



House of Commons
Environment, Food and Rural
Affairs Committee

**The Work of the
Committee in 2004**

Third Report of Session 2004–2005

Report, together with formal minutes

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Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Environment, Food and Rural Affairs and its associated bodies.

Current membership

Mr Michael Jack (*Conservative, Fylde*) (Chairman)
Ms Candy Atherton (*Labour, Falmouth and Camborne*)
Mr Colin Breed (*Liberal Democrat, South East Cornwall*)
David Burnside (*Ulster Unionist, South Antrim*)
Mr David Drew (*Labour, Stroud*)
Patrick Hall (*Labour, Bedford*)
Mr Mark Lazarowicz (*Labour/Co-op, Edinburgh North and Leith*)
Mr David Lepper (*Labour, Brighton Pavilion*)
Mr Ian Liddell-Grainger (*Conservative, Bridgwater*)
Mr Austin Mitchell (*Labour, Great Grimsby*)
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Mrs Gillian Shephard (*Conservative, South West Norfolk*)
Alan Simpson (*Labour, Nottingham South*)
David Taylor (*Labour, North West Leicestershire*)
Paddy Tipping (*Labour, Sherwood*)
Mr Bill Wiggin (*Conservative, Leominster*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at

www.parliament.uk/efracom

A list of Reports of the Committee in the present Parliament is at the back of this Report.

Committee staff

The current staff of the Committee are Matthew Hamlyn (Clerk), Fiona McLean (Second Clerk), Dr Antonia James and Jonathan Little (Committee Specialists), Marek Kubala (Inquiry Manager), Louise Combs and Jim Lawford (Committee Assistants) and Anne Woolhouse (Secretary)

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1 Introduction to our work

Introduction

1. The scope of Defra's work, and thus of this Committee's remit, is wide. Defra's website notes that it works "for the essentials of life—water, food, air, land, people, animals and plants".¹ Although we do not claim that we managed to examine all the essentials of life in 2004, our work has covered many of these issues, as we seek to keep track of, and report to the House on, the full range of Defra's activities. As in previous years, we have sought to do this through inquiries in the main committee and in several sub-committees. In the equivalent report last year, we noted that our workload in 2003 had been heavy. This was perhaps even truer of 2004. We took evidence on 19 subjects during the year, as well as publishing 18 reports, including some based on evidence taken in 2003. All our evidence sessions related to inquiries; none were free-standing. Table 1 below gives details.²

Table 1: Subjects covered by the Committee in 2004

<i>Subject</i>	<i>Evidence sessions in 2004</i>	<i>Sub-committee?</i>	<i>Outcome</i>
The Annual Report of the Committee 2003	-	No	Report, January 2004
Caught in the net: Cetacean by-catch of dolphins and porpoises off the UK coast	-	Yes	Report, January 2004
End of Life Vehicles Directive and Waste Electrical and Electronic Equipment Directive	-	Yes	Report, February 2004
The Food Standards Agency and Shellfish	1	Yes	Report, February 2004
Implementation of CAP Reform in the UK	3	No	Report, May 2004
Gangmasters: follow-up	2	No	Report, May 2004
Milk Pricing in the United Kingdom	4	Yes	Report, June 2004

¹ www.defra.gov.uk

² Comprehensive information about the number of meetings, attendance by Members, reports, visits and costs, etc, in each session of Parliament can be found in the annual Sessional Return. The Return covering Session 2003-04 was published on 25 January 2005

<i>Subject</i>	<i>Evidence sessions in 2004</i>	<i>Sub-committee?</i>	<i>Outcome</i>
GM Planting Regime	2	Yes	Report, June 2004
Reform of the Sugar Regime	3	Yes	Report, July 2004
Bovine TB	2	No	Report, July 2004
Sites of Special Scientific Interest	2	Yes	Report, July 2004
The Departmental Annual Report 2004	1	No	Report, September 2004
Climate Change, Water Security and Flooding	4	No	Report, September 2004
Food information	4	Yes	Evidence, June-July 2004
Agriculture and EU Enlargement	4	No	Report, October 2004
Dismantling Defunct Ships in the UK	3	No	Report, November 2004
Draft Animal Welfare Bill	12	Yes	Report, December 2004
Water pricing: follow-up	3	Yes	Report, December 2004
Government's Rural Delivery Strategy	3	Yes	Evidence, November/ December 2004
Waste policy and the Landfill Directive	4	No	Evidence, November/ December 2004
Future for UK fishing	4	Yes	Evidence, November/ December 2004

2. Our pre-legislative scrutiny of the draft Animal Welfare Bill had an especially heavy impact on our workload and that of Committee staff. It also affected the Committee's timetable, with some inquiries and reports being delayed in order to enable us to scrutinise the draft Bill thoroughly. We discuss our work on the draft Bill in paragraphs 20–24 below.

Membership and staffing

3. There were no changes in the Committee's membership in 2004, which has helped ensure continuity. However, we have noted the impact of one member having, in effect, left the Committee in 2003, without being replaced, reducing the available membership from 17 to 16. This means that the Committee's quorum of five is disproportionately high, representing

nearly a third of the 16 members actually available, rather than one-quarter of the membership as laid down in the standing orders.³

4. There were several changes among the Committee's staff during the year. The Clerk of the Committee, Gavin Devine, left the House's service in July to be replaced in October by Matthew Hamlyn. Dr Kate Trumper was replaced in October as Committee Specialist (Environment) by Dr Antonia James, and Marek Kubala took on the newly-created post of Inquiry Manager in September. We welcome the new arrivals and wish all those who have moved on good luck in their new jobs.

