



Procedure Committee

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

Monday 24 March 2014

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Members present: Mr Charles Walker (Chair); Nic Dakin; Sir Roger Gale; Mr James Gray; Tom Greatrex; John Hemming; Mr David Nuttall; Jacob Rees-Mogg; Martin Vickers

Questions 21-40

Witnesses: Miss Anne McIntosh MP, Martin Horwood MP, and Penny Mordaunt MP, gave evidence.

Q21 Chair: Thank you very much for coming, colleagues. Sorry to keep you waiting for five minutes, a precious five minutes of your time. Right, scrutiny of EU matters, not ideal. Mr Cash has a number of recommendations before the House or before Government, before us, to improve it. Very briefly, can I ask the Chairman of the Environment, Food and Rural Affairs Committee what her views are?

Miss McIntosh: Chairman, I obviously have followed this fairly closely, having been an MEP and now being in this House. I had a little debate with one of my previous Clerks on the Committee; I believe, for example, that when you get a delegated instrument—a DL—coming before a Statutory Instrument Committee, Members of Parliament should have the right to amend the regulation, not just the motion. I know that in the European scrutiny report, which I think you are looking at, it does address this issue, but it comes down to the fact of whether you can amend the motion for resolution before a DL Committee. I would argue that colleagues will get much more inspired and take a closer interest if we are allowed to amend the delegated legislation.

I am also on the record as having, in this Parliament, chaired a number of European Committees by choice. I think it is confusing when you chair both European Committees and Statutory Instrument Committees; the procedures are very similar but confusing in certain respects. I believe that the conclusion the European Scrutiny Committee has reached is that we should go back to a system of having dedicated committees looking at the specific policies. The only area where I think I would part company from the conclusions of the European Scrutiny Committee, if I have understood them correctly, is that rather than have only permanent members sitting on any number of European Committees—I do not think I would call them European debate Committees; I do not

know what was wrong with European Standing Committees that we had before—there should also be the means for colleagues on departmental Select Committees who want to sit on specific Committees to do so. Where, for example in our case, an environmental, fisheries or agricultural matter was up for discussion, there should be an ad hoc arrangement whereby they can be added.

Martin Horwood: Where I would certainly agree with Anne is that I think there needs to be a greater role for members of departmental Select Committees. That is the most important single change to European scrutiny that we could carry out in this House. I have agreed with Bill Cash on this, which is not something I do terribly often on European issues, that having this entirely siloed, first of all, into a European Scrutiny Committee that is very expert but tends to look for the constitutional and, I guess, European political dimension in everything sometimes misses the departmental expertise that you can get on Select Committees. These are then referred to European Committees that people are, bluntly, rather dragooned into sitting on. They are often debating things that are months out of date, which is one of the most frustrating aspects of the whole process, and have very little input into what is ultimately decided. They are heavily whipped as well. It is not a very satisfactory process at the moment, and I do not think matters of quite significant importance get the scrutiny that they should get, but to focus entirely on the membership of European Committees is slightly missing the point. I think the bigger point is to change the whole process so that we have a way of getting European business in front of the major Select Committees and giving the more expert scrutiny of the policy that that should attract.

Penny Mordaunt: I think in practice the European Committees have worked well, in respect of getting people with particular expertise in the room. Having sat on the European Scrutiny Committee, if we wanted something to be referred to a European Committee, we would discuss who was best placed to go and represent our views there. Clearly, other people could come in and speak in the Committee as well. In practice, it worked quite well.

One of the greatest things that we could do that would promote engagement on European issues is have almost a bulletin that goes to colleagues outlining what are deemed to be the politically sensitive—as graded by the European Scrutiny Committee staff—issues, and a small section about it, but then also what practically can be done. As Martin points out, very often because of the timetable for a particular directive, there is very little that you can do to stop it, influence it, stick in any caveats, or raise any concerns. I am one of a number of Members of Parliament who pay for additional research support purely on European issues, and that is incredibly helpful. It is something that the House should be doing.

Again, for a lot of the issues that I certainly debated in Committee, had they gone to my Select Committee, I do not think that it would have been a good use of their time. I sat on Defence as well as European Scrutiny, and there would be no practical outcome; you could not change anything; you could not flag anything, or do anything other than raise concerns to no effect. I am not sure that that would be a productive route.

