



House of Commons
Liaison Committee

**Annual Report for
2005–06: Government
Response to the
Committee's First
Report of Session
2006–07**

**First Special Report of Session
2006–07**

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The Liaison Committee

The Liaison Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and to hear evidence from the Prime Minister on matters of public policy.

Current membership

Mr Alan Williams MP (*Labour, Swansea West*) (Chairman)

The Chairmen for the time being of the Select Committees listed below:

Administration – Mr Frank Doran MP (*Labour, Aberdeen North*)
Communities and Local Government – Dr Phyllis Starkey MP (*Labour, Milton Keynes South West*)
Constitutional Affairs – Mr Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*)
Culture, Media and Sport – Mr John Whittingdale MP (*Conservative, Maldon and Chelmsford East*)
Defence – Mr James Arbuthnot MP (*Conservative, North East Hampshire*)
Education and Skills – Mr Barry Sheerman MP (*Labour/Co-op, Huddersfield*)
Environmental Audit – Mr Tim Yeo MP (*Conservative, South Suffolk*)
Environment, Food and Rural Affairs – Mr Michael Jack MP (*Conservative, Fylde*)
European Scrutiny – Michael Connarty MP (*Labour, Linlithgow and East Falkirk*)
Finance and Services – Sir Stuart Bell MP (*Labour, Middlesbrough*)
Foreign Affairs – Mike Gapes MP (*Labour/Co-op, Ilford South*)
Health – Mr Kevin Barron MP (*Labour, Rother Valley*)
Home Affairs –
Human Rights (Joint Committee) – Mr Andrew Dismore MP (*Labour, Hendon*)
International Development – Rt Hon Malcolm Bruce MP (*Liberal Democrat, Gordon*)
Northern Ireland Affairs – Sir Patrick Cormack MP (*Conservative, South Staffordshire*)
Procedure – Mr Greg Knight MP (*Conservative, Yorkshire East*)
Public Accounts – Mr Edward Leigh MP (*Conservative, Gainsborough*)
Public Administration – Dr Tony Wright MP (*Labour, Cannock Chase*)
Regulatory Reform – Andrew Miller MP (*Labour, Ellesmere Port and Neston*)
Science and Technology – Mr Phil Willis MP (*Liberal Democrat, Harrogate and Knaresborough*)
Scottish Affairs – Mr Mohammad Sarwar MP (*Labour, Glasgow Central*)
Selection – Rosemary McKenna MP (*Labour, Cumbernauld, Kilsyth and Kirkintilloch East*)
Standards and Privileges – Sir George Young MP (*Conservative, North West Hampshire*)
Statutory Instruments – David Maclean MP (*Conservative, Penrith and The Border*)
Trade and Industry – Peter Luff MP (*Conservative, Mid Worcestershire*)
Transport – Mrs Gwyneth Dunwoody MP (*Labour, Crewe and Nantwich*)
Treasury – John McFall MP (*Labour/Co-op, West Dunbartonshire*)
Welsh Affairs – Dr Hywel Francis MP (*Labour, Aberavon*)
Work and Pensions – Mr Terry Rooney MP (*Labour, Bradford North*)

Powers

The powers of the Committee are set out in House of Commons SO No 145. These are available on the Internet via www.parliament.uk.

Publication

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/parliamentary_committees/liaison_committee.cfm.

Committee staff

The current staff of the Committee are Helen Irwin (Clerk), Robert Wilson (Second Clerk), Kevin Candy (Committee Assistant) and Catherine Close (Secretary).

Contacts

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Report

The Liaison Committee published its First Report of Session 2006–07, *Annual Report for 2005–06*, on 17 April 2007, as House of Commons Paper HC 406. The Government's response was received on 25 June 2007. This is appended below.

Appendix

Letter to the Chairman from the Leader of the House of Commons, Rt Hon Jack Straw MP

I welcome the latest in the series of annual reports from the Liaison Committee covering the work of both the Committee itself and the other Commons committees. I value the opportunity given by this process for general issues relating to the work of the committees to be discussed and for their work to be recorded and acknowledged. As you know, I consider the contribution of the select committees to be a critical part of the present arrangements for holding the Government to account for its work.

I attach a response to those of the conclusions and recommendations in the report that are matters for the Government.

I note however that several of the other conclusions, which do not call for a direct Government response, relate to various new methods of working. I welcome these, for example the further development of assistance from the National Audit Office, the establishment of links with the Law Commission, the continued development of the work of the Scrutiny Unit and the increased use of media officers. The latter should help towards bringing select committee work more to the attention of the public, thereby improving public understanding and recognition of the work of Parliament, an objective we all share.