Visits

5. The work of select committees is greatly enhanced if they can get out of Westminster from time to time and find out more about how the policy issues we discuss in committee rooms affect people on the ground. It is also useful to compare the experience of other countries, particularly in the area of agriculture and the environment, in order to help ourselves to keep abreast of developments in the European Union. In 2004 the Committee and its sub-committees made fewer visits than in 2003. Table 2 gives details of the Committee's visits in 2004.

Table 2: Visits by the Committee in 2004

<i>Location</i>	<i>Purpose of visit</i>
Poland and Hungary	Inquiry into Agriculture and EU Enlargement
Brussels	Visit to the European Commission
The Hague	Meeting of the Agriculture Committees of EU national parliaments and the European Parliament (delegation)
Brussels	Meeting of the Environment Committees of the European Parliament and EU national parliaments (delegation)
Cambridgeshire	Inquiry into the Government's Rural Delivery Strategy (sub-committee)

6. We also note the value of maintaining and further developing inter-parliamentary links with colleagues elsewhere in Europe who are often engaging with similar issues to us. To this end, three Committee members travelled in a representative capacity to inter-parliamentary meetings in 2004. During the UK's Presidency of the EU in the second half of 2004, we or our successor Committee will host a meeting of its counterpart committees of EU national parliaments and the European Parliament. This will follow the pattern established under previous presidencies.

³ S.O. No. 124(1)

7. In our two reports on our work in 2002 and 2003, we published an annex setting out selected recommendations from reports during this Parliament, together with Defra's response and an update on any further developments. We have chosen not to do so on this occasion, on the assumption that it would be more useful to the House, and perhaps especially to our successor Committee, for such a document to cover the work of the Committee over the whole of the present Parliament. We plan to seek the relevant information from Defra in time to report the document to the House before Easter.

2 Core tasks

8. Once again we have borne in mind the 'core tasks' which the Liaison Committee has determined that select committees should be expected to carry out. These are contained in guidance issued by that Committee following a resolution of the House in May 2002.⁴ Although committees are given considerable latitude in how they address these tasks, the Liaison Committee has indicated that in their annual reports, committees should set out how their inquiries have covered the following subjects: (a) Government policy proposals, (b) areas seen to require examination because of deficiencies, (c) departmental actions, (d) associated public bodies (of the Department), (e) major appointments, and (f) implementation of legislation and major policy initiatives. The Liaison Committee also proposed that details be given of the examination of any draft legislation, expenditure and performance against Public Service Agreement targets. Table 3 below sets out our performance of the 'core tasks' in 2004.

9. The House also suggested that Committees should take evidence from all Ministers in their departments at least annually. We regard this as a somewhat mechanical performance measure, as which Minister we call to give evidence will be determined by the subject of particular inquiries. But we have included in Table 3 information about attendance by Ministers.

10. The Liaison Committee also suggested that Committees should "assist the House in debate and decision" by producing reports which are "suitable for debate". None of the Committee's reports were debated in 2004, although some evidence was 'tagged' for debates⁵. But we believe that the evidence we took, and the reports that resulted, were nevertheless of assistance to other Members in their work.

⁴ See the Resolution of the House of 14 May 2002.

⁵ For instance, evidence taken on the Future for UK Fishing was tagged to the annual debate on fisheries on 2 December 2004.

Table 3: Liaison Committee 'core tasks' relevant to 2004 inquiries

	Government and Commission policy proposals	Examination of deficiencies	Departmental actions	Associated public bodies	Major appointments	Implementation of legislation and major policy issues	Draft legislation	Expenditure	Evidence from Minister	Public Service Agreements
The Annual Report of the Committee 2003										
Caught in the net: Cetacean by-catch of dolphins and porpoises off the UK coast	√	√	√						√	√
End of Life Vehicles Directive and Waste Electrical and Electronic Equipment Directive	√	√		√		√			√	
The Food Standards Agency and Shellfish		√		√ ⁶						
Marine Environment	√	√	√						√	
Implementation of CAP Reform in the UK	√	√		√		√			√	
Gangmasters (follow up)		√	√				√ ⁷		√	
Milk Pricing in the UK		√		√ ⁸					√	
GM Planting Regime	√		√						√	
Reform of the Sugar Regime	√							√	√	
Bovine TB			√						√	√
Sites of Special Scientific Interest		√	√	√				√	√	√
The Departmental Annual Report 2004		√	√	√				√		√
Climate Change, Water Security and Flooding		√	√						√	√

⁶ Relates to the Food Standards Agency, a Department of Health Associated Public Body

⁷ Relates to a private Member's bill, the Gangmasters (Licensing) Bill rather than draft Government legislation

⁸ Includes public bodies associated with Government departments other than Defra

	Government and Commission policy proposals	Examination of deficiencies	Departmental actions	Associated public bodies	Major appointments	Implementation of legislation	Draft legislation	Expenditure	Evidence from Minister	Public Service Agreements
Agriculture and EU enlargement	√	√							√	
Draft Animal Welfare Bill							√		√	√
Dismantling defunct ships in the UK	√	√	√						√	
Water pricing: follow up				√				√	√	√
Food information	√		√						√	
Government's Rural Delivery Strategy	√			√					√	
Waste policy and the Landfill Directive	√					√			√	√
Future for UK fishing	√								√	
Climate change: looking forward	√									√
Rural Payments Agency ⁹				√		√				

Subjects in the shaded area relate to inquiries on which the Committee has not yet reported.

Inquiries addressing the core tasks

11. In this section of the report we illustrate the way in which our inquiries addressed the core tasks. For ease of reference, we have considered each task in turn. But many inquiries covered several tasks, and it is seldom possible to distinguish an inquiry where one has emphatically predominated over the others. The tasks themselves also overlap. The tables in each of the following sub-sections give some examples of reports which addressed the core tasks, but they are by no means exhaustive.