I also think that practically it has worked quite well. We have managed to get people with the right expertise who happened to be on the European Scrutiny Committee in the room. I think if we had a system where we had particular experts in space policy or whatever it is,

being a point man for a particular political party who contributes to a particular Committee session, you would not end up getting good scrutiny. You would get the Government's line, the Opposition's line, and nothing else added to it. The key to getting greater engagement and getting the right people to turn up to the Committees is having an information system, very much like our Whip system, that says, "This is a politically sensitive issue. This is what it means. This is how it can be affected by you as a Member of Parliament", and that gives you dates of Committees and debates on the Floor of the House. It is that kind of information that we just know people do not have time to go and dig out themselves.

Chair: John—I know you have to go in a minute—and then David.

Q22 John Hemming: I have seen various Delegated Legislation Committees where what was said in Committee affected reality, and things changed as a consequence. Are either of you aware of anything that has happened with a European document Committee where things have changed as a result of what people have said, or how they have voted in Committee?

Miss McIntosh: I do not think that is the purpose of the European document Committee.

Q23 John Hemming: What is the purpose?

Miss McIntosh: It is to look at the broader thrust of the framework directive, and at whether you want to change the nitty-gritty of how a directive will be applied, bearing in mind that it can be amended. A regulation has to be directly applied; a directive can be bent a little bit for national circumstances. That is why I think the delegated legislation is probably the weakness of the system at the moment. The fact that you can vote for or against the draft regulation, but are not allowed to amend it, yet the very people who are asked to look at it, who probably have some expertise in it, are only allowed to reject or accept the whole thing I think is where the weakness lies at the moment.

The other thing that I think the report on the European scrutiny system very pointedly brought out is that it is for the Government to decide if the debate is to be held on the Floor of the House. Well, how often do we have debates on the Floor of the House where those who are not serving or chairing the European Committees have the chance to contribute? Would it not be an idea to amend that, so that it could be for the European Scrutiny Committee rather than the business managers of the Government to decide?

Q24 Mr Nuttall: Can I just follow up on that point about the ability to amend regulations? I should make it clear that I have never served on one of these Committees, so you all know a great deal more about it than I do. You can draw your own conclusions as to why I have never been asked to serve on one. Is not one of the major problems with this whole area of EU regulations, directives, instructions that the House has the ability to add on and to embellish—gold plate I think is the phrase that is sometimes used—but does not have the ability to reduce? That is the problem. We can either transpose it as it is, or embellish it, but we cannot put on less than we are told.

Miss McIntosh: We seem to make a national industry out of taking a five-page EU framework directive and making it into a 20 or 60-page statutory instrument. This is where I think it might be helpful for you to take evidence from the Clerks of the House, because I simply do not understand why we are told that we can only amend the motion. Well, the motion is really the title. The title is that you either adopt or you reject the draft regulation that is before you. It just tells you all you need to know, the fact that all the EU material that any of us would wish to read that is relevant, telling us who is leading the debate in the European Parliament or in the Council—*Agence Europe*, *European Voice*, *European Report*—is all kept in the Library, which is currently at Derby Gate, moving to I know not where. If you as an individual Back-Bencher want to read this background material, you have to book it to have it brought over to the main building, or you have to go over to Derby Gate to read it. To me, if you are asking a parliamentarian of either House to sit in a Delegated Legislation Committee to look at the transposing statutory instrument giving teeth to the directive as to how it will apply in England, I cannot understand why we are not in a position to amend that regulation. That is a matter for the Clerks, because they are the people who say that we cannot amend the regulation, we can only amend the motion. I believe that that would give rise to a sea change over and above what we debate either on the Floor of the House or what we debate in the European Standing Committees. I think it is transposing these directives where historically and currently—I cannot think of any current examples but there will be some; fracking, for example. If we really want to scrutinise how decisions are taken on fracking, we should be taking evidence on the European strategic environmental assessment. That is something that I am sure a European Standing Committee should be looking at.

Q25 Sir Roger Gale: Penny Mordaunt made the point very fairly that most Members do not have—whether they could have is a moot point—the resource to examine vast quantities of legislation that emanates from Europe. Anne, you have indicated, as did David Nuttall, that a lot of this stuff starts as a five-page memorandum and ends up as a gold-plated 25-page book. I wonder whether you feel there is a way practically of getting back to the original directive, so that Members can see what is being bolted on by the United Kingdom Government, and whether or not we should seek to ensure that anything other than, if this is what we have to live with, the original thrust of the directive, the five pages rather than the 25 pages, should be both amendable and/or discardable.

