



# HOUSE OF LORDS

Unrevised transcript of evidence taken before

## **The Select Committee on the Constitution**

Inquiry on

### **THE CONSTITUTIONAL IMPLICATIONS OF COALITION GOVERNMENT**

*Evidence Session No. 8*

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10.30 am

Witnesses: Rt Hon. Baroness Royall of Blaisdon and Rt Hon. Lord Falconer of Thoroton

Rt Hon. Oliver Letwin MP

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Members present

Baroness Jay of Paddington (Chairman)  
Lord Crickhowell  
Lord Cullen of Whitekirk  
Baroness Falkner of Margravine  
Lord Hart of Chilton  
Lord Irvine of Lairg  
Lord Lexden  
Baroness Wheatcroft

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**Examination of Witnesses**

**Rt Hon. Baroness Royall of Blaisdon**, Leader of the Opposition in the House of Lords, and **Rt Hon. Lord Falconer of Thoroton**, Lords Opposition Spokesman for Constitutional Issues and adviser on Planning and Transition into Government

**Q121 The Chairman:** Good morning and thank you both very much for coming. This is the last day of our evidence on this inquiry. We have heard a lot of very interesting, but somewhat conflicting, views on whether a coalition is causing any permanent changes to the constitution or whether it is just something that pragmatically the Brits will continue to mould to. We have had quite a lot of discussion with our witnesses about whether there have been affects on the House of Lords from the coalition, and whether anything about the coalition, which we have experienced for three and a half years, is going permanently to affect how governments operate in the future, even if they are majority governments. The issue of collective responsibility comes up often.

I wonder if we could start by asking both of you whether you feel that the arrangements we have for government, under our loose organisation of constitution, have been affected by the coalition and whether you think any of those changes are likely to be permanent.

**Baroness Royall of Blaisdon:** I am very grateful for this opportunity to have a discussion with your committee because I think the issues before us are extremely important. The role

of the House of Lords has changed with the fact of the coalition, in combination with the increasing number of peers. This House has a fine reputation as a House that revises and scrutinises legislation. Potentially, it is now a House that simply rubber stamps the programme of the Government. Whether that is healthy one could discuss for a long time. Personally, I think the correct constitutional role of this House is to scrutinise and to hold the Government to account, and that role is changing.

**Lord Falconer of Thoroton:** The three things that strike me about the permanent affect the coalition might have had are, first, that there were insufficiently clear arrangements about how to deal with the transition from a majority government to minority government, whether it be a minority government or one in coalition. There was uncertainty about the position of the Prime Minister between the end of the general election and the formation of the new Government. If statistics are right might that become more of a problem, and it needs to be addressed.

The second issue is the erosion of collective responsibility to the point where good governance may be damaged. There is a reason why we have collective responsibility. You can depart from it on big issues like tariff reform and membership of the European Union, but is it a good idea to depart from it when responding to the Leveson report, or issues of less significance than that? Does that provide a template for the future even in single-party government? Obviously, there are differences; the two parties have political reasons for separating, but might it provide an excuse in future for people in the same government to put pressure on who has control?

The third aspect, which I saw particularly during Leveson, is an uncertainty of command over the civil service as a result of the erosion of collective responsibility, particularly on cross-cutting issues. My experience of being in a single-party Government was that although we had disagreements there were clear means of resolving problems. Where there are not clear

means of resolving problems, because they are a coalition government, watching civil servants with people from different parts of the Government giving instructions, it was not clear to them who really had authority. That gave rise to difficulties. I wonder whether that might give rise in the future, even in a single-party government, to difficulties.

**The Chairman:** I am sure we will return to the issues of collective responsibility and the role of the civil service, because they have come up in our discussions with other witnesses, but could we focus for a few minutes on the House of Lords and the conventions that apply to that? Lord Irvine, did you want to take this up?

**Lord Irvine of Lairg:** No. I wanted to ask other questions.

**The Chairman:** Okay. I thought we were going to discuss the Salisbury/Addison convention at this point.

**Lord Irvine of Lairg:** I am very happy to do that. I did not realise that was what you were signalling by what you said, Lord Chairman.

**The Chairman:** It is my inability to express myself.

**Q122 Lord Irvine of Lairg:** Let us deal with the Salisbury/Addison convention. Do you think that potential coalition partners who see themselves as such in advance of a general election might do well to see if they could have specific commitments in their individual manifestos in common terms, so that if they form a coalition it can be argued that they are entitled to the benefit of the convention?

**Lord Falconer of Thoroton:** If there is a coalition and both parties in the coalition have committed themselves to a particular piece of legislation, the underlying principle of the Salisbury/Addison convention should apply to that piece of legislation.

**Lord Irvine of Lairg:** I entirely agree, but the issue that I am inviting you to address is whether that fact—I regard it as a fact—indicates that potential coalition partners should seek to agree parts of their separate manifestos so as to ensure that they are expressed in

common terms and, therefore, they can fairly argue that they have the benefit of the convention if they go into coalition.

**Lord Falconer of Thoroton:** If they want the benefit of the convention, yes, but there may be other reasons why it would be inappropriate for them even to discuss putting together the same form of words in relation to a particular piece of legislation. For example, and this is the position of the Labour party, we do not want to craft our manifesto on the basis of being ready for a coalition; we want to craft our manifesto on the basis that it is our unadulterated pitch to the electorate. But on the Salisbury/Addison convention, the way you put the question to me, it would help both parties in a subsequent coalition if they had crafted their commitments in that way.

**Lord Irvine of Lairg:** What I am suggesting is that since some parties have positions in common, would it be wise, in advance of an election that it is thought is likely to be hung, for parties to be able to say, "These are our manifestos and, of course, it is victory that we are after. We do not contemplate, along with Queen Victoria, the possibility of defeat but still, as a precautionary measure, we ensure that key policies are expressed in common terms." I do not see any incompatibility between the two positions.

**Lord Falconer of Thoroton:** I see a political difficulty in that.

**Lord Irvine of Lairg:** How do you overcome it?

**Lord Falconer of Thoroton:** You cannot, I do not think. You have to make a choice between, on the one hand, preparing yourself to be ready for the Salisbury/Addison convention or on the other, as is our position, we will not craft our position to the electorate on the basis that it would be a convenient position to have for the purposes of applying the Salisbury/Addison convention subsequently. There is another point, which is that the Salisbury/Addison convention, as Lord Cunningham's joint committee's report indicated, is broadly accepted as going beyond simply those bills that were in a manifesto

and, subject to exceptions, it now covers any government bill. On the benefits of your approach, even if you want to put your unadulterated, own-party position—it might be sensible to do that—do you really need to do that when you have the benefit of what is a government bill convention when the time comes?

**Lord Irvine of Lairg:** Does that entail, so far as the Labour party is concerned, your ruling out negotiations between the parties or potential coalition partners in advance of the election?

**Lord Falconer of Thoroton:** Yes, we are.

**The Chairman:** I know that both Lord Crickhowell and Lady Falkner want to come in on this, but Lady Royall, do you want to make a point?

**Baroness Royall of Blaisdon:** I would like to say something about the Salisbury/Addison convention, but maybe other people wish to ask questions about it.

**The Chairman:** One of the things that was noted was your suggestion in an exchange with Lord Strathclyde in the House was that you felt, with a coalition, the Salisbury/Addison convention did not apply.