21 June 2007

Government response

Draft bills and pre-legislative scrutiny

We are disappointed that the Government has failed to live up to the expectations it has previously raised about the number of bills it will publish in draft. (Paragraph 14)

Pre-legislative scrutiny of draft bills is an area where committees can have some of their most significant impact on the work of Government, by improving texts on the basis of expert evidence. We recommend that the Government ensures that a more substantial number of draft bills are submitted for consideration in the future. (Paragraph 17)

1. The Government is aware that the number of draft bills published in recent years has not reached the same totals as those published in one or two earlier years. It remains committed to the policy of publishing as many bills in draft as possible, but it is difficult to set any precise target given the variety of circumstances—in particular deadlines for enactment of policies—which can arise. Of course where bills have not been published in draft then consultation principles still apply. Nevertheless, the Government would hope that the number of draft bills published each year will be above the number achieved in the 2005–06 session. In the current session 5 bills are being published in draft.

The experiences of committees confirm the need for the Government to publish the draft bill in sufficient time to enable proper consideration by a committee. We recommend that the Government take account of the need for adequate time for detailed scrutiny by committees when planning publication. This could be done most suitably by informal consultation between the minister or the Leader of the House and the committee chairman. (Paragraph 21)

2. The Government is aware of the importance of publishing draft bills in good time, where an existing committee, or a proposed joint committee, is intending to examine the bill, if there is in effect a deadline for that examination. Given that it will often be the case that a draft bill published in one session will be intended to be introduced as an actual bill in the next session, and that in such cases the bill needs to be ready for introduction near the beginning of the second session, it will follow that examination by a committee of a draft bill generally needs to be completed before the House rises for the summer. This is in order to allow time for the committee's report to be taken into account by the department in the preparation of the final bill.

3. The Cabinet Office's *Guide to Legislative Procedures* indicates that generally three to four months should be allowed for committee examination, which means in practice that it will often be desirable for draft bills to be published by the Easter recess. The Government aims at meeting this target, but is aware that this is not always achieved. As suggested by the Liaison Committee, the existing guidance indicates that departments should liaise with the relevant committee ahead of publication to identify a mutually convenient timetable. This is obviously particularly important in cases where it appears the indicative target may not be reached.

Public bill committees

We recommend that the Government give a clear commitment that the new evidence-taking procedure by Public Bill Committees does not reduce the need for pre-legislative scrutiny, nor does it preclude select committees from examining bills during their passage through the House when their expertise is needed to examine the text in more depth. (Paragraph 26)

4. The Government does not consider that the introduction of the new evidence-taking procedure in public bill committees reduces the case for pre-legislative scrutiny where such scrutiny is possible. As the Modernisation Committee report underlying the new procedure itself indicated “The purpose of a public bill committee is not to replicate the pre-legislative inquiry”.¹ Oral evidence-taking before public bill committees is however in its early days, and it remains to be seen how the process will settle down in the longer term.

5. Equally, the Government does not regard the oral evidence-taking process in public bill committees as a bar to the examination of bills by select committees during their passage through the House. As the Committee notes, a select committee will sometimes wish to examine the bill in more depth than will be possible by a public bill committee. In practice, select committees will no doubt take into account the obligations which Bill ministers and teams face in servicing the needs of the public bill committee itself, when framing additional demands on their time while the bill is actually in committee.

Financial scrutiny

We are impressed by the rigour that many committees are now bringing to their financial scrutiny work, and the timely and effective way they are making use of the Scrutiny Unit's analysis and support. Most government departments can now assume that the relevant departmental select committee will examine them on the key documents of all stages of the Parliamentary resource planning and accountability framework. We welcome the fact that so many committees report to the House following their examination of Departmental Annual Reports, as this helps inform Members and can also provide valuable feedback to the departments concerned about the quality of their financial reporting to Parliament. It is vitally important those committees that do not already publish such a report take steps to do so, and it is equally important that departments ensure that timely and clear information is given to them. (Paragraph 32)

6. This conclusion is primarily directed at committees themselves, but the Government certainly welcomes the work done by committees in their financial scrutiny work and, in particular, on departments' annual reports. Departments remain committed to the provision of timely and clear information in this area.

¹ The report did indicate, conversely, that where there has been pre-legislative scrutiny then the number of evidence sessions undertaken by a public bill committee might be significantly reduced. The Government indicated its agreement with this in the debate on introduction of the legislative process reforms on 1 November 2006 at col 308.

Responses to committee reports

It is unacceptable for a government department to delay its response to a committee report in order to delay or avoid a debate on the report in the House or Westminster Hall. We expect the Government, in its reply to our report, to agree to this. (Paragraph 55)

7. The Government agrees that it would be unacceptable for a government department to delay a response to a committee report in order to delay or avoid a debate on the report. The Government expects to reply to reports within the terms of the provision set out in the document *Departmental Evidence and Response to Select Committees (July 2005)*. It is not aware of any case in which the situation suggested by the Committee may have arisen.

