

MINUTES OF BGI PARLIAMENTARY SEMINAR
Committee Room 8, Palace of Westminster
7th May, 2008

Present (not everyone was present all of the time): James Arbuthnot MP, David Arculus, Alan Beith MP, Ken Clarke MP, Helena Djurkovic, Sir Christopher Foster, Baroness Hamwee, John Hemming MP, Susan Hitch, Kelvin Hopkins MP, Lord Howe, Lord Jenkin, Oliver Letwin MP, Lord Lipsey, Paul McQuail, Andrew Miller MP, Sir Nick Monck, Sir Richard Mottram, Peter Owen, Emily Price, Nick Raynsford MP, Lord Richard, Baroness Sharp, Baroness Shephard, Lord Tope, Lord Tyler, Michael Wills MP, Baroness Whitaker, Andreas Whittam Smith, Baroness Williams, Tony Wright MP

Michael Wills spoke on behalf of the Government. He said the objectives of the BGI were not at issue - no one could object to the idea of improving governance – but only how this might be achieved.

He said governments were buffeted so hard every day that it was sometimes difficult for them to look at ways of raising their game.

He thanked the BGI for raising and putting so much work into the issue.

He suggested that much of what BGI proposed was already being undertaken by the Government. He acknowledged that in drawing up the bill on post-legislative scrutiny much had been drawn from both the work of the BGI and from Ken Clarke's Democracy Task Force reports. He said that common ground needed to be established across all the main political parties as any reforms needed to endure beyond one Parliament.

He went on to say that whilst everyone agreed that the idea of post-legislative scrutiny was good, capacity constraints would limit what could be done.

He said that the reforms proposed in GW raised important constitutional issues, as they would have an impact on the balance of power between Parliament and the Executive, but he accepted that these issues had to be addressed and the status quo was no longer acceptable.

Clarification was asked as to what specifically in the GW programme the Government would be tackling.

MW said that he was perfectly happy to write a formal response to GW identifying which proposals could and could not be accepted. He said the Government would be addressing many of the issues raised in the report.

MW was asked what the timing would be for taking substantive legislation forward.

MW said that he was not in a position to say but the legislative programme would be announced very shortly. On further probing he agreed that in all likelihood this would be in the next session of Parliament.

MW was then asked whether the Government was still working on the principle that the Lords would bear most of the burden of post-legislative scrutiny as there was

limited capacity in the Commons.

MW agreed that this was the case.

It was suggested by one politician that there was something ethereal, even academic, about the GW recommendations and that they were unlikely to survive political reality - the Whips in all likelihood would prevent them from going forward. It was further suggested that all governments needed a system of rewards and punishments and that in Britain this took the form of patronage. **MW** was thus asked whether the Whips shared the Government's views of the proposals.

MW said that he did not share the view that the Whips' business was essentially dirty business. He viewed them as working on a higher constitutional level. He said he had no doubt that the Government needed to raise its game and that Parliament needed to be given a more effective say. He said the Government and Government Whips would be speaking with one voice.

It was then suggested by one speaker that the problems we were facing extended beyond the workings of Parliament. Whilst there was much to be welcomed amongst the Government's new initiatives in this field, it was asked what chance there was of the Government going further and restoring the quality of such things as policy proposals and Green and White Papers. The Whips had killed off Robin Cook's proposals in the past and their power was a problem. The election of Select Committee chairmen had been advocated for a long time and it was important to know whether the Government was now prepared to propose this reform.

Less legislation was needed and Parliament had to stop being treated as a permanent press conference by the Executive. One way to reduce the volume of legislation was thought to be to give the House more control over the timetabling of bills to counter the problem that governments tended to restrict debate in those areas that provoked the most opposition from the opposition parties.

The speaker then asked how it was possible to get rid of the Royal Prerogative. He was at a loss to see at what stage parliamentary approval for the deployment of armed services could be set. He asked whether there was a Government commitment to putting forward some requirements that the legality of the deployment of forces should be put to both Houses.

He noted that unless reformers in both Houses and within Government kept pushing for constitutional change, the reform in the CRB would make no difference and public disenchantment with Parliament and Government would continue.

MW replied that he was more sanguine about the issue. He thought the views expressed were predicated on the view that there was a conflict between those who wanted to get the business of government through and those who sought to promote the constitutional interests of the country.