**Baroness Royall of Blaisdon:** For things like the Health and Social Care Bill, for example, that was not part of the coalition agreement. Nor was it in either of the manifestos. I believe the Salisbury/Addison convention did not apply to that. Were Labour to become the government at the next election, the Salisbury/Addison convention would be extremely important in enabling a democratically elected government with a mandate from the people of this country to get its legislation through. It is not for me to ask questions, Lord Chairman, but I postulate that the Liberal Democrats, I think in 2005, indicated that they did not feel that they were bound by the Salisbury/Addison convention. If I might flippantly say so, I wonder whether they were indulging in some futurology, because it is conceivable that after the next election there may be three or four times more Liberal Democrat peers than

there are Liberal Democrat Members of the House of Commons. The Salisbury/Addison convention will, perhaps, assume more importance after the next election.

**The Chairman:** I have no doubt Lady Falkner will want to pick that up, but Lord Crickhowell caught my eye.

**Q123 Lord Crickhowell:** I was going to make exactly the point that Lord Falconer has already made: that we have moved on. We accept that it is not the job of the House of Lords to overrule the other place. It does not work when legislation starts in the House of Lords, because it is one thing to say that when business comes from the Commons we are not going to overrule Commons and we go beyond Salisbury/Addison. But there is room for argument when the legislation starts in the Lords. That is, perhaps, when Salisbury/Addison does not apply. Would you comment?

**Baroness Royall of Blaisdon:** Yes. I had not thought about that point before—about legislation that starts in the House of Lords. Notwithstanding where a piece of legislation starts, it is still the creature of government, and therefore the Salisbury/Addison convention should apply just as much in the House of Lords as it does in the House of Commons.

**Lord Falconer of Thoroton:** What Baroness Royall has just said was the view expressed by Lord Cunningham's joint committee that the Salisbury/Addison convention applied just as much to a bill that had been referred to in a manifesto, even if it started in the Lords. My recollection was that some bills that we had referred to in manifestos in 1997 and 2001 started in the Lords. Lord Cunningham's joint committee considered that issue and concluded that it applied just as much to those bills. The essence of the convention is that you have the mandate of the people to put this bill before Parliament, including the Lords, and therefore the Lords should not frustrate the mandate of the people. That is Salisbury/Addison strictly. In any event, the wider bit of the convention—it applies to government bills—would equally apply to a government bill that started in the Lords.

**Lord Crickhowell:** Does it not come down to the fact that it is now generally accepted that we do not reject Government bills at second reading but we are perfectly entitled to amend bills? It is the function of this House, although if they get sent back to us by the other place, we will not resist the will of the other place for too long.

**Baroness Royall of Blaisdon:** That is correct. That is the convention by which we work. You may wonder, my Lords, because we agree with that convention, why we voted against the Health and Social Care Bill at second reading. That bill was neither in a manifesto nor in the coalition agreement, and therefore we felt that we were able to.

**The Chairman:** We have had evidence that although it was not in the original coalition agreement, it was in the Programme for Government that fleshed out the coalition agreement. Lady Falkner or others may want to ask about the status of those agreements in the future and whether they should be susceptible, for example, to a House of Commons vote. Lady Falkner, did you want to continue on the Salisbury/Addison convention or did you have another point?

**Q124 Baroness Falkner of Margravine:** First, Lady Royall, your arithmetic is intriguing, and I would love to work out whether you meant that we would have the same number of peers but a much diminished Commons party, or many more peers. That is another conversation.

On the Salisbury/Addison convention, I wanted to ask Lord Falconer this. I have been told recently, and I am not alone in having been told this recently, that the convention would apply even in the case of the forthcoming European Union (Referendum) Bill, which is a private member's bill. Would you hold that the Salisbury/Addison convention applies to a private member's bill? We have been talking about government bills.

**Lord Falconer of Thoroton:** No, I would not. If the Government will not make it part of their programme and it is not been previewed in a manifesto, I see no basis for why it should be given the benefit of either the Salisbury/Addison convention or the wider convention.

**Baroness Falkner of Margravine:** But if it is previewed in one party's manifesto, then what?

**Lord Falconer of Thoroton:** If it is previewed in one of two parties that have formed a coalition, that is not enough to give it the mandate of the people.

**Lord Crickhowell:** This takes us to the wider point about the supremacy of the other place. This is a piece of legislation, private member's bill it may be, that has been supported by very large majorities in the other place. For example, a lot of the amendments were defeated by majorities of 250-plus. Therefore, it has the overwhelming support of the other place and probably the overwhelming support of the country. Is it likely that in those circumstances this House would choose to overrule the other place by blocking such legislation? Would it not endanger the position of this House in the future, and all those who have sought to defend it, if the House were to act in that way?

**Lord Falconer of Thoroton:** No doubt it is a factor that this House will take into account in determining how to deal with it, but you are asking me questions about the constitutional conventions that govern the relationship between the two Houses. The convention has only gone as far as saying that the norm is, "This House will not defeat bills that are in a manifesto of the governing party or are a government bill". The Government know perfectly well that they can get the benefit of the convention if they make the European Union (Referendum) Bill part of their programme. But if they cannot, they know that they do not have the benefit of the convention. In my view, there would be no breach of precedent or convention, on the part of this House, if for example it chooses to reject the European Union (Referendum) Bill.

**The Chairman:** I wonder whether if I could ask you both to comment on the specific point put to us by several witnesses that one of the ways around some of these difficulties—not necessarily that one—is to get the broader coalition agreement, if we are faced with another coalition, agreed by the Commons. The Programme for Government in 2010, for example, would have been put to a House of Commons vote.

**Baroness Royall of Blaisdon:** I have not discussed this with Lord Falconer. However, I see the coalition agreement as being a tool of government rather than a tool of Parliament. Were it to be put before the House of Commons, it would in essence be a vote of confidence rather than anything else.

**Q125 Lord Cullen of Whitekirk:** Some people say that there is a deficit in democratic legitimacy if no one has voted for the coalition agreement, and therefore it is said that it should be put forward as a programme for the next five years for the House of Commons to approve. Other people say it is completely unnecessary and it can be dealt with in the ordinary way through debate on the Queen's Speech.

**Lord Falconer of Thoroton:** There is merit, although it is not for me to comment on this, in the coalition agreement being debated and voted on or against in the House of Commons, because it means that if it is voted in favour of, the Commons have approved a five-year plan. It also gives the opposition an opportunity to indicate what is wrong with it.

From the point of view of the issues that we have been talking about, I do not think it makes any difference. A bill does not become a government bill because it has been referred to in a coalition agreement. The bill is a government bill because it is a government bill quite separately from the coalition agreement. Although I can see advantages and disadvantages in the Commons voting on the coalition agreement, I do not think it affects how the Lords should view legislation that comes from the Commons.

**Lord Lexden:** A short addendum: would there be merit in a vote on the appointment of a Prime Minister in a coalition?

**Lord Falconer of Thoroton:** Part of the problem about the appointment of a coalition government is that the country is faced with the difficulty of who should have the first shot at trying to create a coalition. There are arguments for what has been described in the evidence before you as an investiture vote, because then you avoid the problem of Her Majesty the Queen having to make a choice about who should have the first shot. There have been circumstances, and I note that Lord Adonis drew your attention to Stanley Baldwin leading the single largest party in 1923 but Ramsay MacDonald, number two party, going into coalition with number three. That was anticipated and expected. It is not quite as simple as going for the largest party. I have not a concluded on this, but would it be sensible where it is not clear cut as it was for example in 1997, that Parliament convenes quickly, swears Members of Parliament in, and then has an investiture vote on who is going to lead the attempt to build a coalition, or form a minority government—whichever he or she chooses—so that that person is chosen by Parliament but is also the person who decides the extent to which the civil service assists it. From the end of the general election in 2010 Gordon Brown had control of the civil service, quite rightly, but it might be sensible to shift that power to the instigator. There are also issues about ensuring that the Queen's Government continues in those circumstances. I would be in favour of considering that question.

