

# HOUSE OF COMMONS

oral evidence  
taken before the

## POLITICAL AND CONSTITUTIONAL REFORM COMMITTEE

### **Lessons from the process of government formation after the 2010 general election**

thursday 21 October 2010

RT HON Oliver Letwin MP

Evidence heard in Public Questions 76 - 115

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## **Oral Evidence**

**Taken before the Political and Constitutional Reform**

**Committee**

**on Thursday 21 October 2010**

### **Members present:**

Mrs Eleanor Laing (Acting Chair)

Mr Christopher Chope

Sheila Gilmore

Simon Hart

Tristram Hunt

Mr Andrew Turner

Stephen Williams

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In the absence of the Chair, Mrs Laing was called to the Chair.

### **Examination of Witness**

*Witness:* **Rt Hon Oliver Letwin**, Minister for the Cabinet Office, gave evidence.

**Q76 Chair:** Good morning, Mr Letwin, and thank you very much for coming to see us this morning. May I begin by giving the apologies of Graham Allen, who is the Chairman of this Committee. Graham is unwell; nothing serious.

**Mr Letwin:** I am aware of that.

**Chair:** We suspect he is watching us by some kind of electronic link and we're trying to behave. He sends his most serious apologies and has sent some questions as well.

As I am sure you are well aware, we are conducting an inquiry into the formation of the Coalition Government, as part of our general inquiry into the constitution and the prospects of a written constitution or not, as the case may be. It is very good of you to come before us this morning, having been a key player in the formation of the coalition Government.

We had here last week Mr David Laws and Lord Adonis, as I'm sure you are aware, and so we have an emerging picture of what happened in each stage of the formation of the coalition. Before we go into general questions, I would ask you is there anything in particular you would like to say by way of introduction?

**Mr Letwin:** Thank you. No, I don't think so, in the sense that I think the Committee will be well aware of the public information, and that sets the background.

**Chair:** Indeed, that is fine.

**Mr Letwin:** So I'm open to whatever you want to ask me

**Q77 Chair:** A simple question to start with. Was five days long enough to produce a coalition?

**Mr Letwin:** I think there is a balancing act here and I should preface what I am about to say by saying that I don't think that what was true then will necessarily be true at all future possible occasions. I think it is dangerous to assume that either history stands still or that there are easy generalisations. But dealing with the specific period we're talking about, located as it was at a particular point in our national history, I think, because of the state of the public finances in which we found ourselves as a result of the activities of the previous Government, there was a genuine

risk-very difficult to quantify, but a genuine risk-that very serious financial consequences for the country in terms of the financing of the national debt and the value of our currency, which could have lasting, long-term impacts on our economy as a whole, would arise if there was a prolonged period of instability and uncertainty about government.

You could well have later times at which people were forming or not forming coalition Governments when there was no such background, but at that particular juncture I think there was a real danger that a prolonged period of instability would have precipitated some form of crisis in the financial markets, which in turn would have made it very much more difficult to form a Government. So one could have created, by mistake, a vicious circle, and for that reason I think there was an extremely strong national interest in rapid formation of a Government.

The next question one has to ask, I suppose, is how much better could we have done if we had had 10, 15, 20, 25 days; to which I don't know the answer. But my instinct is that, as sometimes happens in human affairs, if you're in a pressured situation and there are time limits, you do what you would have done anyway in a longer time in a shorter time. I doubt much would have altered if we'd had 10, 15 or 20 days. That is a long shaggy-dog story, but my brief answer to your question is we didn't have the time so the issue didn't arise. But I don't think it would have helped much to have had the extra time, although I can't be sure.

**Q78 Chair:** Would I be right in saying that 20 days would have been a long time to leave the country without a Government?

**Mr Letwin:** In different circumstances I don't think it would matter too much. There are many countries in which coalition is a more usual phenomenon and which are not, at a given time, going through a financial crisis where I understand it is quite normal for that sort of period of two or three or four weeks to elapse while a Government is formed. As I say, I'm not making a general observation about how things need to be at other times. I'm just saying we didn't have that luxury and I don't think it matters too much.

**Chair:** Simon, on timing?

**Q79 Simon Hart:** It was just a very quick question. During that period, the media tended to interpret the situation as something of a crisis and I think stoked up that national feeling. On reflection, do you think it would be helpful that, if these circumstances ever occurred again, there was some kind of written protocol that clicked in where you wake up to an election result such as that? Would that be helpful if you knew you had almost a statutory period of time in which to form a Government, in order to keep the national mood at a manageable temperature and, therefore, avoid the sort of market consequences you were talking about?

**Mr Letwin:** I think that is an issue that is certainly worth considering. I am very conscious that it pays, when you are thinking about things that have quite long-term consequences, to engage in mature deliberation and I wouldn't want to give you a view suddenly on that question. But I think it is an issue that I would very much welcome this Committee considering and making recommendations about and then I think it would deserve to be debated more generally. I certainly think there is a case for a set of rules. As always, there is also a case for flexibility and you have to balance those two quite carefully.

**Chair:** Thank you.

Q80 Stephen Williams: We have a parliamentary system, obviously. So, arguably, the first important occasion is the meeting of the House of Commons where we elect the Speaker. Would that not be the logical backstop for the forming of a new Government; the period in between the final result of the general election and the first meeting of the House of Commons? That could be the interval during which a Government could be formed?

