



Northern Ireland Scrutiny Committee

Corrected oral evidence: Strengthening Northern Ireland's voice in the context of the Windsor Framework

Wednesday 18 June 2025

10.45 am

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Members present: Lord Carlile of Berriew (The Chair); Lord Dodds of Duncairn; Lord Empey; Baroness Foster of Aghadrumsee; Baroness Goudie; Lord Hain; Lord McInnes of Kilwinning; Baroness O'Loan; Baroness Ritchie of Downpatrick; Lord Thomas of Gresford; Lord Willis of Knaresborough.

Evidence Session No. 7

Heard in Public

Questions 65 – 72

Witness

I: Rt Hon Gavin Robinson MP, Party Leader, Democratic Unionist Party (DUP).

Examination of witness

Gavin Robinson.

Q65 The Chair: Good morning and welcome to this public meeting of the Northern Ireland Scrutiny Committee. Today, we are holding the seventh evidence session of our inquiry on strengthening Northern Ireland's voice in the context of the Windsor Framework.

We are very pleased to be joined today by the leader of the Democratic Unionist Party, the right honourable Gavin Robinson MP. Mr Robinson, you are very welcome. We are really looking forward to your evidence and would be grateful if you could introduce yourself briefly the first time you speak. Today's meeting is being broadcast and a verbatim transcript will be taken for subsequent publication, which will be sent to you to check for accuracy. I refer to the list of Members' interests, which is published on the website.

I will start with the first question, which is a broad one. Could you assess for us the extent to which the voices of Northern Ireland politicians, officials and stakeholders are currently being heard in the context of the Windsor Framework?

Gavin Robinson: Good morning, my Lord Chairman, and all members of the committee. Thank you for having me. While we could not make Friday work because you were there and I was here, as it were, I am pleased that I could be here this morning. I am the leader of the Democratic Unionist Party and Member of Parliament for East Belfast.

I do not have a lot of faith in the current structures when you consider the ability for politicians, parliamentarians, stakeholders and businesses to engage with them. The structures around the Windsor Framework—though they may have evolved—are ineffective, opaque and overly bureaucratic. They frustrate the ability for ordinary, routine and at times complex and serious engagement to either satisfy, resolve or ameliorate some harmful impositions that Northern Ireland finds itself in under these arrangements.

As you know, I sit on the Northern Ireland Affairs Committee and we are routinely copied into correspondence from this respective committee. You know how labyrinthine the processes can be, and while you spend determined hours on a weekly basis trying to delve into the minutiae of detail on significant and complex issues, there is no other part of this parliamentary body that does similar work. There is no efficient or effective structure in the Northern Ireland Assembly to conduct similar work. It does not have the same resource, time or wherewithal to engage and that is always necessarily at the micro level, yet there are macro impositions that need to be resolved as well.

So in answer to the question as to how effective I believe engagement is with stakeholders, politicians and businesses, I do not believe it to be effective. I believe it cannot ever be effective until the fundamentals are

resolved around the imposition that Northern Ireland was placed in without the consent of any elected unionist in Northern Ireland or my parliamentary colleagues here in Westminster.

Though we have gone through a cycle of a parliamentary vote in Assembly terms in December 2024, there was an inversion of cross-community protections, so a false choice, "Do you wish this imposition to continue for a period of eight years or four years with a potential review?" I do not believe they have been effective at all. If the Government were serious about increasing the opportunity to have voices heard and engage fundamentally in the propositions that are causing material impact in Northern Ireland—both constitutionally and practically—then they would not only find an effective mechanism for that engagement but also look at the fundamentals.

The Chair: Do you have any impression of how far the public generally in Northern Ireland understands what the Windsor Framework is or is aimed to do?

Gavin Robinson: Your committee will appreciate that there are times when these issues are far too detailed to have any material understanding within the wider public square. I do not say that dismissively or as an expert; I struggle at times with the details just as others do and I spend a lot of time on these issues.