The drawback is that you could have a situation where you have Prime Minister X, who has just lost the general election, and you then have Prime Minister Y, who is the instigator. Prime Minister Y fails to form a government, and then ultimately it is Prime Minister Z who becomes the Prime Minister, and you have three Prime Ministers in the space of 10 days. That may not be desirable. I am not quite sure how you get around that problem.

**The Chairman:** Did you want to pursue that, Lord Lexden?

**Lord Lexden:** It is very tempting, but no.

**The Chairman:** Perhaps we should move on to something that you both raised in your opening remarks: collective responsibility. Lady Wheatcroft?

**Q126 Baroness Wheatcroft:** I wonder whether you would both say how you feel the concept of collective responsibility has changed. Lord Falconer, you mentioned the extraordinary reaction to the Leveson Inquiry. I do not think anyone had seen anything like that before. Do you think this could become the norm?

**Baroness Royall of Blaisdon:** I do not know if it could become the norm. In a coalition government it could become the norm, but if we reverted to single-party governments I do not think it would become the norm, because in order for a single party to govern there needs to be real belief in collective responsibility. I cannot imagine a circumstance in which a single-party government would be able to govern if the concept of collective responsibility were denigrated or damaged in that way.

**Baroness Wheatcroft:** But in your opening remarks you suggested that there was a precedent now that might apply to a single-party government.

**Baroness Royall of Blaisdon:** That there was a precedent?

**Baroness Wheatcroft:** That we have seen now that you can abandon collective responsibility.

**Baroness Royall of Blaisdon:** I do not think I suggested it. It was not me; it was Lord Falconer.

**The Chairman:** Sorry to interrupt, Lady Wheatcroft. I think this is one of the points that we are trying to get at: whether some of these things that have happened in practice over the last three and a half years are going to become such established precedents that we could see them bubbling up again in a single-party government?

**Baroness Royall of Blaisdon:** I will let Lord Falconer answer that. Were I to be part of government, I would do my utmost to ensure that the doctrine of collective responsibility was adhered to. That is what the people of this country need.

**Lord Falconer of Thoroton:** I completely agree with Baroness Royall that collective responsibility is a very good thing. It means that the government operate together as a team. Not abiding by it not only damages the functioning of government, it considerably reduces confidence in government. We have worked well over 100 years with collective responsibility only being broken on major issues: tariff reform in the 1930s or membership of the European Union in the 1970s.

My worry about what is happening now is that the Government plainly regard collective responsibility as an inconvenience from time to time that can be got round for political reasons. There are obvious examples like the boundary review and the Leveson Inquiry, but also allowing ministers to vote for an amendment to the Queen's Speech about the European Union. The Government see all these issues about collective responsibility as being issues of political management. That weakens the authority of the Prime Minister and the Government. It makes members of the Government think not, "What is best for the Government?", but "What is best for my faction or me in the Government?" That is hugely damaging.

The worry I have about the future is that if you can avoid collective responsibility to keep the Government together, because they have two parties in government, will that become the norm for big political parties where there are significant disagreements? The obvious example I have in mind is the Conservative party, which is riven by disagreements about Europe and other things. If it were ever to become a single-party government, would it regard the way it has behaved over the last three or four years as a template for the future? That is my worry.

**Baroness Wheatcroft:** If that were to be the case, and even now that we have seen it happen on a few occasions, what are the implications for the civil service?

**Lord Falconer of Thoroton:** The implications for the civil service are difficult. I watched the Government in action in relation to the Leveson report. There were disagreements within the Government about the Leveson report. There was no clear way that was apparent to the Government of resolving these differences. There were just different factions talking outwards. From time to time I was privy to seeing the factions talking to the Labour party because a cross-party consensus had been sought to be built up, with civil servants in the room. It was very confusing for them. There was no clear leadership. If collective responsibility is something you sometimes apply and sometimes do not, there is a lack of a sense of process. There was a sense of, "We have to produce a united front looking outwards. We may have our disagreements, which we deal with privately through a Cabinet committee system or accepting the authority of the Prime Minister, but to the outside world we will keep a united front". That had gone. For the civil service, that was very difficult.

That then leads to the possibility of factionalism within the civil service. Instead of trying to agree and participate in a good process, you start to align yourself to a baron within the political parties, and that becomes very dangerous. Although, like Baroness Royall, I would firmly say that we must adhere to collective responsibility, I am not sure, nor am I that optimistic, that the trends this Government have started, which are wholly inimical to good government, will not be followed in a one-party government.

**Q127 Lord Crickhowell:** I agree with almost everything that has been said, having served in the days of collective responsibility. Lord Falconer made the point that there is a difference between a single party and a collective, in that he has observed the authority of the Prime Minister has been seriously undermined in the coalition and the authority of the Prime Minister will be much stronger in a single-party government. I can imagine in the

Cabinet in which I served the matter being dealt with pretty firmly by my Prime Minister. I think a strong Prime Minister will be still in a powerful position, even with a party that has strong differences of opinion. I am less worried about a single party.

A view has been expressed to us from a number of quarters that if we are going to have departures from collective responsibility in coalition, it ought to be rare. There ought to be clear rules: it should be announced in advance and it should be based on a decision of the Cabinet. What should not happen is the astonishing action of the Deputy Prime Minister to block matters that had already been approved by both Houses of Parliament, without any prior consultation, as happened on the boundary issue. We have to have basic rules or we will have the weakening of government and the difficulties for the civil service that Lord Falconer has described.

**Lord Falconer of Thoroton:** I agree that where you have a coalition government, the best way to deal with it is to agree in advance the things that cannot be agreed upon and agree a process by which they will be dealt with. They sought to do that in the coalition agreement by referring to things like Trident, which they did not agree on. You cannot expect two political parties to suddenly agree on things that they had previously disagreed on. But I agree with you that the danger to good government in eroding collective responsibility is where parts of the government, not the Prime Minister, who are not in agreement with anybody else think that they can depart from agreement whenever they like.

We were delighted that the Deputy Prime Minister led the Liberal Democrats into the position he did in relation to the boundary review, but it was wholly undermining of the process by which you should conduct yourself within government. It was done unilaterally, it was done having specifically agreed to the measures, and it was done in a way that refused to accept the authority of the Prime Minister and the rest of the Government in flagrant breach of an agreement. What did the public think was motivating that part of the Government? It

was obvious that they were putting their own interests ahead of good government. That is wholly inimical to people's confidence and trust in government.

**Q128 Baroness Falkner of Margravine:** On the broad point of this being damaging to good government, do you not think that the public, who after all voted for what some people might consider messy outcome—a coalition government rather than a strong single-party government—draw their conclusions from things like deviations from collective responsibility? I do not want to put words into your mouth, but where they see unedifying or self-serving behaviour by one political party—that is what you are trying to say; I dispute that, but this is not the time to discuss it—do you not think they will draw their conclusions and vote appropriately next time if they felt strongly about it?