He said it was necessary to accept short-term pain for long-term gain and that if all the parties signed up to the BGI recommendations we would be able to achieve its objectives. Getting legislation right was in the medium-term interest of Government as much as the Opposition.

He noted that most constitutional change in Britain had come in the form of small, piecemeal change. Major reform was not needed, a ratcheting up of incremental reform.

MW was then asked whether the Government would consider having a Constitutional Court to allow some of the procedures being discussed to be enforced by judicial review. The questioner noted that on occasion the Government refused to answer questions posed by Select Committees and this had the effect of undermining scrutiny.

MW said the Government had no intention of introducing a Constitutional Court.

One participant said he believed Select Committee chairs behaved with impartiality regardless of the way in which they secured their chairmanships. He thought the way in which they were appointed was not a fundamental issue.

He added that he expected **MW** would not accept recommendation 23 of GW. *[R23: The party whips should ease their control so that MPs can behave more independently, and the “usual channels” should be replaced by a more transparent and inclusive House of Commons “Business Committee” as in Scotland and in the House of Lords.]*

Christopher Foster commented that the BGI did not support the idea of greater judicial review as this would slow down the legislative process.

There followed a break for divisions within both Houses. Christopher Foster gave a prepared speech to those remaining.

Speaking notes, CDF, to introduce BGI Parliamentary Seminar, Committee Room 16, 4pm, 7th May, 2008: How can we be better governed?

We believe that our report, *Governing Well's*, proposals rank high among what would enable our system of government to function better and so help restore trust in Parliament and Government, in politicians and politics. These are bold claims. I must try to substantiate them.

Who are we? As *Governing Well's* front page shows, our core group includes former senior civil and other public servants, an ambassador, a journalist, and me who started my political life as a special adviser. [Two years ago I wrote a book on how and why it seemed to me that our system of parliamentary government over many years had become increasingly problematic. I had excellent interviews with MPs. Parliamentarians from all parties and former civil servants commented on my drafts. Several, again including parliamentarians from the three parties, have since been kind enough to approve much of my analysis. Since then I have tried to engage myself in doing rather than more writing. Hence the BGI]

While not politicians, at every stage we have discussed the issues with politicians and others experienced in government on working parties and at three conferences. Reports on these working parties and conferences – which underlie *Governing Well* - are on our website. Among others, the BGI has worked with the Conservative Democracy Task Force and the Liberal Democrat Better Governance Group as well as those advising the Prime Minister on governance issues. Our recommendations have been made available to them. It is heartening that they and so many other groups both within Parliament – the Liaison Committee, PASC, and other select committees - and outside it, like the Hansard Society and the Constitution Unit, are having compatible thoughts

What is our purpose? To review and suggest reform of the processes and procedures through which Parliament and ministers (1) control, or oversee, the body public, that is, existing government activities; and (2) initiate policy changes, with or without new law, re-organisation or changes in service delivery. In so doing, we believe we too are concerned with our Constitution. Not the *legal constitution* or the constitutional *structure* of the United Kingdom, or *constitutional* principles, at least not directly. Our focus is *functional*, the body not the clothes.

Why our concern? We believe it almost self-evident that how new laws and policies are devised, explained and progressed is in many respects seriously flawed. Their outcome is frequently unpredictable: the consequence too often of insufficient preparation within the Executive and then over-rapid parliamentary scrutiny.

Cross-party in our approach, we welcome the interest Gordon Brown has shown in constitutional matters. We welcome what the Government has said in both its Governance Green and White Papers about “rebalancing power” and “giving Parliament more ability to hold the Government to account” as part of what is needed to “renew trust and confidence in (our) democratic institutions.” We will offer evidence to whatever committee scrutinises the Constitutional Reform Bill.

But in our immediate response to the Green Paper - and we have repeated the point in *Governing Well* - we doubted that many of the Green Paper proposals, whatever their other merits, would deal with the problem of restoring public trust in politics. We believe our proposals do. The culmination of some two years' work, we maintain that our 50 recommendations - or their equivalent - would help make our system of government more effective, its outcomes more predictable, and so contribute to restoring public trust in politics and politicians. Moreover we suggest that something like our complete package of proposals will be more effective than introducing some piecemeal.

