

# Ministers Reflect

## David Lidington



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# Biographical details

## Parliamentary history

1992–2019: Conservative MP for Aylesbury

## Government career

2018–19: Minister for the Cabinet Office, chancellor of the Duchy of Lancaster

2017–18: Secretary of state for justice, lord chancellor

2016–17: Leader of the Commons, lord president of the Council

2010–16: Minister of state for Europe

Since January 2020, David Lidington has been a member of the Institute for Government's board.

David Lidington was interviewed by Dr Catherine Haddon and Maddy Thimont Jack on 22 January 2020 for the Institute for Government's Ministers Reflect project.

David Lidington reflects on David Cameron's renegotiation of the UK's EU membership and the 2016 referendum. He also talks about being Theresa May's deputy and the benefits of keeping the same ministerial job for an extended period.

Catherine Haddon (CH): If we could start by going back to when you first entered government as a minister. You became minister of state for Europe in 2010. Can you talk us through the appointment?

David Lidington (DL): It was all rather strange at the time, because, of course, I think the general expectation had been that there would be a Conservative majority in the 2010 election. And instead you had this hung parliament and a fraught few days of negotiations before the coalition was formed. And that meant that all MPs, and particularly those of us who had been on the opposition frontbench, were somewhat on tenterhooks about what was going to happen. And if you remember, right up until the Sunday before the coalition was formed, Alistair Darling was at an emergency meeting in Brussels, agreeing on the change to help rescue the euro. So, it was only really on the Monday that things started to happen. Then you had the announcement of the deal, the famous Rose Garden press conference and the Cabinet appointments. And then the other ministerial appointments started to come through and we started to notice the Foreign Office ministerial appointments were not happening. We were doing all this hanging around on tenterhooks wondering what was going to happen. Unbeknownst to me at that time, of course, all the private secretaries in the Foreign Office were hanging around on tenterhooks as well, having been in over the weekend, after the election, ready to welcome and brief new ministers – and they didn't get them.

So, I think it was a Wednesday, we started to hear rumours coming through then as to what was going to happen. We didn't know, but I had been shadowing the Middle East for two years before the election and what I am told is that right up until the day the appointments were announced, FCO [Foreign and Commonwealth Office] officials had been expecting me to come in and do minister of state for Middle East and North Africa. And instead I got a call from Mark Francois who was shadowing Europe at the time and he said: "Look, what I am picking up is that you're going to do the Europe job and I am going in to the Whips' Office." And no one knew quite what the whys and wherefores were. Anyway, then David Cameron [then prime minister] came on the phone and basically said, "I would like you to go and do Europe," and I remember saying to the prime

minister, “of course I would be absolutely delighted, honoured to do that, but you do realise the last two jobs you have given me have been Northern Ireland and the Middle East? I get all the easy stuff, don’t I!” And you know, we had a pleasant conversation and then I put the phone down, and within five minutes the phone rang and it turned out to be my first of a series of private secretaries, suggesting that I come over, and asking how I wanted to do things. So, I went over to the FCO and I went off from there.

I never found out exactly why I ended up doing Europe rather than the Middle East. I think that it was in part because Nick Clegg [deputy prime minister and leader of the Liberal Democrats] had decided that he wanted a minister of state position in the Foreign Office and that meant there was one less Conservative minister of state role. So, there’s a juggle then to try and work out who fits in what slot. I mean, there was a lot of rumour that Mark Francois was seen, even then, as too hard-line on Europe. I simply don’t know whether that’s true or not, whether Nick Clegg and the Lib Dems blackballed him, I simply don’t know. But that was the sequence of events and we went on from there.

**CH: And what was it like going into the department for the first time?**

**DL:** Well, I had been in the department before, because I worked for Douglas Hurd [Conservative home secretary 1985–89, and foreign secretary 1989–95], many years previously, in his last two years as home secretary and then I moved with him to the Foreign Office when he was appointed foreign secretary. I was with him just over a year there. So, I had memories of the building and I had been in once or twice, as a shadow minister, to take part in various seminars and briefing sessions in the FCO. But it’s still different going in for the first time and finding you have this private office set up for you. It was very well organised, they had all the briefing materials, they start you off with a sort of summary of the key issues that you are going to do, and then they basically come to talk to you about the diary and how you would like that structured. So it’s getting in some very basic things at the start, saying right, you know – my wife’s a teacher, so since the only time we can ever get away is school holidays, and we did have children at school – I would say: “Right, I need to have half terms and school holidays in Buckinghamshire booked off, and I will normally be in the constituency on Fridays, but you know we can be a bit flexible on that.” To actually try to have some ground rules on the diary.

And then you move on, they expect you to go away and read the initial briefing material, and then we had a set of introductory meetings, with the different departments [in the FCO]. I also then programmed in separate meetings, a bit later on, where I would walk round to each of the departments, so I had a chance at least to shake hands and say hello to everybody who was working for me. And then they say: “Right, these are the suggested diary priorities, we need to get you to Brussels, we need to get you to Strasbourg, we need you in Paris, Berlin...” What else? I think we had Sweden as the first bilateral visit. I did an EU informal General Affairs Council meeting, practically the first weekend, I think. And you know, you don’t get much time to breathe.

But certainly, in the FCO's case, the briefing material that was done was good. And then quite early on, because we had manifesto commitments to legislation on Europe – what became the European Union Act 2011 – I had officials coming in to say, “this is what you have in your manifesto minister, these are our initial thoughts about how this might be delivered,” and you start to sketch out the choices. And it is like a series of decision trees – do you want to go down this course of action, say the referendum lock on future treaty changes, at what point do you think there should be a referendum and what is meant by significant treaty change? You start to handle the detail. So, it was full on and from then on in, it was a programme of weeks divided between London and travel. I said to my private office that I wanted to try to get, at least once, to every European Union member state within the first year. I think we were just slightly over the year because of the legislation to deal with on the floor of the House [of Commons]. And of course I was dealing with big issues, I was dealing with everything from Russia and Turkey westward, so while a lot of time was spent on European Union matters, there was NATO, there was Council of Europe, there was OSCE [the Organisation for Security and Co-operation in Europe] and issues like Russia, like the stand-off in Cyprus, and our bilateral relationship with Turkey, which is clearly important. I also had all the Western Balkans issues coming across my desk, and Gibraltar was taking up a fair bit of time, despite the very small size of the territory, because of the dispute with Spain.