There is quite a lot of evidence that the public think that having a plurality of parties in government might provide better outcomes for public policy. I think Lord Falconer said that this was on the whole bad for good government, but stuff happens over a five-year fixed-term Parliament. You cannot foresee on the day that you write the coalition agreement in 2010 what might come up in world and domestic politics over a five-year period. Surely the constitution and the arrangements for government need to be sufficiently flexible to allow for unexpected scenarios to be dealt with in a grown-up and adult fashion where parties say, “We come from different perspectives on this and this is what we think.”

**Lord Falconer of Thoroton:** I agree with the proposition that the public can make their mind up about how a Government have behaved when they come to the next general election. I agree that unexpected things happen. The point I was trying to make was that the purpose of collective responsibility is to tie the Government together in a proper process. It is the most flagrant breach of collective responsibility for part of a government to say, “I do not like the way the government are going, even though I agreed to that, so I am just going to act against what the government agreed.” The reason why I think that is such a problem is

that a government are a coherent, joined-up organisation that should all be pointing in one direction. It is a disgraceful way to behave to have agreed to have joined the government and then to attack it on a particular issue. That is inimical to good government. It is wrong for me to make an assumption about how the public would view it, but I think it is bad for government.

**Baroness Falkner of Margravine:** But there are two parties to every agreement, and if one party believes that the other has not delivered on its side of the agreement, it might take that perspective.

**Lord Falconer of Thoroton:** You cannot run an organisation like that.

**Baroness Falkner of Margravine:** You can. It is successfully running as we speak today.

**Lord Irvine of Lairg:** I can assure you that I am acting as devil's advocate here. What I am interested in is contrary to what Lord Falconer has said; perhaps there is a different principle at work from a Liberal Democrat perspective, which I invite you to comment on. Surely the Deputy Prime Minister's position was, if I turn it into legal language, that the coalition agreement was an entire agreement. Yes, the Tories failed to deliver on the House of Lords reform. That means there has been a repudiation. We treat the coalition agreement as an entire agreement, and now we can, for our own part, not be bound by a part of the coalition agreement, which we did agree, on the basis that it was an entire agreement along with other provisions, and that the Conservative party would deliver a majority for that other part, namely House of Lords reform. I am trying to be fair to the Liberal Democrats; it is a very unusual position to adopt. Could I have your comment?

**Lord Falconer of Thoroton:** Is the problem about that not that it would be perfectly legitimate for the Liberal Democrats to say, "By not delivering Lords reform, you have very significantly broken the agreement." That would have given them perfect liberty to say, "We are going to walk out of the Government because the agreement has been repudiated."

What seems to me to be inconceivable is saying, “Now that you have failed to deliver Lords reform, we can pick and choose which bits of the agreement we abide by and which we do not abide by.” Then you have a situation where there is no real agreement, because we are only bound by the bits we want to be bound by. It becomes an impossible position.

So, yes, I do not dispute the analysis that there might have been a repudiation of the agreement by the Lords reform stuff. I do not know whether that is right, because it appeared to be rebellion by backbenchers, because no Tory minister voted against Lords reform. What I do not see as being an even arguable position is that we can pick and choose in the light of you breaking one bit of it. You have a choice if you are the Liberal Democrats: either stay or leave, but comply with the basic requirements of good government if you are staying.

**Lord Irvine of Lairg:** I am pleased to have that answer on the record.

**Q129 Baroness Wheatcroft:** I would like to ask whether you think it should be the foundation of any coalition agreement that the doctrine of collective responsibility should be abided by on both sides.

**Baroness Royall of Blaisdon:** It has to be explicit in the coalition agreement where there is no agreement. Lord Falconer cited Trident. As long as it is explicit where the disagreements are, I think it would be healthy to say that the doctrine of collective responsibility should be adhered to.

**The Chairman:** We are trying to find ways of putting some of these specifics, these examples, into some form of principle, given the unwritten nature of the constitution. For example, last week Lord O’Donnell was firmly of the view in giving evidence to us that there are certain matters—one of them you have just spoken about, Lady Royall—which could be put in a revised edition of the Cabinet Manual. Would either of you think that was helpful?

**Baroness Royall of Blaisdon:** The Cabinet Manual is very important guidance. It provides the right guidance, and it should be put in the manual.

**Lord Falconer of Thoroton:** I agree. Although collective responsibility is referred to in Mr Cameron's revised *Ministerial Code*, it does say subject to it being set aside. I accept that there may be occasions—tariff reform, European Union—where it might be set aside, but it is very important that if it is put into the Cabinet Manual, it is put in on the basis that it will be departed from only in very exceptional circumstances.

**Lord Crickhowell:** As we are on the Cabinet Manual, can I raise an important question? We have heard a lot from Lord Falconer about the civil service. Lord O'Donnell, when he gave evidence to us, spoke about his anxiety about the convention that the papers of the past government should not be shown to the incoming government. He posed the difficulty that arises where you have a coalition—and you may have a different coalition next time—of what the rules should be and how you define them in the documents that the civil service is allowed to reveal to the incoming government. It seems to me an important question. He was clearly worried about it and was hoping that we, as a committee, might find some way of giving guidance. I wonder if you can help us.

**Lord Falconer of Thoroton:** Well—

**The Chairman:** Right, we will move on.

**Lord Falconer of Thoroton:** I have not given that one second of thought before now. I find that the first things I say about these things tend to be wrong, so I do not know whether it is wise for me to give my first view. I do not know. The thought that is going through my mind is that you could have a Labour–Lib Dem coalition following a Tory–Lib Dem coalition. Does that mean the convention that you do not show the papers of the previous government to the incoming government applies? My instinct is that the convention should apply: that you should not show the papers.

**The Chairman:** To both parties of the new government?

**Lord Falconer of Thoroton:** Exactly. They should both be restricted from the past. That may seem slightly artificial in some cases, but it provides protection. You should not feel that everything you have done in confidence is then going to be shown to the incoming government. However, that is without much thought.

**Q130 The Chairman:** You have both illustrated that you are to some degree uncomfortable with many things that have happened under the coalition. Do you therefore agree—this obviously has to be broad agreement—with the proposals put forward by some people that government in this country is better suited to majority governments, and therefore if we have a fluid post-election situation, people should look more towards a minority government or perhaps one that is supported by another party on the basis of confidence and supply?

**Baroness Royall of Blaisdon:** I personally think that government is more secure as a one-party government. Obviously, a majority government is preferable. Were we to continue with coalition governments, we need not political parties but committees like your committee, Lord Chairman, to do a lot more thinking about where the gaps are.

**The Chairman:** We are trying.

**Baroness Royall of Blaisdon:** I know you are trying, but clearly there are problems and gaps that can be filled. The sort of deliberations that you have been having will serve future administrations very well when they are looking at these things. Personally, I prefer single-party governments.

**Lord Falconer of Thoroton:** Obviously, I prefer single-party government—Labour party government.

**The Chairman:** Yes, but if we are in a fluid post election situation?

**Lord Falconer of Thoroton:** I do not think it would be right to say that a coalition is better or worse than a minority single-party government. It will depend completely on the circumstances. One of the inadvertent consequences of the Fixed-term Parliaments Act 2011 is that it makes coalitions more likely than minority governments. In the last 50 years minority governments, or governments with very small majorities, have been embarked upon on the basis that the Prime Minister—Harold Wilson in 1964 and 1974; it was not quite a minority in 1964 but a minority in 1974—knows that he can choose the moment at which he has the next general election in order to get a majority, which Harold Wilson did successfully in both cases. If you cannot do that because the Fixed-term Parliaments Act only allows you to go to the country early where you have lost a motion of confidence in the House of Commons, then you have less room for manoeuvre and that might make you more willing to have a coalition rather than a minority government. It would be wrong and unrealistic to say that one is better than the other overall. It will depend.