Mr Letwin: That is certainly a possibility. As I understand it-and this is reflected in the draft first chapter of the Cabinet manual, which you will have seen, of course-the normal practice in other elections, for some time anyway, had been to rather rapidly convene Parliament after the election; I think on average about four days after. On this occasion I think it was about 12 days. I don't think the period is set in any formal way. I may be wrong. I am not a constitutional expert. But I'm not aware of any crypto or actual constitutional document or statute that defines the maximum period. So if the Committee were to think that the answer to your question is that we should gear the period to the period at which the Speaker is chosen and Parliament is convened to choose him or her, then I think one would be forced back to ask the question, "Well, what is that period?", and I don't know. At the moment I think that is an unanswered question. So there is a sort of daisy chain of consequences. But I can see there is a certain logic in your proposition.

Q81 Stephen Williams: Do you have a view on what that interval should be?

Mr Letwin: I guess it is a view that you would share, which isn't terribly helpful, which is that it should not be too long but not too short. The question is: what is the golden mean? I hope that what I am already expressing is certainly something that is the most profound belief I have about these things; that is, these are cases in which it is not the brilliant perception of an individual but the wisdom of a collection of people that needs to be brought to bear. I don't think adopting a dogmatic view about that would be sensible. I think we should discuss it and come to a view and perhaps, over time, change it. One lives and learns in these arenas.

Q82 Stephen Williams: One of the issues that arose out of the timing was that Gordon Brown, the former Prime Minister, went to the palace and surrendered the seals of office and David Cameron, the new Prime Minister, was immediately summoned. I, along with quite a large chunk of the Liberal Democrat Parliamentary Party, was sat in Pizza Express, Millbank, when we found out that had taken place, in advance of us meeting in Local Government House-I think it was- just around the corner, to consider the final documents that our teams had negotiated. Do you not think it would be better if the Prime Minister was chosen by the House of Commons, once those negotiations have come to full fruition, in a sort of investiture vote?

Mr Letwin: I certainly think that is a thinkable arrangement. Of course, under our constitution-and this is something that I think is as settled as anything gets in our constitution-the Prime Minister in the end is chosen by the House, in the sense that unless the Prime Minister can command the confidence of the House, either through getting the Queen's speech approved or through a supply motion that is accepted or through a no confidence motion that he or she wins, then the Prime Minister can't be the Prime Minister. I think if there is a fixed point in our rather fluid constitution that is one of them. So I don't think it makes an enormous amount of difference, in practice, whether there is or is not a moment at which we say, "This is the moment that the Prime Minister is chosen". But it is, nevertheless, perfectly thinkable that you would have such a moment. I certainly wouldn't object to having such a moment.

Q83 Chair: If the Chairman had been here he would have wished to ask you specifically, do you think, in planning for the future, that there ought to be provision for a regular investiture vote regarding the Prime Minister in the House of Commons?

Mr Letwin: As I say, I certainly do not have any rigid objection to that idea. I don't think it is something that would be transformingly different. It would depend on what else went with it, but, as part of an appropriate jigsaw, I certainly would have no quarrel with it.

Q84 Tristram Hunt: In terms of the timing behind this coalition, was five days almost too much? Because what we have heard from other witnesses is the high degree of ideological convergence between the Liberal Democrats and yourself when you entered into negotiations. So I imagine you must have all been trying to find things to talk about towards the end. Do you think that having that kind of ideological convergence was helpful towards the formation of a quick coalition?

Mr Letwin: There are two importantly separate-and each important-questions contained there. One is, was five days almost too much and the second is, is it helpful to have convergence for negotiations? On the question of the time, I certainly would not describe the five days as too much and we certainly were not in the position of having almost nothing to talk about. In fact, it was nail-biting to the end. Not because we hadn't had the time to discuss properly the few critical issues that needed to be discussed to see whether we had the basis for a Government, but because-as a question from another member of the Committee revealed-inside each party there was much to be thought about.

It was certainly necessary to have the amount of time we had in order to allow that process to go forward to the point where it crystallised in a set of decisions. Although I certainly wouldn't wish to speak for the Liberal Democrats, I think inside the Liberal Democrats Party there is quite a formal process. Conservative colleagues may think that there should be inside the Conservative Party, but there isn't. But, nevertheless, we had an informal process that we did go through. I think there is the need for those kinds of processes and I certainly don't think you could telescope them into a shorter time. In fact, I think I could imagine colleagues, in either party, feeling that it was-or indeed, in the Labour Party, on their side of the fence-quite a compressed period in which to consider the issues and, of course, the dynamics of consideration internally affect the negotiating dynamics.

We were faced with a triangular situation in which there were three parties, each thinking through things, and one party that was having to make a very difficult decision as between the other two. That affected the negotiations that each of the larger parties were having with the party that was trying to make a decision between them. So it does take a certain number of hours to go through that process. While I stick with my view that it wouldn't have made too much difference if we'd had more than the five days, I can say-as close to certainty as you can in human affairs-that if we'd only had three days we probably could not have done it. I simply don't think we could have gone through the processes behind the scenes where we would have reached the point where we could agree.

Q85 Tristram Hunt: Because it was more a question, not of the leaderships of the party convincing each other of their philosophical grounding-because we know that the Liberal Democrats went into the negotiations committed to the same fiscal strategy as yourself, in terms of the deficit-but what the five days was about was squaring your parties to the agreement?