**CH: How much was being in coalition a factor in your department? In some departments, it was obviously very significant, but did it make a huge difference for you?**

**DL:** Within the department, not much. I mean, Jeremy Browne [minister of state for foreign affairs, 2010–12], who was my Lib Dem counterpart for my first two years I think, at the Foreign Office, was very congenial and we didn't interfere with each other. Then Jeremy moved on and was not replaced by another Lib Dem minister of state, but instead William Wallace [Liberal Democrats Lord and government whip 2010–15], from the Lords, kept an eye on what was happening, and Alison Suttie [deputy chief of staff and special adviser to Nick Clegg], who was then working in Nick Clegg's office, used to come to the special adviser meetings and so on, she kept an eye on the Foreign Office. And I would basically talk to them fairly regularly and, you know, you get the hang of what the parameters are there. But also, Europe had actually been addressed in the coalition agreement. What we had down was a commitment, the Liberal Democrats accepted the principle of a referendum lock and they accepted what was described as the review of the balance of competencies [review of the UK's relationship with the EU, published in 2014].

Working those things out in detail did mean that coalition was a factor. When I was dealing with the referendum lock and the European Union Bill, actually persuading the Lib Dem ministers – particularly Chris Huhne [secretary of state for energy and climate change, 2010–12], who was one of the most difficult to persuade – that we could go as far, took quite a lot of effort and there was a lot of brokering. But it wasn't just coalition – I mean, Ken Clarke [then secretary of state for justice, 2010–12] took a lot of persuasion

for some of the measures, there were one or two points where I had to soften the bill to take account of what Ken and the Lib Dems and others wanted. And indeed, I do remember when we felt we'd finally got a text that we thought will fly but that everyone can live with, we then had to double check, and I remember I sent my head of the bill team off to see [Nick Clegg](#) [then deputy prime minister] at about nine o'clock in the evening. But actually, for officials at the Foreign Office, this was really enjoyable, stimulating stuff. They said to me that, in the FCO, it is quite rare to be able to get involved and observe, as an official, the political workings of government, particularly in a coalition, in the way that was possible for them in this case. I mean, even in coalition it was unusual for that sort of high politics to intrude into the FCO – if you are dealing with the Antarctic Treaty, let's say, or with strategic policy towards Indonesia, it is not likely to be a massive great party difference.

**Maddy Thimont Jack (MTJ):** You were minister for Europe during the negotiations led by Theresa May as home secretary on the UK's participation in the EU's criminal justice network, and also for David Cameron's 2015–16 renegotiation [of the terms of Britain's European Union membership]. Could you reflect on how successful the UK was during both of those in terms of achieving its aims?

**DL:** I think that on the JHA [Justice and Home Affairs] opt in, I think that was a pretty good outcome overall. I think Theresa did well on that. I probably personally would have been less hung up about continuing to participate in more of them, but there was a collective decision taken there to accommodate all views around the Cabinet table and in part accepting that, okay, there will be a certain number that we will go back into. But some of those were controversial. The European Arrest Warrant was controversial, the European Investigation Order (EIO) was controversial [both were measures to speed up co-operation between member states in criminal justice investigations], and what I found impressive about how Theresa was operating there was that she listened to the police chiefs and the agency chiefs and she basically decided on the basis that it was in our national interest to opt in to these ones.

And then once she made up her mind, she would go all out to persuade parliament and she would work on the backbenches and would work across the aisle. I think she accurately read how Yvette Cooper [then shadow home secretary] and Labour were going to go, they were not actually going to try and block the package once it had been agreed with the EU. David Cameron was much more nervous that Labour would pull a fast one at the last minute on that. But all credit to Theresa, she got those through – I remember when the EIO came in the first time, ahead of the renegotiation, and I sat beside her on the frontbench and she was doing this against some scepticism from the Conservative benches but absolutely stuck to her guns, and she had mastered the detail and she was able to quote police chiefs and so on, "we need this for good, practical reasons." So that encouraged those Conservatives who broadly wanted to support the government to actually be a bit more vocal. And that's because they felt they had reliable evidence to be able to draw upon and use.

With David's renegotiation, I still take the view that he achieved a lot more than people have given him credit for. I certainly always saw that negotiation as stage one of what was going to be at least a two-stage process. And when David gave the Bloomberg speech [in 2013] and he committed himself to treaty change – not just a referendum, a treaty change – that was a big step and it followed on from a state of the union speech from Barroso [Jose Manuel Barroso, President of the European Commission 2004–14] in which he as [European] Commission president called for treaty change. I am talking about late 2012 now, when it looked as if the EU was going to shift towards treaty change, and the worry we had in London was that they are going to need to do this for eurozone reasons and if we weren't quick to get our act together, we were going to find that we were simply presented with: "This is what we need to do, just hurry up and sign."

We would have had real problems if we were not in a position to say, "well, if there is treaty change there are things we would like to include there as well," particularly when you think back to the December 2011 European Council, and the so-called veto [by Cameron] of the treaty. So, we thought that was an opportunity and then what happened, what you could see happening at the very tail end of 2012 and into 2013, was the Germans and the French got cold feet. I think partly because they were not capable of resolving their own differences. So initially the thinking was there is likely to be quite an early... that we could have another treaty change, further treaty changes being proposed in 2013, that we would have to respond to if we wanted things of our own on the table. It then started to become apparent that was much less likely, but that what was probable was another attempt at treaty change in 2021, once the new Commission and [European] Parliament were in place, because I think the institutions thought in those terms. And when I floated that timing in both the Élysée [the office of the French president] and the [European] Council, at a senior adviser level, I got no dissent. It was no dissent, interesting, it was a nod and a wink, you know.

