introduction of the congestion charge in London was more controversial, the perceived success of the Mayor's transport policy has been important in narrating and legitimising the wider project of devolution there. By contrast, in Scotland particularly and, to a lesser extent, Wales, state personnel were less effective in utilising and activating the transport structures outlined in the previous section, reflecting a lack of strategic political leadership and the high turnover of officials.

Institutional relations between the devolved territories and central government

Prior to the introduction of representative devolution in 1999, relations between the regional administrations and Whitehall were generally stable if often competitive as the former lobbied for additional resources (Mitchell, 2003). Stability was ensured by the integration of the regional departments into the institutional machinery of the state. Central awareness of regional conditions was limited prior to devolution, reflecting the common adherence to an overall policy and the taken-for granted assumption among civil servants and politicians that London was *the* locus of power and authority within the UK. This can be seen as an expression of the basic power-geometry of the UK as a centralised state (Amin et al., 2003):

So what you have is if anything... if anything in Northern Ireland there were even more... subservient is the wrong word. I am looking for a different word here, but the civil servants were even keener to make sure that they were singing from the same hymn sheet. Sometimes it's a lack of confidence actually. If you have been used to being dominated by the centre, it takes time to gain confidence. When I first went to work in Whitehall in 1998 on the White Paper, what amazed me was when they started to talk about we had better make sure that the territories support this... the territories? It was like India you know. That's us, that's me, I am Scottish. It's Scotland, Wales and Northern Ireland, it's territorial areas. Territorial was a civil service term. (Transport policy advisor).

Wales and Northern Ireland tended to be particularly subservient, meaning at least initially that devolution represented a huge challenge for politicians and civil servants there.

In the early years of devolution, the Whitehall assumption that the devolved administrations were now separate from the machinery of central government was coupled with a clear reluctance to contemplate giving any more power away. Thus, in the pre-devolution negotiations between Whitehall and the Scottish Executive over rail powers, officials were highly cautious, emphasising the problems that would ensue from the devolution of such powers, particularly in terms of cross-border services (DfT official, London). At the same time, the perceived need for state personnel to adopt established practices to the realities of

devolution prompted the establishment of a number of procedures and mechanisms for co-ordinating institutional relations (House of Lords Select Committee on the Constitution, 2003), representing a form of ‘vertical’ filling in in both the structural and relational senses (Shaw and MacKinnon, in press).

Relations between the devolved administrations and Whitehall are governed by an overall Memorandum of Understanding, originally agreed and signed in 1999, and a series of concordats between individual Departments (see DfT, undated). The concordats between the DfT and the different devolved administrations were described by one respondent as containing “motherhood and apple pie” sentiments about working together (DfT official, London), although the need to avoid any direct reference to the concordats for fear of raising the stakes in any dispute has become a key convention (Parry and MacDougal, 2005). Beyond the concordats, the Regional and Local Transport Delivery (RLTD) section in the DfT is responsible for formal liaison with the devolved territories, reflecting the ambiguities of asymmetrical devolution (Trench, 2004).

A key mechanism for maintaining relations between the DfT and the Scottish Executive is the ‘High Level Forum’ (HLF). This was established in October 2002, involving senior civil servants involved in transport. Bilateral meetings take place every six months, focusing on strategic and cross-cutting issues rather than detailed operational matters (DfT official, London). The HLF plays an important role as the mechanism for alerting officials to existing or upcoming items which need collaboration or working through. It is supplemented by regular contact at different levels throughout the civil service on specific issues which do not need to be raised at the HLF, or which arise in working through issues discussed at the HLF. The operation of the HLF and associated routine contacts reflects the role of state personnel in overseeing and managing the state project of devolution, ensuring that there are effective

coordinating mechanisms between officials in London and Edinburgh (Horgan, 2004). The reliance on largely informal links and ‘middle-ground’ linkages between organisations (Jones, et al., 2004: 101-102) is typical of inter-governmental relations in the UK under devolution. By contrast, more formal mechanisms such as the concordats and Joint Ministerial Committees have rarely been utilised (House of Lords Select Committee on the Constitution, 2003; Trench, 2004). This reflects a greater reliance on relational than structural forms of filling in with regard to the ‘vertical’ relations between the devolved administrations and the central state. These distinct scales of government are linked through on-going contacts and networks, relating to how scalar relations have been shaped by the practices and understandings of state personnel (Mansfield, 2005; Moore, 2008), resulting in occasional conflict and confusion coupled with ongoing cooperation.

A key informal rule structuring relations between Whitehall and the devolved administrations is that of ‘no surprises’ (Parry and MacDougal, 2005).⁷ The importance of this principle was emphasised by our respondents from the DfT, who stressed the need for active communication and consultation so as to maintain institutional and political relations (authors’ interviews). When devolution was in its early stages, a relatively large number of formal meetings between officials was held as state personnel sought to align existing procedures to the new realities of devolution, but these have become less necessary as the system has ‘bedded down’ (authors’ interviews). In general, despite its complexity and asymmetry, DfT officials regarded the devolution settlement as clear in relation to transport with the exception of some ‘jagged edges’ creating minor anomalies. A good example is the impact of the smoking ban in Scotland – where it was first introduced in the UK in March 2006 before being adopted in Wales and Northern Ireland in April 2007 and in England in July 2007 – on GNER services which permitted smoking in designated carriages, raising the question of what would have happened when the train crossed the border into Scotland. This

anomaly was resolved in a straightforward manner when GNER simply banned smoking on its trains. The broader point here is the shifting nature of devolution as an unfolding process, or “moving object” in the words of one of our respondents, with the RLTD section receiving updates about “this or that piece of legislation or development” on a daily basis, requiring constant awareness and interaction with other parts of the DfT (DfT official, London).