Miss McIntosh: There probably is a way. I do not know that the present system permits it, but from memory, serving on the European Scrutiny Committee, you have sight of the explanatory memorandum—which is, I believe, undertaken by both the Home Department and the UK representation—that factors in all the work that has been done and all the consultations with industry that have been done. That, I believe, is presented to members of the European Scrutiny Committee for every single one of the 60 or however many documents you get on a weekly basis. I do believe that there should be more co-operation and more, if you like, formal collaboration between MPs and MEPs—the MEPs, obviously, are involved at a much earlier stage—at that stage. I think it is fair to say that the role of MPs at that stage is quite limited.

Stage 2, in which we are involved—this is where I think the particular weakness is at present—is where it is transposed through a statutory instrument. They come through in waves. You just need to look at the Order Paper for the week to see how many there are.

At that stage, we should have sight of the explanatory memorandum when that statutory instrument is before the Delegated Legislation Committee. I do believe that the only way to give the process teeth is to allow members of that Committee to amend the actual draft instrument that is before the Committee, not just to amend the motion that refers to it. I believe that that one change alone would radically alter the way that this House looks at and scrutinises EU legislation. Historically, it is where we have tended to add on all the extra criteria that makes this country and our businesses or our farmers less competitive and less productive.

Q26 Chair: Do you share that view, Martin?

Martin Horwood: I think there is a real point there. Many of us have drawn attention to the risks of gold plating and then expecting Ministers to go in to try to dismantle that gold plating at a later stage.

It is important to realise what the European scrutiny process is really about. Part of the scrutiny of legislation that originates with European directives is about British delegated legislation and how that is translating directives into British law. There are wider issues about whether or not Statutory Instrument Committees should be amending statutory instruments in general, not just on European issues.

There is also the first part of the process, which is the creation of the directive and the European regulation in the first place, and what role British Ministers and, indeed, I suppose, British Members of the European Parliament play in creating that legislation in the first place. That is something where the European Parliament has said it wants more involvement by national Parliaments—we now have the yellow card process and things like this—and where I think we fall down. We fall down partly because quite frequently we are told about the documents—for instance, the British response to a draft directive—after the Council of Ministers at which that directive has been considered, which is clearly nonsense. We are not really holding Ministers accountable for the positions they are taking. Arguably, we should not just be doing it before they take that position; we should be asking them to report back afterwards as well on what position they took in the Council and what the outcome of the Council was. That is not about the gold-plating angle because it is not about duplicating the work of the European Parliament in scrutinising the line-by-line detail of a particular directive, but it is about holding our own Ministers accountable for the positions they take. That seems to be something we do pretty poorly at the moment.

I have to slightly disagree with Penny on whether or not departmental Select Committees should take time over these things. If I could quote a Defence example, I remember debating in a European Committee the relative virtues of European involvement in Mali and the European military training mission that was being despatched to Mali, and the example that had been set by European military involvement in the Indian Ocean on piracy. Now, we were discussing that as much as anything in the context of whether this represented mission creep, and whether there was some sort of sinister European plot to extend the powers of Europe over military and defence matters, and I am sure David and I, had we both been on that Committee, would have had a lively discussion on whether or not it was a good thing. What we were not really getting was the expert input on the military aspect of it, and that, it seems to me, is what a departmental Select Committee

could have added. It is not just about the members of that Committee; it is also about the expert support—the Clerks, and the expert advisers that Select Committees have on defence matters. They might well have come up with issues of the military exposure, force protection issues and things like that in Mali that would never even have occurred to us as more generalist members of an ad hoc European Committee.

I think there is an argument for a more systematic way of involving the Select Committees, but the timeliness of it and having it at an early enough stage to influence the European legislative process itself seems to me really important.

Q27 Chair: Before I bring in James, Penny, I think Helen Goodman has suggested or recommended or would like to see more European Standing Committees with a permanent membership, but in a sense working in parallel with the Select Committees, so there would be some sort of overlap membership, potentially. Do you see that as an effective way of doing it, so you do not overburden, say, three European Committees with work; you would have a number?