Some disclaimers are due: There never was a time of golden government. Every age has its problems. Some are not susceptible to government treatment. Some are. Some are sufficiently well handled to be judged a success at the time or with historical hindsight. Some are not.

But even had there been a Golden Age, government has become so much larger, complex and demanding that what more or less worked then cannot be expected to work now. Let me rattle through factors well known to you we can associate with complicating and weakening our system of government:

- The increasing scale, depth and range of government activity
- The greater interaction between the UK and other governments - through the EU and otherwise – adding substantially to government business.
- A near doubling of the volume of legislation and regulation. A high proportion of bills entering Parliament incomplete, poorly explained, and requiring substantial amendment, so wasting the scarce parliamentary time. Some parts of many bills get no attention in the Commons.
- The growing concentration of ministers' time, directly and indirectly on responding to the requirements of the media lessening the time they can give their other tasks.
- The media appetite for new and often instant policy initiatives. Changes in how the media are staffed and operate make that appetite into one for news releases and press conferences, scarcely ever as it used to be - especially in the broadsheets - for analyzing white papers and reporting debates in

- Hansard.
- The greater demands on MPs', not excepting ministers', time, made by constituency business.
- A tendency for some ministers to engage in policymaking with their political and media advisers while leaving subsequent implementation to their civil and other public servants, so insufficiently recognizing that successful policy and lawmaking requires interactive and sometimes iterative co-operation and consultation between those at all levels: from ministers through to those who will have to implement innovations on the ground.

It is not enough to go back to earlier practices. We need a system of government fit for a more complicated modern world. More than half our recommendations have no precedents in the past. Much we propose would not be restoring old arrangements but making new ones. The challenge is not to re-create the past but to move forward to a form of government both fit for the modern world and democratic.

A second disclaimer is that good process does not ensure good government, let alone historic fame. But making the outcome of new bills and policy issues more predictable, helps politicians avoid making promises that are not deliverable and instead deliver promises that are. Our contention is that better process – both in Parliament and the Executive, neither alone is enough – is a necessary, though not sufficient, means of helping restore public confidence and trust in politics and politicians

Let me draw your attention to our five overview recommendations.

Recommendation 1 asks that Parliament's capacity to scrutinise the Executive be strengthened. **"Parliament should provide for more rigorous initial analysis of policy proposals; and retrospective review, after a suitable period of time has elapsed, of the costs and outcomes of policy and legislation actually achieved against those in the initial proposals."** Consequently we greatly welcome Harriet Harman's White Paper on Post-legislative Scrutiny which we see as in line with the Governance Green paper in strengthening capacity for scrutiny. We have sent her a few caveats which we have also sent to the Liaison Committee. The most significant provisos, we believe, are that PLS will be far less effective unless the Government's statement on the objectives of new legislation is more cohesive and considered than she seems to allow and that her proposals generally will be less effective unless other *Governing Well* proposals are also implemented.

Recommendation 2 reflects the need to improve the policy and lawmaking process within the Executive so that Parliament has better material to scrutinise. **"Before policy decisions are taken by the Government, proposals should be thoroughly tested by objective analysis and wider consultation."**

Recommendation 3 calls for **"a better balance between the strategic role of the Centre....in determining the overall policy framework and the operational role of departments"** It reflects the benefit to be gained from decentralising power and responsibility, something in our judgement arguable on grounds of efficiency and effectiveness alone. We know there are other grounds.

Recommendation 4 reflects the need to clarify powers and objectives at all levels of government. **"Service deliverers – such as executive agencies, non-departmental public bodies, the NHS and local authorities - should be set clear objectives against which their performance will be monitored, but they should not be micro-managed by Departments or by the Centre of Government...."**

Recommendation 5 may be the hardest to deliver. **“Pressures from the media should be handled consistently in a way that avoids responses, let alone policy commitments, before the Government is ready.”** Media management matters, but well thought through policies, sound laws and better service delivery are what the public really wants from government.

I will not go through all our other recommendations. Here are few:

R6: Parliament should, by Parliamentary Resolution, set standards for thorough preparation of legislation and other major policy proposals. The Government should respond by setting out publicly how it will meet them.

R8, 9: Select Committees should check that those standards have been met before any significant policy proposal or bill comes before Parliament.