Northern Ireland's populace could be categorised into three, maybe four broad areas. The first is a cohort of individuals who look at this solely through the prism of the politics of 2016: are you pro-EU and remaining or pro-UK and leaving the European Union? Irrespective of the outworkings or difficulties that arise from any choices thereafter, you will have people who say, "I'm pro-EU so I don't care," or, "I'm pro-UK and I care." That is where you will have people engaged in constitutional arguments.

You then have those who are engaged more fundamentally in the practical outworkings of these arrangements and are frustrated on a daily basis in Northern Ireland because—irrespective of the honeyed words or the great intentions—they still find a frustration in their ability to buy online, send parcels to family and friends, and operate within what they have, which this Government asserts there is, which is a UK internal market.

We have businesses that will be very clear privately about the frustrations they face, but much more reticent to enter the public square with those concerns because they then face a dichotomy as to whether they are in that first cohort—are they pro-EU, pro-remaining or are they pro-UK, pro-leaving? And that is unhelpful because that mirrors or masks the difficulties that they face.

You have others who generally just get on with life, and if you ask them if they could tell you the difference between the Protocol and the Windsor Framework, they could not. Could they tell you about the commitments

that were made under *Safeguarding the Union*? They could not. Could they tell you whether they have been implemented or not? They could not. They just get on with life. They might send an email or be mildly amused when they travel to the European Union this summer, having heard the Prime Minister indicate that e-gates will be accessible and find that they are not. They will wonder what that is about, but they largely get on with life.

The Chair: These questions all link into one another, so over to Lord McInnes.

Q66 Lord McInnes of Kilwinning: You mentioned the structures and processes of the framework in your previous answer. I wanted to look in a bit further depth to that in terms of your experience as a Member of Parliament speaking to stakeholders as to how they find those processes and the interface with the framework—especially businesses—the kind of issues that they find and the level of knowledge and perhaps desire for a one-stop shop in terms of how they work within the framework.

Gavin Robinson: They find the structures unintelligible. Even if they have the willingness and bravery to engage in a detailed way, they find that the opportunities to find solutions are opaque. They find that they can talk to plenty of individuals with good intentions, but few who can provide the answers or solutions that they require. That is true of politicians and is exponentially true of those who are further from influence of power.

There is a myriad of bodies that have been created. We have a UK-EU Parliamentary Partnership Assembly now, which is supposed to discuss these issues. Aside from a nice trip, a few nights away from home, a nice dinner and a glass of wine, I am not sure that there is any practical, beneficial outworking of such bodies. Good and all as it is, I am not sure it fundamentally or materially adds to the issues.

We have the EU-UK Joint Committee, where some politicians from Northern Ireland have the ability, if they are in the Executive Office, to attend and observe but not materially engage, have a capacity to shape an agenda or fundamentally alter the course of action.

At the heart of this, we have an agreement between the UK and the EU, where they decide what is going to happen to Northern Ireland without any recourse to the citizenry of Northern Ireland or the elected representatives for Northern Ireland. You then have the attempt to have added visionary aspects of inclusion and participation but without any substantive or meaningful outworkings of that participation or inclusion.

Depending on which body you are talking about—whether it is the Joint Committee, Joint Consultative Working Group, or some other bodies and specialised committees—you will not find an address, contact point, published minutes or an agenda for those. In the specialist groups, you might find a published minute, and it will be so high level and repetitive it is thoroughly useless. And yet you might have to wait three months to

find another cyclical that emerges from this group that is exactly as it was three months before.

We may come on to this in further question and answer, but I understand the work of the Veterinary Medicine Working Group is going to conclude and be published in the coming days. When I get the opportunity to hear from those who are engaged in that working group, it is nothing more than a transmission group; there has been no work. It has had three meetings since the general election. The meetings last no longer than 30 minutes, and the members of the working group come along to hear where it is at and leave. That is not a working group. That is not what you and I would understand as a body that is there to determine, work upon and try to resolve issues. The Government are set to transmission. They come, indicate what they are doing and leave.

