



Select Committee on Common Frameworks Scrutiny

Corrected oral evidence: Post-Brexit common frameworks

Wednesday 10 February 2021

10.25 am

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Members present: Baroness Andrews (The Chair); Lord Bruce of Bennachie; Lord Caine; Baroness Crawley; Lord Foulkes of Cumnock; Lord Garnier; Lord Hope of Craighead; Lord Murphy of Torfaen; Baroness Randerson; Baroness Redfern; Baroness Ritchie; Lord Thomas of Cwmgiedd.

Evidence Session No. 7

Virtual Proceeding

Questions 79 - 89

Witnesses

I: David Rees MS, Chair of the External Affairs and Additional Legislation Committee, Welsh Parliament; Gillian Martin MSP, Convener of the Environment, Climate Change and Land Reform Committee, Scottish Parliament; William Wragg MP, Chair of the Public Administration and Constitutional Affairs Committee, House of Commons.

Examination of witnesses

David Rees MS, Gillian Martin MSP and William Wragg MP.

Q79 The Chair: It is a great pleasure to see everyone at this public meeting of the Common Frameworks Scrutiny Committee.

We have apologies from Lord McInnes. Apart from that, I am absolutely delighted that we have three very distinguished witnesses. We very much look forward to your evidence this morning. We are going to listen to: David Rees MS, chair of the External Affairs and Additional Legislation Committee of the Welsh Parliament; Gillian Martin MSP, convener of the Environment, Climate Change and Land Reform Committee of the Scottish Parliament; and William Wragg MP, chair of the Public Administration and Constitutional Affairs Committee of the House of Commons.

One of the things that we have been addressing as a committee is the way in which the common frameworks have involved the Parliaments and parliamentarians of the United Kingdom in their processes—a vital part of the evolution of the frameworks' work.

Over the past few months, we have been looking at the frameworks as they have come forward—as you know, in a rather random way. Alongside that, we have been taking evidence on how they are working and how they are interacting with other forms of legislation. For example, we were very heavily involved in the debate on the internal market Bill.

It has been very important for us that we have been able to talk to the devolved Administrations at official, parliamentary and political level, and have had the perspectives of the devolved Administrations on the way in which the frameworks are intended to manage divergence. That in itself has raised the issue of the relationships between the Parliaments, between our committee, as a scrutiny committee, and committees of the other Parliaments and, of course, between government and Parliaments in the making and the implementation of frameworks going forward.

There are a lot of issues around scrutiny, dispute resolution and the intention of managing divergence in the devolved Administrations. We are extremely keen to hear from you this morning about your experiences, your feelings about the way forward and how you think that the frameworks are working.

Thank you very much for your time, the work that you are doing and your willingness to share with us anything that you want to say about the frameworks, in your experience.

We are very happy to see William Wragg this morning, because the relationship between the two Houses on the frameworks is very important. William, we look forward very much to more discussions as the situation evolves. It is extremely good of you to give up your time this morning. You will know that we have seen Ministers. We intend to see Chloe Smith again soon. We therefore have a fair idea of the way in which the Government see the importance of the frameworks.

With that introduction, I will start with Gillian and then go to David and William. My question is a very high-level one. It is to set the scene for the more detailed questions that will come forward from other members of the committee. What do you think have been the key strengths and weaknesses of the common frameworks so far, as you have experienced them in the work that you are doing?

Gillian Martin MSP: I guess that I would break it down into three things. First, our committee has not been able to extract the detail on the common frameworks. That has been the biggest issue. I would like to point to strengths, but that is kind of impossible at the moment because we do not really have the detail on a lot of the common frameworks. That has not been published and has not been put before us.

I will describe the way in which we work. As your colleagues will know, our scrutiny is of the Scottish Government. When the Scottish Government do not have the detail on the frameworks, effectively we cannot get the detail out of them. If they are in a position where they are waiting for the information on that and do not have sight of it, with the best will in the world they cannot tell us what is going on.

Our main issues with the common frameworks as they stand, on a high level, are about how they affect the devolution settlement. EU exit and its implications for the constitution of the UK and the devolution settlement are things that I do not know have been thought through to a great extent.

There could be unintended consequences with common frameworks, particularly when you consider that the Scottish Parliament has passed the continuity Act¹. There is a big locus in the continuity Act for the environment and maintaining continuity with EU environmental standards. If there were any kind of common framework or UK trade deal with another country that had an impact on how Scotland's environmental standards might have to sit, that would be an issue.

The very fact that that is in a devolved area of policy but is not under the full control of Scottish Ministers gives us two problems. It gives a problem for the Government. From the Parliament's and the committee's point of view, we do not have the opportunity to scrutinise those decisions, which may affect the environment, because the power does not lie with the Scottish Government; it lies with the UK Minister. We have no power to say to UK Ministers, "You must come and tell us what is going on", because they do not report to us.

The other issue is transparency in the decisions. At the moment, a lot of the common frameworks have not really been discussed by Parliaments. That is why the work that you are doing is so important. These are intergovernmental discussions. Where do the parliamentary committees sit? Where does Parliament sit as regards scrutiny? A lot of really important decisions will be made about the common frameworks in the

¹ The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

future, as we go forward. As the convener of a committee that deals with a very important area of policy—everyone thinks that theirs is the most important area of policy, of course—I am concerned that we will not have the opportunity to scrutinise the impacts that those common frameworks may have in parts of Scotland or on the environment of Scotland.

I do not want to take up too much time before you go to the other witnesses. Just to round it off, the delays have also been a big issue, particularly in things like chemicals regulations. We were right up to the wire before we had functioning common frameworks that we had to have, so there was no time for us to scrutinise them and no detail on what they were. I will end there.

The Chair: Thank you, Gillian. I will go straight to David, but what you are saying strikes a very strong chord with us. David, what has been your experience?

David Rees MS: Thank you for giving us the opportunity to contribute to your work, which is critical. We have very much the same opinion that Gillian has related for Scotland. The many concerns that we have reflect the same issues.

In your opening comments, you highlighted the fact that we also need to reflect on the Internal Market Act, as it is now, and the implications that that has for the common frameworks. As a committee, we were set up to look very carefully at the implications of the decision to leave the EU for Wales. We looked at them while we were still a member of the EU and negotiating, we looked at them prior to the referendum, we looked at them during transition, and now we are looking at them post-exit and with a new agreement in place.

The common frameworks were set up to establish commonality across the whole of the United Kingdom. That does not exist in quite the same way as commonality existed within Europe, because the Council of Ministers was a different set-up. There is no equivalent here in the United Kingdom, so how do we achieve that equivalence? That is possibly a constitutional point. If we add proper common frameworks, how do they achieve that equivalence and the ability to ensure that on standards—Gillian highlighted the environment, but there are many other areas—there is no race to the bottom, but standards are equal across the nations? That is what this was about.