R14-8: The independence and effectiveness of Select Committees should be strengthened by reducing the hold party whips have over the choice of their Chairs and members; by increasing Committee Chairs' pay to that of junior ministers or ministers of state; by introducing pay for Committee members; and by providing a still wider range of additional expert investigative support. We endorse the proposal that Select Committees should be able to put down substantive motions. We should remind Ministers and other executive-minded people of Robin Cook's dictum that the purpose of better scrutiny is better government.

R10, 11, 12, and 37: Parliament's scrutiny of tax and spending proposals - weak by international standards - should be improved by providing fuller and more timely information and analysis. We are impressed by the Liaison Committee latest report on "Re-creating Financial Scrutiny". But we would add a few more points: for example, the Red Book should be issued before, not after, the budget statement.

[R20: Governments should commit to providing Parliament with full and timely explanation of their legislative and major policy proposals, normally through well-argued and evidenced Green and White Papers.] ? Advance notice of the government's legislative programme

R 26-9: A written, published code for the conduct of Cabinet business should require all Ministers, not excepting Prime Ministers, to submit important decisions for collective consideration by Cabinet or Cabinet Committees.

R31: Cabinet Committee papers and Green, White and other public papers must be written so that the complete argument can be followed by non-expert MPs and interested members of the public.

R41, 2: Training should be provided for serving or potential Ministers – to complement that given members of the Higher Civil Service.

Almost no changes we recommend need legislation. They should be introduced soon. They should not wait until the Constitution Renewal Bill is discussed and passed. They are at least as important as the measures currently proposed for that Bill and the need for them, and others the BGI report lists, is urgent.

The BGI argues that unless governments change how they work, legislation will continue to lack clarity, improvement of the public services may be fragile, major projects will be delayed, resources will be wasted and the pressures upon those working in Government and the Public Sector will too often be demoralising.

Let me conclude. In the last 25 years or so, there has been whole series of policy failures We could all give examples. They are not confined to any one Administration. Is it not time for all parties to accept that at least as promising a way to re-ignite public enthusiasm in politics and politicians is through re-engineering the system to produce carefully prepared policies that work rather than through endlessly attempting to capture media and public attention with dazzling new policy directions

and initiatives that all too frequently sooner or later fizzle out?

To be specific, it does no credit to the Executive and ultimately to Parliament:

- If subsequent Government amendments change some bills out of all recognition. You will have your own examples, but how about [Conservative examples?] the Mental Incapacity 2005 Prevention of Terrorism and Human Embryology Bills?
- Or if some quickly prove impractical, for example: the Child Support Agency, the Dangerous Dogs Act....
- Or depend for their implementation on IT systems which prove undeliverable, or only too slowly or expensively deliverable.
- To give another kind of example. I would argue that - to give two examples with which I was concerned - that to have set down in clear prose in a White Paper the case for, and the practicality of, the poll tax and rail privatisation, would in the first case have shown up its impracticability, unless substantially different from what was implemented, and in the second the fragility of the maintenance arrangements - in my opinion the greatest shortcoming of that measure. Dare one mention the lowering of one income tax rate from 23 to 20p and the abolition of the 10p rate in the same breath?
- Then there are white papers which are vacuous. Or inconclusive like the 2003 Energy White Paper which sat on the fence about nuclear. Or like the 1998 White Paper are utterly impracticable, in that case in what it believed could be shifted to public transport. Or like the Stern Report - of high quality in my opinion - but written in such professional jargon as to be impenetrable to MPs and other non-experts
- Or even when one has a first-class White Paper like the recent nuclear one, rushed through the House and widely misinterpreted. Two or three sessions before the appropriate Select Committee could have got wonders out of that White Paper, checking its facts and testing its conclusions.
- Or to take another example, a Select Committee which had the power and the NAO-style resources to investigate almost instantly the whys and wherefores of lost CDs could have completed an investigation quickly and earned itself considerable credit.

Let me conclude by saying that the reforms we propose will enable the Administration in power at the time to gain credit from improved current performance and greater economy in the use of resources; and then further credit from better outcomes for citizens, public service customers, voters and taxpayers. "The public deserves a system of Government that works. We know what radical action is needed. The urgency is to get on with it. "

The discussion resumed on the return of both peers and MPs.

One speaker said he feared the multiplication of law-making structures. He said the main objective should be a reduction in the volume of legislation.

He observed that the latest horror to enter Parliament was the Marine Bill which was no less than 700 pages long.