Mr Letwin: It's sort of half yes, but I think I would put what you are saying a little differently, in the sense that it is more interactive than that suggests. How much we gave and took on which parts of the negotiation of the things that were most difficult to negotiate, which were the only things we were discussing at that stage, very much depended on the reactions that we and-on the Liberal side-they received from colleagues coming home; not least, incidentally, the two party leaders. We have to remember that neither Nick Clegg nor David Cameron were present at these negotiations. You might imagine that we-I can only speak on the Conservative side of this, but I am sure it was true on

the other side-were pretty acutely conscious, in the Conservative negotiating team, that a figure who was the leader of our party would have certain views about what it was we had said and done. So we had to come home and talk to him, but not just him.

We had to talk to others, both specifically about detail and, more generally, about where we were going inside the leadership of the party. Then we had to have very considerable discussions with colleagues much more widely in the parliamentary party and, indeed, beyond the parliamentary party. I know that the Liberals were in the same position. I imagine that the Labour negotiators were too. So it's not a question of squaring. It is a question of interacting with people not in the room and reflecting the effects of those interactions back into the negotiations.

Indeed, as I think the Committee has heard already from other sources, there were times during the negotiations where a related but different negotiation went on-at least in our case-between David and Nick. So you have quite a complicated tapestry of people talking to one another and there is the minimum amount of time during which human beings can get to the points they need to get to psychologically, emotionally and intellectually. I really do think if we tried to compress it into two or three days it probably would have collapsed.

Chair: That is very helpful.

Mr Letwin: If I may just answer the second question you're asking?

Chair: Of course.

Mr Letwin: Was it helpful to the negotiations that we had a high degree of ideological convergence? Yes, it was totally required. If we had been in positions as other parties, or the same parties, at other times have found themselves in, of very considerable and profound divergences, I don't think five days would have sufficed to deal with them. There were some very crunchy issues we needed to resolve but, as you rightly point out, the broad conception of where we thought the country was and what we thought the country needed was very similar. Indeed, I had satisfied myself of that by pretty extensive investigations of the Liberal policy documents before we started the process. I am pretty certain that if that hadn't been the case, we couldn't have done it in five days. We were able to walk into the negotiations pretty much knowing-in fact, I think it turned out entirely accurately knowing-what the crunch issues were. We knew that there were a small number of them and one just had to find ways through those.

Chair: Thank you. That is extremely helpful. We heard evidence last week from Mr Laws and Lord Adonis, which was in the area that you have touched upon.

Sheila Gilmore: Chair, just a follow up on the timing issue.

Chair: Let us pause where you are, Mr Letwin, and flip back for a moment to the timing issue, and then we'll go back.

Q86 Sheila Gilmore: I would also like to get on the record that the view that there was such an economic crisis that this had to be done in a great hurry is your own view, I would suggest.

Mr Letwin: Correct.

Sheila Gilmore: It is not necessarily shared here by everyone.

Mr Letwin: I'm sorry, I didn't mean in any way to imply that others thought it. I thought it.

Q87 Sheila Gilmore: My perception from being further away from what was happening-and I think perhaps the public's perception-was there was a lot of pressure from the media who did not understand the situation we were in. In other words, "It's a constitutional crisis, this is a real problem." Had there been a clearer process, perhaps even a written process, that accepted that it takes time to put together a coalition there might not have been that pressure. The media certainly did not seem to understand the process and that may have put pressure on everybody involved; we were not just in, as you saw it, a financial crisis but that we were in some form of constitutional crisis and if we had a written procedure there would not be a constitutional crisis. Does that make sense?

Mr Letwin: May I just respond to that?

Q88 Chair: We will come back to the issue of the Cabinet manual and the formal process in a moment or two, but if there is anything you would like to say about media pressure and so on?

Mr Letwin: I think I would like to say something about the media pressure and I want to say something that may strike you as unusual. Shall I wait until the dreadful bells finish?

Chair: Yes, let us wait.

Mr Letwin: I speak for myself here. I don't know what all of my colleagues felt, even in the negotiating team. My own view is that the amusement that the media had reporting with great excitement on the event and having very large numbers of cameras tracking us back and forth as we walked back and forth was entirely spurious. It had nothing to do with anything. It didn't cause the people of Britain the slightest concern and didn't cause us the slightest concern. I can speak for the last bit definitely. We were not in the least concerned about it. And I don't think, if we went out there and asked Mrs Jones and Mrs Smith, "Did you find this a terrible constitutional crisis", we would find anything different. Indeed, I think one of the splendid features of the whole scene was that it was a brief moment in which serious politicians of all three parties took charge of a process and carried it out in a serious and professional way, paying absolutely not the slightest attention to the media. In fact, I had a very strong sense that the media were astonished and horrified that they found out nothing.

Indeed, one of the bases of trust between ourselves and our Liberal Democrats counterparts-I can't speak for the other negotiations-was that not a single thing we said to one another leaked at any time during that process. So we quite quickly came to understand that if we said things to them and they said things to us, neither of us was going to let anybody else know. I had a very strong sense that the media thought it was extraordinary, almost unconstitutional, that politicians should have a set of discussions that the media were not in charge of. I thought that was a wonderful feature of the scene. We should remember that and treasure it, and be willing to do things in the future, where politicians, in the national interest, do things that they do not-until they're ready to say what they have to say-say to the media. So I wasn't worried about the media pressure at all. I accept there are differing views about this but, as I say, I think there was a very serious issue about the financeability, at reasonable interest rates, of the UK's national debt. Therefore, I think that there was a very serious reason for having a Government-of whatever disposition-in place to deal with it, relatively rapidly, media or no media.

