



HOUSE OF LORDS

Liaison Committee

1st Report of Session 2010–11

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The Liaison Committee

The Liaison Committee advises the House on the resources required for select committee work and allocates resources between select committees; reviews the select committee work of the House; considers requests for *ad hoc* committees and reports to the House with recommendations; ensures effective co-ordination between the two Houses; and considers the availability of Lords to serve on committees.

Current Membership

The Members of the Liaison Committee are:

Lord Brabazon of Tara (Chairman)

Lord Addington

Baroness Corston

Baroness D'Souza

Lord Fellowes

Lord McNally

Baroness Perry of Southwark

Baroness Royall of Blaisdon

Lord Strathclyde

Viscount Ullswater

Declaration of Interests

A full list of Members' interests can be found in the Register of Lords' Interests:

<http://www.publications.parliament.uk/pa/ld/ldreg/reg01.htm>

General Information

General information about the House of Lords and its Committees is on the internet at

<http://www.parliament.uk/business/committees/>

Contacts for the Liaison Committee

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First Report from the Liaison Committee

REVIEW OF COMMITTEE ACTIVITY

Background

1. The Committee has agreed¹ that at the beginning of every Parliament it will meet to review the work of policy select committees before the motions of re-appointment are tabled. This is the first time we have conducted such a review.
2. We took the review to cover the European Union, Science and Technology, Constitution, Communications and Economic Affairs committees. We excluded from the review the Delegated Powers and Regulatory Reform Committee and the Merits of Statutory Instruments Committee, the Joint Committee on Human Rights and the technical legislative scrutiny committees. We have also excluded the Joint Committee on the National Security Strategy, given that it was first appointed only on 1 February 2010.
3. In conducting the review, we have noted the special position of the European Union Committee as a committee of scrutiny of EU draft legislation and been mindful that the Committee's appointment should not be unduly delayed; and we have also noted the similar scrutiny role in particular of the Constitution Committee.

The overall shape of Lords committee activity

4. In our 3rd report of 2005/06², we set out some general criteria which we would apply to decisions about establishment of new committees. An extract from our report is set out below.

“Criteria for establishing new select committees

4. The Committee reviewed the criteria it applies in determining whether or not to recommend that a new committee be established ad hoc or on a sessional or parliament-long basis. Many of the criteria are the same. For example, the Committee ensures that the subject matter of any new committee will be of significance and of wider interest to the House; that there will be no major overlap with the Commons, nor potential for duplication with the remit of existing Lords committees; and that sufficient members are likely to be available to sit on it. Where the proposal is for a sessional (or parliament-long) committee, it will also be necessary to take into account the extra cost and staffing and accommodation requirements (the Committee Office budget

¹ 3rd Report, 2005–06, HL Paper 251.

² HL Paper 251.

already allows for one ad hoc committee at any one time) and to establish that the committee would be of long term value. The Liaison Committee will also usually satisfy itself that the subject matter is complementary to the work of the Commons and cuts across departmental boundaries (though this matters less for the more specific ad hoc committees).

5. The Committee will always apply these criteria flexibly and we do not wish to suggest that they in any way constitute an exhaustive check-list. But we think that the House will find it useful to have them set it out in tabular form below:

Criteria for setting up new committees

	Ad hoc	Sessional/Parliament
Significance	x	x
No Commons overlap	x	x
No Lords duplication	x	x
Cross cutting	-	x
Cost	-	x
Staffing, accommodation	-	x
Peer resource	x	x
Long term value	-	x

5. These criteria apply equally to the continuation of current committees, and we have accordingly revisited them to see if they remain apt.