Now, the big if was – and remains – can Paris and Berlin find a formula that sufficiently accommodates the different views they have on the future of the eurozone. The underlying imperative, I believe, remains the case that the cohesion of the eurozone depends upon a further integration of economic and fiscal policy. That in turn requires some measure of democratic accountability and therefore some sort of institutional change, whether that's a separate eurozone chamber of the European Parliament or a self-standing committee of MEPs and MPs from eurozone countries. And as soon as you are into that territory, you have a distinction between different categories of full member state. What about the member states that are not in the euro? Sweden, Denmark, Poland, and people like the Romanians and the Bulgarians, who I don't think are going to be eligible for membership of the euro any time soon – not if people in Berlin have anything to do with it.

So, I think we then started to think in terms of the renegotiation being the first stage, with the objective being to get as many hooks into that expected future treaty-making process as possible. And that is why the deal agreed in February 2016 included a number

of commitments that would be agreed in treaty form but looking forward to that being embodied in a future treaty, at a later date. There were certainly quite a lot of people in the parliamentary party who were saying: “Where’s the list of directives to be repealed or amended?” And the problem with that is twofold. I mean, on one level, as the balance of competences exercise showed, actually as far as British business was concerned, they weren’t unhappy – apart from some particular areas, obviously, like fishing, or the financial services, saying: “Some of this is getting a bit over-restrictive here, we need more freedom of action.” But by and large, there wasn’t the wish to muck about. And you’d ask: “Which bit of which directive do you want changed?” And it was much more difficult to get people to specify things that irked them, and things they would like changed or replaced. But also, at a sort of higher level than that, if you repeal or amend a directive, a new [European] Commission coming in can just put through another directive, at some stage, if there’s a majority for it. It doesn’t actually address what seemed to be the fundamental problem, which was a different strategic vision as to how Europe should go.

I am an unapologetic supporter of the idea of a sort of more diverse, looser, variable geometry, whatever you want to call it, flexible Europe. Andrew Marr [BBC journalist] once said, a Europe of consenting adults. And that model strikes me as the model we should be pressing for had we voted to stay in, and I thought if you looked at what was in the Cameron deal, there was a clear difference not just of speed but of destination that was written in there for non-eurozone members, as opposed to eurozone members. There were also commitments on building deregulation and protecting the interests of SMEs [small and medium-sized enterprises] written into the guiding principles of EU policy. The key issue that we couldn’t get, which clearly had a big impact on the referendum, was on migration. Now, you can argue it two ways. You can say there was a lack of imagination on the EU side, to see what was coming and the importance of this issue. Or you could say that on the UK side, there was an unwillingness to spell out hard truths to the British electorate at an earlier stage. And perhaps it was a bit of both.

When Cameron made his big speech on migration policy, going into the negotiations, I was sitting with the EU ambassadors that we had invited to the Foreign Office to hear it on the TV. And unsurprisingly, they were a bit stiff about this. And I think that on the UK side, there was a misunderstanding of, first of all, the fact that for most EU governments, and certainly for the [European] institutions, freedom of movement of EU nationals is something completely different from immigration from a third country. They just conceptualise it differently, even their electorates to a certain extent think of it differently. I don’t want to exaggerate that, but that is largely true. And for people like [Angela] Merkel, above all, who had grown up in East Germany, where she was not allowed to travel freely until she was 35, there was a real sort of bred into the bone view that this is almost a moral principle here, that people should be able to travel within the associated countries.



I don't think we got that, and I think David was hung up on the net migration target, which was a hook we had trapped ourselves on. There was a real public concern about immigration. [Then-UKIP leader Nigel] Farage's success was linking, in people's minds, the issue of Europe, which most people didn't care that much about, with the idea of immigration. On the doorstep, when you got to the referendum, door to door, people would start to say: "It's about freedom of movement, and you can't stop it, you can't control it." And the conversation would shift very quickly from "all these Eastern Europeans" to the "mosques and the veils", and all the worries about immigration more generally and about integration were bound up in, to a large extent, that vote. I think that was the area where we clearly didn't do enough to persuade people, but what would also happen was that history, contingency, played its part there. You saw the polls on the referendum narrow from the summer of 2015 when the strike at the Port of Calais happened, which meant all these queues of traffic and the opportunity for the people in Sangatte [where a large migrant camp had been established] to try to get onto lorries and vehicles. And throughout August 2015, this was in the news headlines here, not as a French industrial dispute, but as hordes of migrants trying to get into the UK. That dies down finally and then you have the Aegean [refugee crisis], and that dominates the news all the way through the winter and into spring of 2016, and you've just seen the impact that that is having on public opinion.

**MTJ: And what did you think about the decision to hold the referendum in 2016? Do you think that the outcome was the result of the government's failure to sell a relatively good deal?**

**DL:** I mean, it's impossible to have 20:20 hindsight. Put it this way, I was not exactly celebrating when I was told that Cameron had decided on a referendum. But it was a very tight decision he took with George Osborne [chancellor 2010–16] and William Hague [foreign secretary 2010-14, leader of the house 2014–15]. And I think his argument, David's argument, was always that this issue is not going to go away, that it was picking up, it was a threat, and it was taking enough Tory votes to lose by-elections – Eastleigh and so on – and he felt he was going to have to commit to a referendum in the 2015 general election. I think he was right to think that the failure of the parties, particularly the Labour government of the time, to deliver on a referendum on Lisbon [the 2007 Lisbon Treaty] having promised it on the constitutional treaty in the 2005 election, coloured the debate here, that was something people remembered. And so, David was thinking: "I am going to have to offer a referendum at the 2015 general election. We've got the European elections in 2014, that means I am really going to have had to have said something before then." Therefore, as was always the Cameron instinct, therefore you take the bull by the horns, you go for it now. In the Bloomberg speech, January 2013, he said, "I am doing it at a time of my choosing," rather than being seen to be forced into it after more bad opinion polls, by-election reverses, perhaps a couple more defections or something. And I absolutely get the logic of that.

