



House of Commons
Liaison Committee

**The Work of
Committees in Session
2008–09: Government
Response to the
Committee's Second
Report of Session
2009–10**

**First Special Report of Session
2010–11**

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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

Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*) (Chair)

The Chair of the following Select Committees are all members of the Liaison Committee:

Administration – Vacant

Backbench Business – Natascha Engel MP (*Labour, North East Derbyshire*)

Business, Innovation and Skills – Mr Adrian Bailey MP (*Labour/Co-op, West Bromwich West*)

Communities and Local Government – Mr Clive Betts MP (*Labour, Sheffield South East*)

Culture, Media and Sport – Mr John Whittingdale MP (*Conservative, Maldon*)

Defence – Mr James Arbuthnot MP (*Conservative, North East Hampshire*)

Education – Mr Graham Stuart MP (*Conservative, Beverley and Holderness*)

Energy and Climate Change – Mr Tim Yeo MP (*Conservative, South Suffolk*)

Environmental Audit – Joan Walley MP (*Labour, Stoke-on-Trent North*)

Environment, Food and Rural Affairs – Miss Anne McIntosh MP (*Conservative, Thirsk and Malton*)

European Scrutiny – Vacant

Finance and Services – Vacant

Foreign Affairs – Richard Ottaway MP (*Conservative, Croydon South*)

Health – Mr Stephen Dorrell MP (*Conservative, Charnwood*)

Home Affairs – Keith Vaz MP (*Labour, Leicester East*)

Human Rights (Joint Committee) – Vacant

International Development – Malcolm Bruce MP (*Liberal Democrat, Gordon*)

Justice – Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*)

Northern Ireland Affairs – Mr Laurence Robertson MP (*Conservative, Tewkesbury*)

Political and Constitutional Reform – Mr Graham Allen MP (*Labour, Nottingham North*)

Procedure – Mr Greg Knight MP (*Conservative, East Yorkshire*)

Public Accounts – Margaret Hodge MP (*Labour, Barking*)

Public Administration – Mr Bernard Jenkin MP (*Conservative, Harwich and North Essex*)

Regulatory Reform – Vacant

Science and Technology – Andrew Miller MP (*Labour, Ellesmere Port and Neston*)

Scottish Affairs – Mr Ian Davidson MP (*Labour/Co-op, Glasgow South West*)

Selection – Geoffrey Clifton-Brown MP (*Conservative, The Cotswolds*)

Standards and Privileges – Vacant

Statutory Instruments – Mr George Mudie MP (*Labour, Leeds East*)

Transport – Mrs Louise Ellman MP (*Labour/Co-op, Liverpool Riverside*)

Treasury – Mr Andrew Tyrie MP (*Conservative, Chichester*)

Welsh Affairs – David T C Davies MP (*Conservative, Monmouth*)

Work and Pensions – Miss Anne Begg MP (*Labour, Aberdeen South*)

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 <http://www.parliament.uk/business/committees/committees-a-z/commons-select/liaison-committee/>.

Committee staff

The current staff of the Committee are Jacqy Sharpe (Clerk), Robert Wilson (Second Clerk), Kevin Candy (Senior Committee Assistant) and Lee Chiddicks (Committee Assistant).

Contacts

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First Special Report

The Liaison Committee published its Second Report of Session 2009–10, *The Work of Committees in Session 2008-09*, on 16 March 2010, as House of Commons Paper HC 426. The Government's response was received on 20 July 2010. This is appended below.

Appendix

Letter to the Chair from the Leader of the House of Commons, Rt Hon Sir George Young Bt MP

I am pleased to enclose the Government's response to the Liaison Committee's Second Report of 2009-10 (HC 426).

Colleagues are still considering the Committee's recommendations on pre-appointment hearings. I am confident that we will be able to agree a way forward with the Committee and Francis Maude will write to you in due course to discover which changes can be implemented.

20 July 2010

Government response

The Government welcomes the Committee's Report, which identifies the central role that select committees play in the House's scrutiny function.

Work of the Liaison Committee: an overview

1. (Recommendation 1) We are grateful for the positive way in which the Leader of House and other Ministers co-operated with us on issues of mutual concern relating to the work of committees during the session. (Paragraph 8).