Complementing Commons' committees

6. The principle that Lords committees should generally seek to complement rather than duplicate the areas of scrutiny of Commons committees was originally enunciated by the Jellicoe Committee in 1992³. Although it has, from time to time, attracted a certain amount of dissent, we consider that it should remain a core principle underlying House of Lords select committee activity. **We continue to endorse the principle that House of Lords committee work should be complementary to that of the Commons.**

No internal duplication

7. Given the scale of Lords committee activity there was in the past little risk of Lords committees duplicating each others' activities. The growth in committee activity over the past decade has made the prospect more real, for example in overlap between the Economic Affairs and European Union committees, or when scrutiny committees all report on the same bill. **We continue to attach value to the principle that Lords committees should complement each other, in the same way as they should complement the work of Commons committees. Providing each committee remains astute to contain its own scrutiny activity within its remit, this should not preclude committees conducting inquiries on different aspects of the same issue in particular cases.**

³ Report by the Select Committee on the Committee Work of the House, HL Paper 35, 1991-92.

Resources

8. The Committee Office administers all of the committee units which we have included within this review. That Office has doubled in size between 2000—when it simply served the European Union and Science and Technology Committees and any *ad hoc* committee—and 2010, from 29 to 58 staff. The budget of the Committee Office is £4.2m in 2010–11 (this does not include central accommodation, ICT or security costs or costs of Members' expenses associated with committee work). The additional marginal cost of a new unit of committee activity is estimated at around £225,000 annually.
9. At the same time the number of members involved in committee activity on public business has continued to expand. In 2009–10 142 members sat on the committees we have included in this review and the Joint Committee on Human Rights, and a further 21 sat on the Delegated Powers and Regulatory Reform Committee and the Merits of Statutory Instruments Committee. A number of other members serve on various committees engaged in legislative scrutiny. Though attendance rates at committees are in general quite high, we are conscious that this represents a heavy demand on members, even allowing for the anticipated increase in the membership of the House in the short term.
10. **Committee work imposes significant demands on resources. While in this report we do not recommend any change in the scale of committee activity in this Parliament over the last one, we will continue to keep resource requirements closely under review to ensure that committee work provides value for money, and can be supported by members.**

Value and significance

11. Objective assessments of the impact and effectiveness of committee activity, particularly if it involves scrutiny of public policy, are very difficult to arrive at, as it is often problematic to establish cause and effect in how policy decisions are taken. While a variety of different indicators of effectiveness can be identified, they are difficult to measure and subjective to evaluate. For the present purposes we have accordingly sought to assess whether the committee activity in question represents a productive use of the resources of the House and the administration, and, where there is a need to prioritise between two or more alternatives, whether it represents a more productive use than the others proposed or envisaged. We intend to continue to seek to evaluate potential impact when considering new proposals for committees, or reviewing existing activity.

Ad hoc committees and the duration of new committees

12. The Committee is guided by the decision of the House that there should generally be an *ad hoc* committee to supplement sessional committee activity. The Committee has in the past interpreted this remit as meaning that the number of *ad hoc* committees should generally not exceed one at any one time, and the administration is staffed to provide that level of support.
13. Decisions whether to appoint *ad hoc* committees will depend on the strength of the case for an inquiry into the particular issue. However in principle we think that *ad hoc* committees can be a very effective form of scrutiny, capable in the right cases of harnessing the expertise of the House to bear on issues of

public policy in a way which complements the work of the other committees of the House. **We will accordingly welcome proposals for *ad hoc* committees and will consider them carefully.** In doing so we note that it should not be presupposed that *ad hoc* committees need to be of long duration; we think that more *ad hoc* inquiries should be relatively short and sharp. We also think it important to avoid any presumption that an *ad hoc* committee might be the forerunner of a more permanent committee.