The referendum result was close. Where I think the Remain side got it wrong, leaving aside the thing I referred to earlier which is about not having sufficiently good answers on the immigration question – for example, we could have gone back to our domestic law on benefits and actually said, you know: “We are going to insist on the contributory principle.” And I know all the reasons why it wasn’t done, with tax credits in particular, but that was one possible approach. Anyway, so leaving that aside, the other things I think that Remain got wrong was first, primarily, it was all left too late. I do think that it was a mistake for David to continue to argue, right up until the February European Council of 2016, that if he didn’t get what he wanted, then he could still campaign to leave. Nobody believed that, by that point. And what it did was simply disable the Remain side from doing anything.

Secondly, I think that there was a misapplication of the lessons people took from the Scottish referendum campaign – it was a failure not to articulate a positive vision and try to connect with people’s emotions. That was as much, if not more, something for the official Remain campaign, rather than doing it with a couple of ministers concerned. Linked to that, I do think we should have much earlier started to articulate the case for staying in [the EU], even if it was an on-balance thing, acknowledging that look, there are actually good arguments the other way too. And my idea about the balance of competences, how I sold it to Nick Clegg, was that this was about creating a safe space for business to put forward the arguments about staying in the EU, if we were going to have this referendum, or were likely to, at that stage. And I always thought even if we said, “look, we’ve heard the argument about leaving, and you know, there is some positive stuff as well, and it’s a difficult balance one’s got to strike,” then I think the argument could have been made earlier, without wrecking the negotiating position.

I think that there was also a particular point in December 2015 when Tusk [Donald Tusk, president of the European Council 2014–19] came out with the draft text and the papers went berserk, and the government’s position was we are still saying if we don’t get what we want, we could leave. So, the government really didn’t respond to any of this and didn’t actually go out and defend the renegotiation and say: “There’s some really good wins for us here.” I think that was a tactical error. So, I think those... I don’t think there’s anything else particularly that they got wrong. I think David’s view was always, and rightly as it turned out, once the debate left parliament to the country, the trouble with the deal was that it was techy and it was relating to changes to the treaties. And we hadn’t, for whatever reason, got the slogans and the people-friendly descriptions to actually get that message across, that this is a good deal. And then of course the government machine was put into neutral, and then the party machine was put into neutral as well, and my personal view was that if the government machine had to go into neutral gear, then we should try to keep hold of the party machine. I know all the reasons, powerful reasons why the decision was against that, but I can remember looking across the table at Jeremy Heywood [cabinet secretary, 2012–18] at a meeting and seeing that he was absolutely gobsmacked when David said the party would have to be neutral as well.

**CH: Do you think that the decision to set aside collective responsibility sowed the seeds for some of Theresa May's problems later?**

**DL:** To some extent, but I think that that was much more a product of the 2017 election result, more than anything else. And I don't really think there was much choice other than to suspend collective responsibility and of course the precedent, in 1975, was that that is exactly what happened. I think what was different this time is that the conduct of politics is less gentlemanly than in 1975, that was one key difference, and David, as he says in his own memoirs, would not go for the jugular in riposting to cabinet colleagues. And the other big difference with '75 was, whereas in '75 Tony Benn, Peter Shore, Barbara Castle [then Labour cabinet ministers] were seen as rather out on a limb, you know this time, Michael Gove in particular, and Boris [Johnson], with a stature of his own, carried much greater weight than their equivalents in 1975 would have done.

**CH: You served six years as minister of state – that's a long stint in that role.**

**DL:** Six years – after four years, I had done longer in post than any of the officials or ambassadors who were working to me, which created some interesting meetings. I would sometimes know the stuff more than they did. And actually what is worrying, and I think this is a problem for government as a whole, is I can remember a couple of occasions where I would say, "I remember something like this coming up three years ago, can we dig out the papers?" and nobody could find them. And digital record-keeping, I fear, across Whitehall, is a ghastly mess. And I think that, plus the habit throughout Whitehall, I agree with Dominic Cummings [chief adviser to Boris Johnson] here, of rotating people too quickly, means that there has been a loss of corporate memory.

**CH: When Theresa May took over as PM, you became leader of the House [of Commons]. Were you happy with that move, is it a job you were intrigued by?**

**DL:** Yes. I was in the car park at the Watford Gap service station – one of my sons was graduating that day, so we were just on our way back from his graduation ceremony – and my phone started buzzing, private office saying, "Number 10 is trying to call urgently," so I said to my wife, "you need to pull in at the next service station! Great. Yes. Absolutely.

**CH: It's a job where many people see the sort of front of house side of it, in the House of Commons, but perhaps don't know what goes on behind the scenes. Can you talk us through what the role involves?**

**DL:** Yes. I mean, there are two sides. In terms of government, what you're doing is you chair a committee called PBL, the Public Business and Legislation Committee. And you vet every proposal from any minister for a bill, and you usually do it several times. On the approach to each Queen's Speech, you have a sort of star chamber session, the cabinet ministers come in, you sit with the leader of the [House of] Lords and the two chief whips and the chief secretary [to the Treasury] and you interrogate them. That's to get

something into the Queen's Speech. Then, even when they're in the Queen's Speech, for a bill to be introduced [to parliament] you have a small team of really good Cabinet Office officials who sort of watch what's happening in a department and they try to make sure that the bill is being produced in the right shape and being done to time. And the risk always is that departments can try to shoehorn in extra stuff that they would like to do – “can't we get this into this bill? We've got a legislative vehicle here” – and so bills become too long, or the department hasn't got it ready for when the chief whips of the two Houses need to introduce a bill, so that the jigsaw that is the legislative timetable can be smoothed and in place.