**Lord Hart of Chilton:** If you were to win a majority government, would you seek to change the Fixed-term Parliaments Act?

**Lord Falconer of Thoroton:** We opposed fixed-term parliaments.

**Lord Hart of Chilton:** But in the future, if you were a majority government, would your advice be to change that Fixed-term Parliaments Act?

**Lord Falconer of Thoroton:** I speak entirely for myself; I would seek to change the Fixed-term Parliaments Act for two reasons. Five years is too long; the natural rhythm of our electoral system is four years, with the ability to extend. Secondly, it is too rigid. There should be much greater flexibility about when there are elections.

**Baroness Royall of Blaisdon:** Can I make a prosaic point about legislation and coalition government? Perhaps this is because we are not used to coalition government, but I feel that while my government did not present fully rounded legislation and possibly the best drafted

legislation at all times, I feel that with the coalition government there have been more badly drafted bills—uncooked bills, if I might put it like that. I suspect that the reason is that the two parties within the coalition are still discussing the legislation sometimes before it is published and dealt with in Parliament. That is something that we need to look at. It is not good service to government.

**Q131 Lord Lexden:** That makes the role of the House of Lords scrutinising and revising very important. You indicated at the start that you thought this was being impaired. I speak as one who has just had 12 days in Grand Committee on the Children and Families Bill. Could you comment a bit more on the role of revising and scrutinising the coalition Government?

**Baroness Royall of Blaisdon:** The role of the House of Lords has become even more important in terms of scrutiny and revision. Interestingly, the role of Crossbenchers has been enhanced. In the past, because there were two political whipped voting blocks against the government, my government had to use advocacy and persuasion in order to get our legislation through. That is not so much the case now. We, as an opposition, have to work really hard to gain the support of the Crossbenchers. Therefore, Crossbenchers have a more important role in ensuring that changes are made to legislation.

**The Chairman:** I am afraid we are going to have to conclude. I am very grateful to you both. I wonder whether any member of the committee feels there is an obvious point that we have failed to ask Lady Royall or Lord Falconer.

**Lord Hart of Chilton:** My last question is this: you have made it clear that as far as your advice to the Labour party is concerned—I know that is your role in terms of preparing for government—you would not write any funny lines in the manifesto in order to attract a coalition partner. But are there any other steps that you will be taking in advance of the next election to prepare for a coalition?

**Lord Falconer of Thoroton:** Our position is, and I agree with this strongly, that we have to put our unadulterated position to the electorate. Obviously, it would be sensible to give thought to what the constitutional position is, were there to be an inconclusive result in the general election. But in terms of how you craft your policy pitch, it has got to be on the basis of “This is Labour’s position.”

**Lord Hart of Chilton:** I wondered whether you were thinking of dance partners.

**Lord Falconer of Thoroton:** I am not thinking of dance partners. I know what you mean Lord Hart; the answer is “No” to that question.

**The Chairman:** We had some interesting evidence from the devolved governments. Lord McConnell of Glenscorrodale, for example, was sure that the manifestos would be flexed.

**Lord Falconer of Thoroton:** I read Lord McConnell’s evidence; Lord McConnell said, “In drafting our manifesto in the Scottish elections, we did it with an eye to a possible coalition.” We do not take that approach in drafting the manifesto for the forthcoming general election.

**The Chairman:** Thank you very much. That is a conclusive conclusion. You have both been very helpful. In the same way that I asked members of the committee whether they had any burning issues that we had not covered, do either of you feel there is something obvious we have missed?

**Baroness Royall of Blaisdon:** I think not, Lord Chairman.

**The Chairman:** Thank you very much indeed. You have been very helpful.

### Examination of Witness

**Rt Hon. Oliver Letwin MP**, Minister for Government Policy, Cabinet Office

**Q132 The Chairman:** Good morning. I am sorry we kept you waiting. We had two articulate and generous witnesses who were giving us a great deal of interesting information. We are most grateful to you for coming, Mr Letwin. This is the final evidence session on this long and interesting inquiry. We have spoken to a wide variety of people, some who are in government now and some who have been in government, with interesting perspectives from the historic as well as the contemporary points of view. Could we start with a little modern history from 2010 and ask you how well prepared you think the Conservative party was for the possibility of coalition government before the last election?

**Mr Letwin:** Thank you. I should answer that in two ways. Up until the middle of the election campaign, we were rather unsurprisingly focused on trying to win the election in the traditional way. You cannot try to half win an election. We therefore were devoting—I think it would be fair to say—zero attention to the question of what the outcome might be, other than trying to ensure it was a Conservative government. But there came a moment when the polls made it clear that there might be a hung Parliament and, at that stage, as has been documented recently by various people who have written books about the subject, we began to think about what the shape of the negotiation, if one was forced on us, might be. I was able to devote—I was commanded to devote—most of my time to doing that in the last few days of the election campaign.

Being politicians, we were fascinated by what the other parties had in mind in any event. If you are fighting an election campaign, you need to know a lot about what your opponents are thinking and what they are likely to say or do. Therefore, it was not as if we were

suddenly discovering the existence of other parties and their programmes; we had quite a working knowledge of it already. It was a question of trying to work out how to deal with the negotiation that might occur in the light of the knowledge that we already had and in light of the considerable ignorance and guesswork, because, while we were fascinated by it and could read what was public, we were not privy to the internal discussions of other parties. We had to make certain guesses about what things really mattered to them and what things they would be likely to give way on.

**The Chairman:** What did you learn from that that might be useful running up to 2015? One of the suggestions that has been made to us—it was made last week by Lord McConnell of Glenscorrodale, who had experience in Scotland of creating coalitions—was that manifestos would be somewhat flexed in light of that kind of experience that you had in 2010, in theory, but we now have it in practice. What is your observation of that?

**Mr Letwin:** We did not, in any way, contemplate this when we were writing in the manifesto.

**The Chairman:** I meant now. What are your reflections on what you learnt from 2010 for the present situation?

**Mr Letwin:** It is early days. I cannot say that we have a draft of the manifesto sitting around. My feeling is that we will almost certainly want to write the manifesto that we will want to write in the hope of having a full-fledged overall Conservative majority administration. We will write it in that way and then come to any other questions that we may come to at any other time, if we come to them.

**Q133 Lord Crickhowell:** I would like to start where Lord Falconer of Thoroton finished, which was with fixed-term Parliaments. I entirely understand why a fixed-term Parliament was introduced with the coalition, but the question was put to him whether, if his party won the next election, they would keep a fixed-term Parliament. His answer was pretty clear: he

would want to do away with it because it completely alters the way in which parties are likely to behave in the aftermath of a close election result. You are more likely to go for a coalition in the knowledge that you cannot do what Harold Wilson did on two occasions and form a minority government with the expectation that you might win an early subsequent election. He also argued that five years was too long; he would prefer four years. If, as I hope, our party wins the next election, would you contemplate doing away with the fixed-term Parliament? Or is your view that it has such advantages that we should keep it for ever?

**Mr Letwin:** The first thing I should say is that this is rather above my pay grade. I do not get to make those decisions and as far as I am aware—and I think I would be aware—there is not, at the moment, any settled disposition one way or the other. It is not a subject that we have spent any time talking about. Slightly hazardously, I give you my own opinion, therefore, but it is on the proviso that it is entirely my own opinion and it may not be in any way what emerges as a consensus. I think there are significant advantages to fixed-term Parliaments. Incidentally, our system is not, strictly speaking, as I am sure you are aware, a system of fixed-term Parliament; it is a system of fixed-term Parliament subject to the Government being able to continue to command the confidence of the House, which is a very important difference, and I think a correct proviso.

