

HOUSE OF LORDS

Liaison Committee

2nd Report of Session 2010–11

New proposals for committee activity

Report

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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 Alderdice

Lord Campbell-Savours

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/>

Committee Staff

The current staff of the Committee are Edward Ollard (Clerk) and Joanna Lukens (Committee Assistant).

Contacts for the Liaison Committee

All correspondence should be addressed to the Clerk of the Liaison Committee, House of Lords, London SW1A 0PW. The telephone number for enquiries regarding the Committee's work is 020 7219 4911.

Second Report from the Liaison Committee

NEW PROPOSALS FOR COMMITTEE ACTIVITY

1. In June¹ the House agreed to our recommendations for the principles which we should apply in considering proposals for committee activity. These were:
 - (a) House of Lords committees should generally seek to complement rather than duplicate the areas of scrutiny of House of Commons committees and other Lords committees;
 - (b) we will continue to support the appointment of one *ad hoc* committee at any one time, though there is a case for *ad hoc* committees with narrower and more topical remits conducting shorter inquiries;
 - (c) new sessional committees should be appointed for a limited time only;
 - (d) 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;
 - (e) in assessing proposed or existing committees we will consider 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 in existence or proposed;
 - (f) we will continue to seek to evaluate potential impact when considering new proposals for committees, or reviewing existing activity.
2. Since then, the Government has announced its intention to invite the House to agree to three pre-legislative joint committee inquiries in the New Year, on House of Lords Reform, Parliamentary Privilege and Defamation. Each of these has the potential to be very significant undertakings, depending on the deadlines set, and will make demands on staff and member resources. The Leader's Group on Working Practices may also consider suggestions on the scope and scale of committee activity, which we may need to assess in due course. It is against this background that we have also received proposals for three new units of committee activity, which we consider in this report.

HIV/AIDS in the United Kingdom

3. The Committee considered a proposal from Lord Fowler for the establishment of an *ad hoc* committee on HIV/AIDS in the United Kingdom (Appendix 1).

¹ HL Deb 16 June 2010, col 983.

4. Lord Fowler suggests that an inquiry 25 years after the HIV/AIDS outbreak was first recognised would be opportune. He does not cite any pressing topical reason for an inquiry now, though he suggests that there would be likely to be lessons to be learned from a United Kingdom inquiry which would have international relevance. In addition we note that the Government's new proposals for reform of the National Health Service would be a relevant factor in any inquiry, given that Lord Fowler suggests that there might be a tension between priorities towards HIV/AIDS policy at local and national levels. He has suggested that an inquiry could be reasonably short, reporting within six months.
5. We are conscious of the fact that there has been a hiatus of over a year in the appointment of an ad hoc committee, given the short last Session of the last Parliament and the General Election. As we noted in our last report, we think that ad hoc committees can be a valuable form of scrutiny and we welcome suggestions for such committees. We also note that our preference for committees—including ad hoc committees—to be time-limited is even more relevant in the current Session, given that an ad hoc committee appointed for the whole Session would be in existence for a long time.
6. We consider that an inquiry into HIV/AIDS in the United Kingdom meets the criteria which we proposed to the House in our last report. Although we accept that there is no imminent deadline for an inquiry we consider that it would be timely. We agree with Lord Fowler that such an inquiry should be concluded by the Summer Recess of 2011. In recommending an inquiry we are mindful of the fact that health policy is a devolved matter. Though the powers of House of Lords committees to inquire into devolved matters have not been formally limited we recommend that the scope of the inquiry is limited to issues of general relevance throughout the United Kingdom and does not extend into consideration of issues particular to the devolved nations.
7. **We recommend the appointment of an ad hoc committee on AIDS/HIV in the United Kingdom, to report by the Summer Recess in 2011.**

Regulation

8. The Committee considered a proposal from Lord Ramsbotham for the appointment of a select committee on regulation, with particular reference to “the burden of regulation that impacts on public services” (Appendix 2).
9. We recommended the establishment of an ad hoc committee “to consider the regulatory process” in 2006², following a recommendation by the Constitution Committee in 2004³ that a permanent joint committee be established to scrutinise “the regulatory state”. The ad hoc committee decided to focus on regulators rather than regulation, and to look only at the work of the major UK economic regulators. It reported in 2007⁴. One of its recommendations was that a joint committee of both Houses be set up in line with the recommendations in the Constitution Committee's Report. If it proved impossible to set up such a committee the Regulators Committee

² 2nd Report 2005–06, HL Paper 174.

³ The Regulatory State: Ensuring its Accountability, 6th Report 2003–04, HL Paper 68.