Debates on committee reports

While the number of debates on committee reports in Westminster Hall is welcome, it has dropped from the two-thirds target recommended by the Modernisation Committee. We pay tribute to the cooperation received from the Government Whips in arranging these debates, but recommend that the allocation rise towards the recommended target in the near future. (Paragraph 56)

8. The Government remains committed to the target of two thirds of Thursday debates in Westminster Hall being available for select committee reports. The recommendation was exceeded in 2004–05 and 2003–04 and is on target to be exceeded in the current session. In the 2005–06 session, the Government had to provide Government debates whilst the Select Committees—and of course in consequence the Liaison Committee itself—were still being established. Once established, the Government offered as many Thursdays as possible to the Committee, not all of which were accepted.²

Legislative & Regulatory Reform Bill

The work of various committees on the Government's Legislative and Regulatory Reform Bill represents a triumph for Parliamentary scrutiny. It is an example of Parliament, through its committees, forcing the Government to change its mind, and thus help produce a radically improved piece of legislation—good scrutiny making for good government. (Paragraph 70)

9. The Government agrees that the passage of the Legislative and Regulatory Reform Bill through Parliament was a good example of the Government listening to Parliament and responding to its constructive input, while keeping sight of its own aim of passing legislation with order-making powers better suited to delivering appropriate regulatory reform than those under the 2001 Regulatory Reform Act.

² Out of 38 Thursday debates in the session excluding June and July 2005, 23 were on reports from select committees (and a further 2 were on the annual reports of the House of Commons Commission).

Standing Order change in relation to embargo period for committee reports

We believe that an increased embargo time, used with discretion rather than routinely, would alleviate the problems we have set out and would allow for more and better quality coverage of committee reports. We are therefore grateful to the Leader of the House, with whom we discussed this issue at our meeting on 21 November, for his agreement to bring forward for decision by the House a proposal to change the Standing Orders to extend the embargo period. We hope that the House will agree to make such a change in order to assist us. (Paragraph 90)

10. The Leader of the House brought forward a change to the Standing Orders as requested, to extend the embargo period from 48 hours to 72 hours. The change was agreed by the House on 30 March 2007.

Provision of information to committees

As we reported above, the Leader's assistance has already brought results, and we look forward to improved provision of information by departments to committees. We also welcome Defra's decision to give the EFRA Committee confidential access to Office of Government Commerce gateway reviews, and expect the Leader of the House to recommend this helpful approach to other departments, in particular the Department of Work and Pensions. In the same spirit of cooperation evident in our meeting with the Leader, we also look forward to a greater readiness by No. 10 to allow special advisers to give evidence to committees while in post. While we recognise the importance of the convention that the Permanent Secretary in post, as accounting officer, has sole responsibility for the work of the department, it can be very useful for former officials to give evidence to committees, as this makes it easier for the facts of a case to be established when the officials actually involved in the issue under consideration are available to question. (Paragraph 100)

11. The Government remains keen to engage constructively with select committees in respect of the provision of information. As the Committee is aware, the Cabinet Office guidance Departmental Evidence and Response to Select Committees, updated and reissued in July 2005, makes clear that where a Select Committee indicates that it wishes to take evidence from a particular named official, including special advisers, the presumption should be that Ministers will agree to meet such a request. However, the final decision on who is best placed to represent the Minister rests with the Minister concerned on the basis that officials who give evidence to Select Committees do so on behalf of their Ministers and under their directions. With respect to former officials, they cannot be said to represent the Minister and therefore cannot contribute directly to his or her accountability to the House. It is primarily for these reasons, as well as for obvious points such as having access to up to date information and thinking, that Ministers would expect evidence on Government matters to be given by themselves or by serving officials who report to them.

12. The Government is pleased that it was possible to come to substantial agreement in respect of the provision of information on specific OGC Gateway reviews to two committees, on a confidential basis. Such requests can continue to be considered on a case by case basis.

Post legislative scrutiny

Like the Law Commission, we believe that Parliament has the key role to play in post-legislative scrutiny; we also believe that select committees should be at the heart of the process. There is also a strong argument for a more systematic approach to such scrutiny, to maximise the benefits of select committees' involvement in the process. However, we believe that very careful thought will be needed to establish the right mechanism for achieving this. We look forward to working with the Government on developing such a mechanism. To this end we have established a small sub-group to take this issue forward, including in the first instance an informal meeting with the Leader of the House on the best way ahead. (Paragraph 105)

13. The Government agrees that there is great value in effective post-legislative scrutiny and has been considering closely the report of the Law Commission. It agrees with the Liaison Committee that very careful thought is needed to establish the best mechanism to involve select committees in the process. The Leader of the House has held discussions with the sub-group established by the Committee and will make proposals in due course.