There are more substantive issues around where that will all land, but as an example of how effective the structures are that allow you to work on issues, they are simply not there.

Q67 Baroness Goudie: In the recent EU-UK summit, the UK and the EU announced that they would work towards an SPS agreement, work towards linking the EU and UK emissions trading systems and explore UK participation in the EU internal electricity market. What are your views on these announcements, and what will the impact on Northern Ireland be? I know you have touched on it a little in your own answers just now, but we would like to know a bit more and whether people have come to you about this.

Gavin Robinson: What are my thoughts on the announcement? It was called a reset a number of weeks ago. Apparently, the Government have issued an edict that it can no longer be referred to as a reset—for whatever reason, I know not.

The system that is applied to issues of SPS products and so on has been very frustrating for people in Northern Ireland. We have had no detail on it so my first reaction is: what is the substance of the agreement? The answer you will get is it is still to be negotiated. You have a direction of travel that has been outlined and a European Commission that has been saying for the last year—since the general election—that this will take at least two years to conclude. I do not think you will see a resolution to the direction of travel before 2027, so you can write off the next 18 months.

If I take a step back and look at the fundamental lack of necessity for any of this, the EU's approach and the way we have found ourselves are wholly disproportionate to the fears and concerns that it has around the protection of the single market. When I look at the reset, there is no point engaging on electricity, emissions and SPS if you are not prepared or willing to look at the fundamentals.

If we have a situation where this current Government are embarking upon a path of alignment, are we going to align? Even in those circumstances where we are aligned on the vast majority of aspects, we

will still be separate and distinct, have our laws determined by others in Northern Ireland, and be in a constitutionally improper situation.

I can make every strong argument to say that alignment on SPS will be hugely beneficial, but why is there no alignment on veterinary medicines? They say because they are a manufactured product. The truth is veterinary medicines were advanced as a problem for the European Union because those medicines would be used in animals that could enter the supply chain and the food chain, and contaminate the single markets food chain. But we know there is now a direction of travel at some point in the future—12 months, 18 months, two years—where there will be no need for checks and there will be alignment on SPS goods. Yet the European Union is still insisting that you cannot administer veterinary medicines in Northern Ireland unless they are approved by the EU.

We were told there would be no diversion of trade or reorientation of supply lines. The EU always maintained that there would have to be. For the first time this week, the UK Government are going to say that even though the direction of travel is to align and they are suggesting that this reset is going to be beneficial on SPS terms, we will have to go through the pain for 12 months, 18 months or two years of a complete loss of access to vital veterinary medicines, with all the animal welfare and health issues that will arise as a result, which is totally unnecessary.

We have an outline SPS agreement, but this Government—in full fulfilment of their pledges to honour the Windsor Framework—are going to require change to labelling rules from 1 July, with the unintended consequence of withdrawal from the Northern Ireland market because smaller and larger producers in Great Britain will choose not to spend the additional money for additional labels for 3% of their total business. It is unnecessary and disproportionate because we have this direction of travel outlined by the Government, but they are still requiring and mandating the changes to occur on 1 July.

When I look at other aspects, the head of the British Standards Institution is adamant that the standards in the UK are the same as in the EU, if not better, and yet we do not have alignment on product safety. We have just had the Product Regulation and Metrology Bill pass through our House, and it was in yours originally. If you have alignment on standards, the British Standards Institution is saying they are the same, and you have the Product Regulation and Metrology Bill that has just gone through this Parliament, why was that not part of the reset? Why were veterinary medicines not part of the reset? Why do we allow a situation where, in two years hence, we may get some relief on SPS, but it does not solve the sum of the parts? We will still have issues.

That is why I say that, if the Government are serious about their direction of travel and intent on alignment—you can leave aside or have the discussion about whether that honours the referendum separately; clearly it would not—why are they content with leaving Northern Ireland in a separate sub-constitutional category?

The Chair: Can we move on from that question to a related question, which is really about transparency and accountability in the broader sense?