Relations between DfT and the GLA were particularly complex and strained, reflecting the conflict over the Public-Private Partnership mechanism for financing the modernisation of the Underground and the political hostility between the Mayor and the government (Sweeting, 2002). As one respondent reflected:

I mean it was a fractious relationship, zero trust between Ken and the government and between TfL and the Department for Transport. I'll give you an example... five years ago Ken wanted me to be director of integration at TfL and uh... I was wanting to do that and keep my [existing post in Whitehall], it was only a day a week. But ... Whitehall clamped down on it, and...said you can't do it. You have got to choose, if you do TfL you have got to come off [the Whitehall body] which I wasn't prepared to do. What that showed was there was a complete lack of trust between the two organisations, it was like... it was an ultimatum, you either work for us or you work for Ken, you can't do both (Transport policy advisor, London).

The disagreements over the London Underground PPP were effectively ended by court rulings in the government's favour, and relations began to improve after an agreement between the Mayor and government in February 2003 which led to the transfer of powers over the Underground to the latter (Sandford, 2004).

Following a review of the railway industry across Britain, The Railways Act 2005 transferred additional powers to the devolved administrations, in addition to abolishing the Strategic Rail Authority and making the government directly responsible for the strategic direction and performance of the industry. The Scottish Executive was granted full powers over the Scotrail

franchise, making it the sole signatory, together with powers to specify and fund rail infrastructure improvements in Scotland for Network Rail to deliver (HM Government, 2005). Wales was given powers broadly equivalent to those held by Scotland prior to the implementation of this Act. The transfer of these additional powers were described as the largest single act of devolution since the original 1998 settlement (Scottish Government, 2005), reflecting a greater acceptance of the role of the devolved administrations in Westminster. Crucially, however, this substantial transfer of powers can only be explained by the coming together of the devolution issue with the government's wider agenda for restructuring the railways, rather than simply in terms of the persuasiveness of demands from the devolved jurisdictions.

Conclusions

This paper has outlined the evolution of the new institutional structures in the devolved territories and assessed how state personnel and interest groups have responded to devolution. As a 'state spatial project' involving the establishment of new institutional structures and relations at the regional scale, devolution provides broader insights into the nature of the state as "a (political) process in motion" (Peck, 2001, p.449). The process of filling in can be seen as having both structural and relational dimensions (Shaw and MacKinnon, in press), with the former referring to the expansion and reorganisation of transport departments, the appointment of transport ministers and the establishment of parliamentary or assembly committees. Relational filling in, by contrast, is concerned with how devolution is interpreted and shaped by staff personnel within the different devolved jurisdictions, involving the introduction of new responsibilities, the identification and narration of new strategic priorities and the evolution of new organisational relations. Here, a clear contrast emerged between London and Northern Ireland, on the one hand, and Scotland and Wales, on the other, in

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terms of the effectiveness of political leaders in generating momentum (Leach and Wilson, 2004; Sweeting, 2002). The importance of key personnel in interpreting and shaping transport devolution underlines the significance of Jessop's point that the state has no power as such, only the power of the social forces acting in and through it (Jessop, 1990).

We have also drawn upon Brenner's 'new state spaces' framework to examine how new organisational structures, institutional practices and power relations have emerged out of the interaction between the pre-existing fabric of the UK state and the emergent 'state spatial project' of devolution. As this implies, devolution was not simply created from above by central government in a new and 'pure' form, with the possible exception of London, but grafted onto "long-established institutions and practices of territorial administration" (Jeffery, 2007: 93). In essence, Brenner's approach is scale-neutral, and we have adapted it to refer to the establishment and activation of the devolved structures themselves and the evolution of relations between the devolved administrations and central government (cf. Brenner, 2004). Thus, the expansion and reorganisation of transport departments and the establishment of parliamentary or assembly committees can be viewed as products of the interaction between devolution and inherited institutional arrangements. At the same time, the development of 'vertical' relationships between the devolved administrations and the central government relied heavily on informal interactions and linkages between officials and ministers, rather than more formal institutional mechanisms (see Trench, 2004). As such, the development of inter-governmental relations was characterised by relational rather than structural forms of filling in. While the development of these largely informal relations was couched in terms of the need for the state to adapt to devolution, much of this actually seemed to involve adapting devolution to the state so as to maintain institutional and political stability, reflecting the continuing norms and practices of civil service incrementalism (Mitchell, 2004). While devolution provides a wider range of social and political forces with access to the resources

and powers of the state, our research highlights the role of state personnel in managing and controlling institutional relations, resulting in a strong degree of path dependence outside of London (Pierson, 1993).