Chair: That is very helpful. Thank you. Can we flip back again, to where you were in explaining some of the content and the ideological position of the negotiating parties? I will go to Christopher Chope on this one.

Q89 Mr Chope: I shall ask my good Dorset parliamentary colleague about this three-way negotiation. We have heard that by the Monday morning there was a draft confidence and supply agreement that had been drawn up, which was in quite a lot of detail and running to several pages, and in that there was the possibility of a provision for a free vote in the House of Commons on whether or not there should be an AV referendum. Is that correct?

Mr Letwin: It is certainly correct that there was such a document. Rather like witnesses in court, I'm afraid at this distance I'm absolutely unable to remember which day was which and I can't tell you on what day this document was ready or at which stage it was given to whom. But, as I wrote the document in question, I do know that there was one.

Q90 Mr Chope: Is that a document that this Committee could see?

Mr Letwin: It is not a public document. I don't know whether the Committee has or has not the power to require it or to obtain it under the Freedom of Information Act.

Q91 Mr Chope: Would you be willing to make it a public document?

Mr Letwin: Personally, unless forced to do so, no. I think it is right that the negotiations should be regarded as negotiations that went on between two parties and the final product of it, of course, was entirely public. But I don't think it benefits the national interest for it to be seen how it came about because, if that were the case, in a future case everyone would know that it was going to be public and that would alter what was one was willing to do and, I think, diminish the chances of being able to negotiate successfully.

Q92 Mr Chope: Leaving that on one side, we have heard from both Mr Laws and Lord Adonis that there was never any discussion between the Liberal Democrats and the Labour Party about the possibility of legislating for AV without the people being consulted, either before or after. Is that your understanding as well?

Mr Letwin: I have not only read the account of Lord Adonis' remarks to you but also have attended to what the Deputy Prime Minister said in the House of Commons, and, as both parties to the Labour and Liberal side have said what they have said, I assume that they're accurate. It was certainly not our perception. Our perception was that there was a very considerable risk that such concessions would be made. If we were mistaken in that, then that is one of the features of the scene in which one knows what one is saying to the other party oneself, but one does not ultimately know exactly what they are saying to each other.

Q93 Mr Chope: So you recognise that, in retrospect, you were mistaken about that, if you formed that perception?

Mr Letwin: I recognise that both the participants to it have said that it was not as advanced as we thought it was.

Q94 Mr Chope: Yes. So then we get to the situation where the Conservative Parliamentary Party has a meeting where the Prime Minister-or the leader of the Conservative Party as he then was-addressed the parliamentary party and was discussing with them whether to take the negotiations

further forward. And what was said by David Cameron was that there was the real prospect that, if there wasn't a better offer from the Conservatives, there would be a deal done between Labour and the Liberal Democrats that would involve legislating for AV without consulting the people through a referendum. You were there at the meeting.

Mr Letwin: Yes, that is what we believed.

Q95 Mr Chope: That is what was said. In the BBC programme *Five days that changed Britain*, when it was put to him that he had misled his MPs, David Cameron said, and I think I quote exactly, "No, I was absolutely certain in my own mind that that was the case"; that this had happened. He then went on to say that he had good reason to be certain because a number of people had told him that that was the case. Were you among the people, or perhaps the person who told him that you thought that that was the case?

Mr Letwin: I see. No. Let me take it step-by-step. First of all, that is an exactly accurate position that the Prime Minister relayed. We were persuaded that it was the case that there would be, or there was a very strong prospect of there being, an alternative offer from the other side in the way that he described the parliamentary party. It is certainly also the case that quite a lot of sources had suggested that to us. I was not among those. You may know, after our long acquaintance, that I am not a person who spends a great deal of time gossiping in the corridors. I am the last person to find things out. I have to trust those who are better at that. It did seem to me that it was highly plausible that they would and, incidentally, I think it is quite plausible that they would have done. We don't know. We will never know whether they would have made that offer if we hadn't. But it was not I who received the information and relayed it. I simply heard it at more or less the same time as the Prime Minister did.

Q96 Mr Chope: We know that this information was incorrect. So are you able to say who got the wrong end of the stick and was-

Mr Letwin: No, I don't think I should dwell on it.

Mr Chope: You don't think you should what?

Mr Letwin: I said, I don't think I-

Chair: I think I must protect Mr Letwin here. It is only fair that we can ask you, Mr Letwin, to tell us what you think and what you were doing.

Mr Letwin: Indeed.

**Chair:** You can't answer for others.

Mr Letwin: I'm grateful for that protection.

Q97 **Chair:** But it is emerging, from what you have said and from what our previous witnesses said that the understanding was not complete between all of those who were negotiating.

Mr Letwin: Yes, and let me go further than that. You do have to imagine yourself into circumstances in which you don't even properly understand what the people on the other side of the table from you are thinking. They take good care not to tell you everything, after all. Still less do you understand about what is going on between them and someone else who is taking extremely

good care not to tell you anything at all. So this is a game of battleships. You're trying, under those circumstances, to sense out what is going on and we were trying to get a sense of "what would happen if", and this can never be perfect information.

Q98 Mr Chope: If you felt you were in the dark, how did you think your Conservative colleagues in Dorset felt? We were completely in a blackout situation. In concluding my questions, can I ask you whether you feel that the concerns that were expressed during the latter part of the election campaign-that a hung parliament would result in negotiations behind closed doors, where the elected representatives of the people were the last to know what was happening-were realised in practice by what happened in those five days?