⁹ Rapporteurs have been appointed on this subject but no substantive work has yet been carried out.

Government and European Commission proposals

12. Defra produced several important policy proposals during the course of 2004. One significant example was the Government's Rural Delivery Strategy, published in July 2004. As we mentioned in our report on the Committee's work in 2003, this is an area of great importance, on which we questioned Lord Haskins last year, both before and after the publication of his review of rural delivery.¹⁰ A sub-committee was appointed to look at the Government's strategy, and took oral evidence in November and December. A report will be published in 2005.

13. Another important Government proposal was the report on the future of UK fishing prepared by the Prime Minister's Strategy Unit, on which a sub-committee started to hear evidence in November 2004.

14. Much of Defra's work, and therefore ours, is generated by the UK's membership of the EU. We have therefore regularly examined proposals from the EU, for instance on the Shellfish Hygiene Directive, and on reform of the Common Agricultural Policy. Our inquiry into cetacean by-catch examined EU and Government proposals relating to fishing off the UK coast. And the Committee deliberately chose to examine reform of the sugar regime prior to the European Commission's announcement on its preferred position, in order to exert some influence on the debate. (The Committee's work examining the implementation in the UK of EU legislation is addressed in paragraph 19 below.) In noting our work on EU matters, we stress that this does not represent a separate channel of inquiry from other topics. It is integral to most of the work that we carry out, and there will thus be an 'EU angle' to many, if not all, of our inquiries.

Table 4: Reports looking at Government and European Union policy proposals

<i>Report</i>	<i>Principal findings</i>
Caught in the net: by-catch of dolphins and porpoises off the UK coast	Government should make a formal request to the European Commission to impose emergency measures by closing the pelagic trawl fishery for sea bass, in order to reduce the by-catch of small cetaceans. Pinger use should be mandatory on all bottom-set gill nets in the Celtic Sea, regardless of whether those nets are set inside or outside the six nautical mile limit.
Reform of the sugar regime	Reform should lower the import tariff rate, reduce the internal market price and eliminate production quotas.

¹⁰ The annual report of the Committee, Second Report, Session 2003-04, HC(2003-03)874, para 9

Areas seen by the Committee as requiring examination because of deficiencies

15. Committees are expected to identify deficiencies in the actions of Government departments or agencies, and to propose remedies. Examples from 2004 include our reports on *Gangmasters (follow-up)* and *Milk Pricing*, while our ongoing inquiry into food information has looked into the problems surrounding the way in which messages about food are conveyed to consumers. Our report on various environmental directives highlighted deficiencies in the Government's implementation of them.

Table 5: Reports looking at deficiencies in the work of Defra and its agencies

<i>Report</i>	<i>Principal findings</i>
Gangmasters (follow up)	Reiterated our criticism of some aspects of the Government's response to this issue contained in our 2003 report. Identified continuing failings in the co-ordination by Government of enforcement procedures. Supported the arrangements proposed in the Gangmasters (Licensing) Bill (a Private Member's Bill).
Milk pricing in the UK	The dairy sector is characterised by suspicion and mistrust, preoccupied self-interest and a lack of constructive dialogue, and is yet to exploit fully the benefits that could arise from greater horizontal and vertical integration within it. There is an uneven distribution of power along the dairy supply chain, which may account for the dairy market being slow to react to upward pressure on retail prices. Highlighted a lack of transparency in the dairy supply chain.

Departmental actions

16. The Liaison Committee's guidance suggests that committees should say how they have examined "departmental actions". As we noted last year, this is a somewhat vague exhortation and difficult to distinguish from, for instance, the "implementation ... of major policy initiatives". We have already noted the overlap between the various tasks set by the House. As Table 3 above shows, many inquiries covered a range of tasks and it is not always possible to decide which is the primary task among them. But Table 6 gives some examples of reports which looked at Departmental actions among other topics.

Table 6: Reports looking at Departmental actions

<i>Report</i>	<i>Principal findings</i>
Bovine TB	Decisions about culling badgers must await the outcome of the Randomised Badger Culling Trial, although there are several steps the Government could take immediately. The significant costs associated with bovine TB could be alleviated by more spending now on research into cattle vaccines.
Climate change, water security and flooding	Government should consider alternative water pricing mechanisms that relate costs more directly to the amount used. Government's review of building regulations should ensure that new houses are much more water efficient than current stock.
Dismantling of defunct ships in the UK	The report followed up evidence taken in 2003 on the US "ghost ships" in Hartlepool. The UK has the potential to establish an industry in ship dismantling which can be done safely and offer economic benefits to the communities in which it is carried out. The Government must do everything it can to persuade UK-based ship owners to arrange for their vessels to be disposed of responsibly.

Associated public bodies

17. Defra has six executive agencies, and a great many associated public bodies. It would not be practicable for our Committee to carry out dedicated scrutiny of each such body. But we have examined the activities of the key bodies in the general course of our inquiries. An obvious example is Ofwat, in our follow-up inquiry into water pricing inquiries. We also regularly questioned witnesses from the Environment Agency in a range of inquiries, for instance those on water pricing and waste policy. The Sub-Committee on the Rural Development Strategy also took evidence from the Countryside Agency, English Nature and the Forestry Commission, as part of its review of proposed changes to the shape and role of agencies concerned with rural policy. We have also looked at the work of the Food Standards Agency, an associated public body of the Department of Health, and touched on the work of the Milk Development Council, the Office of Fair Trading and the Competition Commission in the milk pricing inquiry.