Q68 **Lord Thomas of Gresford:** The Government published the Command Paper *Safeguarding the Union*, to which you referred, in January of 2024 as a result of negotiations between the Government and the DUP. To that extent, you own that agreement, do you not?

Gavin Robinson: I own it?

Lord Thomas of Gresford: The party owns it.

Gavin Robinson: What we said was that there was progress made and more work still to be done, including work on honouring that agreement that was published and that this Labour Government voted for in the House of Commons but still have yet to implement.

Lord Thomas of Gresford: Can I ask you about some structures that the agreement brought into being to improve co-ordination between Northern Ireland and the rest of the UK, and to assist in the administration of the Windsor Framework? One body is the UK east-west council, which has met on two occasions, as recently as last Thursday. Another is InterTrade UK, which has met once on its own and recently in conjunction with the Independent Monitoring Panel, which is the third institution or structure that was agreed. How are these working? How would you assess these measures? Do they help in doing what they are supposed to do?

Gavin Robinson: They are ancillary to the fundamentals, and each has a specific and distinct role. The reason we felt it imperative to ask the Government for and secured the creation of an east-west council is that we have bodies that look on a north-south basis and bodies that look on the British Isles in totality—including Jersey and Guernsey—but very rarely do we see structural focus in or on this United Kingdom. Work has commenced on the areas that were set for exploration on business, education and culture. If you noted last week in the CSR period, for example, on education particularly, a fund in Northern Ireland of some £15 million was allocated to address education underachievement, particularly within working-class Protestant areas. That is an important step forward and important work in and of itself that I want to see continue and derive the benefits from it.

On InterTrade UK, you have the noble Baroness Foster as chair. Again, that is a body that was set up to say *Safeguarding the Union* cannot solve all the problems because, unless and until you get a Government that is willing to amend, alter or remove the fundamental architecture of the Protocol, problems will arise. Some difficulties faced by consumers and the population in Northern Ireland are not because of the detail of regulations or the bureaucracy but because businesses in England, Scotland and Wales cannot be bothered because it is too complicated, complex and too small a part of their businesses. InterTrade UK has

those important functions of challenge and assistance to educate, encourage and ensure that Northern Ireland is not. Can it ensure it? No. Should it be there in the first place? No, because of the situation that we find ourselves in, but it is an important additional step to continue that work.

The Chair: Given that *Safeguarding the Union* was published in January 2024, are you surprised that there have been so few meetings of these three bodies?

Gavin Robinson: I am frustrated that it took the Government so long to get them going. I am frustrated that, whenever the general election occurred—in July 2024—they took month after month after month of dither and delay to honour the commitments of *Safeguarding the Union*.

The Independent Monitoring Panel—the third string to your question, Lord Thomas—was fundamentally important to provide a robust evidential base that, in the first instance, could be drawn upon by Lord Murphy in his review. Yet it was only established in the latter part of 2024 and got its first evidence set from HMRC in January 2025. It would not even get a second or third evidence set to provide any notion of a trend over those three months. It is wholly useless, not on their part, but on the part of a Government that was so delayed in establishing the Independent Monitoring Panel. So Lord Murphy will not have the benefit of the first report of the IMP because of the delay.

Lord Thomas of Gresford: I appreciate that, but just following the point, the bodies concerned have met infrequently and not enough as far as you are concerned. But do they not add to the confusion—particularly among people in Northern Ireland—as to how the whole machinery works?

Gavin Robinson: I am not sure it would be for me or any parliamentarian to outline or try to map the machinery of government. But whenever I look back to the frailties of the United Kingdom Internal Market Act 2020 and the Office for the Internal Market—which was a body established under the last Government to look at difficulties in trade within this United Kingdom—every Secretary of State was under a legal obligation to conduct an assessment of the impact on the UK internal market when they took forward legislative change, and they were not doing it. So there was a legislative protection passed by this Parliament to help us in Northern Ireland and they were not doing it. We had the then Secretary of State responsible for conducting those internal market assessments when I was on the European Scrutiny Committee and she did not have a clue what I was talking about.

