



PRIME MINISTER

REPLY TO THE LIAISON COMMITTEE'S REPORT ON THE SELECT COMMITTEE SYSTEM

The House of Commons Liaison Committee, comprising the chairmen of select committees, published in January a report (First Report from the Liaison Committee, Session 1982-83, HC 92) on the work so far of the Departmental select committees set up in 1979.

The Committee's main conclusion on the work of these committees is that:

"All this increased activity has made great demands on Members, but it is our view that it has considerably extended the range of the House's activity, strengthened its position relative to that of the Government, and deepened the quality of its debates".

The other conclusions and recommendations of the Committee are summarised at paragraph 95 of the report (attached). These essentially propose the continuance of the select committee system in its present form, subject to a number of detailed changes. The Committee recommend that decisions on several of these proposals, including those relating to the size of select committees in future, and the position of the Law Officers' and Lord Chancellor's Departments, should be deferred for a new Parliament. Amongst the remainder, the most significant is perhaps the expression of the majority view on the Committee that the work of select committees might be enhanced by being televised. Negatively, the Committee do not propose any fundamental changes in the present structure of the select committee system, or in the present powers of select committees.

These somewhat low-key conclusions would appear generally compatible with those reached in the Government's own review of the work of these committees undertaken in 1981. The Ministerial consensus reached then was that at best these committees had made "a modest but useful contribution" to improved Parliamentary scrutiny - and this sometimes at the expense of disproportionate Ministerial and official effort. It was felt that the main lesson to be drawn was that any pressures for further developments of the select committee system, either through the creation of further committees or sub-committees or by the extension of their powers, should be strongly resisted.

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I would suggest that this should remain our policy, but that we should continue, wherever possible, to avoid general confrontations and deal with specific cases of difficulty as they arise.

.. Subject to the views of colleagues, I would accordingly propose to reply to Edward du Cann, as Chairman of the Liaison Committee, in terms of the draft reply attached.

I am copying this to Cabinet colleagues and to Sir Robert Armstrong.

W J B

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19 April 1983

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I am writing to let you know the outcome of the consideration which Ministers have recently been giving to the recommendations made by the Liaison Committee in their First Report (Session 1982-83) on the select committee system. This report is acknowledged as a most valuable and comprehensive progress report on the work of the Departmental select committees since their establishment in 1979.

It is noted that the Committee's principal conclusion is that the work of the new committees, whilst making great demands on Members, has "considerably extended the range of the House's activity, strengthened its position relative to that of the Government, and deepened the quality of its debates". The Committee's view confirms that of the Government that the Departmental committees have now established themselves as an important part of the general structure of Parliamentary scrutiny. The importance of the position they occupy in relation to Ministerial accountability to Parliament is indicated by the fact that there had by November 1982 been 190 Ministerial appearances before them.

The Government recognise, furthermore, the significant part that has been played by the Liaison Committee itself in the achievements of the new select committee system; in facilitating co-ordination and the avoidance of overlap between select committee enquiries (paragraph 81); in encouraging the economic use of resources (paragraph 76); and generally in serving as a focal point for the consideration of matters affecting select committees as a whole. I am particularly pleased in this respect to see the references in the report to the productive exchanges which have taken place between the Committee and the Government, and with the House of Commons Commission. The Government share the Committee's view (paragraphs 83 and 84) that in order to help facilitate further co-ordination in the

work of select committees it is desirable that individual committees should in future be able to show their evidence to other committees, and that they should be given the power to join with other committees in order to take evidence, deliberate or make reports. It is proposed to table the necessary amendments to Standing Orders in due course.

The first six specific conclusions and recommendations made in the report (paragraphs 24, 27, 40, 42, 33 and 39) all relate to various aspects of the structure of the select committee system. Of these recommendations it is proposed that two should be decided by a new Parliament - those relating to the question of whether the terms of reference of the Home Affairs Committee should be extended to include the Law Officers Department and the Lord Chancellor's Department (paragraph 24) and the proposed changes in sizes of membership of select committees (paragraph 33). It would also seem appropriate that, as I said recently in the House (OR, 30 March, 1983, Cols 396-7) with reference to the contrary recommendation made by the Select Committee on Standing Orders (Revision), any decision by the House with regard to the repeal of the sub-section of the Standing Order relating to the Nationalised Industries Sub-Committee (paragraph 40) should take account of the outcome of the Parliamentary Control of Expenditure (Reform) Bill now before the House. I have also noted the Committee's comments (paragraph 23) about the Industry and Trade Committee.

The Committee also recommend (paragraph 39) that the House should have a further opportunity to decide whether more Departmental select committees should have the power to appoint a sub-committee. The Government fully recognise that this question must ultimately be for the House to decide. Their concern remains, however, to

achieve the necessary balance between any further extensions of the select committee system at the present time and the Government's aim of maintaining strict control over the running costs of public administration, including manpower.

The following two recommendations, those relating to paragraphs 48 and 50, refer to matters concerned with the submission of Government evidence to select committees. The first concerns the need for committees to be able to bring to the Floor of the House disputes between Ministers and select committees about the disclosure of information. The Government welcome the Committee's acknowledgement (paragraph 48) that the Government's commitment to make every effort to ensure that the fullest possible information is made available to the select committees has been satisfactorily honoured. For their part the Government are pleased to recognise the manner in which it has generally proved possible to reach agreement on these matters within the longstanding conventions that have applied in this field under successive administrations.