Sometimes, some departments are better than others in terms of political intelligence and working out the political risk of either infuriating a lot of government backbenchers or putting together a successful opposition coalition. The other great fault is they try to stick in lots and lots of powers that ministers will be able to exercise through secondary legislation, power granted under the bill. And parliament doesn't like that, and the House of Lords gets very uptight about those in particular.

So, you have at least two sessions where each bill had to come to me for a meeting, initially with senior officials, sometimes the minister came as well, as a sort of gateway stage. And then for the final sign off, they have to come to a meeting with PBL. And the minister, without any officials there, has to defend the bill and we test it. And Theresa always said to me, and I completely agree, that PBL ought to be the toughest committee experience any minister has to undergo. I do remember poor Amber Rudd [then home secretary] coming out after one session, we had given her a really torrid time, over an immigration bill that she wanted to do, saying: “This is not going to carry, look, you can't have all these secondary legislative powers, have you thought that this is never going to get through the House?” Or, the real problem is this, because we had a tiny majority – “it's not what's in the bill but it is the amendments that are in scope, given how the bill is drafted, that means you will open up the whole of immigration law to every kind of amendment under the sun.” Similarly, with the criminal justice bills, you have to look at not just what is in the bill, but what amendments it might give rise to within the rules of order. And are those things where you might end up with a government defeat, where you might add millions to public expenditure, because it's a requirement of government to do certain things? So that's a lot of the job, doing that.

And then you also have – as well as reporting to Cabinet every week on what's happening in the House of Commons on the legislative programme – one thing that I did, and certainly argued for (which then for Brexit my successor introduced on a formal basis), which was a vetting system for secondary legislation as well, because that's been left too much to departments. And the other thing, you also have a finger in all the House of Commons and parliamentary estate pies. So, the leader sits on the House of Commons commission, and the Speaker chairs. And you become the port of call for anybody in parliament who has got a question or a grouse about the building or the management, the services in parliament. And obviously I was very involved in restoration and renewal

[the Palace of Westminster Restoration and Renewal Programme]. I went and toured the basement, looked at the sewers, and went up Big Ben... And so, you do all that and you have the questions, usually an hour to 90 minutes every week, where you can be asked anything under the sun.

**MTJ: Following the 2017 election, you were then moved to the Ministry of Justice, for around six months. What do you think a minister can realistically accomplish during that relatively short amount of time?**

**DL:** I mean, the truth is not enough, and I said, when Theresa asked me then to move to the Cabinet Office – and look, that’s not a job you say no to, being number two in the government – but I did say: “Look, there’s part of me that’s really sad to move on, just as I think I’ve just got on top of the issues and understand which people I need to listen to and which I don’t have to worry so much about.” But if I look back at those months, at what we did – we sorted prisoner voting, and came up with a formula that satisfied the Council of Europe, so that’s gone away now, after 12 years in which it has been a thorn in successive government’s heels. I think I could say I did re-establish relations with the senior judges, that was one of the top priorities, and the prime minister made clear to me that it should be a top priority – whatever the rights and wrongs of it, you know, there had been a breakdown between Liz Truss as lord chancellor and the senior judiciary. So, resetting that was a priority and I think I did that successfully.

On prisons and probation, during the summer of 2017, we were down to the bare minimum spare capacity in the male prison estate. I was looking at contingency plans for what we did if, perhaps because of a prisoner riot and cells suddenly becoming unusable, we had to say to the courts and police: “We can’t take any more.” You know, we were actually having to ask: “Is there stuff that’s mothballed because it’s frankly decrepit that we could bring back to use temporarily before the planning breaks down? To what extent can we double up in cells, despite the risk of it? Have we got the staff to manage that?” It’s not just buildings, it’s the staff of the buildings. But also, we were having to ask: “Right, what powers do I have, if it really comes to it, to release people early who are towards the end of their sentence?” But we did a number of measures – and it was hairy, to look at the figures every week where we got to on this. And then we did a number of things to try and ease the pressure a bit, which actually is not about changing the law, but about trying to make sure existing policy was being properly administered. So, are they really taking things seriously, when people get to the stage that they’ve been told that they can be released on licence, so that that is actually happening, we are getting people out there? Are they enforcing the rules of release on temporary licence, where I think in their last year in prison, prisoners can in effect commute to a job, so starting to get people at the very end of the sentence to acclimatise to life outside and earning a living – which I think is a very good thing – is that, within the current rules, happening on the right scale?

And I think David Gauke (justice secretary, 2018–19) said to me, when he took over, I got him 1,500 extra places, thanks to those measures, without legislating. And then we took

the first steps on parole. I remember the permanent secretary coming to see me to say we had some problems, both with parole and with Carillion, with their prison cleaning and maintenance contracts. And on the latter, I had to say to him, “can you tell me, hand on heart, that if...” – and it looked then unlikely – “if Carillion collapsed, would we be able to keep the prisons clean?” He said, “I will go and kick the tyres and make sure we can,” and he did. And the civil service did their job and they came up with the plan to take it in-house, which proved to be necessary in the end. And with probation, it was clear that the transforming rehabilitation plans were just not working. You could see that a number of the rehabilitation companies were going under and others would go under, that the financial model was just not right, and we looked at the evidence and we had to be quite drastic, and I know it was for David [Gauke] to take the final decisions at the end of the day, but we set that work in train. And so, you know, I think we made a start on some good things there, but really it was nothing like long enough.