Penny Mordaunt: Yes. I think the amount of resource that you should put into something should equate to what potentially you can get out from it. If the Clerks were here—whether it is about changing something or trying to beef up a process, so you are asking for more consultation before the Minister takes a view—what they will come back with quite frequently is reasons why that process or change cannot take place because of where this sits in the big picture, what other countries are doing, and what happens if we came back with this answer? It would not make a blind bit of difference. You end up with a huge amount of effort going in and absolutely no effect coming out.

In fact, when I have served on European Committees, I have made a point of counting the bods in the room who have particular expertise on the matter that we are talking about and have actually got it on the record. I think it works out quite well. It could be much, much better, and in part you could do that very simply by raising awareness of what was being discussed. You have, in effect, something very much like a Whips' bulletin about what is taking place, with some information about how you could influence the outcome. As I said, some of us supplement what we get by using pooled research to do that.

I think that what should drive any changes is the practical outcome that you are looking to get. Is it about being able to intervene earlier in the process? That is probably part of it, because on most of the occasions where the European Scrutiny Committee has objected to something strongly or felt that something peculiar had gone on, it is all too late to get a change and the consequences of having a change would end up yielding zero result at all back in Europe. I am all for having greater scrutiny, but if you are going to put any more resource into it, you are going to have to have a clearer idea, I think, of what you are looking to get out the other end.

Q28 Mr Gray: It seems to me that so far the three lines of argument being advanced by our three witnesses are not necessarily mutually exclusive or entirely different. Martin is, of course, quite right that we have no idea at all how these things have been created, and we have no influence over it, and by the time it gets to us and the European Scrutiny Committee or the SI Committee, it is far too late to do anything about it. That is a perfectly sensible

point, but it is a general sort of policy-creating point rather than a procedural point, if you like; a bit procedural, too. Anne's particular point about amending the actual instrument rather than merely the motion has merit, although I can imagine complications with it.

I am particularly struck by Penny's argument, which is to say—and here I am going to admit to something—in 17 years here, and I am no sluggard, I have never once read any European document of any kind whatsoever. I have never attended any Committees apart from those occasions on which I am paid to be in the Chair of them, when I am only dimly aware of what it is that they are discussing. I would say that I am probably fairly typical of most reasonably intelligent, well-advised Members of Parliament. These things are occurring. Most of us absolutely know nothing about it at all; no clue what is being discussed, nor why, nor how we can influence it or anything else. That seems to me to be a pointless exercise. Either we should be able to do something about it or we should not be doing it at all. Therefore, I am particularly struck by Penny's argument. If I had a reasonably clear document arrive in my inbox once a week that said, "This week we will be discussing the EU venture in Mali. It will be in Committee Room 23. Anyone can attend but only members of the Committee can vote", I would certainly make a point of attending. As I say, in 17 years—and I am not a complete dummy—this stuff has not registered on my Richter scale. It has kind of gone "swoosh". I do not know how *Hansard* are going to go "swoosh" like that, but anyhow, passed over my head.

My question, therefore, to Anne and Martin would be: do you not agree that Penny's broad thrust—we must find a way of better educating and better informing Members of Parliament of what all this stuff means and how we can amend, change and influence it—is the first step?

Martin Horwood: My initial response would be we already suffer from information overload in this place, and yet more briefings that are not directly related to the work that you have immediately in front of you over the next few days is liable to get deleted faster than you can say boo to a goose. I am sure it could not hurt, and I think it would probably be a very good thing to do. I do not want to diminish what Penny is suggesting, but I do not think it would be nearly sufficient. The real crux of it is that the people who are in the end sitting in a particular Committee need to be giving things expert and timely scrutiny. I just do not feel that is happening, and I am not sure an information bulletin would be sufficient to turn that round.

Q29 Mr Gray: If you think we do not have time to read the information bulletin, how are we going to find time as experts to turn up and contribute to the debate?

Martin Horwood: As I said, I want to see a much greater role for departmental Select Committees. In general, you do get well briefed before a Select Committee meeting, and if you are making it a standard and routine procedure for such material to go before a Select Committee, then the Select Committee would meet with the usual level of briefing and expert advice, which we all know is quite important to the deliberations of Select Committees of all kinds.