Subject to that proviso, the general assumption that you are trying to govern for quite a long period encourages one important form of behaviour in which this Government have tried to specialise, and in which all governments, whatever their persuasion, should try to specialise. That is, trying to do what one thinks is the right thing for the country in the long term, knowing that we will be judged on how far the public agree with you that the country is heading in the right direction five years later, rather than trying to take a series of steps that will look good three months or nine months later, enabling you suddenly to launch a general

election campaign and score a great victory. If Britain were endlessly governed by short-term manoeuvres designed to create popularity on a short-term basis, it would be very badly governed.

**Lord Crickhowell:** Yes, but a number of our witnesses have been so critical or hostile to the whole business of coalition that they have argued they would prefer a confidence and supply agreement or an attempt to form a single-party government rather than to go in to the whole agreement. What is your view about the desirability, having not got quite what you wanted but pretty close to it—being the largest party—of having the freedom, which we lack at the moment, to run the thing as the party would like it run?

**Mr Letwin:** I think that single-party majority government is preferable, because it means that what the party in question has put before the electorate at the time of the election and what it does and is judged on are more likely to be consistent. That increases genuine democracy. The business of reaching agreements after an election—privately, inevitably—which do not, inevitably, fully reflect the programme of either or any of the parties that have formed that coalition, is intrinsically less democratic than one where you go before the electorate, you put your programme, you try to win government and then you carry it out. Therefore, I am entirely in favour of, and remain entirely wedded to, the idea that the best way to govern this country is to have overall majorities.

I do not think that fixed-term Parliaments particularly lessen the chances of that. Incidentally, it would be perfectly possible—indeed it was one of the things that we contemplated at one stage—to have a supply and confidence arrangement in a fixed-term Parliament. I do not know whether this would be easier or more difficult than in a non-fixed-term Parliament. But the only real difference between fixed-term Parliaments and non-fixed-term Parliaments is the ability of the Prime Minister of the day to seize a moment of popularity and try to get a majority, an even larger majority or an overwhelming majority—whatever it may be. While

you can see the desirability in some circumstances, it tends to reduce the long-termism in people's minds. The governments that I respect, even ones I do not agree with—and I think that the Attlee governments were good governments of this country—did the job they were trying to do well, because they had a view and they carried it out. They did that consciously thinking it was the best thing for Britain. Similarly, the Thatcher governments tried to do the right thing. In both those cases, the people leading those governments thought about them as multi-year projects and—you and I have some experience of this—Mrs Thatcher did not seek to maximise popularity at a particular point in a Parliament. She rather regarded it as a badge of honour that you got very unpopular when you were doing difficult things, and you ended up putting before the electorate where you had got to and they judged. That is the right attitude. Fixed-term Parliaments tend to encourage that attitude.

**Lord Hart of Chilton:** One side of the coin of fixed-term Parliaments is the grand and lofty views that you have just expressed. Another side of the coin, surely, was that the fixed term was to help cobble together the coalition and keep it going?

**Mr Letwin:** It is perfectly true that the reason why we felt it necessary to agree a fixed-term Parliament was because that made it much easier to manage the dynamics of coalition. I hope you are not thinking that I am in any way dissimulating; I entirely accept that that was the origin. As a matter of fact, as we thought about it, we came to the conclusion that it was quite a good idea for the reasons I have set out. It was both convenient and desirable.

**Lord Hart of Chilton:** I understand that, but if you are a majority government again, surely the advantages of not having a fixed term outweigh the fixed term.

**Mr Letwin:** This leads to the question of whether our constitution should be responsive to the convenience of the then Prime Minister, or should it be responsive to what it is that gives incentives for a succession of Prime Ministers of different political persuasions to govern as well as they can for the long term?

**Q134 Baroness Falkner of Margravine:** I did not want you to leave with the impression that the majority of witnesses were hostile to coalition government. The partisan witnesses perhaps might have been, but there was a considerable range of evidence from non-partisan people who thought that coalition and indeed cabinet government were working very well. I want to take you to a question about the Cabinet Office and the role of the civil service. To what extent do you believe, having been at the heart of the previous negotiations, that the civil service should be involved in negotiations and provide support to the parties?

**Mr Letwin:** I would not want to make a general rule, because I am sure that different circumstances call for different approaches. But my experience was that while the most senior people in the civil service, including the then Cabinet Secretary, were immensely helpful and co-operative and offered all sorts of support, when it came to it, we did not need it. I cannot speak for the Liberal Democrat side of the talks, but from our point of view we knew what it was that we were trying to achieve. We knew what it was that we thought we could adjust in our own programme. We guessed what it was that our Liberal Democrat colleagues could adjust. We did not need any help.

I found those days rather liberating in that respect. Ever since then there is this large apparatus that has huge advantages but also has huge disadvantages. It clouds as well as illuminates. In those days, things were very clear. We had spent a long time—in my case, five years of hard work—putting together a policy programme. I knew every detail of what we were trying to do. The ability to discuss that with another set of politicians who equally understood what they were trying to do, under circumstances where there was, as a matter of fact, a great deal of overlap, although some notable differences, was a liberating experience because we did not have a crowd of people explaining to us all sorts of difficulties. We were just working out what we hoped for. I have been thinking

subsequently—I have not come to any conclusion yet—about how one could try to do this better in the circumstances of a majority administration. But part of the effect was that, because the programme for government was a contract between two parties, it had a hold—and has ever since—on the Whitehall machine that I am not sure manifestos typically have had. There is a pretty elaborate process that we set up for if you wanted to change anything in the programme for government, and a pretty elaborate process we set up for monitoring—I have spent half my life over the last few years doing this—whether we were, in fact, executing it.

Therefore, the machine has found it extraordinarily difficult, even where it has been tempted to do so, to explain why we cannot do something. It therefore has moved into the right mode, which is to work out how we can do it with least disadvantage and greatest advantage. I would like to get to the point where whichever party wins whatever election as a majority administration with a manifesto, it has that manifesto taken in the same spirit thereafter, because that is a very important document. That is something that should not be regarded as an interesting frippery that goes alongside *Times* editorials. It should be regarded as a programme.

**Baroness Falkner of Margravine:** It imposes a sort of discipline on everybody—all three parties.

**Mr Letwin:** Yes. Incidentally, that also helps democracy. If parties go into elections knowing that they are going to be expected to carry out that manifesto, it is a jolly good thing, because it makes them focus on whether they really intend to carry it out.

**Baroness Falkner of Margravine:** It has certainly focused Liberal Democrat minds on the future. To follow up that broad question, were civil servants to be involved, do you believe that might open up the right for Freedom of Information requests about coalition negotiations to apply, where civil servants are involved?

**Mr Letwin:** That is a very interesting question but I am afraid one you will need to put to a lawyer. I do not know the answer to that. I am clear that it is one of the disadvantages, in my view, of any coalition discussion and of coalition government. I am clear that in order to make a coalition happen you have to have genuinely private conversations, because you have to be able to say things to one another that you would not want anybody else to hear. Incidentally, another liberation in those days was that it was the only time in my 17 years in British politics when I have not had the slightest concern for what anyone in the media thought, because they did not know anything; we were not telling them anything, nor were our Liberal Democrat counterparts. It was a marvellous moment when we moved out of the media glare. Again, I am not sure that is good for democracy, but it is very pleasant not to have the slightest intrusion.