We are concerned about the lack of detail. How do we scrutinise something when we do not have the detail? How do we scrutinise a Minister when they do not have the detail? As you know, our role is to scrutinise the Welsh Government and Welsh Ministers. We can ask Ministers of the UK Government to answer detailed questions on the frameworks, but we are unable to call them in. That is one of the problems.

We need to look very carefully at how we can address the ability to have scrutiny across Parliaments, so that there is commonality in that scrutiny.

All four Parliaments in the United Kingdom should not necessarily be doing the same thing four times. Why are we not working more collectively so that we are able to scrutinise it on one occasion, but doing so as equals in that process? I think that that is an agenda and that we need to look forward.

The internal market Bill, or Act as it is now, has a huge ability to railroad through these common frameworks. We can set environmental regulations and perhaps other regulations in Wales that we think are appropriate for Wales. Scotland can do the same. England can do the same. Please remember that the UK Government act as the Government of England in these discussions, not the Government of the UK. That point is sometimes forgotten in this agenda, perhaps inadvertently, but it is important.

We have to ensure that, when we are able to set levels and standards in regulations, we are not allowed to undermine that by an Act that, by the way, both Scotland and Wales said no to. Again, they were overridden. There is a question of how we build that trust and that relationship back up. How do we ensure that whatever we do in the interests of the people of Wales will actually deliver for the people of Wales and will not be undermined in any way?

Common frameworks have been slow. Let us be honest; we are still in the process of going through them. By the way, you have a problem over the next few months. We are about to come into an election. There will be a new Assembly sitting. Then you will have to set up new committees and establish their remits. There is a challenge in scrutinising these frameworks over the next few months.

The Chair: Thank you, David. You ended on a challenging note. That is extremely helpful.

William, what is your perspective, particularly having heard from our other two witnesses?

William Wragg MP: Clearly, they are necessary. I start from that point, but I use the phrase “a curate’s egg”: they are good in parts.

I will break my remarks into two parts. The first relates to the Cabinet Office, which my committee has oversight of. There is only one framework, and we have received only the summary for that; we received it at the end of last year. You will have seen from our correspondence to the Minister that there are further questions on that. Therefore, we as a Select Committee of the House have been unable to scrutinise the relevant common framework for our department.

Others have made some progress—limited progress, it is fair to say. About three have been through the proper process of scrutiny by the relevant Select Committees. I say that from the point of view of a committee Chair with oversight of a particular department.

More generally, if I may advance an opinion—it is nothing more than that at the moment, because there is so little that is tangible to go on—I think that, as David said, a lot of this is about the relationships. I am always reminded that it takes two to tango. Therefore, it is important when viewing the overall attitude to the common frameworks process to ask whether everybody involved wishes it to work. I would pose that question. I would like to see a far more proactive approach from the United Kingdom Government when it comes to openness and transparency, but I would pose the question: does everybody involved wish this process to work?

Clearly, strong opinions were brought to the fore with the UK internal market Act. I would gently contend that that provides a reasonable foundation, at the very least, for further development of these frameworks. However, I think that that development will be based very much on different people's attitudes, a constructive approach and the UK Government being far more forthcoming than they have been.

The Chair: Thank you very much, William. I thank the three of you for that very helpful introductory segment.

You have touched on some difficulties: delays in process, transparency and the levels of scrutiny that are available. William, your correspondence with the Cabinet Office revealed your frustration. We will follow up with questions on the internal market.

I ask Baroness Redfern and then Baroness Ritchie to follow up on some of the questions that have been raised about process, transparency and engagement.

Q80 Baroness Redfern: I offer a warm welcome to David, Gillian and William. I am speaking from a sunny, snowy Lincolnshire. You can see the sun trying to beam through.

David and Gillian, you have partly touched on my question. David mentioned the lack of detail, as did Gillian, who also mentioned publishing. Nevertheless, I will ask my question so that you can expand a little on one or two areas.

We say that the common frameworks programme should not blur boundaries of responsibility and accountability, and should be as transparent as possible, with real capacity to maximise consensus. Will you tell me more about your concerns regarding what we can do on transparency and to increase the flow of draft documents, because many that are coming through are incomplete, undated? How can we improve with regard to stakeholders and include more stakeholders in that engagement?

Will you also say more about your concerns about the fact that in many cases the frameworks have been applied but not published? David, how can we move forward with more collective discussion, so that we are all on an equal basis?

David Rees MS: What is important is that there is greater publication of the frameworks, but let us also be clear about what has been agreed.

I understand that there have been very good working relationships between officials and that good progress is being made, but the detail of that progress—the publication of what has been agreed and not agreed, where we still have to go and by whom it has been agreed—is still not available. That is what has to come so that we can have an understanding of that.

It is about remembering that the frameworks are there so that we can ensure that we put things in place for our citizens. I will give you a perfect example at the moment. As I said earlier, we are going to elections now, probably in under three months. Manifestos will be published. No party can confirm how some of those aspects may be delivered if we do not understand what the frameworks are able to do. We will be going into an election promising people something that we may not be able to deliver on because the details and understanding of those frameworks are still not clear. Therefore, there is a very important question where that transparency becomes important.

I cannot comment too heavily on engagement because I do not know what engagement has been taking place. Perhaps that is another problem. We do not know what engagement has been taking place on these frameworks and what the outcomes of an engagement are. A lot of stuff still needs to be put into the public domain so that we can have a better understanding of what is being talked about, discussed and prepared, what direction we are moving in and, therefore, how can we ensure that scrutiny takes place and we hold our Governments to account. That is an important area that needs vigilance.

Baroness Redfern: Gillian, how can we all build trust in our relationship so that we can move forward collectively?

Gillian Martin MSP: The trust aspect and the willingness of everyone to work together are really important. William referred to that. I think that there is a willingness there. I go back to what David said. Effectively, we all want our individual countries to work. We all want them to function. These common frameworks are part of various sectors knowing the pathway for what they have to do and how they have to function.

Stakeholder engagement is really important. We asked stakeholders. The last time we asked them the direct question about their engagement in the common frameworks was around August. Everyone we spoke to said that it was very limited. That will have consequences. You cannot make in a locked cupboard regulations and procedures that will affect people who are standing outside that cupboard. In that way chaos will lie.

I will give you an example. Issues have been highlighted recently by the National Farmers' Union in Scotland. There may be some animal welfare issues and controls around the transportation of livestock if the weather is worse than a force 6 gale or the temperature is less than 5 degrees.

For places such as Orkney and Shetland, that is pretty much the case for a great part of the year, so there has obviously not been engagement with remote areas of Scotland and the UK. That would have real consequences for them.

I have one final point. The publishing of the frameworks is really important, but I concur with David Rees, who is on the money. I think that there has been good engagement between civil servants and departments, depending on which department you are talking about. The ETS area is a good example. Scottish Government and UK Government officials were working really hard on the emissions trading scheme, but all of a sudden the carbon tax appeared—out of nowhere, it seemed. All the work that had been done by these hard-working officials, and the two Governments, working together, to get something in place was suddenly in doubt. A great deal of time had been spent on that. Some political things are getting thrown in, which has been really difficult for civil servants.