Mr Letwin: Inevitably. Yes.

Q99 Mr Chope: Do you think that on future occasions, if this was to happen, there is a lot to be said for having more open and frank and transparent discussions with the Members of Parliament in advance of any agreement being drawn up?

Mr Letwin: I have several things to say about that. The first is, I think you and I both accurately represented to our electorates something that you and I both, I think, still believe-certainly, I do-which is that first past the post is a good system because it tends to produce majority Governments and that one of the disadvantages of not having a majority Government emerging from an election is, in my view-I am coming on to why-inevitably that there will be closed-door negotiations between parties. I think one follows the other as night from day. That is one of the reasons why I persist in believing that first past the post is a good system. Now, first past the post was the system and it doesn't always produce the result one hopes for of a majority Government. In this case it didn't and I think it was inevitable, therefore, that there would be negotiations behind closed doors.

No, I don't think you could possibly have an open discussion beforehand about all the modalities. First of all, as you and I very well know-and as all members of the Committee will be aware-you cannot possibly assume that these would then be secret. On the contrary, all the evidence over the years suggests they would be well-known to everybody. Once you've had an open discussion among hundreds of people it will be in the newspapers within hours and if you go into a general election, as your suggestion would entail, with the newspapers being able to list all the negotiating positions of all three parties-or the party, should there be a coalition discussion-then it would be almost impossible to deal with the situation. Still more so if one party did it and the others didn't, that party would then be at a complete disadvantage. So I see no practical way of doing that. I think the solution to the problem you are addressing is to elect majority governments.

Q100 **Mr Chope:** Just a quick question: leaving aside what happened before, after the event-between the election, with the hung parliament, and what followed on after that-do you not think that the Liberal Democrats in a sense, with much more consultation with their parliamentary party, had a message to deliver to the Conservative Party, in similar circumstances should they ever arise in the future?

Mr Letwin: I'm not posing as a constitutional expert about the Liberal Democrat Party but, as I understand it, they do have a much more organised process. But it was not the case that they went through that process before the election. As I understand it, they went through it afterwards. Indeed, their negotiators kept on saying to us, I think in perfectly good faith, that they couldn't do X, Y or Z until they had been back and had consulted. I would observe, first, that the number of MPs in the Liberal Democrat Party is very much reduced; it's much easier to do, compared with the Conservative Party, especially after the last election. But it would indeed be possible to organise

things in the Conservative Party so that there was a more elaborated process for such things. I have no axe to grind against that at all. It's obviously a matter to be thought about within the party machinery. I think that there are very good arguments for trying to formalise it. But I see all that as a process that you might establish for dealing with the situation after an election in which you didn't get a majority verdict. I don't think you could do it before.

**Mr Chope:** Thank you very much.

**Q101 Chair:** Thank you, that's very helpful. Would it be right to summarise what you were saying by saying that where the electorate is indecisive then their vote on election day is not the end of the decision-making process, it's the beginning of the decision-making process?

Mr Letwin: Yes, it is; I think inevitably. It is a very interesting reflection that, on a certain Thursday in a certain month of a certain year, the people of Britain collectively make a decision, and I slightly believe-although I'm certain that I can't prove this proposition-that there is such a thing as the collective wisdom of the nation and that there is such a thing as a collective decision; although no one individual is making that decision. Therefore, I slightly believe that the people of Britain, at the last election, made a decision that they wanted not to have a majority Government. I regret that decision. I would have liked to have had a Conservative majority Administration but I think that they told us, collectively in Parliament, "Go and do something about the situation. We don't want to have one party running this country". Therefore, I think they effectively forced some kind of arrangement to be made and I think the arrangement that emerged was vastly better than any of the alternatives. But, of course, I'm biased about that.

**Chair:** The people have decided and so on. That's it. Thank you.

**Q102 Mr Turner:** Could I just ask you-because you used these phrases that I take it were reasonably representative of what you think-you said, "An informal way in which people were consulted, for example the members of our party"?

Mr Letwin: Yes, the meetings of the 1922 Committee and so on.

**Mr Turner:** Yes. As I recall, there weren't any meetings of that Committee.

Mr Letwin: Yes, there were two great-so maybe it wasn't the formally the 1922 Committee; the meeting of the parliamentary party.

**Mr Turner:** That is different.

Mr Letwin: Sorry, yes.

**Q103 Mr Turner:** You said those meetings were very considerably wider. Could you just go through what were the informal meetings that took place?

Mr Letwin: Primarily, the meetings you will be very well aware of; the meetings of the parliamentary party.

**Mr Turner:** Yes.

Mr Letwin: I don't pose as an expert on the constitution of the Conservative Party but, as I understand it-I'm not a Conservative Party constitutional expert at all; I'm personally much more

interested in the constitution of the country-in the Conservative Party's constitution and rules generally, those meetings did not have a formal status. I don't believe that there is a process; whereas, as I understand it, in the Liberal Democrats' constitution there is a formal process. I may be wrong about that. That's how I understand it.

**Q104 Mr Turner:** There was one or did you say two meetings?

Mr Letwin: I think there were two, weren't there? Do I not remember that?

**Q105 Mr Turner:** When were they?

Mr *Letwin*: I am terribly sorry; as I mentioned before, I have absolutely no recall of the exact date.