**The Chairman:** Five days?

**Mr Letwin:** Very short.

**Q135 Baroness Wheatcroft:** Since government moved back into the media glare, one issue that has been a focus of their attention has been the doctrine of collective responsibility and when it can be abandoned. I would be fascinated to hear your views. We heard some quite spiky views from Lord Falconer in our previous session about whether it is appropriate for a government, once established as the Government, to have Cabinet members dissenting.

**Mr Letwin:** There are lots of things to be said about this. No government could persist for very long, very effectively, without some doctrine of collective responsibility. There has to be a degree of acceptance that, even if you do not happen to sign up to a particular measure, if that is the decision your colleagues have arrived at, if you do not want to resign, you get on with it. Having said that, it would be naive to claim that, at any time in the lifetimes of any of us, British politics has ever consisted of governments no member of whom has ever said

or briefed anything which would suggest any degree of dissent from anything that government is doing or contemplating doing. As a distinguished journalist, you have probably spent a great deal of time highlighting to the British public where there was dissent. So, in that respect, this Government, and coalition government in general, is not that different from single-party government.

Incidentally part of the point of the doctrine of collective responsibility is to create a certain atmosphere within the machine so that it is effective—that is perhaps for our fellow citizens the most important aspect of it. As it happens, this coalition Government have had an internal dynamic that has been extremely courteous, gentlemanly and grown up. I do not want to be partisan, but my strong suspicion is that the previous regime contained certain tensions at certain points that were more vigorous than have been the case in this multiparty Government. I do not think that you either get pure unanimity of view or unruffled process of government out of maintenance of the pure doctrine of collective responsibility.

Having said that, it is true that you need to make adjustments to the doctrine of collective responsibility if you are running a coalition and you have run out of certain agreements. For example, it was arranged that on a very small number of matters, if we pursued them as a government, Liberal Democrat members would abstain, thereby enabling us to carry measures in the House of Commons, but without Liberal Democrats voting for them. Is that a breach of collective responsibility? I suppose, in some sense, it is, but it is a workmanlike, grown-up way of dealing with an inevitable issue. We have developed certain constitutional devices in order to keep the show on the road in a workmanlike, grown-up way. That is the best feature of the British constitution. I can see all sorts of disadvantages about our unwritten constitution, but one of the advantages is that when you hit an unforeseen circumstance, sensible people get around the table and work out a sensible way of dealing with it and the machine works out how to manage that. That is what has happened.

**Q136 Baroness Wheatcroft:** For the effective working of coalition government, do you think that those areas capable of a divided approach should be agreed in advance with all else being subject to collective responsibility?

**Mr Letwin:** I would not be hard and fast about it. Most of those where there have been permitted divisions were agreed in advance. But occasionally, as we have gone along, we have identified other such cases, and that has worked okay too. My experience of coalition overall is that it is remarkably like what Relate counsellors have told me is true of marriages: that they go well if the two parties have a relationship that enables them to be open with one other so they understand one another's feelings as well as is possible for human beings to do. It is certainly that way with coalition. The discussions we have between ourselves at the centre of the coalition about how to conduct affairs in the light of disagreements are very open and robust in the sense that, with perfectly good humour and in an atmosphere of cordiality, we nevertheless have very different views. We bring these out and we discuss them. If they were festering sores by now, the whole thing would have collapsed long ago.

It is because it is in the open, we have decided there are some things that we cannot do together because we cannot deal with them at all. There are other things that we can definitely do together because we agree about them entirely, and there are other things where it is more nuanced; one side is willing to let the other side go forward but only under certain conditions—that is where you have these kinds of accommodation. That is all brought out as long as you are having an open discussion on a continuing basis.

**Baroness Wheatcroft:** Have there ever been occasions when you have felt you needed a Relate counsellor?

**Mr Letwin:** No. I can give you a good example of the lack of need of that. When Danny Alexander and I originally set up the mechanics of the coalition, with a great deal of help from Lord Wallace of Tankerness, we provided for a Resolution Committee, consisting of

Danny and me, to deal with issues that were causing trouble before they got to the Coalition Committee, which is five people on either side. The trigger for this was the ability of the chair or deputy chair of any of the Cabinet committees—and if the chair is Conservative, the deputy chair is always Liberal Democrat or vice versa, which is another party mechanic—to raise a flag and say, “The committee may have voted by majority or by consensus in such and such a direction but I, as a member of the opposite party do not agree with this; now we go through this process.” We rather imagined—I should not speak for Danny but certainly I rather imagined—that this was a process that was going to happen pretty often. It has never happened. The committee I am talking about is a committee in name only; it has never met.

Regarding the Coalition Committee, I cannot remember the exact number of times we have met but it is likely three or four, never because of such a red flag but because we were discussing some issue that we wanted to resolve. Mostly we have resolved things simply by discussion between representatives of the two parties—ultimately, of course, between the Prime Minister and the Deputy Prime Minister; quite frequently between them, George Osborne and Danny Alexander; sometimes between them, George Osborne, Danny Alexander, David Laws and me; and sometimes with other groups. But one way or another, formally or informally, we have arrived at accommodations.

**The Chairman:** I am picking up that your understanding of this and your expectation is that, as long as there is cordiality, good arrangements and openness—all of these words that you have used—anything can go: there is no, as it were, given structure or given principle of government that cannot be used—you used the words convenient and desirable—in certain contexts.

**Mr Letwin:** The wonder of the British constitution is that, as long as everybody has found a sensible solution, it is implemented.

**The Chairman:** The sensibleness has to be judged by whom?

**Mr Letwin:** Ultimately, by the electorate, but in the meanwhile by Parliament. You have to command the confidence of the House of Commons.

**Q137 Lord Crickhowell:** You have been wonderfully gentlemanly and diplomatic, and clearly fulfil an invariable function at the heart of government by being so. Nonetheless, there have been some fairly remarkable breaches of what used to be thought acceptable conventions—over Leveson and boundaries, just to cite two. A number of witnesses, including Lord Strathclyde, expressed strong views on this topic. There is a strong view that has been advanced to us from all sorts of quarters that, while the general position you describe is inevitable in a coalition, the breaches of collective responsibility should be as few as possible; they should be, wherever possible, announced in advance; they should be agreed in advance by the Cabinet; and there should be an understanding that if you have frequent, violent and unexpected actions, as the boundary decision was—let us face it—this is bad for government and sets a bad precedent for government. We have heard strong views on this, not just from critics and academics outside but also from members—previous members, at any rate—of this Government. Do you not think there should be general rules that reduce the rather unexpected—for those of us who lived in single-party governments—remarkable events as far as possible?

**Mr Letwin:** You will not be surprised to hear me say that I wish that my Liberal Democrat colleagues had been willing to support the boundary changes. They think they were right, and it is regrettable that we did not have the capacity to carry them through. I agree with you that it is always advantageous that government should proceed as smoothly as possible with as few unexpected ruptures as one can manage. I accept your general principle.

Having said that, I do not think there is any merit in creating tests. You face the situation you face. It may be one in which you are trying to manage a party running an overall majority

administration that has within it great tensions on a particular issue. There have been some in our party's history and in the Labour party's history as well.

