WEDNESDAY 11 FEBRUARY 2015

4.55 pm

Witness: Peter Robinson MLA
Members present
Lord Lang of Monkton (Chairman)
Lord Brennan
Baroness Dean of Thornton-le-Fylde
Baroness Falkner of Margravine
Lord Lexden
Baroness Taylor of Bolton

Examination of Witness

Peter Robinson MLA, First Minister of Northern Ireland

Q87 The Chairman: First Minister, we are very grateful to you for coming along to this meeting with us. I know that you were in London anyway, but I know how busy a day can be for you. We very much appreciate it. We are getting towards the end of our inquiry into intergovernmental relations. We have drawn quite a lot of evidence from academic sources, officials and Ministers in all the devolved territories, provinces or whatever you would like to call them. The opportunity to speak to you towards the end is very useful, so thank you for coming. I already apologised to you in advance that we might have to break off for a Division, in which case I hope that you will bear with us while we go to vote.

Intergovernmental relations from the point of view of Northern Ireland and the rest of the United Kingdom are probably slightly different from those of the others, partly because the political structure is different, the relationship with the Republic of Ireland is there, and your degree of devolution, although it has been more sustained over the years than anything in Scotland or Wales, is different. How do you see intergovernmental relations in general? Does Northern Ireland have anything special that could have application to the rest of the United Kingdom? Can you think of any other way in which it might be possible to improve it?

Rt Hon Peter Robinson MLA: First, thank you for the welcome and the invitation. I suppose what puts many people in Northern Ireland on edge is that it appears that the desire to consider constitutional reform is sparked only because of Scotland. Important although Scotland is, Northern Ireland, and indeed Wales, would not want to be left behind in any improvements that can be made.

Intergovernmental arrangements are made more difficult by two factors. One is the unbalanced nature of the responsibilities of the people around the table. You are pitching devolved Administrations against a sovereign Government. The very fact that the meetings always take place in London indicates that we are being brought in as opposed to being a full
part of any structure. It is also complicated by the fact that all the devolved regions are led by parties that are not represented in the Government of the United Kingdom. Over the last number of years, that has led to a more confrontational, adversarial role within the JMC, where parties are coming in to deal with issues in their jurisdiction that they want to go back to publicise, so it becomes grandstanding as opposed to a genuine effort to reach agreement and to find areas where we can learn from each other.

Having been on it for a very long time and seen it under different Governments, I notice, particularly with Scotland, that it has become much more adversarial. To some extent, there are two devolved institutions, which recognise that they are devolved institutions, and one devolved institution that believes that it is a sovereign state and has the standing of the Government. Those kinds of relationships are awkward, as has been seen in the dispute resolution procedure, for example, which is meaningless. At the end of the day, the Cabinet Office will decide whether the Treasury was right. We do not think that is a very impartial court to take our case to. However, in general terms it is useful and worth while. It is not the body that I would take any serious issue to that I wanted to take up with the Government; I would deal directly with the Government. Indeed, all the big changes, whether it is the Stormont House agreement, corporation tax or issues about our budget, have been through direct contact with the appropriate Minister.

The Chairman: Thank you. You have touched on a number of points of considerable interest to us, so I hope that we will pursue them further in other questions. Lord Lexden.

Lord Lexden: Before going on to my main question, can I ask whether relations between the Executive, the United Kingdom Government as a whole and other devolved Administrations are complicated by the fact that the Executive brings together the principal parties, who have wholly opposed constitutional and many political objectives? Meetings are attended by you and the Deputy First Minister, which is quite unlike the arrangement elsewhere. Does that complicate matters?

Rt Hon Peter Robinson MLA: It complicates them for me and, I think, puts Northern Ireland in a difficult position. If the Deputy First Minister and I are present, there will be a range of issues on which he and I will take a different stance. That becomes evident very quickly, so it is hard in some cases to put forward a unified Northern Ireland voice. That is probably the minority of issues that we deal with. If we deal with social and economic issues, we can probably work out a Northern Ireland position, but when it comes to more constitutional issues, we are in very different spheres.
Q88 Lord Lexden: My main question at this point is to ask whether you think there would be benefit in putting intergovernmental relations on a more formal footing with a statutory element—the statutory element to be carefully contrived so that there was not too much prescription for arrangements on a statutory basis.