**CH: You then took over as chancellor of the Duchy of Lancaster – why not be first secretary of state as Damian Green had been?**

**DL:** You’ll have to ask Theresa that! [laughter] I didn’t ask, but I think – I don’t know for certain – but the hints were dropped that there’d been some tensions in the senior ranks of the government, just about status and so on. You had Phillip [Hammond] as chancellor, Boris [Johnson] as foreign secretary, Amber [Rudd] as home secretary – the great offices of state – you know, each feeling that probably they should be the number two role. I mean, Theresa decided on operating that way. My view is that if the current prime minister were to ask me, my advice would be that he should appoint someone with a formal title as a deputy, and delegate, because the prime minister can’t do everything. And I’m not someone who gets hung up about titles, but it was a hindrance, particularly at the start, because the lines weren’t absolutely clear. As time went on, people could see that actually they needed me to fix things and I could broker deals and I was chairing all these committees, and actually you could work at it and you could, in effect, exercise the role. Although when you’ve got a minority government, it’s inevitably a less powerful position, because the prime minister is less powerful within the government than if the government has got a good working majority.

**CH: And does a lot of it come down to personality then?**

**DL:** Personality, and the fact I was not hankering to take Theresa’s job from her. That was probably one reason why she appointed me! You’ve actually got to be like that, I think, in that role. If I look back at Willie Whitelaw, or even – in a very different style – John Prescott and Tony Blair, they didn’t particularly go for the limelight themselves, they tried to make the government and the prime minister a success and just try and find the problems and help sort them out, unblock the plumbing problems.

**CH:** And how much does the machinery at the centre really help you with that? All of the committees, sub-committees that you sat on, the task forces that were created and so forth.

**DL:** I think that there are two issues, there's a thing about the official structure and there's a thing about the ministerial arrangements. And my point about the deputy, it's not just the title but it's the degree of trust that needs to be there and there needs to be a seamless partnership between whoever heads the Cabinet Office and the prime minister and his or her team. We set our routine, I saw Jeremy [Heywood] and then Mark [Sedwill, cabinet secretary from 2018 onwards] weekly, for bilateral meetings. I would see Gavin Barwell [Theresa May's chief of staff following the 2017 general election] once a week, but just on our own, to talk things through, so we had that in the diary. I dropped in some of what I had done decades before as a special adviser to Douglas Hurd's office, you go round and perch on people's desks, you go to Number 10, you say, "what's happened today, is anything going on with this thing?" and I would go to the eight o'clock meetings with the PM whenever I possibly could.

And so you try and have that understanding. It's never going to be perfect, there's always going to be a different view. We reformed the Implementation Unit in the Cabinet Office, and Oliver Dowden did a really cracking job doing that. To actually be really focused on delivering what were the government's priorities, and then within the government, the prime minister's clear strategic priorities and how to get them better linked in to the Policy Unit [in Number 10]. There is still a structural problem in dealing with cross-government stuff. Now, that partly derives just from the silo mentality in Whitehall and each department has its own priorities.

And sometimes you will have a subject, let us say rough sleeping, which is a cross-government priority but which is not in the top priority list for any of the departments, except possibly MHCLG [Ministry of Housing, Communities and Local Government], which is responsible. So, [the Department of] Health – what health does, with mental health, is key to getting rough sleeping sorted. But the Department of Health is looking at hospital waiting lists, social care, mental health more generally as a big issue and staff questions. A third of the people who are sleeping rough are prisoners who have been released. So, you've then got to – [the Ministry of] Justice would like to do something, but they haven't got any money. So how do we get some resource to provide some halfway houses, hostel places or whatever. What are we doing with DWP [Department for Work and Pensions] to get them to focus on making it easy for somebody, as they approach their release date, to get signed on for whatever benefits they need, and what do we need the prison governors to do to sort that third of rough sleepers. What are we doing about alcohol and drug misuse? So, there's a whole set of things. And too often, these pan-government issues are not ones that any department thinks about. And one of the last things that Jeremy did, as cabinet secretary, one I worked with him on, was to have a rule where in the single departmental plans, in the grid, there had to be a column for cross-government priorities. So that should be better.



On cabinet committees, the key thing – again, I really agree with Dom Cummings on this – is that I think the COBR [Cabinet Office cross-departmental committee] style approach, where we have officials and ministers sitting together, and it's slightly less formal, we did with the no-deal preparation, and we did with other issues, Salisbury and so on, it does work quite effectively. And there's also something about the COBR room, where you are underground and everybody has to hand their phones in when they go in and you bring in people on the screens or the audio links, actually there's a great sense of immediacy and emergency that I think helps to generate results. And some of the cabinet meetings kept getting postponed because diaries got in the way and so on.

**MTJ: Do you think that the system for managing no deal that you inherited was the right one? Obviously, there was a change when there was a change in administration, but what did you think about how you were managing it when you were in the Cabinet Office?**

**DL:** Oh, I think it was in a pretty good place and I don't think that what was done in the run up to October [2019] was all that different. What is true is that, as more time elapses, so more progress is made. So – and when you looked at that leaked document [Operation Yellowhammer, the government's contingency planning for short-term disruption under a no-deal Brexit] that came out over the summer, *The Sunday Times* printed, there were some things there that were clearly from the new administration, as you just said, that never came across my desk there, but a hell of a lot of it was stuff that we knew about and were planning for in any case.

I mean, there was always a tension within the government, depending on different camps in part. There was one stage when the Leavers at the cabinet table were all in favour of being much more open about this, because they thought that it would help, as a lever in negotiating with the EU. And the Remainers were much more cautious about it. And then there was a moment when it all switched round and the Leavers said: "Well, this is too many horror stories, this is project fear, we don't want this." And the Remainers are saying: "Well, no, this is telling people the truth, we've got to get it out there, to show why getting a deal is so important." So, the politics did impact it, there was no getting away from that and there was also the inevitable Treasury angle. And Philip [Hammond], and the Treasury, institutionally, would take the view that look, you know: "This is about priorities, and if the priority is going to be that we have to prepare for a no-deal Brexit, well, then you have to stop doing other things, oh, colleagues. I can't simply say nothing is going to change about spending patterns if you are facing this really traumatic caesura in our European relations." And few secretaries of state wanted to be the ones who actually took the decision to cut bits of their department's activities.

