



Procedure Committee

Oral evidence: European Scrutiny in the House of Commons, HC 1148

Wednesday 12 March 2014

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Written evidence from witnesses:

- Kelvin Hopkins MP
- Gavin Shuker MP

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Members present: Mr Charles Walker (Chair); Jenny Chapman; Nic Dakin; Yvonne Fovargue; Sir Roger Gale; John Hemming; Martin Vickers

Questions 1-20

Witnesses: **Kelvin Hopkins**, Member of Parliament for Luton North, and Gavin Shuker, Member of Parliament for Luton South gave evidence.

Q1 Mr Charles Walker (Chair): Thank you for coming here. As keen students of European scrutiny, we thought we would ask you some searching questions, looking for direct answers. Please be as true and honest as you can be.

First of all, there are some question marks over the effectiveness of European scrutiny. I am going to ask you a simple question: do enough people in the House of Commons care about European scrutiny? It takes time; it is laborious; it could even be argued that it is boring. Is there a real problem here?

Kelvin Hopkins: I have to say I find it fascinating but then I am one of the minority who do. No, clearly not enough Members take part in debates on the Floor, and not enough Members, even when they are on a Standing Committee, speak or ask questions. I personally try to make them credible by always asking questions, always speaking when I am on Committees, and I try to attend all the European debates to help to give them credibility. But clearly not enough people take a serious interest in these serious European matters.

Gavin Shuker: I think that is completely right. I also think there is a lack of understanding of the European process more broadly among Members. I speak as a Member of Parliament, of course. One of the issues, particularly perhaps when we talk about European Scrutiny in the House, is that there is a lack of knowledge of the transmission belt that seeks both views and scrutiny here and then the relocation of that back into the European process. Quite often given the mechanisms we have in place, most people don't really understand what is going to happen at the end of that process. Normally things go through fairly uncontested and, unless they are contested, I don't think people put an awful lot of time into their own preparation to undertake European scrutiny.

Q2 Sir Roger Gale: Given the amount of European legislation that goes through this House, given the impact that it can have on ordinary everyday life and the impact that it has on United Kingdom legislation, as a Chairman of Committees I know from instruments that I have sat on that a lot of it goes through on the nod in about 30 seconds. There are major debates on the Floor of the House that, as you say, are very badly attended. Are you satisfied that the subjects for debate on the Floor of the House are chosen in the right way or is there a better way of doing it?

Kelvin Hopkins: I am a member of the European Scrutiny Committee and have been for the last six or seven years. I think the members of that Committee do a very good job and our successive Chairs have been very diligent in doing what needs to be done. I don't think there is so much a problem in referring issues for debate. It is what happens after that. Sometimes the Government machinery is dilatory in granting time and sometimes not many Members turn out for the debates. They are often at difficult times when not so many Members are about. I think the European Scrutiny Committee members do a good job and in particular the staff who advise us are absolutely first class and that is the core value we have in the current system. The Clerk advisers, individually and collectively, are superb and do a wonderful job and the papers they prepare for us every week are absolutely first class. The delivery of issues, if one likes, is not the problem, it is what is then done with them by the House, by Committees or by Government.

Q3 Sir Roger Gale: I am sorry, I obviously did not entirely hit the right nail on the head. I am implying no criticism at all of the work of the European Scrutiny Committee, which irrespective of the party in power I think has been very thorough, and I am certainly not implying any criticism of the House staff who do a magnificent job. The difficulty, given the volume of legislation that is coming through, is selecting the

maximum of a dozen items for exposure on the Floor of the House. Are you satisfied that that ends up with the right dozen or should there be a way of encouraging more people to take more interest in things that really do matter?

Kelvin Hopkins: I think we get good advice. A lot of the issues that come before us are innocuous and not contentious so they are nodded through and the Government can then go and vote the way it chooses in the various European Councils. Our staff are very good at advising us on where we ought to take a particular interest and on which things ought to be referred. Sometimes we, as members, override the staff and say, "You have suggested we ought to agree this but we think it needs a debate, it needs an airing". On occasions we override and they are very happy about that and it is our responsibility to do that.