If we have transparency and stakeholder engagement, publish what is there and lay it open to scrutiny from all Parliaments, the end result will be functioning systems and frameworks across the UK. That is what everybody wants.

Baroness Redfern: William, will you elaborate a little on how we can maximise consensus to make things function well, as Gillian has just alluded to?

William Wragg MP: Functioning well goes back to relationships. I bang on about this a fair bit. I approach this with my politics as a Conservative who voted to leave the European Union and believes in the union of the United Kingdom, but I do not see why that should prevent me from having constructive relationships with others of diametrically opposed views and a desire for different outcomes for their constituent nations of the United Kingdom.

Our experience so far is that the transparency has been somewhat limited. Only two Select Committees, HCLG and EFRA, have completed scrutiny of their frameworks. It is important for me to say that they did not report any particular problems. Other witnesses may say, "They would say that, wouldn't they?", but I can only say what they came up with. Other committees, including my own, have found information and timelines very difficult to come by.

To your main point, Gillian mentioned that politics was getting in the way. I am increasingly finding that an occupational hazard in this game, I am afraid, but where there is a will there is a way. I am sure that we will come on to questions later about how we can strengthen intergovernmental and, indeed, interparliamentary relationships.

Baroness Redfern: Thank you very much, William. I appreciate that.

Q81 **Baroness Ritchie of Downpatrick:** I want to concentrate on

engagement. Reference has already been made to that. In fact, Gillian talked about the real lack of engagement. I refer to the written evidence submitted by her committee in Scotland, which said “that there has been an extremely limited amount of engagement with stakeholders”. In the case of the House of Commons, the Public Administration and Constitutional Affairs Committee queried the nature of stakeholder engagement and highlighted the lack of pace of engagement and scrutiny. The same was said by the Infrastructure Committee in the Northern Ireland Assembly.

Therefore, my question is: in your experience, to what extent has there been stakeholder engagement on the frameworks? Will you build on what you have already said? I will start with William and move in reverse order.

William Wragg MP: Thank you very much, Baroness Ritchie—or Margaret, as I knew you in the Commons.

Baroness Ritchie of Downpatrick: That is right.

William Wragg MP: You highlight a very important thing. You pray in aid our correspondence. We as a committee have asked for a list of stakeholders for our framework, the public procurement framework, but so far we have not been provided with such a list. It has been the same experience for other Commons committees.

We have therefore called for the list of stakeholders engaged with to be published alongside the provisional framework as a matter of course. We acknowledge completely the assumption behind your question—that there has been a lack of engagement—and have called on the Government to improve engagement through the publication of those with whom they have engaged, doing that as a matter of course.

Gillian Martin MSP: I do not really have much to say, other than what I have said already. There has been limited engagement. I completely agree with what William has just said. It would be really helpful if a list was published of who has been engaged with and an invitation to those who have not been engaged with to put their questions and views into this process.

I go back to what I said earlier. If this does not happen, there will be unintended consequences. The common frameworks have to be that: they have to be commonly applied, right across, and they have to work for everyone. To date, a number of frameworks are still to complete the stakeholder consultation stage. There are seven frameworks within our remit, but five have not completed stakeholder engagement. I do not know whom they have engaged with.

Baroness Ritchie of Downpatrick: In your committee investigations and evidence sessions, have you been talking to those who have not been consulted or engaged with?

Gillian Martin MSP: August was the last time we asked the question, and most said that they had not. We have had particular issues with chemicals regulations. Every country uses chemicals, but in Scotland in particular, where we have places such as Grangemouth and have oil and gas, everyday work involves the registration and use of chemicals. Of course, that framework is in place now, but there are lots of questions about what will happen as the internal market progresses and as trade deals are made.

One of the things that have come up is: what takes priority? Is the framework set in stone? Do any trade agreements have to fit with that, or do the frameworks change as we get trade deals, with different trade negotiations and trade terms? That is unknown. These are things that are coming from stakeholders to us.

Therefore, I completely agree with William and wish him well in getting a result on that, because my committee and I would like to know who has been asked and who has not. That should be transparent, and the door should be open to those who could help.

David Rees MS: I have very little to add. They are saying the same things that we are all saying, effectively. Of course, understanding who has been engaged affects the scrutiny process as well, so that we know whom we can talk to or call in as further witnesses and whom we can ask for different opinions.

The timescales placed upon us are another linked problem. There is a whole package tied into stakeholder engagement. Whom do we scrutinise? Whom do we ask in as witnesses? How much time do we have in which to do that? Therefore, it is important to address this. I join William and Gillian in saying, "Let's publish the list of stakeholders, even before we publish the provisional common framework". Why are we not aware of whom they wish to talk to and engage with, if nothing else? That is important.

The Chair: Thank you very much indeed for raising those issues with such clarity. It is very helpful for us.

Gillian, you raised the relationship with international legislation, and indeed national legislation. We are now moving on to discuss some of those issues. May I ask Baroness Crawley to explore some of those issues in the internal market, and then Lord Hope?

Q82 **Baroness Crawley:** Thank you to our witnesses this morning. You have been extremely open with us. It helps enormously with our scrutiny and continuing work on these frameworks.

My question, as you can see, is about the interoperability of common frameworks with other legislation. I would like to know whether you have concerns over how the frameworks will relate to cross-cutting issues such as the UK-EU trade and co-operation agreement and other international agreements, the Northern Ireland protocol, and, of course, the UK internal market Act. Gillian's committee in its written evidence has been

critical of how the UK internal market Act could sideline and perhaps devalue the common frameworks.

Of course, there have been the recent trade problems, as we know, with the EU over the Northern Ireland protocol. That has thrown into sharp relief a certain fragility, shall we say, about the sign-up to the protocol. We have often found, certainly in our committee, that common frameworks cross-cut the protocol. Do you think the common frameworks can still work through these centralised international agreements?

Gillian Martin: It is very difficult to answer that without knowing what the frameworks are, first, but let us look at it in a theoretical sense.

The chances are that the majority of things in the common framework will work, but there will be areas of decision-making in devolved areas where there might be differences in ambition—for example, emissions. There might be differences on food standards, quality, animal welfare. Rightly, the devolution settlement provides for that, and very successfully, too. It has not really caused any real problems at all. Each Government, of whatever flavour, have been able to put forward their policy agenda, and if Parliament wants it, and it wants to go further than what is happening, perhaps in the environmental area, it is able to do so.

That is where the continuity Act came in. Scotland wanted to ensure that as the EU progressed its environmental agenda and other agendas we kept pace with that.

It will not work if anything that happens at UK level in these frameworks, which are also impacted by the internal market Bill or the trade agreements with whoever, starts to impinge on the ability of the devolved nations to make progressive changes in areas of environment. We have really challenging targets on climate change and emissions reduction, for example, and we could be hamstrung.

