**THE BETTER GOVERNMENT INITIATIVE**

**Executive Committee**

**Minutes of the Meeting held at the Institute for Government on 8th April 2014**

**Present:** Richard Mottram (Chair)

Robin Butler

Roger Dawe

Christopher Foster

Howell James

Tom Legg

Leigh Lewis

Peter Makeham

Peter Owen

Martin Stanley

Phillip Ward

Aaron Ritchie (Secretary)

Richard Gordon (Constitution Society)

James Hallwood ( )

**Apologies:** Paul Britton

Geoffrey Chipperfield

Adam Sharples

The Chair welcomed Howell James and Martin Stanley, both present for the first time, and Richard Gordon and James Hallwood who were attending on behalf of the Constitution Society.

**Minutes of the meeting on 11th March 2014**

Geoffrey Chipperfield had pointed out that the note on record keeping does not reflect the practical problems in present circumstances of getting ministers to accept a comprehensive and objective system.

**Updates**

**PASC** had, somewhat unexpectedly, tweeted their thanks for our written evidence, which had now been published on the website.

**Meeting with Nick Raynsford.** Christopher Foster said that the meeting had painted a gloomy picture of the situation in Parliament. Those close to the coalition leadership were focusing on media issues. Ministers spent their time in their departments now that the flow of legislation had ceased. Backbenchers were bored: there were few committees, and those that remained had lost momentum. The overall impression was increasingly that Parliament does not really count.

**Former Special Adviser’s appointment as Joint Director of Policy in DfE.** This appeared irregular, but we had too little information to judge. Much would depend on how the job specification had been constructed. Peter Owen will contact Clare Salters to see if any more information is available.

**Limitation of pre-election contacts to six months.** Occasional contacts between civil servants and Opposition spokesmen, with the agreement of ministers, were now more common and it could be argued that six months was sufficient. However the BGI position was that a longer period would be strongly advisable in the interests of sound policy planning. We had tweeted in support of a piece by Peter Riddell arguing for a longer period of contact.

**Launch of the “Govern Up” review and Commons debate on a motion in favour of a Parliamentary Commission on the civil service.** Richard Mottram said that the “Govern Up” review was an interesting initiative that had been set up by Nick Herbert and John Healey as a charity. It had a strong advisory board.

In discussion the following main points were made.

* Francis Maude had spoken strongly in favour of “Govern Up”, which appeared to support his approach, during the debate. He might well have played a part in encouraging the initiative. However it was not likely that the promoters of “Govern Up” would be prepared to act as mouthpieces for Francis Maude.
* The members of the “Govern Up” advisory board were known to favour a private sector model for the civil service.
* Bernard Jenkin seemed now to have accepted that he would not succeed in gathering sufficient support in the Commons for a Parliamentary Commission. The Lords might contemplate setting something up, but not before the general election.
* Labour’s contribution to the debate had been noticeably weak, expressing no point of view.
* It appeared that no Extended Ministerial Offices had yet been established.
* Three articles in the latest edition of The Political Quarterly (one by Leigh Lewis) had discussed the future of the civil service.
* Nick Herbert would be attending Ditchley and it would make sense to invite John Healey as well.
* There would be advantage in approaching “Govern Up” at an early stage to get our views on the table.

In conclusion it was agreed that Peter Owen would circulate the three articles from The Political Quarterly to the group; would arrange for John Healey to be invited to Ditchley; and would draft a note for Richard Mottram to send to Nick Herbert drawing the attention of the “Govern Up” group to the BGI’s views on the future of the civil service as set out on “Mid Term Review” and “Hidden Dangers” and offering to discuss them with the group.