**CH: Liam Fox has said that there was too much foot dragging and inertia in the civil service. Did you experience that?**

**DL:** No. My experience was that the civil service was working flat out. The civil service would follow the politics and if at any stage Theresa May had said, or Boris Johnson had



said, we are definitely going to go for a no-deal [Brexit], we are going out on WTO [World Trade Organization] terms, then the civil service, whatever the private views of the officials might be, would have done their utmost to deliver that. I think that, as is now recognised, it was a mistake to create DExEU [the Department for Exiting the European Union] as a separate department. Now, that's not to denigrate the officials or the ministers who work there, but the fact that you had then DExEU try to do things and Number 10 and the Cabinet Office trying to do things as well... and the contingency planning as a function sits in the Cabinet Office anyway, because all this stuff about the reasonable worst-case scenario, that is a standard civil contingency planning language. That was how the Cabinet Office was looking at, well, what happens if your DExEU mitigation doesn't work, what happens then? But trying to knit that together just took more energy and time and resource than should have been necessary. So, in my ideal world, I would not have invented DExEU as a department. I would have had a big unit, but I would have located it as, you know, an annex to the Cabinet Office and Number 10, because the prime minister was going to be driving the negotiations.

**CH: You were also involved in the cross-party talks to try and find a compromise. How close did they come?**

**DL:** Oh, pretty close. I think, at the end of the day, perhaps late in the day, it was just there was an unwillingness on both sides, I think, to make the final leap. The two issues on which it broke down were customs and a second referendum, where we couldn't quite get agreement. The negotiations took place on both sides, with the understanding that this was without prejudice, they would have to go back to cabinet and shadow cabinet and check their view. So, in the room, we said to Labour: "Look, what we will go for is, what we will offer, is something where both of us can say that our real objective is not prejudiced ahead of a general election." And, in effect, that meant having what amounted to a customs union with the EU, at least until the general election took place, after which whoever won would be free to do their own thing. Labour did rub our noses in it a bit, and wanted to actually call it a customs union, where we wanted language about "the benefits of a customs union", zero tariffs, zero quotas and so on.

And then the other thing was a second referendum, and we did offer a guaranteed debate and vote at both committee and report [parliamentary stages of the Withdrawal Agreement Bill]. And Labour said that they had to have a second referendum in the bill at the start and the vote would have to be whether to drop it. We just knew that would lose many more Conservatives than you would gain Labour members in the House of Commons. The truth is, I think that it was going to be difficult for a second referendum to get a majority on a free vote there. My view was always that a second referendum was undesirable, because of the political damage it would have done would have been severe. But had the House of Commons voted for it, I would have then argued okay, we have to live with this. But it was not my preferred option. But you could see the tide of the Labour Party shifting; when I talked to Labour MPs in the previous few months, they came to my office and they were saying: "Look, we'd have done a deal on Norway Plus six months

ago, but now things have changed within the Labour Party.” So, each side had its own dynamic there.

**CH:** Theresa May has obviously, as prime minister, got a lot of the blame for what happened – and you can see a lot in the Boris Johnson government where its trying to operate differently – but do you think that’s fair? Do you think a lot of it was just down to circumstance and difficult for anyone?

**DL:** Well, I mean, I think look, ultimately every prime minister has responsibility for what happens in their government. I think that, I do think the mistakes were made early. I think that if you go back to 2016, I don’t think that there was sufficient recognition of, you know, how hard some of the political choices in the negotiations would be. And I think it is possible – you never know, we are looking at it with hindsight, but it is possible – what I think should happen is there should have been a different approach to the negotiations at the start, because I think it would have been possible then to come to the deal earlier. And possibly, you know, an attempt to reach out to other parties early on, saying: “This is a national decision, we have had a vote in the referendum, now we need to move forward together.”

So, I think some of the adversarial language there was... I think probably she [Theresa May] felt that, you know, having supported Remain, that she had to demonstrate her credentials as committed to delivering the referendum result. And then clearly an unenviable decision, if you are a prime minister, to call an election, but the 2017 election, that turned out to be a great error. Now, it’s easy for me to say that now, and in truth, I wasn’t a real enthusiast for an early election – although, I obviously backed it, that’s what she wanted, so you have to at that point, you don’t try and undermine the prime minister, she had taken that really difficult decision. But I just think that the public doesn’t like elections, it means their television schedules are disrupted, they’ve got all these angry politicians shouting in their living room. But if you looked at what the polls were saying, early on in the 2017 election, you know, a Tory majority of 200, I absolutely understand why she took the jump that she did and why also quite a number of senior cabinet colleagues of mine were arguing that she should go for an early election.

**MTJ:** During the Brexit negotiations, particularly at the beginning, but it’s still the case now, the government was criticised quite heavily by the devolved governments for not involving them enough. That was part of your role – what did you do to try and change that relationship?

**DL:** I would talk a lot, not just at the formal JMC [Joint Ministerial Committee] meetings, to the devolved ministers. I tried to get monthly JMCs back. When I came in, in January 2018, we did find that, for various reasons, there hadn’t been a meeting with [the] JMC

on European Negotiations [sub-committee] for about 10 months, something like that. And clearly a lot of ill will had developed in that time. Now, let's not pretend – the SNP [Scottish National Party] government has a single strategic objective which is Scottish independence, everything else is a tactic. So, I am under no illusions about that. But you can try and diffuse some things. And so, for example, I used to see the Welsh and Scottish ministers without officials before a JMC, either separately or together, their choice, they could come and see me for perhaps half an hour before the committee meeting and we could just get stuff off our chest and say things there that actually made the meeting itself a bit easier and also gave me early warning of a problem somewhere else. I do think the Whitehall departments differ in how good they are at liaising with the devolved governments. And it's still work that could be improved in my view.