Table 7: Reports looking at the work of associated public bodies

<i>Report</i>	<i>Principal findings</i>
Water pricing: follow-up	We were disappointed that Ofwat felt it could not be clearer about which maintenance and improvement programmes were allowed for in its draft determination of water price limits. Ofwat should consider clearer ways to explain to customers the impact of changes in price limits.
The FSA and shellfish	The respective roles of the Food Standards Agency and food authorities should be clarified. The FSA needs to show greater sensitivity to the needs of the industry and local authorities, closer co-operation with them and greater openness.

Major appointments

18. In our last two annual reports, we recommended that Defra put in place procedures to inform us in advance of all major appointments pending and/or made, in line with the recommendation of the Liaison Committee.¹¹ We raised this issue with the Permanent Secretary when he gave evidence on the Departmental Annual report, and commented on it in our subsequent report.¹² We also reminded Lord Whitty, the Parliamentary Under-Secretary of State, about this point in February 2004.¹³ In its response to our 2003 Annual Report, Defra undertook to give the Committee advance notice, wherever possible, of the announcement of major appointments, and to provide a regular update listing other major appointments that have been made over the preceding months and for which no press release was issued.¹⁴ Defra also undertook, in its response to our report on its Departmental Annual Report, to “implement a process to notify the Committee of any internal appointments made at Director General level or above within the Department”.¹⁵ Officials have since been in contact with Committee staff to agree the administrative arrangements for such notification. **We welcome Defra’s commitment to keeping us informed of major appointments and look forward to seeing how the new arrangements for doing so work in practice in the coming year.**

Implementation of legislation and major policy issues

19. We have already noted the importance to our work of EU issues. A continuing theme of our work this year has been the implementation of EU legislation in the UK. Examples include our reports on *End of Life Vehicles Directive and the Waste Electrical and Electronic Equipment Directive* and *Implementation of CAP reform in the UK*. Our ongoing inquiry into

¹¹ Second Report of Session 2003-04 HC 225, *The annual report of the Committee*, para 15

¹² HC 707, paras 22-23

¹³ Seventh Report of Session 2003-04, *Implementation of CAP Reform in the UK*, HC 226-ii, Q 274

¹⁴ HC 1037, p 1

¹⁵ First Special Report, 2004-05, HC100, p 10

waste policy is examining how effectively the Government and the Environment Agency are implementing the Landfill Directive.

Table 8: Reports looking at the implementation of legislation, etc

<i>Report</i>	<i>Principal findings</i>
Environmental directives	Government handling of the End of Life Vehicles Directive and, to a slightly lesser extent, the Waste Electrical and Electronic Equipment Directive, has been characterised by a lack of guidance to stakeholders and clarity.
Implementation of CAP reform in the UK	We were concerned about the economic and environmental impacts of adopting the single farm payment model chosen by the Government; and about the capacity of the Rural Payments Agency to deliver the new Single Payment Scheme.

Draft legislation

20. The draft Animal Welfare Bill was published on 14 July 2004. Shortly before this, the Government indicated that it planned to publish the Bill in draft, for pre-legislative scrutiny. It sought to establish in advance of publication if the Committee would undertake pre-legislative scrutiny. Ministers were keen to include the Bill in the 2004–05 Session and thus wanted the pre-legislative scrutiny to be carried out before the end of the Session—a very tight timetable which in the event proved unrealistic. The Committee agreed to undertake this major exercise in pre-legislative scrutiny, and it turned out to be the biggest single project we undertook in 2004. The timetable was indeed heroic in the light of the volume of evidence we received and the attention we felt obliged to pay to the details of the draft Bill. We received 220 written memoranda on the draft Bill and took oral evidence from 51 organisations or individuals. Our report on the draft Bill made 101 recommendations suggesting modifications either to the draft Bill itself or the policy underlying it. The scrutiny exercise provided a useful opportunity to draw some wider lessons about the general conduct of pre-legislative scrutiny, both for the Government and the House.

21. Following publication of the draft Bill, Defra chose to rely on our pre-legislative scrutiny process rather than running its own, separate consultation process. Defra last consulted on the policy of developing a draft Animal Welfare Bill in January 2002; had it conducted its own consultation process, Cabinet Office guidelines would have required a minimum of 12 weeks for written consultation—that is, until 6 October.¹⁶ As it was, our call for written memoranda closed on 25 August.

22. We welcomed the opportunity to consider the draft Bill. We believe that our scrutiny exercise will be of value to the Government both in finalising the text of the Bill and in developing its wider policy on the issues it covers. We also hope that the inquiry and report

¹⁶ Cabinet Office, *Code of Practice on Consultation*, January 2004; available at www.cabinetoffice.gov.uk

will be of benefit to the House during proceedings on the final Bill. However, at the conclusion of our pre-legislative scrutiny process, we agreed that the draft Bill had not been an appropriate candidate for pre-legislative scrutiny by Parliament in the absence of the Government having first conducted its own consultation process. Given the complexity of the proposal and the widespread public interest in it, we concluded that the draft Bill should have been subject to further consultation prior to being published for the purposes of pre-legislative scrutiny. Our comments were provoked by the undeveloped nature of the draft Bill, as demonstrated by:

- the breadth of the powers proposed to be delegated under the draft Bill and the apparently undeveloped state of Defra's policy on a number of extremely controversial animal welfare issues which it intended to regulate under these proposed powers
- the complex, confusing and often inconsistent use of key definitions within the draft Bill
- the almost random arrangement of the provisions in the draft Bill relating to enforcement, prosecution and penalties
- the fact that the Regulatory Impact Assessment accompanying the draft Bill failed to demonstrate that the benefits of the proposed legislation would exceed the costs.

We concluded that the draft Bill could and should have been published for pre-legislative scrutiny purposes in a more developed state.