The main thing that comes back into this all the time is the lack of parliamentary scrutiny. I am here as a parliamentarian and a committee convener, so party hats off: I am a convener in front of you. In all this we are not able to scrutinise decisions in this devolved area on the environment that should be scrutinised by my committee. That is the problem. This is an example of how we get around it to a certain extent, because we all influence each other. You listen to us and you have great influence.

It is about parity. It is about parity of the devolved Governments, all working on an equal basis, and it is about parity of the Parliaments. If you have that parity and respect, and openness and scrutiny from all areas, things will work. I keep on coming back to that: things will work.

Baroness Crawley: Thank you very much, Gillian. That is very helpful.

David Rees: I agree with everything Gillian has said. Being a devolved institution, it reminds us of the responsibilities that we have under the remit of the devolved legislation. Common frameworks are a concept that

is good and can work. Remember that it was developed and designed under Theresa May's Government, and there were different scenarios and different relationships in existence at that time.

I think that everybody went into that set of common frameworks with the ambition to get a set of common standards and regulations that we could all work within, knowing that we could all develop them within our own nations if we felt it appropriate.

The reality now is that there is a deep concern that some of the legislation that has gone through since we have left the EU has changed that perception, and changed perhaps the bias that could exist. I am not saying that it does exist but that it "could" exist. That is the important word here. The UK Government might act as the Government of England in these discussions, and therefore put a bigger bias on what is good for England rather than what is good for the United Kingdom. We are deeply concerned about that.

The common frameworks can be a vehicle to ensure that we are all effective nations within the United Kingdom. There is a deep concern that there are Acts in place that allow that hope and ambition to be dashed. We hope that they will not be, but we are not comfortable that they cannot be. That is an important aspect at this point.

Baroness Crawley: Thank you very much, David.

William, do you share that concern about hopes being dashed on the frameworks, or are you more optimistic?

William Wragg: I am a natural optimist, Baroness Crawley, and I am sure I exude that optimism for you this morning. In all seriousness, there is a risk that this could become a discussion that sounds like a theoretical physics lecture. It is almost as if the common frameworks are the Higgs boson. We know that it exists, yet we have never been able to see it. We know that it has great effects on the other particles around it, but we do not know why.

This comes down really to whether you see the common frameworks as a straitjacket, or whether they are more flexible. Clearly, those underpinned in legislation would require amendment through the law, et cetera.

My personal view, and I think broadly the view of my committee, is that to some extent they are flexible. They should be able to be pragmatically changed as the need arises. None the less, we come back to the overarching theme of this session: that we need to see them first. My personal view is that they are a framework and not a straitjacket, if I were to try to give you an aphorism.

Baroness Crawley: David, you want to come back in. Thank you very much, William.

David Rees: I think everyone has the ambition for them to work. We all want to see that because we all want to ensure that the systems and markets within the United Kingdom work collectively.

There are two things that we are worried about. I do not believe that Northern Ireland has approved any common frameworks. The question is: are these common frameworks for Great Britain or for the United Kingdom? This still has to be resolved.

The second is other Acts and the impact those Acts can have on the common frameworks. That is one of the unknowns at this time. Many of those frameworks have come through probably without consideration of the internal market Act. Therefore, we have to look very carefully at those Acts. The UK Government have to look very carefully at what legislation they put through and what implications that has for the common frameworks.

The Chair: That is very timely. We can move to Lord Hope and look at the internal market Act and its implications.

Q83 Lord Hope of Craighead: My question continues on the same theme that David has just been talking about: making the common frameworks work. The question is: how can we best take advantage of the powers in the Act as it now is? You may recall that we in this House were able to persuade the Government at a very late stage to include in the Bill the power that now exists for common frameworks that are agreed to be exempted from the market access principles.

That allows some possibility for accepting the basic principle that lies behind the common frameworks, which is the ability to diverge. Our amendment was all about the ability to diverge. The question is: given that that is the key to what we were trying to achieve through these amendments, how can we best take advantage of what we now have in the Act?

I would like to begin by asking William about this, because so much depends on how the matter is handled in Westminster. Ultimately, there has to be agreement, and agreement depends on everybody, including the Westminster Government. Given that one has that agreement, are you optimistic that we can now see these powers in the Act being exercised in favour of preserving the frameworks system, which, after all, is meant to be dynamic and look to the future as well as the present?

William Wragg: The short answer is yes. You are right to highlight Sections 10 and 18 of the Act, which allow for the agreed frameworks to be unaffected by any provisions elsewhere in the Act. Forgive me, Lord Hope, but are you asking what the practical advantages are of the different devolved Governments and Parliaments being able to take advantage? Is that what you are suggesting?

Lord Hope of Craighead: We have heard from Gillian about the Scottish Government's environmental concerns. She mentioned the very different position that Scotland, for geographical reasons, is in with regard to

climate, and so on and so forth. There are other reasons why the devolved Administrations would want to diverge. If it is a common frameworks system, it has to be done by agreement. My point, of course, is that if agreement is reached, the last thing I would want to see is it overridden by the internal market access principle. That wrecks the whole system. The question is: can it work, now that we have it in the Act?

William Wragg: I think it is. Gillian's example about the transport of animals from remote areas with different climatic conditions is absolutely part of it. If you will pardon the pun, it is horses for courses. It should have that flexibility, but it comes back to the fundamental issue, does it not, of the mutual trust that needs to be inculcated with all parties involved? Perfectly commonsensical examples such as the one Gillian raises should be able to be handled entirely within the flexibility that I mentioned in answer to the previous question.

Lord Hope of Craighead: Gillian, how do you see this issue?

Gillian Martin: First, I want to thank you for putting that amendment in. It is very welcome.

It is difficult to see how legislatures could take advantage of these powers. It will be intergovernmental. Where does the Scottish Parliament sit in this? Is it just a case of our scrutinising a Scottish Minister after those intergovernmental decisions have already been reached? Where are we in this process? As a convener of a committee, that is my concern. We hold the Scottish Government to account, but these negotiations are happening in an intergovernmental way. What is the timing of them? How can we take evidence to inform the discussions?

Governments change, and all the rest of it, and different political parties get in. I am not being party political, but if decisions on common frameworks are made in an intergovernmental way, and just presented to a committee to rubber-stamp, we are missing a big part of scrutiny. Everything that I have said has a big question mark at the end of it. As things are happening with the internal market Bill, or as we go forward with trade deals and things are being discussed in an intergovernmental way, where does Parliament sit in that?

Lord Hope of Craighead: I think you said that what we are looking for is a system that will be made to work in the interests of your Administration as well as everybody else. Co-operation and trust are key, are they not, as we look forward?

Gillian Martin: Yes, trust between Governments and working together to get the best for everybody are important, but, as you all know, scrutinising decisions is fundamental to democracy. That is my issue.

Lord Hope of Craighead: Thank you very much. David, what about you?