So I have no doubt that the addition of new bodies will create a level of confusion if somebody wishes to try to understand the machinery of government. But having a specific and distinct group set up—the IMP—to dispassionately and impartially analyse and assess an evidential base for the arguments around disproportionality is important. The body chaired by the noble Baroness Foster to assist and resolve tensions and frictions

and promote and encourage trade within this United Kingdom is important, despite the pressure we have been placed under.

The final piece of the jigsaw—left out arguably 25 years ago—is the east-west council. How do we encourage, create and strengthen the bonds within this United Kingdom solely and simply for ourselves? We can certainly do the relationship building with others, but having a body that is solely focused on enhancing the bonds within this United Kingdom is very purposeful from our political perspective.

Lord Thomas of Gresford: I understand why you are a supporter of these various bodies, but are they working if they are meeting so rarely?

Gavin Robinson: You are highlighting very clearly, and I have responded in my terms, that I was frustrated at the lethargy of this Government to get them going. If I had my way, some bodies would be structured and resourced more substantially.

The Chair: Forgive me for interrupting. We get the point and we need to move on.

Q69 **Baroness Ritchie of Downpatrick:** Just for the record, I am a member of the Government's Veterinary Medicine Working Group. There were four meetings, three of which lasted nearly two hours; I remember that I nearly missed a flight on one occasion because of that. The work will continue. We do not cease to exist after the publication. So I want to put that on the record, and no doubt the Ministers who are taking this forward will do likewise. There was also a proposal that those who had further details that they wished to discuss with the Secretary of State, the Minister for the Cabinet Office and Baroness Hayman could do so, and that was left open. I would hope that that offer was taken up.

Moving on to my question, we have all been consulted by Lord Murphy over the last number of months in relation to the independent review of the Windsor Framework. What are your expectations of that review led by Lord Murphy, and what would you like it to contain, bearing in mind it is circumscribed by certain parameters?

Gavin Robinson: Having given evidence there on veterinary medicine, it is fair to say that what I said is true: there were three meetings after the general election. There have been more and there were meetings before the general election. It is a transmission group and that is the evidence I have given to this committee.

Baroness Ritchie of Downpatrick: Could I say that for the first two meetings I attended, nothing happened, and that was quite clear to the incoming Government. I want to place that on the record. If you could go on to the question.

The Chair: Let us go on to the question about Lord Murphy's process.

Gavin Robinson: I have had a number of engagements alongside colleagues and separately with Lord Murphy, who is a charming

individual. I am pleased that the report is taking place, and you will note, Lord Chairman, that it was our party that ensured the review would occur on a statutory footing.

The review arises from the fact that the Northern Ireland Assembly was placed in a position of having to approve the continuation of this unsuitable and unworkable arrangement without necessary cross-community controls. Lord Murphy is separately constrained because he is not, in common parlance, independent in this process. I am not impugning him in any way; he is doing the job he has been asked to do, but he is doing the job on behalf of this Government in the context of the wider reset negotiations, so he is constrained by what he can recommend. I understand he is on the verge of concluding his report.

What would I like to see from it? While it falls outwith his terms of reference, I would like him to acknowledge that he is not able to bring forward substantive recommendations for change because of the context of the wider EU-UK reset negotiations. I hope that he can acknowledge that there are material discussions to be had around the disproportionality of the imposition on Northern Ireland, the quest to evolve, and that if this Government are intent on alignment, they do so in the context of the UK moving as one, rather than Northern Ireland being left in a separate edifice. I would like to see that as part of his recommendations.

I understand he has spent a lot of time focusing on the frailty of the mechanisms that are there to deal with the democratic deficit within the Northern Ireland Assembly, and I think those will be fair recommendations from the engagement that I have had with him. As I said, I have enjoyed the engagement with him, and I enjoy Lord Murphy; he is a wonderful gentleman, but I do not have a lot of faith that this review will make any substantive recommendations for change. A fundamental reason for that is that his terms of reference prescribe that he can only make recommendations where there is cross-community consent.