23. Our report noted that there does not appear to be any guidance laid down for government departments, setting out how well-developed draft legislation should be before it is published as a draft Bill. Clearly, overlap between the Government's consultation processes and Parliament's pre-legislative scrutiny processes is possible, and sometimes desirable. We concluded that, while it is not always inappropriate for government departments to choose to rely on Parliament's pre-legislative scrutiny process, rather than conducting a separate consultation process in accordance with Cabinet Office guidelines, the Government should adopt such an approach only where the policy behind a draft Bill has recently been consulted on, or where the draft Bill is minor or uncontroversial.

24. We have noted in paragraph 2 above the significant impact this pre-legislative scrutiny had on the Committee's work. **We fully support the principle of scrutiny of draft legislation by the departmental select committees of this House. But the Government must take into account the fact that committees already have busy agendas and that scrutiny of draft legislation, if it is done properly, will take time and may displace other planned committee activity. We recommend that the Government give proper consideration in future to the time which must be allowed for pre-legislative scrutiny of a major Bill when determining its legislative timetable.**

25. We also commented on a private Member's Bill, the Gangmasters (Licensing) Bill, in our report on *Gangmasters (follow up)*.

Expenditure

26. As we noted last year, much of our work touches on expenditure and resource issues. For instance, our inquiries have discussed the resources that Defra and the Environment Agency

have available for handling environmental issues, especially for enforcement activity. Our report on Sites of Special Scientific Interest noted concerns over the funding available for bringing SSSIs into favourable condition. In particular, our report on Defra's annual departmental report examined how well the Department accounts for its expenditure and presents financial data.

Table 9: Report looking primarily at Departmental expenditure

<i>Report</i>	<i>Principal findings</i>
Departmental Annual Report 2004	The Report was more helpful than last year's in providing a commentary about performance against Defra's objectives, and in identifying key relevant financial data; but further improvement is needed.

Evidence from Ministers

27. We have already noted the House's resolution that each Minister should give evidence at least annually, and our own view that this is too mechanistic an approach. Nevertheless, the range of our inquiries has ensured we have seen most Defra ministers fairly frequently in 2004. As in 2003, Defra Ministers appeared 18 times between them, and Ministers from other departments made two appearances. **We are grateful to Defra's Ministers for their frequent and regular attendance at our meetings. However, we note that in some instances the process of arranging evidence sessions was unnecessarily time-consuming and required a good deal of chasing on the part of Committee staff.**

28. Furthermore, we note that the Secretary of State did not appear before the Committee at all in 2004. We invited her to give evidence on the Rural Delivery Strategy published in July 2004.¹⁷ **The Committee recognises that the Secretary of State has many calls on her time. Nevertheless, we would welcome the opportunity of discussing with her ways in which she might be able to appear on a more regular basis before the Committee. We are particularly concerned to discuss with the Secretary of State certain priority issues, such as climate change, the Government's Rural Delivery Strategy and the implementation of the reform of the Common Agricultural Policy, for which Defra is responsible and upon which Parliament needs to be kept up to date. We welcome the fact that Mrs Beckett has now agreed to appear before us in February 2005 and hope that she, or her successor, will be able to appear before the Committee on a more frequent basis in future years.**

29. **It appears to us that the problems we have experienced in securing the attendance of Ministers may reflect a wider lack of understanding within Defra about the priority that should be given to the work of this Committee and to Parliament as a whole. (Defra's poor**

¹⁷ Official Report, 21 July 2004, col 329 ff

performance in answering “named day” Parliamentary Questions also suggests a failure fully to appreciate Parliament’s needs.¹⁸⁾ We discuss this further in paragraphs 38–44 below.

Public Service Agreements

30. Several of our inquiries covered aspects of Defra’s work which are relevant to its Public Service Agreements (PSAs). Some of them, such as those on SSSIs and waste policy, specially included Government performance against targets in their terms of reference. Inquiries which to a greater or lesser extent dealt with Defra’s PSA targets are set out in Table 10.

Table 10: Relationship between our inquiries and Departmental PSA targets

<i>Inquiry</i>	<i>PSA target¹⁹</i>
Cetacean bycatch	Target 1 (SR 2004)
SSSIs	Target 3 (SR 2004)
Climate change, flooding and water security	Targets 1 and 2 (SR 2004)
Bovine TB	Target 9 (SR2004)
Implementation of CAP reform in the UK	Target 5 (SR 2004)
Draft Animal Welfare Bill	Target 9 (SR 2004)
Waste policy and the Landfill Directive	Target 3 (SR 2002); target 6 (SR 2004)
Climate change: looking forward	Targets 1 and 2 (SR 2004)

31. In our report on Defra’s annual report, we examined each of Defra’s 10 Public Service Agreement targets.²⁰ The report also made recommendations about the way information is presented concerning PSAs shared between Defra and other government departments.²¹

¹⁸ Defra answered only 17.2% of “named day” Questions on time in Session 2003-04. Official Report, 13 January 2005, col 652W

¹⁹ Targets taken from *Delivering the essentials of life: Defra’s five year strategy*, Cm 6411, December 2004, and Defra (2003) *Departmental Report 2004*, p. 53

²⁰ Fifteenth Report, Session 2003-04, HC 707, paras 27-44

²¹ HC 707, para 14

3 The way we work

Sub-committees and rapporteurs

32. We have continued to use our power to appoint up to two sub-committees at any one time to cover the range of Defra's work. Twelve sub-committees took evidence during the year. Table 11 shows the sub-committees that we appointed.