David Rees: It is a very interesting point. Section 10, if I understand it, means that it can be utilised only once an agreement has been reached and there is consensus. That is what the Act says.

I fully accept that exception, and I think William highlighted this. It is a matter of mutual trust, to an extent, but there are some deep worries over whether that trust exists. There is a possibility of a negotiating kingpin in the UK Government saying, "Well, if we don't agree with this, we can still do it anyway because we have the power to do it. Either you agree with us or we'll do it anyway". That is not a very good negotiating position to go into with other nations.

The mutual trust question comes through. That mutual trust needs to be built up, and at this moment in time it is not there, I am sorry to say. It is not a question of party politics. It is a question of devolved nations being treated equally with others. I do not think that has got through yet. There are still concerns with it. I am very appreciative of the amendment that you made in that Bill. I would have loved to see more of your amendments accepted in the House of Commons giving strong protection for the devolved nations. That did not happen. It is still possible for the UK Government, acting as the Government of England, to be able to bias it by simply saying, "We don't agree with that, but if we want to do it we will do it anyway, because we have the power".

Lord Hope of Craighead: William, I recognise exactly what David has been saying. A huge amount depends on how Westminster views the devolution settlements. There is a feeling that a lot of people in Westminster do not really understand devolution, and possibly do not even respect it. Am I being too pessimistic? Do you understand devolution?

William Wragg: Do I understand devolution? That is a very big question, is it not? It is whether devolution is seen as a destination or a process. You could have endless sessions on the nature of devolution and the perceptions about it among not only my colleagues but people in different parts of those devolved nations.

It is a huge question. I approach it by asking: is there such a thing as a devolution settlement? Is it settled? I would contend that no, it is not, because for those who wish to see independence for their respective nations, devolution seems to me to be a means to an end in some way rather than a means of necessarily keeping the United Kingdom intact. It is a perfectly respectable view to have; it is just not one that I agree with. Lack of familiarity can breed distrust, can it not, rather than innate hostility? If anything, it is probably the former rather than the latter.

The Chair: That leads us quite nicely into the next set of questions, and issues of trust and scrutiny. Baroness Randerson, would you take over?

Q84 **Baroness Randerson:** We have concentrated so far on the common frameworks themselves, the lack of information on them, and on government approaches. Gillian referred to the key issue of scrutiny. We

are now turning to the processes within your Parliament. Will you describe the processes for scrutinising common frameworks in your committees, and in the Parliament as a whole? If it is just in your committee, it can be a lot of information within a small body of people without being influential. It is how you disseminate that within the Parliament as a whole. For example, do you talk to the stakeholders who were referred to earlier?

David talked about problems over the election period, but do you think the proposed timetable for parliamentary scrutiny would in normal times be adequate? I suggest that we start with David, and then move on to Gillian and William.

David Rees: As a committee, we set out a scrutiny process back in December 2019, because we looked at this back then. It best illustrates the ideal scenario from our perspective.

There is an issue with reducing timescales associated with the development of the frameworks for 2020. Timescales are a big concern. The Welsh Government gave a commitment not to finally agree any frameworks until Senedd scrutiny was completed. They gave us the flexibility on time, in one sense, to undertake our scrutiny.

As a committee we do not do every framework. Our policy committees undertake frameworks within their own areas, but we take on some of those frameworks in areas where policy committees do not find sufficient time to do that scrutiny, or perhaps where it is an area that covers more than one committee. We oversee what goes on.

What has become clear is that that scrutiny is needed, and we need to test the frameworks. It is a question of EU retained law. We start looking at the EU retained law and the implications for devolution, and the way the common framework changes things. We perhaps could not deal with things such as correcting statutory instruments, so that is an important aspect. We keep an eye on everything going on. We want to watch it. We have a co-ordinating role. We look at the bigger picture aspects.

You highlighted my answer earlier about the scrutiny of frameworks while there is an election period, and while there is a period in which the new institutions form a Government and form committees, which will be crucial. We are back to this timescale agenda again and the reducing timescale we are facing. I am deeply concerned about that timescale factor. We spent two years-plus looking at common frameworks. We ended up publishing some just as we got an agreement with the EU, and we had to scrutinise them.

There is a long way to go yet, and I am deeply worried that we will not be able to do our job sufficiently if we do not have all the details, all the information, and the engagement of stakeholders. Again, it is open to engagement of stakeholders. We need that time to undertake that scrutiny, because we want to be able to talk about it. We have written to a wide range of stakeholders in relation to one that we are currently looking at on food and feed safety and hygiene. We started that just

before Christmas, and we are coming to a point where we are coming to the end of our fifth Senedd in six or seven weeks, so it is a matter of time, and we are deeply worried about that.

Gillian Martin: I will explain first how we would scrutinise the frameworks. Effectively, they would go to the committees that the frameworks apply to in policy terms. Anything involving the environment, or anything to do with emissions or climate change—I do not think that land reform comes into this—would sit with my committee.

I do not know about frameworks so much, but certainly Scottish statutory instruments would first go through the delegated powers committee, to check whether there were any issues about how they affect the devolution settlement and delegated powers, and it would report to us to flag up any issues.

David talked about what happens in the Welsh Parliament. We have a committee set up to scrutinise these frameworks as a whole. The Scottish Parliament might want to have a look at that. I do not know how that would work.

For the moment, any common framework that involves environment policy decisions will come to my committee. Effectively, we would have a short inquiry on it. We would take evidence from stakeholders. We would try to have early engagement with the Scottish Government. At the moment we are discussing the timeframes for that. As I said, it is very important that we are having these discussions with the Scottish Government early, to inform their negotiations and their involvement in the government negotiations.

It is still being talked about, because certainly if it is anything like the statutory instruments coming from the UK Government in the last two years to be agreed by the Scottish Parliament, there were real issues with the time we had to scrutinise them. In some cases, they were agreed to before they actually came in front of us, which was a real issue. I would not like to see that happen with common frameworks.

Of course, we also have an election. My committee will be winding up. We think that in effect there will have to be acceptance of the fact that certain Parliaments will not be able to scrutinise common frameworks at the same time as one another, and that will have to be respected, because if it is not respected we will not have an input into those decisions as a Parliament. That is all I would say on that.

Baroness Randerson: Thank you very much indeed. William, I think you can trust us to know how we do it in the House of Lords. How is it done in the House of Commons?

William Wragg: You will have seen from our correspondence that we have said that there are 21 sitting days for which we as a Select Committee can scrutinise common frameworks that are relevant to us. As I mentioned earlier, it is the public procurement common framework.

However, you will have seen from our correspondence of January, which is yet to be answered by Ministers, that we reserve the right to extend that scrutiny beyond 21 days if required. We justified that on the basis that we were told that the frameworks have been in operation since the end of the transition period, and that the time limits suggested by the Government for parliamentary scrutiny could no longer apply. We have asserted ourselves in that way, but of course we have seen only the draft common framework so far.