You may face a situation where you are trying to run a coalition government or indeed a supply and confidence arrangement. In any of these circumstances you hit certain issues and you have to find your way through them. I do not think it is sensible to try to create tests that mean, if you cannot pass those tests, you have to give up on the job as a whole. If I am asked whether I think this is as good a government as we could have provided the country with an overall Conservative majority administration, I would honestly have to tell you that I do not think it is quite as good. There are some things that we would have done that we have not been able to do and some things that we would not have done quite the same way if we had been able to do them freely ourselves.

But if I am asked a different question, which is whether I think that in 2015 we should be able to put before the British public a reasonable account of what has been achieved to rescue a country that was in a very dire state in 2010, I think we shall be able to put forward such an account. We would have provided a good government, and if there were some accommodations and breaches of conventions on the way, accepted by Parliament, to enable the government of the country to be carried on to achieve those generally good results, that is much better than if it had fallen to bits.

**Lord Crickhowell:** You do not feel that some strengthening of the Cabinet Manual would be desirable, as some people have suggested?

**Mr Letwin:** No. It would require great wisdom to foresee all the circumstances that might arise. It is better on the whole to manage them as you go forward.

**The Chairman:** What we are trying to get at, and it is really a reflection of my previous question, is not the potential different circumstances that may arise but what principles all of this should be based on.

**Mr Letwin:** As I have grown older I have become less entranced by principles and more interested in outcomes for our people.

**The Chairman:** That is an interesting remark.

**Q138 Lord Lexden:** Not as a principle, but would it have helped the practice of this coalition and perhaps the practice of further coalitions if its programme had been submitted to a vote of the House of Commons? Secondly, would there have been merit in submitting the proposed Prime Minister to a vote of the House of Commons?

**Mr Letwin:** On the first, I would not have any objection to the idea that the programme that emerges should be put before the House of Commons. One could predict quite accurately what the result would have been in 2010 if, having formed the coalition and produced the programme for government, it had been put before the House of Commons.

**Lord Lexden:** Would it have made the subsequent practice easier to have had a vote on the entire programme?

**Mr Letwin:** I do not think so, because the evidence so far suggests that the day-to-day contractual nature of it—the fact that it is an undertaking of two parties, without which the coalition would not be able to proceed—means that it has been extraordinarily carefully implemented. I can send this to the committee if it would be helpful, but we literally go through month by month every item on it to see how far we have progressed; we have pretty much implemented what is there.

We have done the same process with the mid-term review. We are less fully advanced, inevitably, in implementing that, but we go through the same arduous business of working out, “Are we doing these things?” There is a world of difference between carrying out a programme and achieving the results you hope to achieve by that programme. There is much work to do on implementation in the sense of getting things to happen on the ground in the way that we want them to happen, but as a discipline—that the Government are

setting out to do certain things and to check that we are doing them in a timely way, as promised—it has been fantastically effective. I do not think there is any previous British government who will be able to claim so clean a bill of health on doing what they said they were going to do, for better or worse—in my view, better.

On the question of the Prime Minister, I defer to you and to other members of the committee who are much more learned than I am about the constitution, but I take it that the fact that someone is Prime Minister in our constitution means that it is expected that they could win a vote of confidence. I wonder whether one needs to test that by having a vote of confidence; I do not see any particular reason why I would object to that being the convention, although I do not see any particular advantage in it. At any moment, presumably, the opposition, which is an important part of our constitution, has numerous representatives in Parliament and is quite able to speak for itself, could call a vote of confidence and find out whether the Prime Minister still has confidence. The fact that it has not presumably means that it thinks he would get a vote of confidence so I do not think it would make too much difference.

**Q139 Lord Cullen of Whitekirk:** May I ask you about the time that may be taken for the negotiation of a coalition government? Do you think more needs to be said for the benefit of the public and media, either in the Cabinet Manual or by this committee, to make sure that the period is long enough to ensure that all necessary detail is dealt with without, at the same time, hobbling processes of government?

**Mr Letwin:** In a word, no. I hope to contribute to sparing the nation finding out whether this is true by having a majority Conservative administration after the next election. But if there were, at any future date, another coalition and if anyone were to ask for my advice about how quickly to try to put it together, my advice would be to try to put it together even more quickly than we did, and it was pretty quick.

You are dealing with a situation in which both or all of the parties that are in discussion know a lot about their programmes and other parties' programmes, particularly because they have just fought a general election and led up to it thinking about their programmes. There is no more information they are going to get. The longer you take, the less clarity there is and the greater the chance that all sorts of trees will hove into view and obscure the wood. It is the clarity of brevity in the light of deep knowledge of what each is proposing that I think gives huge advantage. When I look at countries like Germany, the Netherlands and others, which have much greater experience of coalitions and take much longer to negotiate them, and I talk to politicians in those countries, they seem to think it would be much nicer if they could do it quicker. We found a way of doing it very quickly. That was hugely advantageous.

It is true that the circumstances of 2010 were very particular. We were on the brink of an international financing crisis. We had just suffered a massive recession. We had a banking crisis. We had a hung Parliament. If you wanted to create circumstances for a run on the pound and an inability of people to borrow money to finance what was then the largest deficit in the western world, you could hardly have created better circumstances. The Cabinet Secretary, when he first addressed us—or almost any time he addressed us in this process—made it clear to us that as far as he was concerned it was up to the political parties and the nation as a whole what government they ended up with; but he wanted a government, because he did not think this country could sustain not having one for very long under those circumstances. I accept that it was a highly charged circumstance and if you were in much better circumstances, the need to proceed at that pace would be less than it was then. However, it would still be worth doing, because you need a certain amount of time, but you do not need more than that time—the more time you spend, the less good it will be.

**Q140 Lord Crickhowell:** I would like to ask the question that Lord O'Donnell posed to us: whether you have a view about the convention that government ministers are not entitled to see the papers of previous governments from different parties. There is a problem for the civil service in dealing with this if a new coalition were formed and one party in the previous government became a party of the new government. What the rules should be was exercising Lord O'Donnell considerably. Lord Falconer, who admittedly had not been given prior warning and answered off the cuff, did not seem too worried about it. Lord O'Donnell I think was rather hoping that we might have some helpful suggestions. We are looking for some suggestions from you as to what might be the sensible way of dealing with it.

**Mr Letwin:** I would not be at all happy with the proposition that the discussions that Conservative colleagues and I have had during this period of government would be available to Labour counterparts were they to become the government next time or the time after that. Whether we had been in any one of those Parliaments a government of coalition or otherwise seems to me immaterial. The principle is that I cannot find out, rightly as it seems to me, what Gordon Brown said to the Cabinet Secretary or what two Labour ministers said to one another until whatever expiry of years it is that enables these things to be made public. I cannot access that information. It is right that I should not be able to, because they knew that I would not be able to and therefore they were able to have the conversation they did.

**Lord Crickhowell:** The information might be provided to the Labour party, for example, by the Liberal Democrat members of a new coalition. If that were to happen, they might say, "This has happened," but the actual papers, which the civil service have, would not be revealed. That is the difference.

**Mr Letwin:** Yes, I have been operating on the happy assumption that they will not be.

**The Chairman:** Thank you. Mr Letwin, do you have any points you feel we have missed that you wanted to make?

**Mr Letwin:** Not at all. Thank you very much.

**The Chairman:** That has been very helpful. We would be grateful, if it were possible, to see your timeline of delivery. That would be very helpful.

**Mr Letwin:** Yes. I warn you to stand by for a large pile of paper.

**The Chairman:** Perhaps you want to have somebody edit it so we see the main corners being turned. Thank you very much indeed. This was very valuable.