Table 11: Subjects examined, number of meetings and chairmen of sub-committees, 2004

<i>Subject</i>	<i>Number of meetings</i>	<i>Chairman</i>
Cetacean By-Catch	3	Ms Candy Atherton
Environmental Directives	4	Paddy Tipping
Draft Animal Welfare Bill	12	Mr Michael Jack
Food Information	5	Mr Mark Lazarowicz
Future for UK Fishing	4	Mr Austin Mitchell
GM Planting Regime	2	Mr David Drew
Government's Rural Delivery Strategy	3	Paddy Tipping
Milk Pricing	4	Mr David Drew
Reform of the Sugar Regime	3	Paddy Tipping
Sites of Special Scientific Interest	2	Mr David Lepper
Toxins in Shellfish	1	Mr Austin Mitchell
Water Pricing	3	Mr Michael Jack

33. In 2004 we did not make use of rapporteurs, although the Committee has agreed to appoint rapporteurs to follow up earlier work in 2005 on cetacean by-catch and the Rural Payments Agency.

34. The extensive use of sub-committees has enabled us to examine a wider area of Defra's work than would otherwise have been possible. But we are also aware of the potential strain they place on Members' and officials' time. For this reason, we sought in the latter part of 2004 to ensure that only one sub-committee met in any one week.

The Scrutiny Unit and media officers

35. We have continued to make use of the resources of the Scrutiny Unit. Two officials from the Unit helped us in our scrutiny of the draft Animal Welfare Bill, and we expect to call on the resources of the Unit in the scrutiny we plan to undertake of the draft Modernising Rural Delivery Bill in 2005. The Unit has also helped us in our examination of Defra's annual report and Estimates.

36. An innovation this autumn has been the appointment of media officers to work with groups of select committees. We now share a media officer, Jessica Bridges-Palmer, with seven other committees. So far, we have had only limited experience of the new arrangements, but we look forward to working with the media officer in developing increased and better-informed media coverage.

Committee 'away day'

37. We noted in our last annual report that the Committee planned to hold an 'away day' in February 2004. This was a successful event, at which we heard from the Environment Agency, Sir Ben Gill, outgoing President of the National Farmers' Union, Sylvia Jay, Director General of the Food and Drink Federation and Dr Andy Brown, Chief Executive, English Nature. We are grateful to the Environment Agency for providing a venue in Millbank Tower. The away day was a useful opportunity to take a step back from our weekly inquiry work, to discuss future topics at greater length than usual, and, more generally to think in broader terms about the Committee's programme of work in 2004.

Working with Defra

38. Over the course of the year we have enjoyed a good working relationship with Defra officials and Ministers. In addition to the many formal evidence sessions to which they contributed, we were pleased to take up the Permanent Secretary's invitation for an informal briefing in June with him and other Defra officials. We discussed Defra's Annual Departmental Report, financial matters and the work of the Department more generally, and this proved a useful preparation for our evidence session on the Annual Departmental Report. We were also pleased that Ministers and officials were able to attend the reception we held for our stakeholders in March.

39. We undertake a great many inquiries and this obviously engenders a good deal of work for Defra's staff and Ministers in responding to our requests for information, and in producing Government responses to our reports.²² Defra provides us with information in three main ways: through responses to Committee reports; through requests for written evidence to inquiries; and through the provision of important Defra publications. We have some concerns about how Defra has handled this task.

Timeliness of Government responses to Committee reports

40. Generally speaking, Defra's response to requests for information has been good or at least adequate, but it has not often been timely. Only two Government responses to our reports arrived by the standard two-month deadline, and in most cases the deadline was missed by only a matter of a few days. We do not regard this kind of slippage as significant in itself, although it may reflect a more deep-seated lack of urgency among Ministers as far as Parliament is concerned. But we note that, out of 14 Government replies received to reports published in 2004, we received one response more than a fortnight late, another three weeks late and two more than a month late. **We believe that Defra, having signed up to the Government's deadline of responding to Committee reports within two months, should**

²² We are conscious that Defra also has to respond to a larger number of requests from the Environmental Audit Committee than is the case for other Government departments.

aim to achieve it. We do not regard this deadline as unreasonable, and therefore expect that meeting it should be the rule, rather than—as seems to be the case at present—the exception. Of course, there will often be occasions when there is a good reason why a response will be delayed. But when Defra Ministers or officials realise it will not be possible to respond by the deadline, we expect them to indicate us in good time when, and why, a deadline will be missed.

Timeliness of written evidence

41. Perhaps more significant in terms of the Committee's ability to carry out its work is when written evidence to our inquiries is submitted late. There have been several recent occasions when Defra has been slow in supplying us with such written evidence. In some cases memoranda arrived well over a month past the stated deadline. For instance, we asked Defra on 19 July 2004 for a written submission to our inquiry into the future for UK fishing. It finally arrived, after considerable prompting from Committee staff, on 29 October 2004—five weeks after the deadline set for receipt of written evidence. Furthermore, when the memorandum arrived, it was significantly out of date, obliging us to ask Defra to update it. The updated memorandum has yet to arrive.

42. On 8 September 2004 we wrote to the Chief Executive of the Rural Payments Agency asking for information in respect of the follow-up work to be carried out by our rapporteurs on this issue. This request produced a response which was not only late, but grossly inadequate. We received a brief letter from the Minister on 12 November, some five weeks after the requested deadline, telling us our terms of reference were “acceptable”, inviting the rapporteurs to visit the Agency, and stating that Defra would be pleased to discuss the issue with us, but without substantively addressing any of the points in our letter. Defra's memorandum to our inquiry into reform of the sugar regime arrived only the day before Defra's oral evidence session, and that on water pricing only two days before the Minister gave oral evidence.

