



House of Commons
Liaison Committee

**The work of
committees in 2007:
Government Response
to the Committee's
Third Report of Session
2007–08**

**Second Special Report of Session
2007–08**

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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*)
Business and Enterprise – Peter Luff MP (*Conservative, Mid Worcestershire*)
Children, Schools and Families – Mr Barry Sheerman MP (*Labour/Co-op, Huddersfield*)
Communities and Local Government – Dr Phyllis Starkey MP (*Labour, Milton Keynes South West*)
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Environment, Food and Rural Affairs – Mr Michael Jack MP (*Conservative, Fylde*)
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Innovation, Universities, Science and Skills – Mr Phil Willis MP (*Liberal Democrat, Harrogate and Knaresborough*)
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Procedure – Mr Greg Knight MP (*Conservative, Yorkshire East*)
Public Accounts – Mr Edward Leigh MP (*Conservative, Gainsborough*)
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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*)
Transport – Mrs Louise Ellman MP (*Labour/Co-op, Liverpool Riverside*)
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.

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/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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Second Special Report

The Liaison Committee published its Third Report of Session 2007–08, *The work of committees in 2007*, on 4 April 2008, as House of Commons Paper HC 427. The Government's response was received on 19 May 2008. This is appended below.

Government response

The Government welcomes this annual report from the Liaison Committee, which describes the work of the House's committees over the relevant period and raises a number of issues of note or concern. This is the third such government response to an annual report.

The Government recognises the importance of regular and effective parliamentary scrutiny of its policies and its decisions. It therefore attaches great importance to the work of the committees and recognises its duty to ensure that a co-operative and productive relationship is in place. The Government is therefore pleased to have been able to work with the committees in a number of areas, as noted by the Committee, for example in bringing forward the necessary Standing Order changes:

- to amend the select committee structure following machinery of government changes
- to make minor changes to the nomenclature of certain committees
- to provide for slightly more flexible embargo periods for reports.

The Government is also pleased that the Committee recognises the large total of debates for which it was possible to find time in Westminster Hall.

The Government has held discussions with chairmen of individual committees as appropriate on specific issues, such as the discussions with the chair of the European Scrutiny Committee in advance of the proposals to update the process for European scrutiny reform in February. The Leader of the House remains happy to continue to discuss matters of common interest both through these written exchanges and through occasional informal meetings with the Committee. The Government's observations on the more detailed points raised in the Committee's Report are given below.

Scrutiny of draft bills

1. (Recommendation 1) Once again, we are disappointed at the comparatively small number of draft bills published by the Government. But numbers are not the most important aspect of the process. What matters is the quality of pre-legislative scrutiny that takes place and a crucial factor in accomplishing first-rate scrutiny is sufficient time for committees to do their work. For this reason, we are especially concerned that the Government does not appear to have taken into account the need for committees to have adequate time to plan and carry out effective pre-legislative scrutiny of draft bills. We welcome the Government's intention to increase the number of draft bills it publishes in 2008, but stress that sufficiently early publication of such draft bills is a

necessary condition for proper scrutiny. The Government should liaise at an early stage with committees to ensure they can set aside time in their already busy work programmes to carry out their pre-legislative scrutiny function. (Paragraph 24)

As the Committee has noted, the number of draft bills scheduled for publication in the current session is higher than in recent sessions, and the Government would hope to be able to maintain this higher rate. At the same time, it is important that those bills which are published in draft are ones which would genuinely benefit from pre-legislative scrutiny from Parliament and outside, and that the total number of Bills published in draft is not seen as an end in itself.

The Government recognises that the value of pre-legislative scrutiny will be reduced if insufficient time is available for parliamentary committees to examine draft bills properly. The Government is fully committed to taking into account the need for committees to have adequate time to plan and carry out effective pre-legislative scrutiny of draft bills. It therefore recognises the benefits of early publication and early engagement with the committees most likely to be affected. These principles are included in the Cabinet Office guidance on the legislative process, which makes clear that the intention is to seek to publish bills where possible before or around Easter time, leaving in effect three months before the summer recess. Departments are encouraged, when their plans are sufficiently firm, to engage with committees to enable the committees to plan their work.