14. In our report in 2005–06 we stated that we would not in future recommend the appointment of new sessional committees of open-ended duration, unless there was compelling reason to the contrary. We suggested that we would instead recommend the appointment of such committees for a fixed period, as was the case with the Communications Committee in the last Parliament, which we recommended should be appointed for the remaining term of the Parliament. **We remain of the view that new committees should normally be appointed on a time-limited basis.**

Proposals for committee activity

15. We invited the chairmen of the policy committees in the previous Parliament to make written submissions to us to inform our review, covering
 - an indication of the activity of the committee over the Parliament, including number of meetings and attendance rates,
 - an identification of specific areas of impact of the committee's work,
 - an indication of the committee's planned or potential forward programme of work if re-established, and
 - the case for any adjustments in the committee's composition or orders of reference which the committee might wish to draw to the Liaison Committee's attention.
16. The submissions from the chairmen all argued for the reappointment of their committees in this Parliament, in the same form. All the chairmen pointed to impacts of their work, however measured, and all reported that their members are engaged. None of the committees envisaged any substantial change in their working methods or the nature of their inquiries in the future, though the European Union Committee pointed to the potential impact, at the margins, of the Lisbon Treaty, and this is now reflected in new House procedures, new terms of reference and a new opt-in scrutiny resolution⁴.
17. We also received suggestions for a new sessional committee on International Affairs and Security, from Lord Alton of Liverpool, and for a new *ad hoc* committee on British identity, from Lord Harries of Pentregarth; their letters are appended to this report. In addition, we noted various other suggestions for committee scrutiny which have been floated recently, including suggestions for further joint committees with the Commons, and pre- and post-legislative scrutiny. We also noted the likelihood of a Leader's Group to consider the House's working practices and potentially quite significant pre-legislative scrutiny demands on draft bills on House of Lords reform and parliamentary privilege.

⁴ Procedure Committee, 2nd and 3rd Reports of 2009–10, HL Papers 51 and 82.

International Affairs and Security Committee

18. As Lord Alton recognised, we have considered and rejected the suggestion of a committee on foreign affairs on three occasions previously, on the basis that such a committee would duplicate the work of the House of Commons Foreign Affairs Committee. As noted above, we remain strongly of the view that House of Lords committee activity should not duplicate that of the Commons. Lord Alton's solution is to propose that a new committee should have a broader remit than foreign affairs, to cover international affairs and security. Lord Alton noted that this would mean a committee would have the ability to oversee the work of three government departments, not just one. On the other hand his solution would mean that such a committee would have a remit covering three Commons departmental committees (Defence, Foreign Affairs, International Development), as well as potential overlap with the European Union Committee. If anything the dangers of duplication are increased.
19. **Accordingly we do not recommend this proposal to the House.** On the other hand, we note that it is open to any member to suggest that the House might establish an *ad hoc* committee on a foreign affairs issue, where that might add value to, and avoid duplication with, other scrutiny in this House and in the Commons. We would be happy to consider any such proposal.

Ad hoc committee on British identity

20. Although we considered the issues mentioned by Lord Harries to be of undoubted interest, we did not think that they were specific enough to support a useful *ad hoc* inquiry, and **we do not recommend this proposal to the House.**

Sessional committees

21. Given our recommendations on the new proposals made to us, we do not propose major changes at this stage in the terms of reference or activities of the sessional policy committees (European Union, Science and Technology, Economic Affairs and Constitution). Each of these committees continues to have a relevant and useful function, and **we recommend their reappointment.**
22. So far as the Science and Technology Committee is concerned, we note that the Committee has recently worked through two units of activity (that is, either two sub-committees or the select committee and one sub-committee) rather than three. Given that the House of Commons committee on this subject is now permanently established, we consider these two units of activity should be regarded as an absolute maximum; and in the event of further demands for committee work arising which require redeployment of committee resources we would in the first instance look towards retrenchment of the Science and Technology Committee.
23. We also considered the management of the Finance Bill Sub-Committee of the Economic Affairs Committee, which has always been quite demanding. We understand that in the last session this Sub-Committee was managed within the existing resources of the main Committee, without calling on additional support from other committee activity. In principle, we consider that this arrangement makes better use of the resources of the House, and we

recommend that it should become the model for the support of the Sub-Committee in future.

24. Neither of these changes requires an amendment to the Committees' orders of reference.

Communications committee

25. As we have noted above, the Communications Committee is not a sessional committee, and in accordance with our conclusion at paragraph 14 we do not consider that it should now become one. On the other hand we consider that it has been an effective committee and **we recommend that it should be reappointed in this session.** We recommend that its rather broad orders of reference be amended to clarify its remit "to consider the media and the creative industries".