Rt Hon Peter Robinson MLA: I think it would be difficult to legislate for good relations. You could, however, legislate with some minimum requirements on the number of occasions each of the bodies and sub-bodies met. You could place a duty on UK departments either to take into account or to consult the devolved regions when they are dealing with matters that have an impact there. I could give you examples of major policy issues that were decided by a UK Government department that had a direct impact on what we were doing in Northern Ireland and that we heard about on the news. That is not good and it goes a long way from having a good relationship and a better understanding of what we can do.

One example would be Michael Gove’s GCSE announcement. That has implications for people from Northern Ireland getting into universities. It has implications for national and international employers. Again, we learnt from the press about that issue.

Lord Lexden: So you think there might be a role for a statutory element?

Rt Hon Peter Robinson MLA: A duty? Some of the devolved regions might, but I would not want to slow down the work of government here by making some onerous demand of hoops that they had to jump through before they take a decision. Where there is a clear impact, the very least the Minister could do would be to pick up the phone to speak to his counterpart and indicate an intention to do something and the impact that it might have.

Q89 Baroness Taylor of Bolton: I listened with interest to what you said so far. Some of it echoes other things that we have been told, and some of it does not. You said that you would not bring serious issues to the Joint Ministerial Committee; you would go directly to Ministers or civil servants. Can you say something about those informal relationships with ministers or between your civil servants and Whitehall civil servants?

Rt Hon Peter Robinson MLA: Perhaps I should redefine what I said more closely when I said that I would not take serious issues there. Where I am looking for change from the Government on an issue, I will do it directly. Of course, many of the issues that we discuss at the JMC and its subgroups are serious, but they are not so much issues for decision; it is more a case of discovering what is happening in each of the devolved areas and with the UK Government rather than us getting an agreed policy.
One body that we have is the British-Irish Council. Within that body, there is provision for us to look at particular topics of importance, setting up workgroups and trying to bring forward a common policy in some of those areas. It is separate from the JMC, but it is worth while. In one of the documents that I read, there was a suggestion that it might be worth looking at having something similar to the JMC, but I am not sure about the extent to which we would just be duplicating what is happening elsewhere or whether it would have a different remit.

**Baroness Taylor of Bolton:** Earlier, I think you used the words “brought in”—you felt that you were brought in to London to hear what was being proposed. We have been told that Whitehall has not fully taken on board the fact that there are devolved Administrations. That seems to be the case particularly in policy development. I get the feeling—bluntly in the education example that you used—that a lot of things are a fait accompli: you feel that you are just informed about rather than take part in genuine policy development between your Administration and Whitehall. Is that how you feel, and do you have any scope or any activities with the other devolved Administrations to formulate policy so that not everything is initiated by Whitehall?

**Rt Hon Peter Robinson MLA:** We need to remember that one of the significant arguments for devolution is that we can do something that is uniquely Scottish, Welsh or Northern Irish, so from that point of view it is not so much about getting an agreed policy. Very often because of the differences between the political parties in the various regions, you will end up with very different policies being rolled out. However, there are issues that complicate what we are doing because of actions by the UK Government, whether it is passports, integration or whatever else. There are areas where the best we can do is try to influence the Government to change—alter or amend—a policy to take account of some peculiarity that there might be in each of our devolved regions.

The three devolved regions have met on a number of occasions. We would pick up the phone to each other, which is perhaps a bit more complicated since the Scottish referendum, but we meet regularly. To some extent, it is almost ganging up to get the same position so that we can take on the Government. That indicates the feeling that we all have that the law is being laid down to us and there is not that much flexibility.

**Baroness Taylor of Bolton:** Just one final point. When you gave evidence to the Commons Political and Constitutional Reform Committee, you seemed to give a different impression about what happened with regard to JMC (Europe) from what we have heard elsewhere. Generally, we have been told that that is one of the better areas of co-operation, but you were making the point that sometimes you felt that more could have been done.
Rt Hon Peter Robinson MLA: I think that Defra has a better record. Our Minister from the Northern Ireland Executive will go out when quotas and other issues are being decided. I will pick up the phone on the night when those decisions are being taken, speak to the UK reps and indicate what is important for Northern Ireland. We have a better relationship with Defra largely because agricultural issues are more important to Northern Ireland than they are to England, so it is important that our voice is heard and taken into account in those areas. We do not get everything that we want, but we have a better relationship. We certainly get information and consultation.