Finally, in view of our emphasis on devolution as an unfolding process with emerging and unpredictable implications and repercussions (Keating, 2009), it is worth considering the evolution of UK devolution over the past couple of years, acknowledging that our main focus in this paper has been the 1999-2007 period. This period was marked by considerable stability in inter-government relations, underpinned by substantial increases in public expenditure and common Labour Party government at the devolved and UK scales (Trench, 2004). This has changed markedly since 2007 with the emergence of what might be termed a new politics of devolution defined by the entry of nationalist parties into government in Scotland, Wales and Northern Ireland, pressures for greater autonomy and cuts in public expenditure. In common with other devolved states, the direction of movement in the UK is towards greater decentralisation with demand from Scotland for – at the least – ‘devolution-plus’ whilst the Welsh government is committed to holding a referendum on granting full legislative powers to the devolved assembly. In this respect, the UK may be moving towards a looser form of union (Keating, 2009), and on-going reductions in public expenditure are likely to become the focus of tensions between the devolved territories and the central state, placing great pressure on the networks of practice developed by state personnel between 1999 and 2007.

Notes

¹ Technically, the creation of these institutions was a product of local government reform in England although the process has resulted in *de facto* devolution.

² Brenner also refers to ‘state spatial projects’ which refer to how the state interacts with society more broadly to promote economic and social development.

³ The Calman Commission on Scottish Devolution recommended in 2009 the transfer of authority for speed limit and drink driving legislation to the Scottish Parliament.

⁴ Livingstone was a former Leader of the Greater London Council, had long been a thorn in the side of central governments (especially of Conservative administrations but he was also seen by Tony Blair’s ‘new’ Labour establishment as sufficiently iconoclastic to be barred from standing as its official candidate in the mayoral elections of 2000) and was regarded as something of a ‘champion of London’ by many of the capital’s residents.

⁵ This is a reference to Sir Humphrey Appleby, the fictitious and self-interested Permanent Secretary in the Department of Administrative Affairs in the BBC sitcom *Yes, Minister*.

⁶ This is the operating name of the Northern Ireland Transport Holding Company, the main public transport company in the province.

⁷ The clearest example of this being breached is in relation to the Scottish Executive’s decision to fund free personal care for the elderly in 2001, which resulted in UK government policy advisors in London ‘screaming down the phone’ to their Scottish Executive counterparts in Edinburgh (Laffin and Shaw, 2007).

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Table 1. Devolved and reserved functions in transport. Source: adapted from Smyth, 2003.

	Scotland	Wales	Northern Ireland	London
Road	Total	Limited	Total	Total
Rail	Substantial	Limited	Total	Limited
Bus	Total	Limited	Total	Total
Air	Limited	None	None	N/A
Sea (ferry)	Substantial	None	None	N/A

Table 2. Changing transport structures and ministers in the Scottish Executive. Adapted and extended from Allmendinger, 2002.

Date	Minister	Party	Portfolio	Department
May 1999	Sarah Boyack	Labour	Transport and the Environment (including planning)	Transport and the Environment (including planning)
November 2000	Sarah Boyack	Labour	Transport	Transport and the Environment (including planning)
May 2001	Sarah Boyack	Labour	Transport and Planning	Transport and the Environment
November 2001	Wendy Alexander	Labour	Enterprise, Transport and Lifelong Learning	Development
May 2002	Iain Gray	Labour	Enterprise, Transport and Lifelong Learning	Development
May 2003	Nicol Stephen	Liberal Democrat	Transport	Enterprise, Transport and

				Lifelong Learning
June 2005	Tavish Scott	Liberal Democrat	Transport	Enterprise, Transport and Lifelong Learning
May 2007	Stewart Stevenson	SNP	Transport, Infrastructure and Climate Change	Finance and Sustainable Growth

Table 3 Changing transport structures and ministers in the Welsh Assembly Government.

Date	Minister	Party	Portfolio	Department
May 1999	Peter Law	Labour	Environment and Local Government	Environment and Local Government
February 2000	Sue Essex	Labour	Environment, Planning and Transport	Environment, Planning and Transport
May 2003	Andrew Davies	Labour	Economic Development and Transport	Economic Development and Transport
April 2006	Andrew Davies	Labour	Enterprise, Innovation and	Enterprise, Innovation and

				Networks	Networks
May 2007	Ieuan Jones	Wyn	Plaid Cymru	Economy and Transport	Economy and Transport

Table 4 Transport Ministers in Northern Ireland since 1999

<i>Date</i>	<i>Minister</i>	<i>Party</i>	<i>Portfolio</i>
November 1999	Peter Robinson	DUP	Regional Development
July 2000	Gregory Campbell	DUP	Regional Development
October 2001	Peter Robinson	DUP	Regional Development
October 2002	Angela Smith	Labour	Regional Development
June 2003	John Spellar	Labour	Regional Development
May 2005	Shaun Woodward	Labour	Regional Development
June 2006	David Cairns	Labour	Regional Development
March 2007	Conor Murphy	Sinn Fein	Regional Development