I am very much hoping to draw upon the experience of others and how they have gone about scrutiny. As I say, only three of the common frameworks have been through that process with their respective Select Committees.

Stakeholders again have been mentioned. Referring back to a previous answer, I would be keen to get hold of a list of the stakeholders who were consulted as part of the development of the common framework, and then to know in particular which ones were not, to try to bring in a mix of both, or an example from each set to aid our scrutiny process.

Baroness Randerson: That sounds interesting. Thank you very much indeed.

Q85 **Lord Thomas of Cwmgiedd:** May I first say good morning to you all? Secondly, may I ask you two questions? The first may be quite difficult to answer, bearing in mind the stage we have got to, and your answers may be brief.

How will you seek to get your Governments to accept your recommendations and ensure that they are not ignored? May I begin with you, Gillian?

Gillian Martin: The first question is easy to answer. We are quite good as a committee at getting our Government to respond to our recommendations in a positive way. We hold them to account. We were very successful in the past. I am saying that with a smile on my face. It often does not make people my friends, but we are a tough committee and we challenge the Government, and we are successful in getting shifts from them and positive responses to our reports.

The other thing is more difficult. Decisions have been made in the UK Government that affect the portfolio that we scrutinise, and it has been very difficult to get a UK Government Minister to come and speak to us. The last Environment Minister we got to speak to us was Michael Gove, and that must have been in about 2017. That was at a very early stage when there was not much detail on any of this. As I say, there is still not a lot of detail. We have had more engagement with the House of Lords than we have with UK Government Ministers.

How do we ensure that our views and recommendations are respected in these negotiations between the Governments? It is partly by cross-parliamentary working. It seems to me that the three of us are saying very similar things about the issues with these frameworks, so more co-

operation and more joint working might be the way to do that. It is very healthy. I have had several conversations with committee Chairs in the House of Lords, who just picked up the phone to me and said, "What's the score here? What's happening?" That back-channel information and knowledge sharing is really helpful in scrutiny. It is not really the way it should be done, but we all know that it is better to have conversations.

Lord Thomas of Cwmgiedd: It works. David, may I ask you the same question?

David Rees: I apologise. I lost my broadband connection so I did not hear much of what Gillian said. I probably would agree with most of what she said anyway.

In relation to how we hold Ministers to account, clearly Ministers can make decisions upon our recommendations or not—that is their prerogative—but we hold them to account and ensure that we have responses from them. We also query them on responses if we disagree with those responses. Any committee would be doing that.

I would like to see, in a greater ability to hold people to account, a greater parliamentary relationship on scrutiny. If we can get the four legislatures together to perform scrutiny, it gives us greater power in holding Governments to account—all the Governments. While we may be specifically holding the Welsh Government to account, and Gillian will be holding the Scottish Government to account, the ability of interparliamentary scrutiny will mean that we get a more common view across these aspects.

If we engage similar stakeholders, we will probably get the same answers from them, but we might want to focus and expand on our own areas and consult stakeholders on issues related to Wales for Welsh Ministers. You will definitely see the commonality and common ground coming through, which is important. They are common frameworks and there is common ground that we all want, so why can we not have that common scrutiny to show whether we are consistent, and then we can focus specifically in our own legislatures on the particular issues relating to Wales, Scotland, Northern Ireland and England?

Lord Thomas of Cwmgiedd: William, do you have a view?

William Wragg: It is persistence, really. It is the measure of persuasion or belligerence, is it not, if you get engagement with Ministers to ensure that they take your view seriously?

I neglected to mention the work of the Liaison Committee of the House of Commons, ably chaired by my predecessor in this role, Sir Bernard Jenkin, and the deep interest that he takes in this area. It is very useful having that co-ordination with the Liaison Committee of the different Chairs of Select Committees. Given that the Chair of the Liaison Committee has such a strong interest in common frameworks, it gives power to our individual elbows, I suppose.

David Rees: May I add one thing to that, please?

Lord Thomas of Cwmgiedd: Of course.

David Rees: Sir Bernard was the Chair of PACAC in the previous Parliament, but he attended the interparliamentary forum as well. That understanding of devolved issues in that interparliamentary forum showed how the different Parliaments can get together and actually do some work. There is more that we need to do.

Q86 **Lord Thomas of Cwmgiedd:** May I ask a second and slightly different question? During the course of the morning, we have discussed matters such as concerns about the chemicals framework and the emissions trading schemes framework. We have heard from others concerns about the frameworks on agriculture subsidies, bearing in mind the importance of that certainly in Scotland, Wales and in England. The procurement framework and procurement legislation are coming up.

Taking any examples that you like, are there particular frameworks that are causing you concern, or do you not think that you have got far enough into the process yet to be able to answer that question? May I start with you, David?

David Rees: It is an easy answer. I do not think we have gone far enough into the process to answer that question yet.

Lord Thomas of Cwmgiedd: A very short answer, but one that in a way is quite troubling. Gillian.

Gillian Martin: Exactly the same. It is difficult to say where problems might lie if you do not know what has been progressed. You mention procurement, though. It is very interesting, because procurement is one of the levers that the Scottish Government and public sector might have to reduce our emissions and our waste. If there were things where we wanted to go harder and faster but we could not do so, that might impact on some of our other policy objectives.

I am not saying that it is a problem, because I do not know. Like David and the rest of you, we do not have the details. That is an area where you have different views on how to get to a certain destination policy-wise and that has been voted on in a devolved Parliament. If there are issues in the common frameworks that do not help that, you will not succeed in quite serious policy areas. From my perspective, the main thing at the moment is lowering our emissions in line with our targets for 2045.

Lord Thomas of Cwmgiedd: William, may I come finally to you on any concerns that you have about particular frameworks?

William Wragg: The procurement framework is of direct relevance to PACAC, in that it emanates from the Cabinet Office. You will have seen from our published correspondence with Ministers that we were told in December that we would be receiving the provisional framework in the

coming weeks. We have yet to do so, and until we do there is very little more that I can say.

Lord Thomas of Cwmgiedd: A matter that concerned us was its interrelationship with the promised Green or White Paper, or whatever colour it is, on broader procurement legislation.

William Wragg: Yes, indeed.

Lord Thomas of Cwmgiedd: Do you have any views on that?

William Wragg: I would need to see whichever paper it is, of whatever colour, to be able to comment on that. We are into the realms of speculation in both.

The Chair: We have touched on the question of interparliamentary scrutiny and the role of Parliaments. I would like to move to Lord Bruce to explore some of those questions now.

Q87 **Lord Bruce of Bennachie:** You have already identified the practical problem of elections in Scotland and Wales, and, indeed, Westminster is likely to be prorogued. Because of the lateness of the agreement with the EU, and because of the pandemic, the whole programme has slipped. I think we all recognise that we have to manage that through.