The Chair: Can I summarise? What you are saying is that you are perfectly satisfied with his personal independence, but he is constrained by his terms of reference?

Gavin Robinson: He is constrained by his terms of reference and wider politics in terms of the negotiations.

The Chair: Can we move on to a different, very interesting subject? Baroness O'Loan.

Q70 **Baroness O'Loan:** How would you assess the effectiveness of the Stormont brake and the applicability Motion procedure?

Gavin Robinson: I do not think this Government have taken the opportunity to demonstrate the effectiveness of the Stormont brake. I lament that this Government decided that it was best to avoid demonstrating the effectiveness of the Stormont brake on two occasions.

On the first occasion that they had the opportunity, it arose post-general election on dental amalgam. There were very clear, articulated and evidence-based concerns that were outlined by the British Dental Association. It was ripe for the pulling of the Stormont brake, and in that knowledge, the Government negotiated with the European Union and secured a 10-year extension or delay to the removal of dental amalgam. Therefore, the Government did not take the opportunity to demonstrate the effectiveness of Stormont brake option one.

On the first occasion that the brake was pulled, you will know that it arose from evidence given by the CIA—the Chemical Industries Association—to the Northern Ireland Democratic Scrutiny Committee. The CIA indicated to the Democratic Scrutiny Committee that the consequential changes that were being required by the European Union would have a material negative impact on £1 billion-worth of trade of petrochemicals from GB to Northern Ireland. That was its evidence. Having been frustrated that the brake was pulled, I believe, the Government then worked with the Chemical Industries Association behind closed doors in an untransparent way to ameliorate the concerns so that they could come out and say, “Actually, the CIA is quite content now”.

The Chair: Are those not good results resulting from the existence of the Stormont brake without it being pulled?

Gavin Robinson: The question is around the effectiveness and I am answering in terms of the Government’s unwillingness to demonstrate the effectiveness of its operation. I can certainly make the argument to say that the concerns were addressed and the Government were taking steps to ameliorate some concerns. But the fact is there has not been a workable example of a mechanism that was created to remove the democratic deficit and enhance the ability of Assembly Members in Northern Ireland to impact properly and productively on issues that will affect them.

Q71 **Lord Empey:** I want to move on to the Assembly and the Democratic Scrutiny Committee, which was set up to examine proposed rules and legislation that would affect Northern Ireland. What is your assessment of the role and function of that committee? Do you think that the committee receives the necessary support and information from the UK Government?

Gavin Robinson: Clearly, it does not. I suppose the first point always has to be that, from my perspective, I would rather it were democratically elected representatives from Northern Ireland making the laws rather than having to consider the impact of laws configured and constructed by others external to our country. That is the first point.

The second point is that the Democratic Scrutiny Committee has a gargantuan task. The Assembly has about 90 individuals, of which 10% are in the Executive and 10% then share the statutory committees, and then you have to provide members of those committees. The Democratic Scrutiny Committee that was added on to that function is a burden for

the Northern Ireland Assembly. It is a burden that is not assisted by the time constraints—I think they have to turn around their reports within three or four weeks—or the politicking that goes on within the Democratic Scrutiny Committee. There again, in that first cohort I mentioned—pro-EU, pro-UK, pro-leave, pro-remain—there are members of the committee that will simply refuse to embark upon an evidence-based inquiry because of their predisposition to the question as to whether you are pro-EU or pro-UK, and that is a frailty of the system.

The UK Government are not forthcoming with useful information. There have been examples where they sometimes amend 24 hours before the Democratic Scrutiny Committee has to respond. They will amend and send new—perhaps expansive but not always explanatory—notes on the impact. Then you look for an internal market assessment, which are few and far between, or if they are there, there is lack of substance within them.