The Government accepts that, because of the time required for departments to develop policy, for departmental lawyers to instruct Parliamentary Counsel, and for the drafting itself to be completed, this objective is not always achieved. In some cases, there can in effect be a practical choice between publishing a draft bill later than is ideal or not publishing it in draft at all. In such cases the Government will generally take the view that it is more useful to publish the bill in draft. But where a bill is being published later than indicated under the guidance departments will always be encouraged to make contact with the relevant departmental select committee to see what can be done to assist the process of scrutiny.

2. (Recommendation 2) While we recognise that some draft bills will be particularly suited to scrutiny by joint committees, it is for the House, not the Executive, to assess the most effective form of scrutiny, and we object strongly to the fact that the Government has sought to pre-empt the House's consideration of how to scrutinise draft bills by bringing forward motions for the appointment of joint committees without proper consultation. We reiterate the comment of our predecessor committee in 2005: there should be a presumption in favour of draft bills going to departmental select committees for pre-legislative scrutiny, where they are ready and willing to undertake this. (Paragraph 25)

The Government recognises the Committee's long-standing concern about the process for deciding on the most appropriate form of parliamentary scrutiny, where there is a case both for a joint committee and for scrutiny by a departmental committee. The Government recognises the importance of consultation in such cases, beginning with the letter sent to the Liaison Committee by the Leader of the House at the time of the Queen's Speech listing the likely draft bills for the session. The consultation will include the various parties in each House, as well as the existing Commons select committees. It will not

always be possible to satisfy every interest. Ultimately—as the Committee states—it must be a decision for the House to take, in that a joint committee cannot be established unless the House votes to establish one. In some cases the outcome may be that the work of a Joint Committee will be supplemented by complementary or parallel work by the relevant departmental select committee.

The Government looks forward to discussing further with the Committee further developments in the process of conducting the consultations on proposals for the best form of scrutiny for individual draft bills.

Draft Legislative Programme

3. (Recommendation 3) We welcome the publication of the Government’s draft legislative programme, which has the potential to further enhance committees’ engagement with the legislative process. In order for this potential to be realised, the draft programme will have to be published early enough for committees to be able to examine those proposals that fall within their remit and report on them in time for their views to be taken into account by the Government in finalising its legislative programme. We therefore welcome the Government’s intention of publishing the draft programme for 2008–09 around Easter 2008. (Paragraph 32)

The Government published the 2008 draft legislative programme on 14 May 2008, which is two months earlier than last year. In moving to an earlier publication date the Government believes there is a trade off between the benefit of publishing the programme early enough for committees to be able to examine those proposals that fall within their remit and the level of detail and information about the specific proposals contained within the bills. The Government looks forward to the active engagement of the select committees with the programme this year.

Scrutiny of Government expenditure

4. (Recommendation 4) We welcome the continuing improvement in the quality of information provided in Estimates Memoranda, and the fact that pressure from committees is ensuring that the quality of departments’ Estimates Memoranda is being further improved. (Paragraph 40)

The Government is pleased that committees consider there to have been an improvement in the quality of Estimates Memoranda. There is now detailed guidance in the Supply Estimates guidance manual and the Government is happy to continue to work with committees and the House of Commons Scrutiny Unit towards further improvements where necessary.

5. (Recommendation 5) Committees continued their effective scrutiny of government expenditure over the last year. Such scrutiny of expenditure is not limited to an annual examination of departmental reports, important though this is. Committees have shown that an awareness of expenditure issues informs a much wider range of their work. We are pleased that most departmental committees have taken oral evidence on departmental reports, but emphasise that committees using this evidence to form the

basis of a report to the House can further improve the quality of departments' financial reporting. (Paragraph 42)

The Government agrees with the Committee's observation that expenditure work is not limited to scrutiny of departmental annual reports and estimates and that therefore the extent of committee scrutiny of expenditure cannot be measured solely by the number of evidence sessions and reports explicitly described as expenditure-related. Committees carry out much more expenditure-related work than such a tally would imply. Departments are of course ready to work with and respond to any additional expenditure reports which committees might make.