The second problem is: what is the process beyond that? In other words, when we get to the end of agreeing the frameworks, what scrutiny are your committees considering? Do you regard the common frameworks process as a dynamic or an event that will come to an end? It looks as if the UK Government might think of it as an event, and the devolved Parliaments and Administrations see it as an ongoing process and a set of principles that should characterise relations between the devolved Administrations and the UK. Have you given consideration to that in your committees? We will look at the devolved ones first, so may we start with David and then Gillian?

David Rees: As I said earlier, in 2019, we set out a framework process that could be applied. We do not see it as an event. In that document we called on the Welsh Government to publish a post-agreement implementation plan for each framework, lay a report before the Senedd at least annually that provides an assessment of the function of each framework, and liaise with the Assembly whenever changes have been made, or a dispute arises in relation to the implementation of the framework, or when formal dispute resolution mechanisms are triggered.

We see it not as an event but as a process and a continuation of a process. Therefore, scrutiny cannot stop once we have an agreed framework. It is important that we now put in place a process that covers both scrutiny of the provisional frameworks and works beyond that, because there could be changes or consequences.

You quite rightly pointed out that the internal market Act and the agreement have implications on the frameworks that have already been

published. We need to understand that as well. Every Act that comes through Parliament now and every international trade agreement could have implications for frameworks. I cannot see how it can be an event. It has to be an ongoing, evolving process, and working with other Parliaments will be part of that.

Lord Bruce of Bennachie: Gillian, what is your view?

Gillian Martin: It is very similar to David's. I was going to start with the final point that he made. It cannot be an event if there are implications for the frameworks as trade deals are reached. That question has not been answered. What will take priority? Trade deals will potentially impact on the terms of the frameworks, so there must be ongoing scrutiny of what that means for the frameworks and whether they are working.

We have a desire to scrutinise the frameworks as they are being developed, but I do not see there being a point where they are absolutely set in stone, because there are too many other moving parts. Our scrutiny must continue as those frameworks are worked within, to ensure that there are no unintended consequences, no other things happening, no other moving parts happening such as the terms of trade deals, such as the internal market.

What your committee did, and what you tried to get through in your amendments, pretty much agrees with that point. There has to be continual negotiation between the four Governments and parity. Our job as a committee is to scrutinise the continual decisions that might have an impact on the frameworks. They might have to be adjusted on an ongoing basis.

Lord Bruce of Bennachie: William, you have heard that both the devolved Parliaments take the view that this is a continuing process rather than an event. What is the take from your position in the Commons?

William Wragg: I would, to a large extent, agree with them. All I would say is that we would be waiting on events, and it would depend on how fundamental a change or significant an event was for us to assess its impact on the framework. I refer to how I described the frameworks earlier. The frameworks can have a certain give and take to them. I do not see them necessarily as a straitjacket or set in stone, forever permanent, but our additional scrutiny would depend upon the significance of any change that might have an effect on them.

Lord Bruce of Bennachie: There are vested interests for us as a committee. Our committee was set up to do this, and we have learned a lot in the process, but we were set up with a finite life. We are making a case on the basis of what you have all said—that this is a continuing process that needs to continue for our committee to be continued. Does our committee have value in doing that? Should co-ordination across the Parliaments of the relevant committees be taken forward within that

context?

Gillian Martin: Whatever works. I would like to see it continue. You are playing an important role. If we can continue engagement such as this or some other format, my committee would be happy to engage. It is really important that we do this. We want to get this right, and your committee is fundamental to that.

Lord Bruce of Bennachie: Thank you. That is very helpful.

David Rees: I totally agree. It is an easy one to answer. It is yes and yes to both questions. The only barriers are probably practical and political. I do not see why it cannot happen and why it should not happen.

Lord Bruce of Bennachie: William, does the House of Commons have any objection to that?

William Wragg: It is the height of impertinence for the House of Commons to question any committee of your Lordships' House. You have a valuable role to play, because you have been focused with great attention, and dare I say expertise, on this area, whereas—you may agree with me, Lord Bruce, from your time there—many of the committees of the House of Commons can find themselves bogged down in all kinds of things and not necessarily give the attention to some aspects that they ought to.

Lord Bruce of Bennachie: Thank you. Our Chair will be delighted to hear those comments.

The Chair: I am indeed, and I resisted the flattery. I will call our two final and very expert and experienced members to follow through on the intergovernmental relationship.

Q88 **Lord Murphy of Torfaen:** Thank you very much indeed. You have all in a sense touched on some of these, but perhaps you would bring them together in an answer.

How would you assess the current state of intergovernmental relations? In that context, what does the common frameworks programme say about the ability of the four Governments to work together? Perhaps I may start with the member for Aberavon, David.

David Rees: Thank you, Lord Murphy. It is always good to hear Aberavon mentioned in Lords committees.

In a recent committee meeting, one of our witnesses described the UK intergovernmental relationship as being in a state of suboptimal mutual hostility. That is a fair assessment, because we believe that the Welsh Government—and Gillian will probably say the same—have not been treated well in relation to the Brexit process in particular. It is about engagement. It is about understanding the responsibilities of Welsh and Scottish and Northern Irish Governments in relation to their competences

and their responsibilities under devolved settlements and how that can fit into any of those negotiations.

It is about the Senedd, in our case, also being treated with respect because we have sometimes seen LCMs give very little time for us to give due consideration to those important aspects. We need that time, and where we have been pushed and forced—"You have literally two days for an LCM, because the Bill is going through tomorrow"—that is not giving the respect to the institutions either. We understand that there have been good relationships between officials, but improvement is still required in the relationship between Governments. That needs to be taken very seriously.

We worry and concern ourselves about some of the Acts coming through. The internal market Act was a perfect example of where deep concern had been raised. It was the second time the Senedd did not give its consent, but the UK Government decided to ignore that view and go ahead with what they wanted to do anyway. We were not doing it simply to be political. We were doing it because we had deep concerns over the implications of the Bill for Wales and they were not being answered. The Lordships, in their amendments, tried to alleviate some of those concerns. Do not forget that we had an LCM, which probably came through simply as a result of the Lords. We had not had confirmation that the Lords amendment was being accepted. It is an Act that needs to be addressed.

There is work to be done in getting those relationships back to the level they were at 10 years ago. That is a crucial element of governance. For committees, we have to recognise that that is still a challenge as we go through and look carefully at the implications of what comes through to us.

Gillian Martin: Officially, as a committee convener, we do not have a position as such on the status between Governments. We agree that all the four Governments should be working together. There has to be parity and respect between Parliaments. David mentioned LCMs, which I alluded to earlier. Done deals coming to a committee are not the way you do parliamentary democracy. That erodes respect.

From a purely parliamentary and committee point of view, showing respect to each of the Parliaments, giving them the time to come to a decision, and then respecting that decision and working if that decision is different from what the UK Government want—doing a bit of negotiation on what the issues might be and coming to some kind of agreement—would be refreshing. That is all I will say on that.