For those of you who have not seen how it operates, we get 30 or so documents a week, which have a very well-written summary. The European documentation is often not well written but the summaries by our staff are always brilliantly written. Recommendations for debate or for clearing are nodded through fairly quickly because 90% of them are pretty innocuous and are not going to excite anyone and we would all be in agreement about them. In spite of the volume, I think we do make the right recommendations on behalf of the House.

Q4 Chair: Your committee has produced a report, or Bill Cash has produced a report, recommending changes. Why, if the system is working, do you want to make these changes?

Kelvin Hopkins: For example, the procedure at the Standing Committees is good but the problem is the attendance of Members. When I was first in this House 17 years ago we had permanent membership of the European Standing Committees and I was a member of a Standing Committee for all those years. Then the previous Government decided to make membership ad hoc, rather like SI Committees, and people were just put on them, so they clearly would not take so much interest as the permanent members did. I think that is where it fell down. We have argued very strongly for Committees to be established again with permanent membership.

The second thing we have recommended, which I think is very important, is to have a similar procedure as on the Floor of the House where you have a statement by the Minister, then a series of questions, and then a debate. We find that is a much better way of teasing out issues and holding the Government to account more effectively.

Q5 Jenny Chapman: How many Members would you need to be permanent members of committees? The notes that the Clerk has brilliantly prepared for us suggest that as many as 60 Members might have to be involved if you had different Committees to look at different matters.

Kelvin Hopkins: When I first arrived in Parliament 17 years ago there were two Committees and I think we had 14, maybe 16 Members on each, but with three obviously one would need more. If they were good at turning up I think we could get away with a dozen Members on each Committee, three Committees of a dozen. Ideally we would want a few more in case there were absentees and to make sure there was a credible number of people turning up.

Q6 Jenny Chapman: Do you think there is sufficient appetite among Members to do that? I suppose you think there ought to be but do you think there really is?

Kelvin Hopkins: I have to say, Mr Walker, that things have changed. When I was first in the House—and I think Sir Roger was before me—getting on to a Select Committee, getting on to a Standing Committee was regarded as a privilege and something we all fought for. What happens now is I understand that both sides have difficulties finding enough people to go on Select Committees. Some of us sit on more than one Select Committee as a result. Things have changed. I don't know why. I was always an enthusiast for Select Committee work and for Standing Committee work but it is not for everyone. Changing that culture and attitude towards Select Committee membership is a bit of a problem, I think.

Gavin Shuker: Might I go back to Sir Roger's question. He asked about the 12 or so occasions a year when this business is debated on the Floor of the House. Speaking as someone whose primary engagement in this process is as a shadow Front-Bench spokesman, so I will do preparation before a European Committee, and who considers himself a Eurorealist, broadly pro-European, I would not feel particularly predisposed to engaging with this stuff on the Floor of the House because it seems to me to be characterised by people that have very strong opinions about Europe. They may transpose that on to the issue that is being discussed but primarily it is another opportunity to engage in that debate. That may be right or wrong, and I am sure your Committee will look at it.

In terms of the business that is chosen by the European Committee to come to us, one issue is that I always feel uncertain or unclear as to whether my job is as the prosecution of the Government in that environment or as a prosecution witness or someone helping to tease

out the issue. The nature of it is obviously a Committee has chosen the business that is going to be looked at, the Government answers questions, gives a response. I get the chance to do a speech, which is probably reasonably interesting and draws out some aspects of the document. But am I fundamentally there to provide the grit in the oyster or am I someone who is part of a Committee, and realistically does that mean I am going to do these every four or six months and in turn that the level of preparation required is not the same as that required for the European Committee? For me that is the current fundamental weakness of the system, because if you want the resources of opposition to step in and to provide strong and robust challenge, there has to be a sense in which we know what our role is to do that. I think at the moment the issue is muddled.

Q7 Chair: How about instead of having two or three permanent Committees, we had a number of Committees meeting less frequently but more closely aligned to their Select Committees, for example? Would that work, so the burden of work was not so onerous and the expertise on these Committees, say seven or eight, was more concentrated around particular areas of interest?