6. (Recommendation 6) The new combined departmental reports and resource accounts are an opportunity to produce more helpful documents, although we note the potential disadvantage that they will be published later than the current DARs. The balance between the greater usefulness of the combined document and its later publication is one that can best be judged by the individual committees concerned, on a case by case basis. (Paragraph 44)

The Government welcomes the Committee's view that the new combined departmental reports and resource accounts are an opportunity to produce more helpful documents, and notes that an increasing number of departments are planning to publish combined documents in 2008. The Government fully recognises committees' interest in the content of combined reports and accounts, and the need for these documents to be available in time for committees to use them in considering departments' Estimates. The Government is reviewing the whole range of the financial reporting documents it presents to Parliament as part of the Alignment project announced in *Governance of Britain* (Cm 7170) published in July 2007, and will consult the Committees fully on its proposals.

Post-Legislative Scrutiny

7. (Recommendation 7) We look forward to examining the Government's proposals for more systematic post-legislative scrutiny, and discussing their implementation with ministers. At this stage, we welcome the Government's recognition that post-legislative scrutiny is, in the first instance, a matter for Commons select committees. (Paragraph 64)

The Government notes this conclusion and will be happy to discuss the new approach to post-legislative scrutiny further with the Committee.

Availability of Members for select committee work

8. (Recommendation 8) We have been concerned by the length of time it has taken in some instances to appoint and replace members of select committees. We urge the Leader of the House, the Committee of Selection and the Government and Opposition Whips to liaise more closely, and work together in order to speed up the nomination process. We also urge the Whips of all parties to ensure members are appointed to and discharged from committees only after proper consultation with all those affected. While we recognise the natural desire of the Whips to ensure attendance of Members

for important votes, we hope to work with them to achieve greater certainty for the forward planning of committee business. (Paragraph 74)

The Government recognises the Committee's concerns about the need for rapid replacement of members of committees when the need arises, and for cooperation over the scheduling of committee working visits away from Westminster. As the Committee notes, committee appointments are a matter which involve the whips from all parties and must respect the internal processes applicable within parties. The Government will always seek to arrange for replacements for Government members of committees, where this is necessary, as swiftly as circumstances allow. It is helpful to all Whips Offices if the need for any replacement of existing committee members is brought to their attention as soon as possible.

Government will continue to work together with committees to facilitate greater certainty for the planning of committee business.

Cooperation with the judiciary and the Law Commission

9. (Recommendation 9) We are grateful to members of the judiciary for their willingness to give evidence to committees and otherwise to participate in their inquiries, and we look forward to continuing our relationship with the Law Commission, including on the development of post-legislative scrutiny. (Paragraph 79)

This conclusion is addressed to the judiciary and to the Law Commission, but the Government welcomes the effective cooperation between these groups and the committees.

Relations with government departments

10. (Recommendation 10) We deplore the fact that departments have in some cases taken an inordinate amount of time to submit written evidence and responses to committees. Departments should engage in a positive and timely manner with select committee inquiries. This includes making information available to committees unless there are compelling reasons to withhold it. In this context, we welcome the Home Office's positive approach to working with the Home Affairs Committee, and the FCO's commitment to consider ways in which information in classified documents could be made available to the Foreign Affairs Committee. We encourage all departments to look upon parliamentary scrutiny as an important process rather than a necessary evil, as sometimes seems to be the case. We also commend the practice of committees in following up inadequate government responses, as this is the most effective way of ensuring better practice in the future. (Paragraph 85)

The Government attaches great importance to maintaining a constructive and effective relationship with committees. The principles underlying such cooperation are clear and are set out for departments in the relevant government guidance. In practice, given the very large flows of information to committees, there will inevitably be occasions where the ideal timescales are not achieved or where committees feel that a department might have acted more quickly. Departments are ready to work with individual committees to follow up

such cases, in the ways identified by the Committee. In some instances, delay will reflect the real difficulties which can occur in confirming emerging policy positions.