Baroness Falkner of Margravine: Please forgive me for being late, so that I have missed your introduction. You mentioned the lack of co-ordination in areas where there are clearly very different policy interests. Would it be better to co-ordinate within sectoral areas in the way that you do on the British-Irish Council—issue areas, energy, agriculture and fisheries—between the devolved Administrations and Whitehall?

Rt Hon Peter Robinson MLA: I think that you can make a strong case for it. I come from a school of thought that inclines towards small government, and we would start to build it out quite a bit if we did that with a level of duplication with what we are doing in the British-Irish Council. Of course, the British-Irish Council has another player at the table outside the devolved regions and the national Government of the United Kingdom.

Q90 Baroness Dean of Thornton-le-Fylde: Good afternoon, Minister. You are becoming a regular, are you not? On 8 January, you appeared before the Political and Constitutional Committee in the House of Commons. I would like to ask you about the JMC, but secondly, and perhaps more so, about the domestic committee. You referred to the British-Irish Council on 8 January, when you appeared before the Committee. You made quite an interesting statement about the balance between the involvement of the devolved Administrations and the right of the UK Government to govern. Interestingly, the First Minister of Wales has suggested that the work-stream idea of the domestic committees should be based on what you have in Northern Ireland—on the British-Irish Council. Do you think that would work with the other devolved nations? One of the academics who has given evidence to this Committee has said that the more you proliferate committees, the less work you will get done. Obviously I paraphrase. Yours seems to be working well. Would you advocate it for JMC (Domestic)? What changes would you recommend for JMC (Plenary) itself?

Rt Hon Peter Robinson MLA: I would welcome it if the culture was somewhat different. At present it is simply a case of a UK department coming along on the basis of, “Here’s what we are doing. This is the way it is going to be. There’ll be no progress”. We get back to the issue
of the extent to which people arrive there with the view that they are trying to learn from one another about what we have done to tackle similar issues and whether there is value in us taking issues forward jointly—if people have come there in that spirit.

JMC (Domestic), I have to say, does not meet regularly, and if any of these issues are going to get into policy matters, once or twice a year will not satisfy the ability to come out with anything worth while. That means that you will have to ratchet up the number of meetings.

**Baroness Dean of Thornton-le-Fylde:** So how often does the British-Irish Council meet, because you have these 12 work sectors, have you not? How often do they meet?

**Rt Hon Peter Robinson MLA:** One or two times a year, but the work sectors meet separately from the British-Irish Council, and they will meet more regularly when they are preparing their report. The reports come forward. When the issue is reported, it is dropped as we take on other issues.

**Baroness Dean of Thornton-le-Fylde:** They come to the British-Irish Council?

**Rt Hon Peter Robinson MLA:** They come to the council for approval.

**The Chairman:** I am concerned about this reference to the culture being so bad, but there is a Division in the House and I will not ask the question because I do not want to give you 10 minutes to think of an answer. Would you forgive us, and are you able to spare and other 10 to 15 minutes afterwards? I am so sorry. The clerks will look after you.

*Sitting suspended for a Division in the House.*

**The Chairman:** It struck me when you referred to the culture that that is fundamental to the nature of intergovernmental relations. Others have referred to it in different ways, not altogether favourably. Is it a sort of institutionalised national culture, is it poor personal relations, is it ministerial relations, Civil Service relations or departmental relations? How has it gone so wrong, and is it reflected similarly in the British-Irish Council?

**Rt Hon Peter Robinson MLA:** The British-Irish Council is a very different animal. It includes the Isle of Man, Guernsey and Jersey—and, of course, the Irish Government are present, so the range of issues is different, and of course so is the modus operandi, with the work groups bringing forward reports.

