

CONFIDENTIAL

PRIME MINISTER

Prime Minister

(1)

Spec para 4 below.

Yes and

Point - 28/2

Provision of Evidence by the Cabinet Office to the
Select Committee on Foreign Affairs

The Select Committee on Foreign Affairs have asked for a note on the size and role of the European Secretariat of the Cabinet Office. Their request was made when taking evidence from Foreign and Commonwealth Office officials about the conduct of Community business, in the course of which the Foreign and Commonwealth Office referred to the European Secretariat and gave a brief indication of its functions.

2. The standing rules on this subject - which were published by the Procedure Committee in the last Parliament - provide that the Cabinet Office will not normally be required to give evidence to a Select Committee and that any request for such evidence should be referred to Ministers. They also make clear that officials should not give written or oral evidence about the advice given to Ministers, interdepartmental exchanges on policy issues, the level or manner in which decisions are taken, or the existence, composition, or terms of reference of Cabinet committees (beyond that disclosed in your Parliamentary Reply of 24th May 1979, copy attached).

3. These rules have been revised to reflect the new Select Committee arrangements and, subject to final clearance on one or two points, will shortly be issued to Departments and conveyed to the Liaison Committee; they do not differ in any material respects from the old guidelines. They are founded on the need to maintain and safeguard the principle of collective Ministerial responsibility, on the argument that it would be difficult if not impossible for a Cabinet Office official to appear before a Select Committee without being faced by questioning designed to disclose the inner workings of the Cabinet and its Committees. Moreover officials give evidence on behalf of their Ministers. The Cabinet Office does not have a Minister for whose policy it is answerable; nor can it have a "departmental" interest in the subject under examination. Special considerations apply to the CPRS and the Central Statistical Office, but other parts of the Cabinet Office perform only a secretariat function, and in this

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connection I think that we should not draw any distinction between the European Secretariat (whose existence is publicly known) and the remainder of the Cabinet Office.

4. In the present case the information the Committee want is only peripheral to their main interest in the FCO and its activities, and does not therefore justify a departure from the basic guidelines. But I do not believe that we can, or should try to, get away with a flat refusal to provide any information at all. If we were to provide a note ourselves, the Committee would probably want to probe further by taking oral evidence from me, which in turn could rapidly encroach on the sensitive areas described above. I therefore recommend that we should not ourselves accede directly to the Committee's request, but arrange instead for the Foreign and Commonwealth Office to supply the Committee with a short note on the European Secretariat along the lines attached. This would give the Committee what they have sought without compromising the special constitutional position of the Cabinet Office. To avoid provoking a premature confrontation with the Committee I have meanwhile arranged with their Clerk for the formal request for a note to be addressed to the FCO rather than the Cabinet Office.

5. Although we should do our best to avoid giving oral evidence to the Select Committee, it is possible that we may be pressed to do so at a later stage. In that event I shall of course seek your further guidance; but you should be aware of the precedent set in July 1978, when Mr C A Whitmore, then in the Cabinet Office and the Chairman of an Official Committee on Civil Hydrographic Requirements, was summoned to appear before the Trade and Industry Sub-Committee of the Expenditure Committee, and eventually attended as an adviser to Lord Peart, the Minister responsible for co-ordinating maritime policy. In present day terms this would mean our agreeing that the Head or Deputy Head of the European Secretariat would accompany a Foreign Office Minister to assist him in dealing with any questions from the Committee on the co-ordination of policy towards the Community. I should, however, hope to avoid that, if possible.

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6. I should be grateful to know whether you agree with the line suggested in paragraph 4 above.

7. I am sending a copy of this minute to the Lord Privy Seal.

REA

(Robert Armstrong)


25th February 1980

HANSARD 24 MAY 1979

CABINET COMMITTEES

O7. Mr Mike Thomas asked the Prime Minister if she will now answer questions on the membership and terms of reference of cabinet committees.

The Prime Minister: I have established four standing committees of the Cabinet: a defence and oversea policy committee and an economic strategy committee, both under my chairmanship; a home and social affairs committee under the chairmanship of my right hon. Friend the Home Secretary; and a legislation committee under the chairmanship of the Lord Chancellor. Attendance at these committees will vary according to the subject under discussion. Where appropriate, sub-committees of the standing committees will be established. Membership, and terms of reference of the standing committees or their sub-committees will remain confidential.


DRAFT FCO NOTE FOR THE SELECT COMMITTEE ON
FOREIGN AFFAIRS

The European Secretariat of the Cabinet Office

This memorandum is submitted in response to the request of the Select Committee for a note on the size and role of the European Secretariat of the Cabinet Office.

2. Paragraphs 9 and 10 of the Foreign and Commonwealth Office Background Brief explained that the Foreign and Commonwealth Secretary is in overall charge of the co-ordination of Britain's policies towards the European Community. Given the involvement of many Government Departments in the activities of the Community means that there is a need for central co-ordinating machinery at the service of Ministers and Departments collectively. This is the function of the Cabinet Office.

3. The European Secretariat is the part of the Cabinet Office which provides this service. It is composed of eight officials, headed by a Deputy Secretary. They chair and act as secretaries for interdepartmental committees at official level, provide the secretariat for inter-Ministerial discussions of Community issues, and act as a source of information and advice to Whitehall as a whole on questions of policy co-ordination on Community matters. They thus assist the Foreign and Commonwealth Secretary to discharge his overall co-ordinating responsibilities.