Information gathering

11. (Recommendation 11) Online forums can be a means of accessing information from people who would be hard to reach through the routes traditionally used by committees, and have the potential to encourage the public to engage more fully with Parliament. We encourage more committees to consider this approach to information gathering, where there are likely to be communities of interest who would not otherwise participate in committee inquiries. However, online forums can be resource intensive to set up and run, and so care should be taken that they are employed only when they can add specific value to an inquiry. Committees can make particularly effective use of the information they obtain through this method by publishing a summary of the views expressed and referring to online comments in their reports. In this way, contributors to online forums can be reassured that their views are being heard. (Paragraph 91)

The Government agrees with this conclusion.

The Government also welcomes the extent of visits made by committees in the UK beyond Westminster, referred to in paragraphs 89 and 100 of the report. Such visits, whether including formal oral evidence sessions or purely more informal meetings and events, can make an important contribution to the wider objective of helping the public to see the work being undertaken within Parliament and to engage with it.

12. (Recommendation 12) Once again, we express our appreciation of the specialist assistance the National Audit Office provides to select committees. We believe such assistance is most valuable when it responds to specific committee needs, and we encourage committees to consider ways in which the NAO can help them. (Paragraph 94)

This conclusion, which is primarily addressed to the National Audit Office, is noted and welcomed.

13. (Recommendation 13) We note the important added value which the Scrutiny Unit has continued to bring to the work of committees. (Paragraph 95)

This conclusion is noted. The Government welcomes the contribution which the Scrutiny Unit has been able to make to the work of the select committees.

Information on government websites

Although the Committee has noted no specific conclusion on the point raised in paragraph 96 of the report, it might welcome an update on this issue.

Following the successful development of a solution to address the problem of information disappearing from government websites, The National Archives is taking forward the project's implementation. This forms part of a wider Digital Continuity initiative concerned with ensuring long-term access to government information in all digital

formats. A pilot of the solution based on the Ministry of Justice and the Department for International Development websites is planned for completion in June and the infrastructure to support the wider solution should be in place by November 2008.

The project is concerned with ensuring online information is findable and remains so over time, through:

- comprehensive archiving of the government web estate by The National Archives;
- The National Archives making available a software component for installation on government organisations' websites (to redirect users to the web archive if a link (URL) is no longer active) and making available additional software for website managers (to ensure that website content is more easily found by citizens looking for information using search engines);
- guidance to government website managers to support the solution overall; and
- development by The National Archives of a methodology for monitoring both the efficacy of and compliance with the new system and guidance.

The National Archives will be very happy to provide a separate briefing for the Committee and Members.

Regional Accountability

14. (Recommendation 14) We await the outcome of the Modernisation Committee's inquiry into regional accountability, and more detailed proposals from the Government. At this stage, we reiterate the concerns put to the Modernisation Committee by our Chairman and other Members, that establishing a group of select committees on the regions, operating in the same way as the existing departmental select committees, could lead to wasteful duplication of effort, confusion over the roles of the different committees and conflicting demands for resources and access to relevant witnesses. We welcome the prospect of enhanced regional accountability, but it must not be at the expense of replicating—or weakening—the existing scrutiny system. (Paragraph 107)

The Government notes this conclusion and recognises the points made by the Committee. As the Committee notes, the issue is currently the subject of inquiry by the Modernisation Committee. The Government will make proposals to the House in due course.

Scrutiny of National Policy Statements under the Planning Bill

15. (Recommendation 15)

- **The principle of parliamentary scrutiny for National Policy Statements is welcome and we believe select committees are the proper forum for such scrutiny;**
- **The Government should work closely with the committees most affected to ensure that any new arrangements allow existing committees adequate time to carry out**

effective scrutiny without adversely affecting the rest of their programme of work, and

- **Decisions on the statements should be made by the House, informed by the committees' analyses, and the Planning Bill should be amended to ensure that ministers may not designate statements without the approval of the House.**

We look forward to a continuing dialogue between committee chairmen and the Leader of the House on how these aims can best be achieved. (Paragraph 109)

The Department for Communities and Local Government, with the Leader of the House, is working with the chairs of the select committees principally involved to put in place a system for parliamentary scrutiny for national policy statements which will both meet the needs of the committees and the objectives of the Planning Bill.