Timely provision of other relevant information

43. The Cabinet Office's guidance to officials on working with select committees states that “many departmental publications ... will be of interest to a Committee, either in relation to a current or previous inquiry or more generally. Departments should provide the Clerk of their Committee with a copy of such relevant publications free of charge. If further copies are requested they should also be provided free of charge”.²³ We are grateful to Defra for supplying us with copies of important publications, in the spirit of the Cabinet Office's guidance. But we note problems in respect of two significant documents published recently. Copies of the report on Exercise Hornbeam, the national foot and mouth exercise, were not supplied to the Committee at the time of publication. The Review of the UK Climate Change Programme was published on the same day that we started our inquiry into Climate change: looking forward, but no arrangements were made for making multiple copies of the Review available to us in time for the evidence session. Matters were not helped by the Secretary of State discussing the climate change review in the media before its publication, and the fact that it was not laid before the House and copies of it were not placed in the Vote Office.

²³ Cabinet Office, *Departmental evidence and response to select committees*, 2001, para 35

Lapses like this may reflect a lack of understanding in some parts of the Department of the need to keep Parliament, and its committees, properly informed about important publications.

44. If the Committee receives information from Defra in a timely fashion, we will be in a better position to understand Defra's position on the issues concerned. We do not believe that Defra's performance in supplying the Committee with written information represents the best possible discharge by Defra Ministers of their obligations to the Committee and, through us, to the House, because the information is often late and sometimes inadequate. This poor level of service is compounded when no information is forthcoming about the reasons for the delay. We understand that there may, on occasion, be good operational reasons why a deadline cannot be met. But we expect Defra to keep us up to date with progress in such cases, and explain the reasons for any delays. We recommend that Ministers consider ways in which Defra can improve officials' understanding of the need to keep Committees properly informed, and what systems need to be put in place to improve the current situation. We expect Ministers to place a high priority on meeting the spirit, as well as the letter, of the Cabinet Office guidance on providing information to select committees, and hope they will make this clear to officials at all levels in Defra.

45. We expressed our concerns about Defra's performance in this area to the Permanent Secretary. He has since put in place new arrangements aimed at improving the level of communication at official level between Defra and the Committee secretariat, and at ensuring that officials in Defra are more aware of the Committee's likely areas of interest. **We welcome the Permanent Secretary's desire to improve the service Defra can provide to the Committee and look forward to the new arrangements he has instituted having a positive impact on the way the Committee is kept informed of Defra's work.**

Conclusions and recommendations

Major appointments

1. We welcome Defra's commitment to keeping us informed of major appointments and look forward to seeing how the new arrangements for doing so work in practice in the coming year. (Paragraph 18)

Scrutiny of draft legislation

2. We fully support the principle of scrutiny of draft legislation by the departmental select committees of this House. But the Government must take into account the fact that committees already have busy agendas and that scrutiny of draft legislation, if it is done properly, will take time and may displace other planned committee activity. We recommend that the Government give proper consideration in future to the time which must be allowed for pre-legislative scrutiny of a major Bill when determining its legislative timetable. (Paragraph 24)

Evidence from Ministers

3. We are grateful to Defra's Ministers for their frequent and regular attendance at our meetings. However, we note that in some instances the process of arranging evidence sessions was unnecessarily time-consuming and required a good deal of chasing on the part of Committee staff. (Paragraph 27)
4. The Committee recognises that the Secretary of State has many calls on her time. Nevertheless, we would welcome the opportunity of discussing with her ways in which she might be able to appear on a more regular basis before the Committee. We are particularly concerned to discuss with the Secretary of State certain priority issues, such as climate change, the Government's Rural Delivery Strategy and the implementation of the reform of the Common Agricultural Policy, for which Defra is responsible and upon which Parliament needs to be kept up to date. We welcome the fact that Mrs Beckett has now agreed to appear before us in February 2005 and hope that she, or her successor, will be able to appear before the Committee on a more frequent basis in future years. (Paragraph 28)
5. It appears to us that the problems we have experienced in securing the attendance of Ministers may reflect a wider lack of understanding within Defra about the priority that should be given to the work of this Committee and to Parliament as a whole. (Paragraph 29)

Working with Defra

6. We believe that Defra, having signed up to the Government's deadline of responding to Committee reports within two months, should aim to achieve it. We do not regard this deadline as unreasonable, and therefore expect that meeting it should be the rule, rather than—as seems to be the case at present—the exception. Of course, there will often be occasions when there is a good reason why a response will be delayed. But when Defra Ministers or officials realise it will not be possible to respond by the deadline, we expect them to indicate us in good time when, and why, a deadline will be missed. (Paragraph 40)
7. If the Committee receives information from Defra in a timely fashion, we will be in a better position to understand Defra's position on the issues concerned. We do not believe that Defra's performance in supplying the Committee with written information represents the best possible discharge by Defra Ministers of their obligations to the Committee and, through us, to the House, because the information is often late and sometimes inadequate. This poor level of service is compounded when no information is forthcoming about the reasons for the delay. We understand that there may, on occasion, be good operational reasons why a deadline cannot be met. But we expect Defra to keep us up to date with progress in such cases, and explain the reasons for any delays. We recommend that Ministers consider ways in which Defra can improve officials' understanding of the need to keep Committees properly informed, and what systems need to be put in place to improve the current situation. We expect Ministers to place a high priority on meeting the spirit, as well as the letter, of the Cabinet Office guidance on providing information to select committees, and hope they will make this clear to officials at all levels in Defra. (Paragraph 44)
8. We welcome the Permanent Secretary's desire to improve the service Defra can provide to the Committee and look forward to the new arrangements he has instituted having a positive impact on the way the Committee is kept informed of Defra's work. (Paragraph 45)

Formal minutes

Wednesday 26 January 2005

Members present:

Mr Michael Jack, in the Chair

Mr Colin Breed
Mr David Lepper

Mr Austin Mitchell
Paddy Tipping

The Committee deliberated.