As regarded the CRB, he said he had submitted a number of reasons why the role of the Lord Chancellor should not be abolished. He said evidence was mounting that

the reasons he had given had great credibility.

He said that it was critical that policies should be thought through thoroughly before they even reached the legislative stage.

It was observed by another speaker that one of the themes coming out of the discussion was that there was too much focus on producing legislation and not enough on scrutinising it. The commentator thought there was a problem in that the business of scrutiny was intrinsically boring. He asked how politicians could be rewarded for dedicating time and effort into quality scrutiny.

In response, one politician disagreed that scrutiny was intrinsically boring. He said that many people derived more enjoyment from select committee work than from the Chamber. He thought the important issue was to get more press attention for the work of select committees and raise public recognition of why scrutiny was important.

Another speaker noted that there was a problem not simply with the number of bills but also with their length. To compound the problem, many of these vast Bills contained an increasingly large number of places where it was stated that the Secretary of State would make an Order, leaving MPs to discuss Bills of limited substance.

It was taken as a given by this speaker that Select Committees had to work with the press to encourage coverage.

In response one observed that select committees at present had to share press officers and so they were spread very thin.

Concern was also expressed by one individual present in the way in which Bill Committees acted like amateur lawyers. The individual said he was interested in political principles and what impact the proposed legislation would have. He thought too much committee time was sucked into arcane debates about punctuation and legal language.

He went on to say that there was a belief amongst Opposition MPs that the only weapon open to them was the use of time, and hence they had the ridiculous habit of stretching out things in committee as long as possible. He said when Tony Blair was Shadow Home Secretary he understood that time was nowhere near as important as timing and hence he did deals with Government Whips, such as agreeing to get a bill through within a given period of time in return for the agreed timing for debate of certain important clauses.

This observation met with the response that these kinds of deals had sometimes led to a lack of proper scrutiny as with the Electricity Bill.

One participant said he thought the present system was failing very badly. He thought scrutiny was only effective to a degree and that often as a result legislation came in that did not work well. It would then be replaced by legislation as propaganda.

He welcomed the fact that **MW** recognised that the Executive and Parliament needed to work better together.

He felt it important that there was effective pre-legislative scrutiny of what a bill was trying to achieve, what the measures of success were etc. If this was the case a lot of

bad legislation would be eliminated and the use of parliamentarians' time improved.

Another observed, in a response to an earlier point, that Programme Motions meant that time was now only a weapon in relation to private members' bills. He said that if the Opposition did not kill a private member's bill, at present before Parliament, the Government would kill it. He went on to say that oppositions needed to work out whether they wanted to improve legislation or leave it in so bad a state that it would later undermine the government.

He said it was important to examine why there was such a ridiculous amount of legislation. He thought it was probably because MPs were not prepared to say to the public that sometimes there was not a legislative solution to a problem but also because oppositions often attacked governments for not legislating on a problem. He noted that even Margaret Thatcher had crowed that she had got 30 bills through a Parliament

It was observed by another speaker that one of the bedrocks of the constitution was that Parliament enacted and the courts interpreted: a problem now lay in the fact that a lot of legislation came up to the Lords in poor form.

Another politician said he backed the call for more pre-legislative committees. He said he had served on the Human Embryology Bill committee, which had rejected the proposal for the merging of two of the regulators in this area. Because of the presence of distinguished scientists among peers on the Committee, this advice was accepted and greatly strengthened the bill.

He noted that the Poll Tax had had minimal pre-legislative scrutiny and the Thatcher Government had paid the price. He said the Bill should never have gone before the House in the form that it did.

It was suggested that the two Houses should share their experience and knowledge. This would improve scrutiny.

Continuing on this theme, one participant observed that in one area in which he had been involved the committee had run a large number of very useful evidence sessions but had had no time to reflect on these sessions before it had to review the legislation. He thought there needed to be time between taking evidence and going into line by line analysis of legislation.

Another concurred, saying Parliament needed the opportunity to consider a policy document before it was turned into a written bill.

Yet another agreed that pre-legislative scrutiny of a policy was needed before it was turned into legislation. He said there had been a proper committee enquiry into the need for the creation of Ofcom. Most of the recommendations of this enquiry survived and led to the creation of a much better regulatory mechanism than was in place before.

CF asked whether we could conclude that properly prepared Green Papers that presented an analysis of the problems and possible solutions were needed.