Lots of nations have a federal system whereby all their internal governments work together on a common cause, and that works well. That is based on mutual respect and parity. I do not see that that parity has been exercised certainly since the Brexit result.

I am straying from my committee remit. I am trying to be very parliamentarian at the moment. I will not express a personal view.

William Wragg: Playing devil's advocate, if I may, and coming last in the discussion, I would question whether this has been about devolution in itself or just the inherent tensions between executive power and parliamentary scrutiny, because from time to time I might be able to express to my own Government many of the legitimate complaints that have been raised.

That approach is needed, but I always think that there is not necessarily blame on all sides. If I can sound a bit trite, if we are in need of some sort of family of nations counselling, there may sometimes be quite uncomfortable truths that we have to acknowledge within ourselves. As long as that can be done with a degree of parity, and parity has been mentioned, you can make progress—I am referring back to my opening remarks—but that requires the ability for people to work and get on with people of very different political persuasions and with very different views about the future of the United Kingdom.

Lord Murphy of Torfaen: Many thanks. That is very interesting indeed. Thank you three very much.

Q89 **Lord Foulkes of Cumnock:** May I say how interesting and very useful I have found all the evidence? All the comments and ideas that we have heard today have been really helpful and show the value of interparliamentary co-operation.

I want to pick up on two points. Gillian spoke about the parity of Governments and the parity of Parliaments. David very wisely raised the difficulty of the UK Government trying to represent both England and the United Kingdom and holding the ring as the Government of the United Kingdom. To some extent, that also applies to the UK Parliament, or at least particularly to the House of Commons.

How can the tension of the UK Government and Parliament representing both England and the UK be resolved? David, since you raised it initially, perhaps you could help us first.

David Rees: That is a very serious challenge for parliamentarians in the House of Commons representing English constituencies and for the UK Government.

I do not want to get embroiled in a constitutional agenda today, although there is obviously one down the line. We can still do things under current arrangements—all four Governments—as William mentioned: treat one another with respect and as equals. We very often get the impression—whether it is the correct impression or not—not by some of the statements but by the actions we see that that does not happen.

We need to have that agenda changed so that there is commonality and understanding, particularly in common frameworks issues. We are talking about a framework that applies to each nation, agreed by each nation, and each nation should be treated equally and the views of each nation

should be given respect by all others. That needs to be worked on. We want that to happen, but unfortunately it is not at this point in time.

It similarly applies to Parliaments. We are very fortunate, in a way. There is one committee in the House of Commons that is able to have joint meetings with a committee in the Senedd—the Welsh Affairs Committee. I do not think any other committee in the House of Commons has the power to have a joint committee meeting.

The House of Commons has to take the decision to push that agenda forward so that we can—in particular in areas such as this—do that common scrutiny. There has to be a willingness and an understanding among many parliamentarians in the House of Commons that this is a way in which devolved situations can be improved.

Lord Foulkes of Cumnock: Thanks, David. Gillian, as you know, I was an MSP as well as an MP, so I can see it to some extent from both sides. How can we get the message over to people in the UK Government and in the UK Parliament who do not necessarily see both sides?

Gillian Martin: I agree with everything that David says, and it echoes all the points I have made already about parity and respect.

My committee does not have a view on whether parliamentarians in England should be representing UK or England. But as a committee and as a Parliament, the respect for our role in decisions that affect us is fundamental. I keep coming back to things that we have to give to the Scottish Parliament committee because they have to nod things through, but we have no time for scrutiny, and we have no opportunity to make recommendations on them.

I am not a member of the Government, but at government level it is the same thing. I know that there were issues around the negotiations in the JMC throughout this period as well. There is nothing to be feared from giving the devolved nations that respect and parity. There are only things to be gained. If the common frameworks were to be brought through in the same way as the internal market Bill was, we are in big trouble. With the internal market Bill, it seemed to me that somebody somewhere thought, “This is a way to strengthen the four nations in some kind of union”. It would be ironic if that was the thing that weakened it.

Lord Foulkes of Cumnock: I have a question to William. As you know, from a parliamentary sense, a number of committees represent the devolved areas and look after English interests such as agriculture and a whole range like that. Do you think that whereas those committees, in parliamentary terms, can be seen to a greater extent as representing England, perhaps the House of Lords, our committee and other committees can have a more widespread oversight as far as the whole of the United Kingdom is concerned? Would that create problems?

William Wragg: That is a huge question, because it brings to my mind a proposal that I had seen that the House of Lords should be a UK-wide

elected body, and far be it for me to bring up House of Lords reform before your Lordships. That would sour the end of our meeting today.

The issue that we have is that we do not have a federal structure. We are not a federal country. I will not express a personal view on that. I am trying to keep my committee Chair hat on, if I may. We will always therefore have a tension. How is that tension ameliorated and lessened? That is on the practical working relationships. We may touch on the Dunlop review, but I am not sure. We in the UK Parliament hope to have a joint session with members of the Select Committees that represent devolved areas. We hope to have a joint session of representatives from my committee and three other committees, and the Chancellor of the Duchy of Lancaster, when that document is finally published.

Lord Foulkes of Cumnock: If it is published.

William Wragg: Indeed. I am not sure whether there will be any further questions on that.

From a personal perspective as a Member of Parliament representing an English constituency in Greater Manchester in the north-west, this goes to a sense of one's identity. It is a very visceral thing, I suppose. If you asked me what my nationality is, I would say that I am British, and that I am British before I am English. This whole question of English Members of the UK Parliament and the UK Government speaking on behalf of England is the unanswered part of the puzzle, which, for better or worse, was set by the devolution process. We are a long way from resolving that situation is all I can say.

Lord Foulkes of Cumnock: Thank you very much, all three of you. That has been really interesting and helpful.

The Chair: May I echo that? You will have heard and seen from our responses to your questions how incredibly helpful we have found them.

I am very taken with the notion of the frameworks being a Higgs boson particle. We all know how elusive but also how incredibly critical Higgs boson is. I am very happy to hold that illusion for some time. What you have said about the lack of transparency, and therefore the lack of trust, and therefore the lack of efficacy, is very important, and that was only one set of our questions that you answered.

The other questions that you dealt with so thoughtfully and insightfully enabled us to understand the depth of frustration and potential in the devolved Administrations around the frameworks, and the absolutely critical development of a robust and flexible internal market—and therefore the relationship between the frameworks and national legislation—not least anticipating the procurement legislation. That is incredibly important for us to understand and to be able to anticipate some of the reaction and some of the ways in which we can, I hope, continue by articulating, reflecting and supporting you as part of the United Kingdom.

I thank you for what you said about the importance of parliamentary scrutiny and the role of this committee. We have fallen into the role of having these discourses with you and relaying them across both Houses of Parliament and wider. Thank you very much, William, for your frankness and what you are doing in the Commons. You raised some very large, fundamental questions about relationships and the way forward. I must say that it has been an exceptionally good session, and I really do thank you on behalf of the committee.