⁴ Report from the Select Committee on Regulators, UK Economic Regulators, 2006–07, HL Paper 189.

recommended that a sessional committee be set up in the House of Lords. We are aware that other Members have expressed support for this recommendation from time to time.

10. We have considered further the scope and focus of a committee on regulation. “Regulation” in the sense of the establishment and enforcement of legal and other standards encompasses a huge sweep of public policy. The ad hoc committee found that the breadth of its remit was problematic, even in its more focussed form. We note that individual departmental select committees of the Commons have oversight of regulatory activity within the remit of the government departments they scrutinise, and that House of Lords committees consider aspects of regulation in their policy and scrutiny work.
11. The Government is currently reviewing the role and remit of all Non-Departmental Public Bodies, including those with regulatory functions, and the scope and potentially the existence of a number of them could be altered as a result. Powers to achieve this are included in the Public Bodies Bill, which the House recently decided not to commit to a select committee. In addition the proposed Freedom Bill or Bills will include measures to “roll back the State, reducing the weight of government imposition on citizens that has increased in recent years through legislation and centralised programmes”. So there is significant upheaval in this sector. In these circumstances we think it would be difficult for any committee to scope and plan its work, and we have doubts about what impact any inquiry would be likely to have.
12. **We do not recommend the appointment of a committee on regulation.**

Joint Committee on the United Kingdom Statistics Authority

13. In our 1st Report of 2007–08⁵, the Committee gave its support in principle to Lord Jenkin of Roding’s suggestion for the establishment of a joint committee on the Statistics Board (now the United Kingdom Statistics Authority, or UKSA), which came into being on 1 April 2008. The Leader of the House agreed to relay our views to the Leader of the House of Commons, but in the event the House of Commons was not persuaded of the merits of a joint committee. Instead, the Commons put in place arrangements for the new Authority to be scrutinised by the Public Administration Committee. Given the need for the support of the House of Commons, there was no practical way to pursue the suggestion for a joint committee further. Lord Jenkin has now invited us to reconsider the matter in this new Parliament (Appendix 3).
14. In his original submission to us Lord Jenkin argued that the work of the new Board would be assisted if there was a mechanism for Parliament to support the Board in its work and in particular to hold to account those public bodies which the Board regarded as falling down in their use of statistics. Since then new arrangements for parliamentary oversight have been established through the Public Administration Committee of the House of Commons. Lord Jenkin argues that this oversight is insufficient. On the other hand we note that in a recent submission to the Treasury Committee in the House of Commons the UKSA discussed parliamentary accountability in the following

⁵ HL Paper 33.

terms: “The Statistics Authority reports directly to the UK Parliament and the devolved legislatures. The Authority most routinely reports to the House of Commons Public Administration Select Committee, and other committees as required. The Authority values the constructive and engaging relationship that has been built with the Public Administration Select Committee since April 2008. Direct reporting to Parliament is regarded by the Authority as a visible instrument of its independence from government.”⁶ Given that scrutiny arrangements exist, and that they appear to be working, we are unpersuaded of the case to seek to supplant them through the establishment of a different and more elaborate scrutiny mechanism. In our view this would be contrary to the principles of complementarity and value for money which the House has so recently endorsed.

15. **We do not recommend the appointment of a joint committee on the United Kingdom Statistics Authority.**

⁶ Unprinted evidence to the Treasury Select Committee: Office for Budget Responsibility.
<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmtreasy/memo/385/wm/385wm05.htm>

APPENDIX 1: LETTER TO LORD BRABAZON OF TARA FROM LORD FOWLER

HIV/AIDS 25 Years On

I would like to make the following proposal for a short inquiry into HIV/AIDS in the United Kingdom. In this proposal I am supported by Baroness Gould of Potternewton, Baroness Masham of Ilton and Baroness Barker.

It is now almost exactly a quarter of a century since HIV/AIDS was recognised as a serious health threat in this country. Since then various efforts have been made to check the spread of the infection. Nevertheless today the number of people living with HIV is almost 100,000. At current rates there will be nearly 150,000 people with HIV by 2015. It will be the fastest growing serious health condition in the UK.

The plan would be to see how this public health problem has developed and what proposals can be made to government to reduce the spread. It should be emphasised that we are not talking here of vast new spending commitments. Indeed if prevention can be made to work then the National Health Service budget would undoubtedly benefit. Because of dramatic advances in medicine HIV is now treatable which is in dramatic contrast to the position 25 years ago. However the reverse side of that coin is that the long term care costs for the National Health Service are rising sharply and we would wish to inquire into the exact costs here.