**CH: Let's talk about leaving government. Firstly, were there any circumstances in which you could have stayed on? And secondly, what was it like going from somebody who is negotiating with the backbenchers to keep them in line, to being the potential rebel?**

**DL:** *[Laughter]* Could I have stayed on? You would have to ask Boris that. I mean, look, I had been on the frontbench for 20 years, and the two years previous to that, I had been PPS [parliamentary private secretary] to the leader of the opposition, at a time when it was shovelling rubble and working every hour there was. So actually, part of me thought this is a natural point to go. And I hadn't supported Boris Johnson during the [Conservative] leadership election, I'm not spilling any secrets there. And also, it was clear that he was going to expect members of his cabinet to commit themselves to leaving on the 31 January – well, I suppose it was going to be the end of October originally – but the end of the year, come what may. And I felt, I just can't do that. And it's going to be completely incredible if I start saying that, given that everybody knows what I think. So actually, the best way is for me to step down from the government, I need to recharge.

I'm not criticising Boris – he is entitled to ask that of his Cabinet, if he has won the leadership election, saying that that is his position, and will be the position of the government, he is entitled to expect the cabinet to back him in that. And if I felt I couldn't do that properly, well then, the sensible thing would be to step aside and let him get on with it. And I wrote to him, as soon as he was elected party leader, to say look, I have come to this decision. I also said, I have never published the letter, but I wished him well. I thought that it was in the national interest that his premiership was a success, and that was truthful, kind of how I felt and how I continue to feel. And you know, I want any British prime minister, particularly one of my party, to do well.

So it was strange, being out of government and you then went straight in recess and so actually I didn't really have a lot of time to get used to it – I was starting to find my way, to think what to focus on, what to do next. And then the election is called, I was thinking at that stage it wouldn't be until 2022 or possibly, if it's earlier, 2020, but I don't think many were expecting an election in December. Until Jo Swinson [then leader of the Liberal Democrats] took the plunge. So yes, potential rebel, that didn't worry me. I

thought it was a mistake that he made the Benn Bill [requiring the prime minister to ask the EU for an extension to avoid a no-deal Brexit on 31 October] a vote of confidence. I think it's upsetting that really good, outstanding ministers, and Conservative backbenchers, had their membership of the party suspended for voting, in some cases just the once, against the government, the first time ever they had voted against the Conservative whip. I thought that was disproportionate. For myself, I had always said that I would want to talk to the PM before taking a decision on that, given he felt strongly. So I went and had 35 minutes with him, in Number 10 and what he said to me was that he was genuine about getting a deal [with the EU] and also, this meant a lot to me, he said he had had looked at what the detail of no deal would mean and was very clear – he perhaps differed from me, saying it still needed to be there, in the locker – but it was not something that anyone, any sensible prime minister would choose to go down as their preference. And he said: “look, I want you to trust me until the European Council [in October 2019], to see if I can get this deal.” And when the prime minister looks you in the eye and says, “look, I'm a new prime minister struggling to get this one through,” I think you say, “okay, I will give you the benefit of the doubt”. And in fairness to him, you know, he did get the deal. Now, it's 95% Theresa's deal and he made a move on Northern Ireland that I think she would perhaps not have been willing to do. It surprised me that he was willing to do that, but he got the deal and he got the majority at least, and in the election too.

**MTJ: And finally, what advice would you give to a new minister on how to be effective in office?**

**DL:** First, understand your private office. Trust your private secretary or if you can't, you don't think they are up to the job, talk to the permanent secretary about getting somebody else in. You will see more of your private secretary than you will of your wife or husband. You can't do everything on your own, they are your gatekeepers, the right relationship will pay you dividends because they will also find out what's happening elsewhere in the department and in other departments with which you are dealing. They will talk to their counterparts in other ministers' offices. So, have the right relationship with your private office.

Second, control your diary. Your diary secretary needs to be right – if you don't want to look at official papers normally on a Sunday, say so. If you are going to try to ringfence Fridays, or every other Friday, for your constituency, say so. If you go to the gym at eight o'clock every morning, say so. Remind your diary secretary you need to eat, because they do sometimes forget this! So have a structure to your diary and protect things that are important to your life, as you would office appointments in the diary, don't regard them as things to be squeezed in after anything to do with the department has been done.

Third, read the briefing. Make sure it's structured properly and have officials in, if you are not happy with what you see on paper. Actually, my advice when you start as a minister, is to have more meetings rather than have fewer, just to help to get to you know the

officials, put faces to names and so on. As time goes on, you'll learn, obviously, to trust more what's on paper, to take a decision on that. But if you have any doubts, call them in and quiz them and interrogate them, and remind them that ultimately it's you who has to stand at the dispatch box [in parliament].

Four, think around corners – you are a politician, if you have got a special adviser, great, that's an extra brain at your disposal, but you are the one who needs to be thinking about how this proposal will be received in parliament or by the charities or lobby groups with which you are dealing, by the employees of the bit of government which you are in charge of. So, if you are proposing something, as I did, as justice secretary on prisons, what's that going to mean for the prison staff who are delivering the service day to day. Or for a health minister, what does it mean for nurses and porters and doctors in the health service? And how do you make sure you are communicating with and explaining your policy to them as well as to the *Today* programme? So, think all of that through.

On the media, before you go on for an interview, decide what you want to say. Have something you want to say, but also have your defensive lines. Almost always an interviewer will say: "Well, you don't like doing this, what is it that you would do instead? What would you say to so and so, the opposition, advising you X and Y?" Have three things that you can reel off as evidence of why your government, your department, your policy is working, three things that you would do in place of what the opposition are saying that you should do. Have those answers prepared and ready.

Treat parliament with respect at all times. Try and give straight answers to people, not just sidestep them, and that applies to written as well as to oral questions, and above all to select committees. Get to know your select committees, treat them with respect and they will treat you with respect.

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