

Governing ourselves

The one senior job I have held which I grew to dislike was the job of being the UK's Single Market Minister. I was faced with an avalanche of new draft laws which the EU wished to put through in the name of the single market. It was difficult to see how most of these laws would help people buy and sell more with each other. It was a simple power grab for the EU to take control of more and more policy areas and laws. It was clear they would often keep out competition, limit innovation, favour the large incumbents and put up costs. They were united with the Customs Union approach, seeking to keep out non EU imports. I defined the job as damage limitation. Which draft laws could the UK persuade others to help block, to hold them up altogether? Which laws could be amended to limit the damage they did? Could smaller and more innovative businesses be exempted from them? We had our wins in all these categories.

The task was, however, made more complex by the fact that large parts of the UK civil service always wanted us to reach a deal. Quite often they would ensure my hands were tied by taking the issues to a Cabinet Committee which itself was primed to prefer deal to no deal and set minimum objectives for the UK to reach an agreement. It was usually easy to secure these objectives, because they asked for too little, or because it appeared someone would tip off the other key negotiators what my required bottom line was. They then usually offered it to me quite early on as they knew I would dig in until they offered the full requirement. Some realised I probably preferred no deal in most cases.

Some of the draft legislation was bizarre. They usually wanted to set out how certain goods or services were designed and offered, in ways which sometimes did not allow the UK method as their draft was based on some continental model. The UK then had to work hard to get amendments to allow us to carry on with successful business models we were using.

As we exit the EU we need to make sure Ministers provide good leadership to their officials, explaining in future we wish to turn our backs on this way of legislating. It is high time we had the self confidence to pass our own laws that can be good for both customers and businesses. They should not set out how everything is to be done, as that gets in the way of competition and innovation. Laws are needed to ensure honest dealing and safety, but are not needed to tell businesses how to make things or to define services.