I suppose I had best explain the culture of the JMC. We will have an agenda. It will be made evident early on that we are going to spend 20 minutes on this one and 10 minutes on that one. We will go round the room. We will ask each of the devolved regions, plus whoever is the departmental Minister who is dealing with the issue to make their comments, and that is
the end of it. It is not a case of trying to reach any agreement, it is just a stating of positions. That can be helpful to the extent that it gives you an opportunity to put issues to the Government and to influence them. It is useful in that you may pick up ideas about how somebody is dealing with youth unemployment that you have not tried yourself, so you may follow it up with that devolved region. It is helpful to that extent, but it is very much a tick-box exercise as opposed to really getting things done. You have a starting time and a finishing time and you get the impression that some people want to get on to the next meeting and that it is more something that they feel compelled to do.

The Chairman: That is helpful, because it strikes a chord with what we have heard from other quarters, and it is clearly something that we are going to be looking at closely.

Q91 Lord Brennan: First Minister, bilateral connections between the Administrations in the devolved areas and London are inevitable, particularly in education and welfare, but I am interested in finance, where you have different tax regimes in the three devolved areas: Scotland has higher rates of income tax, Wales lower, there are financial benefits and Northern Ireland has its own settlement of recent origin. How do you see it working multilaterally within different devolved areas so that the devolved Administrations and the central Governments are in financial balance?

Rt Hon Peter Robinson MLA: As a former Finance Minister, I have to say that there is another structure, which is the Finance Ministers’ quadrilateral, which I always found to be a useful body. There was much more interaction at those meetings than you would get at a JMC—probably because there were fewer people around the room. You certainly have a much better opportunity to raise issues and deal with particular problems. To that extent, those have been useful and I suspect that they continue to be useful meetings. In terms of the differences in tax regimes, Northern Ireland has air passenger duty responsibility, and it will have corporation tax-setting powers. We are seeking under the agreement that we have with the Prime Minister to look at the devolution of some other tax-raising powers. Every part of the United Kingdom is somewhat different, but seldom will those issues be the subject of any discussion in the JMC at any level. Mostly, those kinds of issues will be dealt with in the Finance Ministers’ quadrilateral, so it has not been a problem. We obviously deal with issues like employment, youth unemployment and rebalancing economies. We had a constant issue on the agenda during the economic downturn. I am sure it was helpful to us all to know the speed at which the various parts of the United Kingdom were able to come out of recession, so something of a benchmarking exercise can be part of the discussions and you can look at how you are doing compared with other devolved regions.
Baroness Taylor of Bolton: Just a quick follow-up on what you were saying about tax-raising powers. When it comes to changes, such as corporation tax, who takes the initiative? Does Whitehall say, “Would you like this?”, or do you go to Whitehall and say, “We want that”?

Rt Hon Peter Robinson MLA: I have never known the Treasury to give up any of its power. It is a case of us discussing the issue with the Prime Minister and the Secretary of State, convincing them that Northern Ireland has a unique case, coming out of decades of violence and conflict, and the fact that we have a neighbour on the island with a much more attractive corporate tax rate than we have. They would be more our competitors for direct foreign investment than Scotland and Wales.

Baroness Taylor of Bolton: But on other things, do you look at what Scotland has or is getting and think, “Us next.”?

Rt Hon Peter Robinson MLA: We do, but we are not jealous by nature. We looked at what Scotland was getting. Quite frankly, some of the things looked as though they were being drawn to Scotland for the sake of Scotland building up the areas of responsibility that it would have, rather than asking, “Can this could be done better in Scotland than at the UK level?”.

For me, that has to be the criterion: what is the advantage to Northern Ireland of doing it differently than is being done at the present time?

Q92 Lord Lexden: First Minister, from all that you and our other witnesses have said, it is inevitably the case that so much is done on a bilateral basis. You also touched on the multilateral relations. What would the right balance be? Do we need to build up multilateral relations to a greater extent? Would there be sufficient business to justify that?

Rt Hon Peter Robinson MLA: I have heard the arguments that people do not have sufficient access to the Prime Minister, the Deputy Prime Minister or other Ministers. I suppose we might be a bit spoilt. The fact that we are coming out of a very long period of division has probably given us a wider level of access than others might enjoy. It could improve the relationship if there was some structure that allowed for bilaterals, or at least an opportunity for a devolved region to have a meeting within a given period.

Lord Lexden: By the way, I cannot resist mentioning to you that Ken Maginnis said in this House a week or two ago that it is easier for you to arrange a meeting with President Obama than with the Prime Minister of this country.