Miss McIntosh: There is already a weekly invitation. There is a daily invitation.

Martin Horwood: In fact, you can sit on a Standing Committee.

Miss McIntosh: If you read the Order Paper, it tells you on a daily basis what is coming up. What James has done has highlighted—and I am slightly disagreeing with what Martin has said—that we have the option to invite two Select Committee members from the Environment, Food and Rural Affairs Committee to submit their names to attend the European Committee looking at a particular item under our jurisdiction. They have to be highly motivated, and I think the report documents the timetable clashes that so often happen. People serve on one if not two Select Committees, as is so often the case across the parties. You already have the inquiry, whichever it is, you are occupying yourself with at the moment, and the multiple meetings that we are all asked to go along to in order to be briefed on various things. If you are just being asked to go along to another Committee, I think you have to be highly motivated to go along and attend.

Q30 Chair: Anne, motivation is a wonderful word. How do we motivate colleagues to take a keener interest in the passing of European legislation in this House or the scrutiny of European legislation? That is a really difficult one, because let us face it: colleagues like to turn up to the Treasury Select Committee, as they should, and the Home Affairs Select Committee. It is often prime time on the news and *Newsnight*. Quite frankly, like James, I chaired some of these European Standing Committees and it is not stuff that sets the pulse racing, however important it is.

Martin Horwood: Some of that is to do with the timeliness of it. If we were scrutinising positions that the UK rep or British Ministers were taking well in advance of European Councils, and Eurosceptics on one side were trying to head off at the pass some nasty federalist plot, and then the pro-Europeans like myself were suspecting some nasty Eurosceptic plot to kybosh something, we would make the effort to turn out and to take a position. It is having a sense that you are making a difference to something that motivates Members to turn up, and the chance to really influence things. That is why Select Committees are powerful, because they do from time to time really shift Government positions on things. The trouble is, if you are always debating things after the event and if you have this rotating membership that is not very expert, and is heavily whipped, you simply do not feel you are playing a very major part in influencing anything.

Miss McIntosh: I think some of the suggestions are quite radical in the report, like changing the procedure so you go straight into the debate. The Minister only speaks for 10 minutes, so you could possibly reduce that and allow time for questions before you go into the debate. In a debate, it is very easy for a Minister to just gloss over the questions that he or she does not want to answer.

How would I improve scrutiny? I would do it in two ways. Obviously, the timeliness has to be addressed. I have chaired European Committees that go full length because it is very controversial. I would do what I think the Committee next door does, which is to invite people who are rapporteurs in the European Parliament for co-decision procedures, and invite the British co-ordinators in the European Parliament to appear in between looking at the relevant documents to brief them. I come back to the fact that at the moment, even if you get departmental Select Committee members invited to sit on the actual Delegated Legislation Committee adopting the rather dry statutory instrument, you have to look at giving them powers to amend.

I do not think anyone has yet responded to Penny's concerns about the timeliness of it. Obviously, it is literally once you have the red alert that it is going ahead, giving it the earliest possible airing. Perhaps two and a half hours for each European Committee is reducing the number of European Committee meetings that can be held.

Q31 Chair: Anne, just for the record, what is the Committee going on next door?

Miss McIntosh: The House of Lords Scrutiny Committee on European Legislation. I certainly did that when I was rapporteur in the European Parliament.

Penny Mordaunt: I think if there was greater awareness, you would get better engagement. Some stuff is very dry and very dull, but a lot of the stuff is topics that do have a following.

Q32 Chair: Penny, can I put this to you, because we do not want to hold you for too much longer? What about one of the ideas put forward by Mr Cash's Committee about having a dedicated question session on the Floor of the House about European regulatory matters? We obviously have foreign affairs question time, I think every three weeks. What about having a specialist question time where the questions would focus around European directives currently being looked at by the House of Commons?

Penny Mordaunt: I do think that is a good idea. Quite a lot of the wiggle room, I suppose, for want of a better word, that you get under the current practice is that you can ask the Minister, for example, "Have you consulted x and y? When will you report back? Will you do that before you take this on to the next stage?" There is then no follow-up to hold them to account, apart from correspondence with the Department.

Q33 Chair: If we get it on the Floor of the House, you could have follow-up on EU legislative matters.

Penny Mordaunt: Yes, like business questions on a range of topics.