**Chair:** Let's try to help. I recall two.

Mr Letwin: Yes. I believe there were two separate meetings. This is a matter of record and can be checked.

**Mr Turner:** Okay. Yes.

Mr *Letwin*: There were also all sorts of efforts of various kinds to consult various persons and groups of people, including-I think this is also a matter of public record-a moment at which what was then the Shadow Cabinet was convened. Again, I'm terribly sorry, I can't tell you exactly what day but I know that it was convened because I was present at the meeting. No, I do not have a precise list of all the people the Chief Whip and others spoke to, but my point was all of that process was not a formal process where there was a rulebook and things were done according to a rulebook, which I think was what happened inside the Liberal Democrat Party. I think that Mr Chope's suggestion, so to speak, is that, either ex ante or ex post, there should be such a process in the Conservative Party and I entirely understand that suggestion. I can see the point of it.

**Q106 Mr Turner:** Earlier on, you said it would be a good thing to have mature reflection, I think. I am very concerned about this because the question is: with the AV Bill and the timetable and hearing the argument about the Salisbury Convention, as a member of the Conservative Party, I don't feel that I committed myself to the AV and I don't feel that I committed myself to the change in the number of MPs, both of which are in the Bill and which are something I suspect other people would agree with me. What is your response to that?

Mr Letwin: Clearly, your view of your view is your view. I am in no position to question that. The Conservative Party, in the person of the leader of the Conservative Party and with the approval of the Shadow Cabinet of the Conservative Party-which, as I understand it, are the bodies that are empowered to make such decisions in the Conservative Party-made a decision to agree a document in which those things are placed.

**Mr Turner:** Yes, I accept that.

Mr Letwin: Of course, that does not entail that every member of the Conservative Party or every parliamentary colleague in the Conservative Party or, still less, everybody who voted for the Conservative Party agreed with it. Incidentally, that's true of every piece of legislation. I mean it is the right, the proper right, of every backbencher in the Conservative Party to take a view of legislation proposed.

**Mr Turner:** It's a different-

**Q107 Chair:** Andrew, if I can stop you for one second, I will put the question to Mr Letwin that the Committee put to both of our witnesses last week, which was very simply: in your opinion, does a coalition agreement have the same force as a party manifesto, an election manifesto?

Mr Letwin: No, they're completely different kinds of document. Without wishing to be naïve enough to assume that very many people in the country read election manifestos, much as I wish they would, it is nevertheless the case that a lot of journalistic attention, at least, is paid to manifestos and that it is at least open to voters to read the manifesto and that some voters-maybe a higher proportion of those making up their mind than those already settled in their convictions-do read manifestos, or read summaries of manifestos, or read summaries of the manifestos in the newspapers and elsewhere. Therefore, at least I think one can say that some of the main lines of the manifesto probably have some influence on the outcome of a general election.

**Chair:** Indeed, whereas, a coalition agreement can't because it's not in existence.

Mr Letwin: The coalition agreement manifestly can't because it isn't in existence at the time of a general election. It is a totally different status of document.

**Chair:** That is very helpful, thank you. I'm going to Simon to follow up that point and then to Tristram on the other point.

**Q108 Simon Hart:** It's a very quick add-on: in a sense it's a bit more serious than that, isn't it, because within the House of Lords there is the Salisbury Convention, whether we believe it remains valid or not-the Hansard study has some views on that-it does tend to take into serious account manifesto commitments. What nobody seems to be able to answer, and perhaps you can, is whether the Salisbury Convention applies at all-you might be able to answer this-in relation to a coalition commitment? I think it's a bit more than just saying that a manifesto commitment is different. We know it's different but it has a constitutional implication in the House of Lords when it comes to the implementation of Government policy.

Mr Letwin: I'm afraid that you would need to speak to the leader of the House of Lords, and others, about the operation of the Salisbury Convention in the House of Lords. I don't pretend to be an expert on the arcana imperii of the House of the Lords, but I entirely accept that a coalition agreement is not a document on which the British public have voted. It is a document that emerges from a discussion between politicians for whose parties, in varying degrees, the British public have voted. Whether that is material, from the point of view of the House of Lords or otherwise, I don't know and you would need to talk to those who are experts about it, and I'm sure that the Committee will wish to explore that. If it does wish to explore it, it will call witnesses who are expert about it. But I think we have to be clear that these are two quite different kinds of documents.

**Chair:** Thank you very much. We will have to conclude fairly quickly, but Tristram had a question from earlier and then there's one more general point we'd like to come to.

**Q109 Tristram Hunt:** Just to drill down very briefly on what Mr Chope was pushing at, in terms of the commitment to the AV referendum, we've heard from those involved in the Labour Party negotiations that-in the words of Lord Adonis-they were not interested in what he regarded as sort of constitutional gerrymandering and said that the Labour Party regarded it as a non-starter, in terms of their negotiating position; agreeing to AV legislation without a referendum.

Mr Letwin: Before you go on, may I just observe that if that was indeed the case it was slightly odd, in the light of the parliamentary record, because the Labour Party had voted for such a thing.

**Tristram Hunt:** In what sense?

Mr Letwin: In the previous Parliament.

**Chair:** As a matter of fact, it is correct. The then Labour Government had in a Bill that fell just before the general election, that there would be an AV referendum. It was law at that point.

Mr Letwin: Yes.

**Tristram Hunt:** A referendum?

Mr Letwin: Yes.