Rt Hon Peter Robinson MLA: There was a stage at the beginning of this Prime Minister’s term, when I rather suspect that he had a few other problems to deal with, where we had met President Obama half a dozen times and the Prime Minister only twice. I have to say that the
Prime Minister's numbers have gone up considerably since then, particularly in and around the Stormont House agreement and other meetings that we have had. So I think he is well ahead at this moment.

Q93 Lord Lexden: Could we turn to your relations—or those of your Administration as a whole—with Westminster departments at the level of administration? There are bound to be areas between departments. Some of our witnesses have been rather critical in this area. One has told us that intergovernmental relations are for the most part left to the unco-ordinated efforts of Whitehall departments. We have been told that that can be very problematic, because, to quote another of our academic witnesses, there is often a striking lack of expertise at senior level in Whitehall about the devolved territories. Could you comment against that background?

Rt Hon Peter Robinson MLA: I think it is true that there will be relatively few of those in officialdom who have sojourned in Northern Ireland or other devolved regions, so their knowledge comes from reading a brief, which can never pick up the nuances of issues in the same way.

I suppose that more secondment might be worth while. That could be done administratively and I would have thought that it would help to create a better understanding of some of the difficulties because of the remoteness that devolved institutions have from the centre of power.

Lord Lexden: Is secondment made more difficult by the existence of a separate Northern Ireland Civil Service?

Rt Hon Peter Robinson MLA: Obviously it means that you do not have the same churning around. Some people in the Northern Ireland Office will be from the UK Civil Service, but that would be a relatively small number. Secondment, of course, can be a two-way process. A bit more involvement from the Northern Ireland Civil Service in UK departments might help not just in improving the understanding that each will have of the other but in what they may pick up to improve their career. That might be useful as well.

Q94 Baroness Taylor of Bolton: We now have devolved Assemblies, but we still have Secretaries of State for Northern Ireland, Wales and Scotland. What do you think the role of the Secretary of State for Northern Ireland should be? There are still quite significant powers that rest with the Secretary of State. How do you see it? Would you make any changes? How might it develop in future?

Rt Hon Peter Robinson MLA: The Secretary of State has particular responsibilities in relation to policing, particularly terrorism, which is one area where there is an interface with our
Justice Minister and department. But the powers of the Northern Ireland Office are considerably constrained compared with the way they used to be. There are very few issues in the day-to-day life of Northern Ireland where the Secretary of State will be directly involved. However, she has played an important role in the talks process. We are still on the road to a new era in Northern Ireland, so I think it is wise not to disturb the kind of direct relationship that she will have with the Cabinet.

**Baroness Taylor of Bolton:** You would see no real development in the short term, anyway?

**Rt Hon Peter Robinson MLA:** I would certainly counsel against any change. It has been suggested on many occasions that there should be one Secretary of State for the devolved regions. I am not sure that if I had the choice I would want that job. It would be a difficult job to undertake; conflicting issues would come up between the various regions. We certainly look on the Secretary of State as someone who will argue our case, as she and her predecessor did, for instance, on the corporation tax issue. It gives a voice in Cabinet on key issues, and certainly while we are still in the peace process—“process” being the operative word—it is important that we retain that direct relationship with the Cabinet.

**The Chairman:** Lady Dean, do you want to ask your question? It has been slightly coloured by the last answer, I think, has it not?

**Q95 Baroness Dean of Thornton-le-Fylde:** Yes, it has. I wonder if I could ask a direct question, following on from what Lady Taylor said. Would it be feasible not to have a Secretary of State for Northern Ireland?

**Rt Hon Peter Robinson MLA:** It would certainly be feasible not to have a Secretary of State for Northern Ireland but to have a Secretary of State for the devolved regions, but I do not think it would be the best option. I would certainly argue that we are in a much better position with our own Secretary of State, although it has to be said that not every devolved region has the same relationship with their Secretary of State. There are those from other areas, I have noticed at meetings, who do not always seem to me to be arguing the same case.