Nevertheless, as the Committee point out, there is always the possibility of differences of opinion arising between Ministers and select committees as to whether it would be in the public interest for particular information to be disclosed. The Government recognise the importance of the undertaking they have given to seek to provide time on the Floor, if there should be evidence of widespread general concern in the House regarding an alleged Ministerial refusal to disclose information to a select committee.

As regards the Committee's recommendation (paragraph 50) that the Central Policy Review Staff should inform the appropriate select committees of the conclusions they reach in their investigations,

and should make available to committees the evidence they have gathered, the Government remain of the view that reports made by the CPRS are generally in the nature of confidential advice to Ministers, and that it would accordingly be contrary to the conventions applying to the disclosure of information to select committees for such reports to be made available to them.

\* On a further matter relating to evidence to select committees, it would be wrong for me to pass over without comment the statement in paragraph 25 of the report that "one Government activity which already falls within the ambit of the Departmental select committees is the work of the security services". It is by no means clear to me that the security and intelligence agencies are to be regarded as being within the ambit of any of the Departmental select committees. Even, however, if it was accepted that they were to be so regarded, the Government's view is that the committees would be right to continue to refrain from inquiries in this field, for the reasons which the report indicates. As you know, there is a long-standing convention under which the Government do not provide information or answer questions in Parliament on matters of security and intelligence, and the Government would regard itself as bound by that convention in relation to Departmental select committees no less than in relation to Parliament itself.

With regard to the other recommendations made in the report, the

Government note the Committee's view (paragraph 58) that the House should make clear that it would not expect paired Members, who are absent abroad on select committee work, to break short visits in order to participate in a division. It is appreciated that the recall of Members in such circumstances can involve expense and the risk of apparent discourtesy. In some cases such recalls may be considered essential, but it is hoped that discussions through the usual channels can avoid this whenever possible.

As regards the recommendation that the Government should give an undertaking that "more days will be made available for debates on select committee reports in future" (paragraph 68), this is clearly one aspect of the need to which the Committee attach cardinal importance and in which the Government fully concur - "that the House and its committee system should not work in isolation from each other". As the report recognises, however, it is by no means necessary that a select committee report should be specifically debated in order for it to be influential on the formation of views in the House or elsewhere or to provide the basis of informed debate.

For example, the reports of the Foreign Affairs Committee on the British North America Acts were highly relevant to the debates on the Canada Act. Reports made by the Treasury and Civil Service Committee have been of great value to the House in the consideration of the Government's Public Expenditure White Papers; and reports by the Defence Committee have provided a similar background for debates on Defence expenditure.

It would, in the Government's view, be inappropriate, in view of the pressures of other urgent matters on Parliamentary time, for time on the Floor to be allocated in advance each session to the debate of a fixed number of select committee reports. I would hope, however, that

it may be possible in future to provide more time for such debates, especially when a report arouses particular interest.

In respect of debates in the Scottish and Welsh Grand Committees, the Committee's suggestion that at least one day a session might usefully be devoted to debates on reports made by the Scottish Affairs and Welsh Affairs Committees has also been noted. The topics for debates in the Welsh Grand Committee and for Matter Day debates in the Scottish Grand Committee are at present decided following discussion between the Government and the Opposition. As the report acknowledges, however, on two occasions during 1982, when the Scottish Grand Committee debated youth unemployment and training, and road and sea transport, these debates were closely related to enquiries made by the Scottish Affairs Committee.

\* The Government also note the view of a majority of the Committee that the work of select committees might, in certain circumstances, be considerably enhanced by being televised. The House gave leave to Mr Austin Mitchell on 13 April, under the "10-minute rule" Bill procedure, to bring in a Bill for this purpose.

Proposals for televising proceedings, whether on the Floor or in Committee, have been regarded by successive administrations as a House, rather than a Government, matter. But Members will no doubt wish to consider the Committee's majority view in the light of the progress of Mr Mitchell's Bill, and assess whether they would wish the further consideration of this issue to be in the context of a further general debate on the televising of Parliamentary proceedings. If the House decided in principle in favour of the televising of proceedings, whether generally or only in respect of proceedings in select committees, a decision could then be taken as to whether the question of the method of implementation should be referred to the Committee on Sound Broadcasting.



In conclusion, I recall that when the new system of select committees was first established the then Leader of the House, Norman St John-Stevas, gave an undertaking that all Ministers would seek to make it a success, and to co-operate fully in the provision of official evidence. I would like to take the opportunity provided by this progress report to renew, on behalf of the Government, the observations made on that occasion.

With regard to the future, it would seem clearly of great importance, as emphasised in the report, that the work of the Departmental select committees should, wherever possible, be integrated with the other work of the House and with other procedural changes aimed at strengthening Parliamentary powers of scrutiny. The part which select committees are able to play in relation to the new "Estimates Days", and other changes designed to strengthen Parliamentary control over expenditure, will no doubt be significant in this respect.

I noted some time ago a comment quoted in a review of the new select committee system by the Outer Circle Policy Unit that "nowhere else are Ministers and their senior civil servants questioned so closely and so publicly about their activities; or their replies evaluated so critically". It is clearly of the highest importance to the House that this reputation is maintained and enhanced.