Draft Report [*The Work of the Committee in 2004*], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 45 read and agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Wednesday 9 February at quarter past Two o'clock.]

Reports from the Committee since 2001

Session 2004–05

Second Report	Dismantling Defunct Ships in the UK	HC 257
First Report	The draft Animal Welfare Bill	HC 52-I

Session 2003–04

Nineteenth Report	Water Pricing: follow-up	HC 1186
Eighteenth Report	Dismantling Defunct Ships in the UK (<i>Reply, HC 257 Session 2004–5</i>)	HC 834
Seventeenth Report	Agriculture and EU Enlargement (<i>Reply, HC 221 Session 2004–05</i>)	HC 421
Sixteenth Report	Climate Change, Water Security and Flooding (<i>Reply, HC 101 Session 2004–5</i>)	HC 558
Fifteenth Report	The Departmental Annual Report 2004 (<i>Reply, HC 100 Session 2004–05</i>)	HC 707
Fourteenth Report	Sites of Special Scientific Interest: conserving the Jewels of England's Natural Heritage (<i>Reply, HC 1255</i>)	HC 475
Thirteenth Report	Bovine TB (<i>Reply, HC 1130</i>)	HC 638
Twelfth Report	Reform of the Sugar Regime (<i>Reply, HC 1129</i>)	HC 550-I
Eleventh Report	GM Planting Regime (<i>Reply, HC 1128</i>)	HC 607
Tenth Report	Marine Environment: Government reply to the Committee's Report	HC 706
Ninth Report	Milk Pricing in the United Kingdom (<i>Reply, HC 1036</i>)	HC 335
Eighth Report	Gangmasters (follow up) (<i>Reply, HC 1035</i>)	HC 455
Seventh Report	Implementation of CAP Reform in the UK (<i>Reply, HC 916</i>)	HC 226-I
Sixth Report	Marine Environment (<i>Reply, HC 706</i>)	HC 76
Fifth Report	The Food Standards Agency and Shellfish (<i>Reply, HC 601</i>)	HC 248
Fourth Report	End of Life Vehicles Directive and Waste Electrical and Electronic Equipment Directive (<i>Reply, HC 557</i>)	HC 103
Third Report	Caught in the net: by-catch of dolphins and porpoises off the UK coast (<i>Reply, HC 540</i>)	HC88
Second Report	Annual Report of the Committee 2003	HC 225
First Report	Water Pricing (<i>Reply, HC 420</i>)	HC 121

Session 2002–03

Eighteenth Report	Conduct of the GM Public Debate (<i>Reply, HC 443 Session 2003-04</i>)	HC 220
Seventeenth Report	Biofuels (<i>Reply, HC 88 Session 2003-04</i>)	HC 929-I
Sixteenth Report	Vets and Veterinary Services (<i>Reply, HC 974 Session 2003–04</i>)	HC 703
Fifteenth Report	New Covent Garden Market: a follow-up (<i>Reply, HC 123 Session 2003-04</i>)	HC 901
Fourteenth Report	Gangmasters (<i>Reply, HC 122 Session 2003-04</i>)	HC 691
Thirteenth Report	Poultry Farming in the United Kingdom (<i>Reply, HC 1219</i>)	HC 79-I
Twelfth Report	The Departmental Annual Report 2003 (<i>Reply, HC 1175</i>)	HC 832
Eleventh Report	Rural Broadband (<i>Reply, HC 1174</i>)	HC 587
Tenth Report	Horticulture Research International (<i>Reply, HC 1086</i>)	HC 873
Ninth Report	The Delivery of Education in Rural Areas (<i>Reply, HC 1085</i>)	HC 467
Eighth Report	The Future of Waste Management (<i>Reply, HC 1084</i>)	HC 385
Seventh Report	Badgers and Bovine TB (<i>Reply, HC 831</i>)	HC 432
Sixth Report	Rural Payments Agency (<i>Reply, HC 830</i>)	HC 382
Fifth Report	The Countryside and Rights of Way Act 2000 (<i>Reply, HC 748</i>)	HC 394
Fourth Report	Water Framework Directive (<i>Reply, HC 749</i>)	HC 130
Third Report	The Mid-term Review of the Common Agricultural Policy (<i>Reply, HC 615</i>)	HC 151
Second Report	Annual Report of the Committee 2002	HC 269
First Report	Reform of the Common Fisheries Policy (<i>Reply, HC 478</i>)	HC 110

Session 2001–02

Tenth Report	The Role of Defra (<i>Reply, HC 340, Session 2002-03</i>)	HC 991
Ninth Report	The Future of UK Agriculture in a Changing World (<i>Reply, HC 384, Session 2002-03</i>)	HC 550
Eighth Report	Hazardous Waste (<i>Reply, HC 1225</i>)	HC 919
Seventh Report	Illegal Meat Imports (<i>Reply, HC 1224</i>)	HC 968
Sixth Report	Departmental Annual Report 2002 (<i>Reply, HC 1223</i>)	HC 969
Fifth Report	Genetically Modified Organisms (<i>Reply, HC 1222</i>)	HC 767
Fourth Report	Disposal of Refrigerators (<i>Reply, HC 1226</i>)	HC 673
Third Report	Radioactive Waste: The Government's Consultation Process (<i>Reply, HC 1221</i>)	HC 407
Second Report	The Countryside Agency (<i>Reply, HC 829</i>)	HC 386
First Report	The Impact of Food and Mouth Disease (<i>Reply, HC 856</i>)	HC 323