Lord Empey: Could I press you on the make-up of the Assembly? I accept what you are saying, but that can ebb and flow over time. Would it be better as a statutory committee as opposed to a standing committee? Do you think it has enough resource in terms of personnel to make it an effective thing, or is its fundamental envelope under which it was established flawed in the first place?

Gavin Robinson: I just think it is a gargantuan task for the Northern Ireland Assembly, never mind a small sub-committee, be it standing or statutory. Our statutory committees tend to look more fundamentally at departmental working, and there is no department responsible for this work.

The purpose of the committee is, first, to inject democratic accountability within the Stormont structure, but, secondly, and more particularly from my perspective, to avoid divergence and the creation of a new barrier of any description within our own country. One of the fundamental feelings about the Government—be it lack of information and Explanatory Notes, or amended, lastminute.com Explanatory Notes—is that they fail to be definitive about whether they intend to legislate in a similar vein. If they legislate in a similar vein, then there will not be a divergence or barrier within our own country.

But all they tell the Democratic Scrutiny Committee is they are minded to look at potential legislative change at some point in the future, which leaves democratically elected representatives in Stormont in an invidious position. Do they pull the brake to try to get a cast-iron commitment? Do they pull the brake, knowing that, for some, that seems to be constitutionally inappropriate? Do they pull the brake in a way that suggests that it is not working because this Government will not engage in those discussions? Or could they just have an honest answer from the UK Government to say, “We intend to legislate and will do it within the next six months, nine months, 12 months”, so that those elected to represent the people of Northern Ireland know exactly whether there is going to be a barrier or not? That would be helpful.

Lord Empey: Following on from Lord Thomas's question, I think a number of these bodies have been established. Is it not the case then that the fundamental terms of reference of the committee were inadequate from the get-go? Do you think it would be appropriate to change those terms of reference and hopefully raise the status of the committee within the Northern Ireland Assembly? Would that be a way forward?

Gavin Robinson: The committee has evolved. If you speak to the committee, it will say it felt swamped at the start and feels like it is getting into a better workflow pattern. Certainly, the European elections, the reconstitution of the Commission and that gap assisted in that process. So it will say it has evolved already under the pre-existing terms. It needs more time, information and a willingness from our Government to be participative in this process rather than top down and sending wholly unuseful or incomplete information to allow it to do its job.

Baroness Ritchie of Downpatrick: Gavin, you have expounded in relation to this particular committee. Do you think it would have been helpful if the committee—albeit a standing committee in the Assembly—had representatives from all the political parties? Because I know in my case, they are not represented.

Gavin Robinson: I presume that that is a consequence of d'Hondt. I am not sure that that is an exclusion. I do not think it is a committee based on Executive parties, for example. I would only answer that question when I had the information in the round as to how that arose.

Baroness Ritchie of Downpatrick: Would it be helpful if you could maybe reflect on that and supply us with additional information whenever you have carried out further research?

The Chair: We can ask the team and staff as well to look into the question of whether it is a result of d'Hondt or for some other reason.

Lord Empey: It can be a two-edged sword, Chair, because d'Hondt does one thing, but political parties may have a choice to make between putting a member on one committee or another.

The Chair: That is why we need more information.

Gavin Robinson: I would be reluctant to step into that space.

Baroness O'Loan: Very briefly, I just wanted to ask you, Gavin, you said that the Democratic Scrutiny Committee is a burden to the Northern Ireland Assembly and described failings of those who perhaps should be supporting the committee. Reg asked you about the terms of reference. I do not think you indicated that we needed any change to the terms of reference. So is it your position that the scrutiny committee and the terms of reference are all right, but the problems lie here in Westminster, and I presume, government departments in Northern Ireland?

Gavin Robinson: No. First, it is not a burden to the Northern Ireland Assembly; it is a burdensome role that it has. There is a distinct difference there. I do not believe any of the committee or the people on it are a burden, but it has a burdensome role. It is a complex role, as you know, because you are engaging in these issues. It needs to have a longer period of time to engage in its work.