2. (Recommendation 2) We believe that our regular evidence sessions have the potential to provide a valuable extra means of holding the Prime Minister to account but that this potential has not yet been fully realised. While we look forward to continuing these in the new Parliament, we will therefore keep the detailed arrangements under review. (Paragraph 10)

The Government agrees that the Prime Minister's appearances before the Liaison Committee provide a valuable additional degree of scrutiny of the work of Government. The Government would be happy to consider any specific proposals from the Committee for changes to the detailed arrangements..

Scrutiny of draft bills

3. (Recommendation 3) We are pleased that the Leader of the House has embraced a more transparent system for the allocation of draft bills to committees for scrutiny. The Government did not publish enough draft bills in the last session to test properly the efficacy of the new system so we will continue to monitor progress into the current session and next Parliament. (Paragraph 32)

The Government has announced the publication of three draft bills, on parliamentary privilege, House of Lords reform, and defamation. Consideration is being given to further draft bills which might be published for consideration in the current Session.

The Government is committed to consulting interested parties in both Houses about the best route for pre-legislative scrutiny of each draft Bill. However, scrutiny by a joint committee is likely to be more appropriate than scrutiny by a select committee of the Commons for bills of major constitutional importance.

4. (Recommendation 4) If the Government is serious about the role that pre-legislative scrutiny can play in making better legislation, it needs to ensure that the committees tasked with conducting that scrutiny are given a reasonable amount of time in which to do it. We reiterate our view that this means, at a bare minimum, twelve weeks. If the Government is unable to ensure that the appointment of joint committees takes place more quickly than has been the case in the past two sessions it needs to publish draft bills earlier, to allow sufficient time for the committees to do their work. (Paragraph 36)

The Government remains committed to a three-month minimum period for pre-legislative scrutiny. We hope that the long first Session will provide a longer lead time for the production of draft bills for scrutiny in 2009–10.

Scrutiny of expenditure plans and outturn

5. (Recommendation 5) We welcome the co-operation of the Government in helping to build a more coherent and understandable system for financial reporting, and look forward to the Government responding equally favourably to our suggestions and those of the Reform of the House of Commons Committee to improve the ability of Parliament to use the information to scrutinise and challenge Government expenditure in the future. (Paragraph 54)

The House approved the Government's proposals for the Alignment (Clear Line of Sight) Project on 5 July.

The establishment of the Backbench Business Committee provides new opportunities for the House itself to schedule debates on any aspect of the Government's spending plans, including debates on non-binding Motions on Government expenditure. The Committee could also schedule debates on the Spending Reviews and Pre-Budget Reports

Scrutiny of major appointments

6. (Recommendation 6) The Government's original rationale for pre-appointment hearings was based on "increasing democratic scrutiny of public appointments" and on providing "greater public reassurance that those appointed to key public offices are appointed on merit". The UCL Report concludes that this objective "has been achieved" although the improvement brought about was "simply an incremental step - and quite a small one". On balance, we concur with the cautious assessment of the new arrangements and in principle support the continuance of the pre-appointment hearings on a permanent basis...We recommend that existing guidance relating to the hearings process be consolidated—if agreed between the Cabinet Office and the Liaison Committee—in a single document containing precise indications of the purpose and possible content of pre-appointment hearings. (Paragraph 68)

7. (Recommendation 7) We recommend that a list of criteria governing the posts subject to pre-appointment hearings be established and a revised list of such posts agreed between the Government and the Liaison Committee. (Paragraph 70)

8. (Recommendation 8) We recommend that departments consult the relevant select committee on the job specification of any post that is to be subject to a pre-appointment hearing prior to the start of the recruitment process. (Paragraph 71)

9. (Recommendation 9) We recommend that the revised set of guidelines governing pre-appointment hearings include provision for a private meeting between a Minister and a committee at the committee's discretion, in cases where a committee is inclined to make a negative report on the preferred candidate for an appointment. (Paragraph 72)

The Government notes these recommendations and agrees that there may be scope to improve the arrangements for pre-appointment hearings. The Minister for the Cabinet Office will write to the Committee to consider how this could be taken forward.