It was suggested that what appeared to be needed was scrutiny at a stage between the broad principles of a White Paper and the detailed legal drafting of a Bill – perhaps something akin to Departments' written instructions to the draftsman.

In response to the debate about scrutiny, it was observed by one politician present that he had just been singing the praises of Northcote-Trevelyan in the Civil Service debate taking place in the Commons. He said this was a very short document, which presented an excellent case, but would not pass the tests being discussed here.

He said there seemed to be endless discussions about the deficiencies of the system, but little discussion of what worked well. He said a look at everything as a whole was needed to enable us to identify both the good and bad.

He asked whether it was a given that less legislation was better than more. He asked what criteria should be used for legislative success as well as for failure. He asked whether there was a case for more political advisors to governments. In conclusion, he thought a higher level of analysis was needed.

CF observed that the NAO had produced a number of reports that had shown what had been done well.

One speaker commented on the fact that he had joined the civil service in 1968 and it was quite hard not to feel that over those years a lot of progress had been made. He felt, however, that there were systematic problems in our system of government that had now been debated for the last 40 years.

He felt there was insufficient clarity of definition of roles, especially for a system that was now focused on service delivery.

He also felt the system lacked the rules and culture needed to sustain a government. He was sorry to see that the main response coming out of the Government to its setback last week was either to introduce yet more initiatives or to reshuffle the Cabinet, both of which would simply add fuel to the fire and not get to the heart of the problem.

He said he believed something needed to be done about the tempo of government – including the frequency of ministerial reshuffles – and a shared understanding of what was involved in running a large organisation needed to be created.

These comments about the frenetic pace of government struck a chord with another of the participants. He said ministers were expected to work at an unrealistic pace. Having shadowed the Treasury for five years he had been confident he would enter Government in a strong position but had been taken aback at the volume of work with which he had had to deal.

He said he agreed with the GW recommendation that Ministers needed to take more responsibility.

In response, one speaker observed that there was a problem with the number of Ministers introducing legislation to the House that they did not understand. The speaker said it was vital to get the concept of ministerial responsibility right. This could only be achieved by longer lead-in times, which in turn required a reduction in the ministerial burden.

The observation was made that what used to be called the Legislation Committee of the Cabinet would often be quite tough. It was recalled that the Home Office used to try to constantly shore up bad news with new legislation and the Legislation Committee would regularly block them.

It was also necessary to put the funding into legislation to allow for adequate post-legislative scrutiny. By way of an example of where this had happened, the case was cited of the legislation that had created the new polytechnics, which had provided for £250k to go to each new institution to report back in five years what they had achieved.

One participant suggested that the structure of implementation could more fruitfully be discussed by Parliament in some document other than the draft bill. In response, it was noted by one speaker that the legal expertise available within the Lords should also be brought into play in considering the quality of the drafting.

It was further noted that because of the constraints of time most parliamentarians did not focus on an issue until they received a copy of the bill and more involvement of politicians was needed in the Green and White paper consultation process.

The discussion ended with the observation that in reality the Commons was interested in the party political battle and this was why the Lords was so important to scrutiny. Unfortunately MPs argued that since peers were unelected they should disregard their opinions. Until the relationship between the two houses improved, this problem would continue.

Summary

The Government welcomed the work of the Better Government Initiative and recognised the importance of the Governing Well agenda. It intended to publish a response in the near future.

Amongst those attending the meeting there was near consensus on the need for reform, though varying degrees of scepticism as to how easily this could be achieved.

The general themes to emerge were:

- The Executive and Parliament needed to find ways of working more effectively together
- The volume of legislation needed to be reduced both in terms of number of bills and their size. One way this might be done was through returning the Legislative Committee in Cabinet to its former strength
- Parliament needed to have greater control over the legislative agenda of the two Houses including issues of timetabling and scrutiny
- Parliamentary scrutiny needed to be improved at both the pre- and post-legislative stages. Parliament needed the opportunity to evaluate, take expert evidence and reflect on a policy before it reached the written, legislative stage and more funding was needed for both pre- and post-legislative committee work. There also needed to be greater sharing of expertise and knowledge across the two Houses
- Ministers needed to take greater responsibility for the legislation they introduced
- There needed to be greater clarity in the definition of roles between Ministers and civil servants