I cannot change the political dynamic of the committee, but there needs to be potential for a structural change that would remove the ability for people—for quite high-level political reasons without the intricacies of whatever regulation is before them—to refuse to have an inquiry. That does not help in their work. There are people across community perspectives who are impacted by various regulations that are brought forward. But if you have members of a committee who simply refuse to look at the issue because it does not sit with their overarching political view on the European Union and the UK's relationship with it, that is not helpful and could require structural change.

But it needs a longer time to carry out investigations, greater information and more detailed information in a timelier way, all of which would greatly assist with their work.

Q72 **Lord Hain:** Gavin, it is good to have you with us. You have been very eloquent about your party's position—which I understand—that you fundamentally object to this whole predicament in which Northern Ireland finds itself as a result of the last Government's Brexit deal. Do you think the Northern Ireland Assembly Ministers, officials and Assembly Members themselves should have greater consultative opportunities with the institutions of the European Union over matters affecting Northern Ireland in all the different areas that they will do? Could the Office of the Northern Ireland Executive in Brussels do a better job? Should it be better resourced?

Gavin Robinson: What I would like to see is a situation where democratically elected representatives in Northern Ireland are empowered to take the decisions themselves.

Lord Hain: You have been clear about that, but that is not going to happen, is it?

Gavin Robinson: I am not sure why it cannot happen. Your Government—the Labour Government—have outlined a direction of travel of greater alignment and have chosen to do so in a piecemeal way that, in my view, confounds the evidence. So they are doing it on SPS at some point in the future. They have legislated on product safety and metrology and are indicating alignment on a whole host of issues.

Rather than just fundamentally respond and say that is not going to happen, the bigger challenge is to question that if we are aligned on each aspect of trade, and that is the intended purpose or stated position of this Government, then why is it that we cannot have a situation—constitutionally and appropriately—that the Protocol and its architecture

are removed and that the people who are elected to represent the people of Northern Ireland actually have a say on the laws that apply to the people of Northern Ireland? To tread down the path that you have invited me to tread would, to my mind, compound the difficulty that we have, rather than remove or alleviate it.

There is no willingness on the part of the European Union to operate in a productive way or in a way that would allow Northern Ireland Assembly Members to change, augment or shape regulations that are issued. The legislative process of the European Union—never mind the tensions between the Commission and the Parliament—is complex enough in and of itself given the member state difficulties they have before something emerges. The notion or idea that a representative body from the Northern Ireland Assembly would have the ability to go and shape and craft the outworkings of that process to suit our benefits just simply does not stand up.

Lord Hain: You have been very clear about your party's position. Do you think there are no improvements that could be made by early engagement by the different levels—Ministers, Assembly Members or officials—when there is a proposal affecting, say, Northern Ireland agriculture?

Gavin Robinson: I concern myself with window dressing. I mentioned earlier that we already have an EU-UK Joint Committee that Executive representatives can attend, though they have no part or role in the agenda setting and no ability to shape the outworkings; that is a matter for sovereign Governments

Lord Hain: Should that change, for example? Should the Ministers have direct input more effectively, as it were?

Gavin Robinson: I am sorry that we already have examples of this Government operating in a way that is incompatible with the decisions that have been made with the Northern Ireland Assembly. The applicability Motion—which applies to geomarkers and geoinicators—was a classic example on craft products. That applicability motion failed to get the required cross-community consent of the Northern Ireland Assembly, yet the Government still agreed to add it to the Windsor Framework. So we can go through the process of creating more bodies after more bodies after more bodies. If it is to give the allure or the impression that there is productive engagement but actually materially changes nothing, then I would not buy into that at all.

The Chair: You have made your position very clear on that; we all understand you clearly. We have run out of time now, so thank you very much for coming here today and giving us your views in such a clear way. We are left with no doubt about what you think on any of these complicated and difficult issues. I will just remind you that a verbatim transcript of your evidence will be sent to you for correction. Once again, many thanks from us all for your attendance here today. My Lords, the public element of this meeting is now concluded.