**Baroness Dean of Thornton-le-Fylde:** Most of politics is about personalities.

**Rt Hon Peter Robinson MLA:** Yes, that can be the case, and as you have now discovered I am very easy to get on with.

**Baroness Dean of Thornton-le-Fylde:** What is interesting is that we have had a clearly divergent view between academics who say that you should have one government department and one Secretary of State, which would avoid overlap and reduce cost and all the rest of it, and the politicians who say, “No, we don’t think that would work”.
**Rt Hon Peter Robinson MLA:** I think there is an unanswerable case if the determining factor is that this is the most cost-effective way of dealing with the devolved institutions. I suspect I will be off their list of dinner guests after saying this, but I do not think that any of the Secretaries of State work so hard that they could not take on some additional work. For me the key issue is the benefit that it has for the devolved regions. I think there is a very strong case for that direct connection between a devolved Administration and the Cabinet. If we are talking about intergovernmental relations, that is one of the conduits that is used to connect the two. I am strongly in favour of it. If one wants to look at a spreadsheet, it might not be the best option, but I think that politically it is the best option.

**Q96 Baroness Falkner of Margravine:** In the case of Northern Ireland, the Cabinet Office’s guidance on devolution is very clear, and very specific responsibilities are placed on the Secretary of State for Northern Ireland. I think most people would see a case for the maintenance of that particular role. If you were to leave that particular hat on the table right now and think in generic terms, as further powers are devolved down would you in principle see the benefit of the devolved entities having Secretaries of State rather than Ministers of State? That was another proposal that somebody put forward: that perhaps all the devolved entities ought to have named Ministers with responsibilities, but that they should be Ministers of State rather than Secretaries of State sitting in Cabinet and should attend Cabinet as and when their issues are up for discussion. That is one formula.

The other formula could be that you retain the Secretary of State while recognising that the job description is rather thinner than it was some 20 or 30 years ago, but you also allow them to have other issue-specific jobs, for example the Secretary of State for Transport and X. How do you think that would fit?

**Rt Hon Peter Robinson MLA:** The Committee is looking at improving the internal relationships. The most permanent relationship is that between the devolved region and the Secretary of State as the representative of the national Government. When you start tampering with that, you reduce the level of that relationship. I would certainly want a Secretary of State who can speak at the Cabinet, rather than a Minister of State who has to try to convince his senior colleague that it is an issue of sufficient importance to bring up at a Cabinet meeting. If the Committee’s task is to look at how you improve relationships, it would be counterintuitive to take a decision that recommended the removal of what has been a key connection between the devolved regions and the national Government.

**The Chairman:** That is helpful, thank you very much.
Q97 Lord Brennan: First Minister, with the Scottish referendum, the Smith report and the draft Scotland Bill, we are moving, in constitutional terms, very rapidly. From the Northern Ireland standpoint, looking at what is being proposed now, what would be beneficial to Northern Ireland in the way that that is proposed to be run, and what might give you cause for concern?

Rt Hon Peter Robinson MLA: A number of issues which the commission’s report recommends devolving to the Scottish Parliament and Government have already been devolved to us—social security being one. Before the report, we already had in advance of what Scotland had in devolved powers. We have more than Wales as well. Only recently did Wales get borrowing powers. We have had them for many years. From that point of view, on a number of issues the report brings Scotland into line with what Northern Ireland had, but when I look at some of the taxes to be devolved, I cannot see any social or economic change that would result to the benefit of Scotland by having those powers resting in Scotland, unless it is simply a case of adding up as much power as you can to make yourself look as independent as you can. The aggregates levy, stamp duty, all those kinds of issues, would be done much in the same way in the UK as a whole as they will be done in Scotland.

There are some things that I would take if they were on offer—the Crown Estate properties would be a good start. But that is simply looking at what we could financially benefit from. If we are looking at how we can get Northern Ireland to operate more smoothly, effectively and efficiently, I think that over the next few years we have a lot to do in building up the relationships that we have in the Executive and Assembly to get a more delivery-friendly Executive rather than starting to take on more powers.

The Chairman: That is a good note on which to finish. Thank you very much indeed for giving us beyond the allotted span so that we could cover all the areas that we wanted to question you on. Is there anything that you would like to unburden yourself of that we have not asked you about?

Rt Hon Peter Robinson MLA: No, I am fine. You have given me ample opportunity. Thank you all very much.

The Chairman: Thank you very much indeed for coming. We are most grateful.