**Tristram Hunt:** Yes. We're talking about legislation without referendum.

Mr Letwin: I'm sorry. I thought you said "referendum".

**Tristram Hunt:** No. The suggestion from Andrew Adonis was that the Liberal Democrats' starting point was to have AV legislation without a referendum and maybe having a post-hoc referendum.

Mr Letwin: I'm sorry.

**Tristram Hunt:** So the Labour Party position was always that this was not a runner. What you're suggesting-

Mr Letwin: I'm terribly sorry, but you're telling me something very interesting. May I just ask about this? Are you telling me-

**Tristram Hunt:** That was in Lord Adonis' evidence to us.

Mr Letwin: Yes. I hadn't caught this. Are you saying that Lord Adonis said that the Liberal Democrat negotiators said to the Labour Party that they did want to have AV legislation without referendum?

**Tristram Hunt:** Shall I read you the quote in full?

Mr Letwin: Please, yes, that would be very helpful.

**Tristram Hunt:** "And among the proposals they put to us"-the Liberal Democrats-"was the proposal that we should agree to the alternative vote before a referendum was held. We should implement it; we should implement legislation for the alternative vote before a referendum was held. That was the point at which we made it clear we could not agree with them on a key constitutional measure."

Mr Letwin: Right.

Q110 **Tristram Hunt:** So that was not a starting point for the Labour Party. But what we've heard today is that you came to the Conservative Party, you heard from sources-which you quite rightly

have not revealed—that this was running. So either you're a terrible poker player, or you were thrown a dummy by the Liberal Democrats and agreed to all sorts of measures that you're now having to put through Parliament with a straight face, which were not necessarily something you had to do?

Mr Letwin: Hold on. First of all, you said something very interesting to me, historically—which is, I think, only of historical but nevertheless of very considerable interest—which is, even if we were mistaken that the Labour Party had offered this, if the report you're reading out is accurate, it was something that had been asked for.

**Tristram Hunt:** Yes.

Mr Letwin: That may well have been, coming back to Mr Chope's question, the source of the confusion. That is to say, it may well have been—it often does happen in these affairs, does it not—that the slight but crucial difference between proposition A, something was asked for, and proposition B, something was offered, became lost somewhere in the transmission mechanism to us in this campaign.

**Tristram Hunt:** Either deliberately or not deliberately.

Mr Letwin: For whatever reason, yes. That could possibly be, yes. It could more than possibly be. I have no knowledge of it of course but I can now well imagine what might have happened. Why it happened, and who made it happen that way, I have genuinely no idea, as a matter of fact; although I certainly wouldn't reveal to the Committee if I had. But I don't, as a matter of fact. But that may be the explanation of what did occur and why we were led to believe that that was the case. To clarify my response earlier; I am sorry, I had thought that you were saying that Lord Adonis had said that it was a non-starter for them to have even an AV referendum.

**Tristram Hunt:** No.

Mr Letwin: That would have been very wrong because we knew that they had voted for one and that, as the Chairman says, it was then kind of the law.

**Q111 Chair:** Thank you; that does help. I think, in trying to clarify this point, we seem to be digging up more and more mud. It becomes all the less clear the more we go into it, but it has become very clear to this Committee that obviously there was confusion. But then, as you said, Mr Letwin, that is the nature of negotiation when one side doesn't know what the other side is really offering, and I think Mr Hunt's analogy of poker is probably fairly accurate.

If we may—we're running over time—can I come to a very particular issue, and that is the issue of the Cabinet manual. Was the Cabinet manual of use to you when you began these negotiations? It clearly wasn't absolutely the first thing that you went to and said, "Oh, let's find the Cabinet manual".

Mr Letwin: I'm trying to formulate exactly a truthful answer. It is true that, knowing what the practice was in certain areas—like, does the sitting Prime Minister have a right to go on sitting, or is it an established practice that the Prime Minister has a right to go on sitting as Prime Minister until certain things happen—was very useful to us. That is to say, in this fog of war, having any point of clarity about anything is useful. It was useful to us, therefore, to know, to the extent one can know, what the practice was in a respect like that, and any document that helped us to understand that was, therefore, useful.

**Chair:** Yes.

Mr Letwin: But you asked me quite precisely the question, "Was the Cabinet manual useful?"-the draft that was then exposed-and I think the truthful answer to that is: at that juncture it wasn't but for a particular reason, which was that, extremely helpfully, the Cabinet Secretary had so arranged matters-I think he'll tell you with permission of the then Prime Minister-that he was able to offer advice about the constitutional proprieties to all parties.

**Chair:** Right. So in practical terms-

Mr Letwin: We didn't have to look at the manual because we could meet the man.

**Chair:** You could meet the man.

Mr Letwin: And ask quite precise questions and have them very clearly and very comprehensively answered. It was that helpful provision of advice by officials that was the thing that really helped us. I'm not at all confident that we would have understood the situation sufficiently if we simply had to rely on however clear a document we were able to-

**Chair:** Much better to have a discussion about the document with the person who had pulled those matters together.

Mr Letwin: Have a proper discussion, exactly.

Q112 **Chair:** That is very helpful, thank you. Since we are looking, overall in this Committee, at the arguments for or against a written constitution, and having a general inquiry-over a number of years, we hope-about developments in the constitution, should the Cabinet manual as such, given that it now exists and has been acted upon, be in the public domain? This is the question that the Chairman-had he been here-would have liked to have taken very seriously: should such a document be in the public domain?