Relations with Government departments

10. (Recommendation 11) We warmly welcome the fact that committees continue to maintain positive working relationships with their respective departments. Nevertheless, committees continue to bring to our attention instances of Government memoranda and Government responses that arrive late or are of poor quality. We accept that there may be good reason for late submissions; in such cases, the department should ensure that the Committee is kept informed of the expected length of the delay. But there can be no excuse for the submission of responses that fail to engage with the evidence and arguments advanced by a committee. Honest and open debate should be the hallmark of the dialogue between Government and Parliament. Current Government guidance on responses does not seem to be having the desired effect. We urge the Leader of the House to ensure that all departments are aware of the need for proper and specific engagement with arguments advanced in select committee reports. (Paragraph 92)

The Government is committed to supporting and sustaining the positive working relationship between select committees and the departments which they scrutinise.

In the light of the Committee's recommendation, the Leader of the House will write to all departments reminding them of their responsibility to provide full, accurate and timely information to select committees, including replies to reports. The Government agrees that replies must always seek to engage fully with the committees' reports and address the evidence on which they are founded.

11. (Recommendation 12) We note that it has been the practice of successive governments to make sensitive and, in some cases, classified information available to select committees (or to their Chairs alone) in confidence, and that there has been no complaint of a breach of this confidence. We accept that the Government may have good reason for not wishing this material to enter the public domain. We would be concerned if the refusal to provide information was aimed at depriving committees with information for political rather than security reasons. (Paragraph 94)

The Government will continue to supply sensitive information to committees in confidence, where appropriate. However, this is subject to the overriding need to protect information where its disclosure could lead to harm.

Requests from Parliament for information, whether from a select committee or in the form of a Parliamentary question, should not be refused if the Government would be required to disclose the information under the Freedom of Information Act.

National Policy Statements

12. (Recommendation 17) We are pleased that the Government has listened to our representations about the mechanisms of parliamentary scrutiny of National Policy

Statements and welcome the way in which these concerns have been reflected in the changes proposed and agreed by the House. Whilst welcoming the involvement of select committees in the new planning process, we still have some concerns about the potential workload imposed by large numbers of NPSs and the consequent resource implications. We will keep under review the impact that the new procedure has on those committees involved. (Paragraph 133)

The Government acknowledges the potential for the consideration of National Policy Statements to impose a significant burden on committees. The Liaison Committee's power to appoint a National Policy Statement Committee can be used to mitigate this problem to some degree.

The Government will consider any representations from the Liaison Committee or from the individual committees concerned, should the burden of scrutiny become too great.

Amendments by select committees

13. (Recommendation 18) We accept that further detail is required on how committee-sponsored amendments would work in practice, but we do not believe that the difficulties are insuperable. We look forward to the development of further detailed proposals. (Paragraph 136)

The Leader of the House will pursue this proposal with the Procedure Committee.

Post-legislative scrutiny

14. (Recommendation 19) We encourage Government departments to abide by the commitments they have made on the publication of post-legislative memoranda in 2010 and to produce memoranda that are as informative as possible to the process of scrutiny. We will keep the quality of these memoranda and the use made of them by select committees under review. We also plan to monitor the extent to which post-legislative work impinges on committees' primary roles, especially for the departments which have heavy legislative workloads. (Paragraph 139)

The Government welcomes the Committee's intention to keep the quality and use of post-legislative memoranda under review. As the Committee notes, individual committees have now agreed with their departments a timetable for submission of memoranda.

A total of seven memoranda have now been published, though none has yet been the subject of a select committee inquiry.

The Leader of the House wrote to all Cabinet ministers in June to advise them on the process and draw their attention to the guidance contained in the Cabinet Office's *Guide to Making Legislation*.

Mainstreaming select committees

15. (Recommendation 24) For a mainstream select committee, such as a departmental committee, a Member of Parliament's work on the committee, if it is to be done well, should represent a significant portion of their working time. (Paragraph 162)

16. (Recommendation 25) We recommend that the Committee of Selection take into account whether a Member is a member of a select committee in appointing members of legislative and other general committees. (Paragraph 164)

17. (Recommendation 26) We recommend that the Procedure Committee and the Leader of the House in the next Parliament examine the options for ring-fencing time for select committee meetings—for example by having "committee weeks" once a month or more regularly. (Paragraph 166)

18. (Recommendation 27) The House must recognise that the work of select committees is fundamental to the discharge of its democratic function, and individual Members must recognise that service on a select committee is both a privilege and a core part of their role as democratic representatives. It demands consistent concentration and commitment. (Paragraph 167)

The Government agrees that the work of select committees is a central and essential part of the work of Parliament. The Leader of the House will be happy to contribute to any inquiry by the Procedure Committee into ways in which protected time could be made available for select committee activity.