**Constitutional Issues**

Richard Gordon said that the British constitution relied on an informal consensus between key players which now appeared to be fragile and in danger of breaking down. BGI was focusing in particular on the relationship between politicians and the civil service. The Constitution Society had been primarily concerned with the relationship between politicians and the judiciary; there was a real danger if the current tensions continued of a drastic break developing. The way forward seemed to be to seek to re-establish consensus either though some written manifesto or through a developing debate. First thoughts within the Constitution Society had centred on starting with small meetings with politicians on an informal basis leading on to more formal meetings and perhaps followed by a similar exercise with judges. He would welcome the views of BGI members on developing a low-key approach.

In discussion the following main points were made.

* Timing was an important consideration. No progress could be made in influencing the development of party manifestos after January.
* The tension between the Executive and the Legislature was another area in which the established consensus was under strain. It might be helpful, as Geoffrey Chipperfield had suggested, for the Constitution Society to prepare a paper describing the weaknesses of Parliamentary control.
* One way of gaining support for re-establishing the consensus might be to make it plain that a written constitution was the only viable alternative.
* In the past there had been much more overlap between the worlds of judges and parliamentarians, which had helped to support a better understanding of each other’s roles.
* Proposals to limit the scope of judicial review were worrying but did not amount to an attack on the independence of the judiciary.
* There were faults on both sides: judges had perhaps on occasion been too ready to grant permission for judicial review to proceed and had not been sufficiently sensitive to public opinion.
* Whether or not Parliament should have some role in the appointment of the Chief Justice was contentious.
* It was difficult for judges, whose words were closely scrutinised, to engage in discussions on politically sensitive topics.
* Hostility towards the judges on the part of ministers was by no means a new phenomenon.
* It was interesting to note that, perhaps prompted by some recent poor decisions in Strasbourg, the judges themselves seemed less willing to assert the supremacy of the European Court of Justice.
* Arguments against the appointment of a Lord Chancellor who was not a lawyer would not be productive.
* Informal discussions between judges and civil servants were perfectly possible; discussions with politicians would be more difficult.
* BGI’s interest in these issues centred on the salutary effect of due process on the quality of governance. It would be important not to wander into the territory of our sister organisation.

In conclusion it was agreed it would be appropriate for the Constitution Society to pursue the development of informal meetings as a first step towards establishing a consensus. BGI would be very ready to offer help and advice when requested. Tom Legg’s membership of both groups provided a useful continuing channel of communication.

**Ditchley attendance**

Peter Owen said that there had been some high quality acceptances and there would no doubt be excellent discussions, but the numbers were down on last time and the response from politicians, perhaps now in pre-election mode, had been disappointing. Those in the second tranche who had not responded would be prompted by telephone and this might yield a further one or two, but it would be helpful if members with personal contact with key invitees could seek to persuade them to attend.

It was agreed that Christopher Foster will speak to Margaret Hodge, Richard Mottram will speak to Tim Livesey and Michael Dugher and Phillip Ward will speak to David Lammy. Further invitations will be issued to John Healey, David Willetts and Tony Wright.

**Refreshing and broadening the membership of the group**. The entry qualification as set out on the website is “people with practical experience in government at a very senior level [broadly Director and above] who have no links to particular political parties”.

Previous attempts to recruit women members had been unsuccessful though there were obviously suitable candidates. Recruitment of younger members was difficult since we had had to recruit people who had retired from active involvement in government. However there may now be suitable candidates who have worked in government on a short-term basis. We now lacked up-to-date expertise in Treasury specialisms that had previously been provided by Nick Monck. There might be difficulties in having politicians as group members since issues of political balance would arise.

Names mentioned in discussion were Colette Bowe, Lucy Neville Rolfe, Pauline Neville Jones Alice Perkins, Jill Rutter and Moira Wallace.

It was agreed that Martin Stanley should speak to Colette Bowe, Peter Makeham to Moira Wallace and Phillip Ward to Jill Rutter (seeking her advice on alternative candidates if her work with IfG precluded membership of BGI).

**Next meeting**

The next meeting will be held at the Institute for Government at 10.15 am on Tuesday 6th May.

PFO

9th April 2014