Mr Letwin: This is a personal view. I think it is useful to have in the public domain a document that accurately, or as accurately as can be managed, describes the various practices that are established.

**Chair:** Yes.

Mr Letwin: And not just in the domain of that first chapter but in other areas of the conduct of Government. I hope that the Government will come to the point of agreeing sufficiently with other political parties to get to a document that is able to be published; it is of the essence that it should not be partisan in any respect.

**Chair:** Of course, yes.

Mr Letwin: It should be seen to be a fair summary of existing practice and constitutional experts outside politics, professors and jurists, should have looked at it and find it to be as accurate a summary as can be managed, and so on. So if one can get to the stage where there's a document that is widely accepted as non-partisan and reasonably authoritative, then I think there is a major advantage in having that out in the public domain. I think some of the issues about how you do things would then be clearer and clarity seems to me valuable.

**Chair:** That's extremely helpful. The value of a fixed term Parliament-there's time to do that. But, if I may, Mr Williams would like a quick question about preparations before the election.

**Q113 Stephen Williams:** Yes, Chair. Could I ask Mr Letwin: when was the Conservative negotiating team appointed by David Cameron? Was it subsequent to the election or were you in place and prepared just in case there was a hung parliament?

Mr Letwin: There was not a negotiating team established until the negotiations began, but I would be misleading you if I were to suggest that there were no discussions about these matters before the moment of the negotiations beginning. Unluckily, I cannot exactly remember the date, but there was certainly a time slightly before the date of the general election itself, during the election campaign, when it became apparent that there might be a result of this kind. Up until the moment of the election campaign we were simply gearing up to try to win the election, as you might imagine. During the early stages of the election campaign we were trying simply to win the election. Most of our effort continued to be trying to win the general election throughout, but there were discussions at a late stage of the election campaign and we did, at that stage, begin to study what we might be having to deal with in order to prepare ourselves if we couldn't get past the finishing post and get a majority Government. But there was no negotiating team established until literally the votes were in and we knew what the situation was.

**Q114 Stephen Williams:** You said that you'd read Lib Dem policy documents, which is rather comforting, having had a hand in writing some of them. Was that well before the election?

Mr Letwin: You must understand, as my Conservative colleagues understand, that I'm a complete anorak. So I had spent months reading and analysing other parties' policy documents and manifestos, and I had developed a fairly clear understanding, I think, of the essence of Liberal Party policy in a wide range of areas. Of course, at the beginning of the election, I obtained a copy of the Liberal Party's election manifesto, as soon as it was published, and I began to read that. This would have happened anyway, completely regardless. If we had been sailing to a majority of 200 or doomed to defeat and obliteration, I would still have been reading the Liberal Party documents because that is what I do and it has always interested me to understand our opponents and their policies.

So we had a fairly developed understanding, not just of the manifesto but of where the manifesto had come from, how it had evolved, what positions had been taken, who inside the Liberal Democrat Party had taken those positions, why they had altered, and so forth. We were fairly thoroughly intellectually prepared for the exercise of the negotiation and, as I say, I'm quite proud of the fact that we correctly identified-it became apparent in the first few minutes of the negotiations that we had correctly identified-what the sticking points were. Solving them is another thing, but you can't get a successful negotiation of a very complicated and extremely important thing like a Government unless you start with a pretty good working knowledge of where you have differences that have to be ironed out.

It may be helpful for the Committee if I remind people that this was very much a two-stage process, and we recognised from the very beginning-the first day-that it would have to be a two-stage process. The crunch issues had to be resolved in a satisfactory manner in order to enable us to form any kind of Government, whether a minority with an agreement about how it would operate or a coalition agreement. But it was also clear that if we could get to a coalition agreement and form such a Government there would be much else that we would need to resolve.

I had also assured myself that it would be possible within a very short space of time to go through the other, I think, 431 items that would need to be resolved. The reason I had assured myself of that is because I had studied the other things in our documents, that I had been partially responsible for producing, and in the documents that the Liberal Democrats had produced.

So once we got past the coalition agreement itself-it's important to recognise that was not the point at which the Programme of Government was established-into the early days of the Government, the very early days of the Government, in a very short space of time, Danny Alexander and I, and some others, were able to identify and agree on the entire set of propositions in the Programme for Government, as quickly as I had anticipated we would be able to; because, excepting those small number of very difficult issues that we had resolved in the early days, most of the rest were very closely aligned.

There were differences, but we had also identified where those lesser differences lay and it was, therefore, relatively easy to agree all the things that we could agree in minutes, in minutes, and then to start discussing the things that took a little longer but were not so difficult as the crunch issues. So it was a layered process and it was layered because we had a very clear understanding of the position of our colleagues.

**Q115 Chair:** Thank you. That has given us a very good insight into what happened and will help inform us as we consider the question of how coalitions are formed. One last little question, if I may; the question, again, of the Cabinet manual. Do you envisage a date-not a precise date-a time in the future at which it might properly be published if it's refined, considered and, as you rightly said, looked at by academics and others?

Mr Letwin: I don't, but I hope that it might not be too long. I think the most important thing is that it should be right and that it should become a matter of consensus before it's published, but the sooner the better.

**Chair:** That's extremely helpful, thank you. Thank you very much for giving us so much of your time. It has been truly enlightening.

Mr Letwin: Thank you for informing me about something I didn't know.

**Chair:** Any time.