The Committee's areas of investigation would include:

- An examination of the success of failure of current policies. For example, the committee should review the success or otherwise of ways of treating injecting drug users. The clean needle exchange policy is in contrast to a number of other major countries who say that it encourages and condones criminality. The committee should also examine whether public education has been effective and how it might be improved.
- The importance of early diagnosis. Currently about 27 per cent of those with HIV do not know that they are infected. This is serious for them as the evidence suggests that the sooner treatment is started the more likely it is that the patient will live a long life. It is also serious from the public's point of view because clearly it can lead to further spread of the infection. Current research shows that almost two thirds of onward transmission is from people who have not yet themselves been diagnosed.
- Testing. This is crucial if improvements are to be made. The committee should examine how this could be done and might also consider whether new entrants who are settling in the country should be tested at GPs' surgeries given that drugs now exist to treat the condition. This is advocated by a number of consultants.
- The role of General Practitioners. They occupy a very important role in preventing the spread. However some evidence suggests that their knowledge of HIV is not as great as it could be. What can be done here to help the position?
- Local priorities. The general policy of all parties is to put responsibility in health to the local level. The question is whether doing this can put a condition like HIV at the bottom of the list of priorities. Should there be

some national responsibility to ensure that this is an area which is not neglected?

- **Discrimination.** Although the health position has improved dramatically there is evidence of discrimination—including discrimination in the workplace—which should be tackled.

We have been careful to confine the inquiry to HIV/AIDS. It would be tempting to mount a much larger inquiry into public health generally. However it seems to us that this is beyond what a short inquiry can achieve. Clearly there is some read across to other conditions like Hepatitis B and C and TB. Equally clearly there is a major international dimension. Hopefully anything we propose may have some relevance to this wider problem but we would not consider it part of our role to try to review the different areas of the world.

In précis then our proposal would be for a clearly focused inquiry into the position inside the United Kingdom with the hope that anything we propose would be to the benefit of those suffering from HIV and for the general health policy.

12 JULY 2010

LORD FOWLER

APPENDIX 2: LETTER TO LORD BRABAZON OF TARA FROM LORD RAMSBOTHAM

Regulation Select Committee

Four years ago Baroness Prashar and I were invited to join a one year Select Committee whose remit was regulation. However, when I attended the first meeting the Chairman, Lord McIntosh, made it clear that the only regulation he was going to examine was financial regulation. As luck would have it, we completed our work by the recess, meaning that we could not reconvene to take evidence about the Northern Rock affair which happened soon after the House had gone down.

Since then I, and many others, have become increasingly concerned at the burden of regulation that impacts on public services in particular, and I feel that the subject remains as valid a candidate for Select Committee examination as it was four years ago.

Following discussion with the Convenor, I am writing to task whether the subject could be considered as a candidate for resurrection, because I believe that it is one that has a wide remit and several years work ahead of it.

30 JUNE 2010

LORD RAMSBOTHAM

APPENDIX 3: LETTER TO LORD BRABAZON OF TARA FROM LORD JENKIN OF RODING

The UK Statistics Authority

The Leader of the House has suggested to me that I should send to you my proposal for a Joint Select Committee of both Houses to be the body in Parliament to which the UK Statistics Authority should be accountable under the Statistics and Registration Service Act 2007. He and I discussed this proposal this morning, and we hope that you will be able to put it before the Liaison Committee. You will remember that in the last Parliament the House agreed to the same proposal, but it was rejected by the Leader of the House of Commons

I attach a Note of the proposal together with a copy of the letter which the last Leader of the House of Commons sent to Baroness Ashton of Upholland in April 2008.

17 JUNE 2010

LORD JENKIN OF RODING

Proposal for a Joint Committee of both Houses to scrutinise the work of the UK Statistics Authority

The *Statistics and Registration Service Act 2007* established the UK Statistics Authority as an independent body at arm's length from government reporting to the UK Parliament and to the devolved legislatures on the exercise of its functions. The Statistics Authority was established on 1 April 2008 as a non-ministerial department, with residual ministerial oversight. The last Government assigned this responsibility to Cabinet Office Ministers, but decided, against advice from the House of Lords (see para 5 below), to give the scrutiny role to the House of Commons Public Administration Select Committee (PASC).

Since April 2008, PASC has held five substantive oral evidence sessions to which members and officials of the Authority have been invited to give evidence on general and specific matters.⁷ To date, PASC has not held a substantive inquiry into official statistics and the work of the Authority; and **has not issued a single Report on this subject, with recommendations and conclusions; Parliament was led to believe that this would be its primary responsibility.** Indeed, the Government's response in 2006 to the pre-legislative consultation *Independence for Statistics* suggested that there was an expectation that "Parliament (would) play the central role in holding the statistical system to account ... and expects that there will be full accountability to Parliament for the statistical system". In practice, for whatever reason, **this simply has not happened.**

During the passage of the *Statistics and Registration Service Bill* it became clear that Members of Parliament and Peers of all sides expected that Parliament would have significantly more involvement in holding the Statistics Authority to account than previously. The then Financial Secretary to the Treasury, John Healey MP, recognised that a Joint Committee would "enable both Houses' expertise and interest in (official statistics) to be played in" and would allow "strong and proper scrutiny"; Baroness Noakes from the Lords Opposition front bench suggested that the different "style and tone of the two Houses" would "blend very well ... to produce highly effective parliamentary scrutiny".