Kelvin Hopkins: One of the things we have suggested is that the relevant Select Committees ought to do more European work and some issues ought to be discussed more fully at those Committees. That is one possibility.

I think having more Committees would be a problem because of the issue of turning up. We all know our diaries are always very full and one can quite easily have two or three Committees in a day if you are a Back Bencher. It is not unusual. The idea of more Committees may not be the best. The three Standing Committees do have different subject groups, so there is a degree of specialisation on those Committees at the moment. Of course, we are not all experts on all subjects, although to make sure that the issues are properly aired in the Standing Committee, I sometimes make myself an expert, at least for a short period. But sometimes I talk about things that I am not very familiar with, I have to say.

Q8 Chair: Would you envisage—and colleagues please come in—contested elections for elected positions to these European Committees? Bearing in mind that there is not a long queue of people already forming to serve on them, and we don't have many dealings with those who are aggrieved through not serving on them, do you think that we could have elections that would not be contested, which means there would not be

enough candidates, and in the end the whips would just have to appoint reluctant, pressed colleagues?

Kelvin Hopkins: I think we have been through a process for 17 years. As I say, when I first arrived in 1997, the whips controlled membership of Select Committees and they effectively had strong control over the selection of the Chairs. I spent five years trying to become a member of a Select Committee and I applied for just about every vacancy that came up. I had no response from the whips at all. Then Robin Cook brought in some reforms that made the whips, in our party anyway, slightly more democratic, not very much more but slightly more democratic. In the first week of that change, I obtained membership of the Public Administration Select Committee, of which I am still a member years later.

Then after the Wright reforms and the new culture in which Back Benchers have more power, more influence, the Backbench Committee and so on, we became more democratic. Now we have got to a situation where getting people to stand for Committees is very hard. Committee Chairs are elected and they are not difficult to find, because it is obviously a privilege and so on, but having elections for membership of Committees when nobody wants to stand is rather difficult. These days, persuading people to do a job and seeing it as a responsibility and an interest as well—and we all have interests in politics—means it is just a question of approaching people and persuading them to stand. Certainly I do that from time to time because we get vacancies on Select Committees that are not filled for long periods.

Gavin Shuker: I think it is possible you could end up with contested elections. The report refers to this. As Committee A, B or C, the primary reason why you might be interested in that Committee is the European part of it. If there were subject-focused areas, such as international, which might consider defence, DFID, FCO and other issues, or domestic or environmental or otherwise, you might end up in a situation where you would have people contesting membership because they are interested in the subject. For me, I think Euroscepticism can be the gateway drug into this scrutiny process in terms of how people wish to engage, which is a perfectly acceptable reason. But I think that would be some of the reason why I would struggle to imagine that the people standing would be anything other than those who had a primary interest in Europe and not in the subject.

Q9 Chair: We have had debates in this Committee about electing Chairs of European Committees and some are of the view that the great thing about a Chair from the Chairmen's Panel is their impartiality. Would you

argue that having elected Chairs would provide some drive and impetus to the work of these Committees?

Kelvin Hopkins: Yes. I think selecting from the Chairmen's Panel for Bill Committees and SIs is one thing, but having elected Chairs for long-term political Committees would be a very good thing. The alternative of having either rotating Chairs or party appointments through the whips would much less desirable, so I think elections are a good thing.

Chair: I am of the view that all Chairs of Select Committees—yours is an interesting one—should certainly be elected and it depends in which category these European Committees would fall, and whether they would almost be de facto Select Committees. I suppose if they were elected, an argument could be made that they are de facto Select Committees and that would pave the way for elected Chairs. If they remain almost in the form of Public Bill Committees, that would be more difficult.

Q10 Jenny Chapman: In evidence, the Chair of the Committee said that he thought that having the Chair elected would undermine the highly prized impartiality of the Chair. I don't understand what he meant but you know him better than me. Do you understand what he was getting at and do you agree with him?