APPENDIX 1: LETTER TO LORD BRABAZON OF TARA FROM LORD ALTON OF LIVERPOOL

Proposed Select Committee on Foreign Affairs

On January 7th, as a supplementary question to Lord Brooke of Alverthorpe's oral question, I asked the Leader of the House whether it would be possible to create a Foreign Affairs Select Committee in order to harness the considerable expertise and experience in the House (HL Hansard Col 203). It was an issue I had raised on previous occasions.

Since then, I have had a very helpful letter from the Leader, Baroness Royall of Blaisdon, suggesting that I pursue the issue with you, as Chairman of the Liaison Committee. I have also had the benefit of conversations with Lord Howell of Guildford (a former distinguished Chairman of the House of Commons Foreign Affairs Select Committee), Lord Wright, Lord Hylton, the Earl of Sandwich, Baroness Cox, Lord Gilbert and others who have all expressed strong support for the principle.

Lady Royall has reminded me that the Liaison Committee has previously recommended against the appointment of a Foreign Affairs Select Committee on the grounds that its remit might overlap with the Foreign Affairs Select Committee of the House of Commons and the European Union Committee of our own House. At some point, and against the backdrop of other reforms which have taken place, it might be worth re-considering this principle (not least because every time we consider legislation we are in a sense duplicating the work of the Commons and it could be argued that this is the whole point of a bicameral legislature).

However, in an attempt to find a practical way forward, and following a conversation with Baroness Royall, may I suggest a different approach?

If the House were to create a Select Committee on International Affairs and Security (with a specific exclusion of issues more properly remitted to the European Union Committee) this would not duplicate a Commons Committee and would have the advantage of overseeing three major Departments (the Foreign and Commonwealth Office, The Department for International Development and the Ministry of Defence). This would resonate with calls for integrated government as well as catching the spirit of accountability. It would also sit very well with the reform agenda and make much greater use of the rich variety of talent and experience available in the Lords.

I would be most grateful if the Liaison Committee would give this matter some further consideration and I will look forward to hearing from you.

I will copy this letter to those mentioned in this letter and to Lord Strathclyde, Lord McNally and Baroness D'Souza.

27 JANUARY 2010

LORD ALTON OF LIVERPOOL

APPENDIX 2: LETTER FROM LORD HARRIES OF PENTREGARTH

Proposed Select Committee on British Identity

This is obviously a very important subject from the point of view of the future health of our national life, using the word for the moment to indicate the whole of the United Kingdom. It is now widely accepted that people can have multiple identities, ethnic, religious, national and so on. But what binds us together, in addition to our common humanity, is civic identity, in particular, British identity. What makes for this identity is the subject of keen debate, one which was summarized for example in a useful briefing paper provided by the House of Lords before the debate in the Lords last year.

At the moment a number of different bodies and factors feed into both the making of the identity and the debate about how it should be defined. For example, citizenship education, citizenship ceremonies, the teaching of history, the government's cohesion unit and all bear upon this area. It would be useful to have a group that considered this whole range of this work from the standpoint of its contribution to British identity. A House of Lords Select Committee is in a unique position to be able to do this.

Secondly, it seems clear that in some areas, e.g. citizenship education, the original goals are not yet being achieved, and it would be good to have a body outside the organizations who are most directly responsible able to monitor and encourage progress.

The committee would focus on the particular role and responsibility of government in relation to civic identity. The coming together of this with other markers of identity, such as ethnicity, language, culture, religion etc, cannot be forced, but in the right environment can grow. A particular feature of the proposed select committee would be to see how far the different participants and factors in this issue are contributing to or hindering this coming together of civic identity with other forms of identity. Only a body like a select committee could do this, not least because it raises some disputed issues.

24 MAY 2010

PROFESSOR LORD HARRIES OF PENTREGARTH