⁷ 20 November 2008 (General), 5 February 2009 (Knife Crime Statistics), 26 March 2009 (Migration/ Workforce statistics), 25 June 2009 (2011 Census), and 19 November 2009 (2011 Census questions).

In these debates, and also in a short debate in the House of Lords in November 2007⁸, there were a number of advocates for a Joint Committee of both Houses to undertake parliamentary scrutiny of the Authority and the UK statistical system. Supporters agreed that a “heavy-hitting parliamentary committee” would help to “enhance the status and effectiveness” of the Authority.

The House of Lords Liaison Committee considered the proposal for a Joint Committee in its First Report of the Session 2007–08, including detailed supportive memoranda from Lord Jenkin of Roding and Lord Turnbull.⁹ The Committee gave its support in principle to the establishment of a Joint Committee of both Houses. The Committee’s Report was agreed by the House on 7 February 2008 without a Division.¹⁰ The then Leader of the House of Lords (Bs Ashton of Upholland) agreed to relay the views of the Committee to the then Leader of the House of Commons, The Rt Hon Harriet Harman QC MP. In her reply, Ms. Harman rejected the proposal of the Lords Liaison Committee for a Joint Committee, favouring retention of the existing scrutiny by the House of Commons only, via PASC. A copy of her letter is attached.¹¹

This Note now proposes that the issue of Parliamentary scrutiny by a dedicated Joint Committee of both Houses should be revisited by the House of Lords, and if agreed, should be conveyed to the Leader of the House of Commons, the Rt Hon Sir George Young Bt MP.

Letter from Rt Hon Harriet Harman QC MP to Rt Hon Baroness Ashton of Upholland

Thank you for your letter of 18 January, relaying the views of the Lords Liaison Committee proposing a new joint committee to scrutinise the new Statistics Authority. Please accept my apologies for the delay in replying, but I and my colleagues wished to give the issues you raised full and thorough consideration.

I am in full agreement with the Committee’s view that effective Parliamentary scrutiny will be central to the successful implementation of the Government’s reforms.

As you are aware, the Government does not share the Committee’s belief that the Public Administration Select Committee (PASC) will not be able to undertake the role of scrutinising the Statistics Authority effectively. The PASC is well placed to fulfil the necessary strategic cross-government view that the Committee highlights.

Tony Wright, the Chair of the PASC, is very enthusiastic about the PASC’s new responsibilities and keen to take up the challenge of scrutinising the Statistics Authority. We should now give Tony and his committee the opportunity to prove that they can make a success of this role.

The members of the House of Lords provided useful insight during the passage of the Bill. They will doubtless continue to do so in questions and debates in the Lords. Whilst there are precedents for Joint Committees of both Houses, these tend to be ad hoc inquiries (say, into draft bills) or highly technical (such as the Joint Committee on the Consolidation Bills). Perhaps the only real comparison is the Joint Committee on Human Rights. One of the reasons this committee was created was because neither House had much of a track record of effective scrutiny

⁸ HL Deb 27 November 2007, cc. 1401–14

⁹ House of Lords Liaison Committee, First Report of Session 2007–08, 15 January 2008, HL 33

¹⁰ HL Deb 7 February 2008, cc 1167–78

¹¹ Letter from Rt Hon Harriet Harman QC MP to Rt Hon Baroness Ashton of Upholland, 23 April 2008

of human rights. The same cannot be said of statistics, where the House of Commons has a strong record of effective scrutiny and has previously managed to cope with institutional change on a similar scale, such as the independence of the Bank of England and the creation of the Financial Services Authority.

The PASC will, I am sure, deal with its responsibility for scrutinising the Statistics Authority as effectively as the Treasury Select Committee, and will put in place whatever arrangements it considers necessary to fulfil its responsibilities. The Committee will gain much of its practical authority from having the active interest of MPs behind it and the onus will correctly be on Parliament to take an interest in the reports of the Board.

I am copying this letter to Ed Milliband, the Minister for the Cabinet Office, and to Alan Williams, Chair of the Commons Liaison Committee.

23 APRIL 2008

RT HON HARRIET HARMAN QC MP