Kelvin Hopkins: All our Chairs are not quite impartial because when a Government is in office, Chairs are allocated to political parties and most go to the Government party, so in a sense they are not impartial. A minority of Chairs are reserved for the Opposition in particular, like Public Accounts for example. The Chair is always very fair, very impartial in one sense, but they are party political. The Chair of our Select Committee, Bernard Jenkin, excellent Chair, does a very good job, but he is a Conservative with a particular view. Before that it was Tony Wright, who was Labour with a particular view, and both excellent Chairs.

Q11 Chair: We are pressed for time and you are pressed for time. Gavin, I want to ask you a question. Do you think the right European matters are currently reaching the Floor of the House to be debated or do you think there is room for improvement on what actually reaches the Floor for full debate of the main Chamber?

Gavin Shuker: My initial response is the issues that reach the Floor of the House are probably some of the most important by the measure the current Standing Committee looks at them, so politically important otherwise. They can also be quite incomprehensible or more tightly focused than the level at which a generalist MP would want to engage.

The contrast of that and the paradox is when you get into the kind of Committees that I would take business through, they can be pretty general. I think my first Committee was on fluorinated gases in fridges. Again, broadly uncontentious, but some of the business that I have considered recently has included post-2015 DFID and the role of women and girls. Europe takes a real lead on that issue and a lot of Members would be engaged by that, even if it were politically less contentious. I would propose more balance, a mix of quite specialist and quite general issues.

Q12 Chair: You do not think that mix is achieved as it currently stands?

Gavin Shuker: No, I don't. In practice I certainly feel that the issues are too specific on the Floor of the House—quite an admission—for a generalist MP to step in and want to really engage.

Q13 Chair: Kelvin, would you share that view?

Kelvin Hopkins: Yes. We don't hold anything back. If anything, we want more to be debated in Select and Standing Committees and more to be debated on the Floor of the House. Certain big issues like the annual budget and anything to do with major economic issues come to the Floor of the House or to a Standing Committee. We don't hold anything back and there are some issues that may appear to be esoteric but they are actually very important. Equally, of course, there are some issues that are very important but we know everybody agrees, so there is no problem, no problem between the parties, no problem between the member states. We are all at one, so we think there is no real point in debating something on which we know everyone agrees. Matters for debate are those where there is contention, and it might be some esoteric thing like space policy, for example.

Q14 Chair: We are making cracking progress with two excellent witnesses, so I want to ask you the killer question. Everybody has a lot of demands on their time in this place and we find every reason in the book not to focus on legislation, be it domestic or European. We always have other important things to be doing, beyond appearing on television, which we all seem to like to do. How are we going to make a fairly specialist, dark but important corner of the legislative process interesting enough for Members? How are we going to do it? How are we going to make it interesting enough for Members to say, "I want to be on that Committee. I want to be standing shoulder to shoulder with Kelvin Hopkins and Gavin

Shuker because this is how I can make a name for myself"? How are we going to do it?

Kelvin Hopkins: Our parties have somehow to persuade Members that they have to take a share of the responsibility for staffing Committees, not just SIs where we go along and vote the ticket. It is kind of an expectation of Back Bench life that we sit on Committees and do a job on Committees, and we can choose them according to our own interests. I would never sit on a Committee to do with law because I am not a lawyer and I know nothing about law, but if it was to do with the economy, I would jump at it. Everybody has different interests. If it was put to new Members that, "It is expected that you should be on Committees. What would you like to do?" I think that would be about the best we could manage. Alternatively, it is a question of whips appointing people and whipping them, which I don't think would work very well. We would all finish up like SIs at 8.55am on Thursday mornings when we are slightly sleepy and thinking about going back to Manchester or wherever our constituency is.

Gavin Shuker: I do not determine what business I do within the European Committee. A card arrives for me through the post. I will go off and learn about a very obscure area of policy and then I will turn up to the room and do my best to try to hold the Government to account. The difference and the contrast with a Select Committee, where you are with a group of people who are looking at a like-minded topic, where you are able to go and proactively look at areas you wish to, is quite stark. I do think that probably provides a better model for reform.

Q15 Chair: What we could do, as Kelvin said, is not a plethora of Committees but more specialisation, so that colleagues felt that they were bringing a set of skills already established to that debate and discussion. Am I getting nearer the mark?

Kelvin Hopkins: Yes. I think we are talking about fixed membership of the Standing Committees. If they were fixed membership, you could say to new Members that they could choose within a range, either a Select Committee or a Standing Committee or perhaps more than one.

Q16 Chair: You could have three that are specialising in domestic policy, some other policy and international policy. That is very interesting.

Having chaired these Committees myself, do they always meet in committee room 14? I always seem to end up in a large committee room.

Kelvin Hopkins: No, 10, 11 or 12. Those are the rooms for three Standing Committees.

Gavin Shuker: It reflects your seniority I suspect.

Q17 Chair: Why have I ended up in Committee room 14? Maybe I have got confused with another one but I know it was a European Committee. Do you think the setting is right?

Kelvin Hopkins: I find it very agreeable, personally. I probably have the world record of attending these because I have been going to 10 or 12 sittings a year for the last 17 years. Maybe I am unusual in that respect, but I enjoy them and I like the style. It is the style of the Floor of the House where you can intervene on speeches, you can speak, you are not restricted, there is plenty of time, and I think they work very well. In fact, it is a harder job for a Minister to work in the European Standing Committees because they have to answer questions for up to an hour, which can be extended at the Chair's discretion.

Q18 Chair: Sorry, it was my mistake. Committee room 10 is where I have ended up most times. It is rather cavernous, I feel, and the Members attending can be lost. Kelvin, I have seen you sometimes way at the back of the room with empty spaces in front of you. I just wonder if the environment is right to encourage debate, but you seem to think it is.

The final point is, should we have a special question session on the Floor of the House? I think that is something that has been proposed.

Kelvin Hopkins: This has been proposed. There used to be European questions and going back to that is one possibility. I think most Ministers would find that fairly easy to deal with. Adopting the European Standing Committee procedure on the Floor of the House, where the Minister has to answer a series of questions, which might go on for half an hour, on the subject would be very testing and trying for a Minister, but they would have to be well prepared and we could really tease out issues. I don't know about other Members but when I ask a question in the Commons, you get your supplementary, but then you want to come back for a third time and you can't, whereas under this procedure you can.

Q19 Chair: That would be interesting in the Commons, wouldn't it? Gavin?

Gavin Shuker: On your question on the setting, it is probably the only area where I would disagree. It might be preference, but I think a more informal environment, more on the standard of a Select Committee, would be helpful, particularly for the opening part of that scrutiny. This would never happen in any Committee that I was on, but some Members who have found themselves told by the whips to turn up, take a look at the document and then try to pile in with some questions because that is what the setting expects—that you would perform or you would grandstand there. I don't think that is massively helpful. What you want to do is encourage people to think through what they want to ask before they get there, perhaps with some help from the Clerks as well, as we do on the Select Committees. I think that would be genuinely very helpful.

Q20 Chair: Is there any merit—well, there obviously is merit in your view because you recommended it—in all Members of the House being able to vote in European Committee? I think the structure you are looking at would probably militate against that.

Gavin Shuker: I have not given that any thought.

Kelvin Hopkins: At the moment, as you know, only those Members appointed to the Committee can vote in the Committee and I think the whips would be very uncomfortable about the idea of meetings being packed by lobbying groups, but of course any Member can come along and speak at a Committee. I think that is a very good system because sometimes, as a member of the European Scrutiny Committee, I have not been appointed, but because I have a particular interest, I can go along and make a short speech and be happy not to be able to vote.

Chair: I am not sure that many colleagues are made aware of their right to go and speak at European Committee. I think that should be more widely known, and I notice Yvonne is nodding agreement there.

Yvonne Fovargue: I went to the European Committee this morning on the CSDP, which is a really important debate, and there were three people present.

Chair: Gentlemen, staggeringly well delivered evidence. Thank you for your time, thank you for your patience, and may I wish you all the best for the rest of the day.