Chair: Yes, exactly.

Martin Horwood: I am not very keen on that idea, because I think it misses the point again. Having yet more generalist discussion of Europe is not the point. The point is to try to get more specialist discussion at each particular policy proposal. I think the European Scrutiny Committee should be pretty proud of itself and its record of referring matters for debate and getting stuff debated on the Floor of the House. We have even ended up at one stage, I remember, discussing whether or not the bulletin of the European Parliament should be published in electronic format on the Floor of the House of Commons, which seemed to be a generous use of House of Commons time. Having more debates like that where it gets sidelined into discussions of the constitutional and political aspects from a European versus UK point of view seems to me not the solution. The solution has to be to get more expert discussion. If you tack that kind of question time on the back of departmental question times, then perhaps there would be some argument for it, but that seems to be quite a clumsy way to do it.

Miss McIntosh: I think there would be some merit. Seven minutes might seem a very long period, but I think of the number of times I have sat through Foreign Office questions, month after month, and there has not been anything more than one question on European policy. If you look at the Ukraine issue and dealing with our European partners in that, at the moment there is no opportunity to raise that in the House.

Q34 Chair: We would have almost a focus on European matters. That is slightly beyond, Martin, what we are—

Miss McIntosh: No, what I am suggesting is that up to seven minutes out of Foreign Office questions should be allocated to European issues. If there is no take-up, then fine, but at the moment it is very frustrating because, speaking as somebody who does not sit on any of these Committees, if we do not get through the shuffle, we cannot raise the questions with the Foreign Office or the Europe Minister.

Martin Horwood: This could be linked to attendance of Ministers at particular Councils. There is a possible procedural—

Q35 Chair: Sorry, then I will shut up. You have Ministers going to Council. There would be an opportunity before they went to Council and after they went to Council to quiz them on the UK Government's position.

Martin Horwood: Yes. As I said, I would prefer to do that through departmental Select Committees, but maybe you could do it on the Floor of the House.

Chair: David is itching to get in, and then Roger.

Q36 Mr Nuttall: I just wanted to go back to this question of the membership of the Committees, which we may want to link with how specialist they should be. I wonder if each of the witnesses could just give me their view as to whether or not they think it would be better if there was a standing membership that was elected as Select Committees are elected now, and we could have perhaps one focused around justice and home affairs, one on single market, just while we do remain Members, up until when we leave.

Martin Horwood: I would say no, because to be sufficiently expert, eventually you would be dividing them up into exactly the number of departmental Select Committees we have, so you might as well give it to the departmental Select Committees.

Miss McIntosh: If you change it from the present system you lose the ability to have ad hoc membership from the relevant Select Committee to currently nominate two to a particular one. A compromise would be to have Standing Committees on subjects but to leave a certain fluidity in the membership.

Q37 Sir Roger Gale: I have listened very carefully to everything that you have said, and certain things seem to me to emerge. Whether there is going to be a question at the end of this ramble or not I am not sure, but it does seem to me that, first of all, there is a case for saying at Foreign Office questions we should have something akin to topical European questions, if you like, at the end of each session or as part of each session. There should be a bite that allows members the opportunity to challenge any European stuff, whatever it is.

Secondly, taking Martin's very heavily and well-made point, effectively what I think you are saying is there is far too little expertise and it is far too late anyway; that Ministers bumble off to Europe and agree whatever they are going to agree almost irrespective of whatever this place says, and then something is regurgitated back, and we are supposed to scrutinise it and say, "This is dreadful but it is all far too late", which is not terribly helpful.

Martin Horwood: Yes, very good summary.

Q38 Sir Roger Gale: We have to get ahead of that game. Then, thirdly, coming to the expertise point, it seems to me that there is a need for a hybrid perhaps, taking the best of what Penny has said, the best of what Martin has suggested and Anne's Select Committee experience and saying, "Okay, what we need is a core European Scrutiny Committee so that it is a proper job". Those of us who are on the panel have all chaired scrutiny of European business. I actually do know what is going on in my Committees, but it is patently apparent that quite a few members present on both sides of the House first do not know and, secondly, do not care because they are there to do their paperwork and wait until the thing is over and rubber stamped and nodded through. Whereas a proper Standing Committee would regard it as a proper job and hopefully have the expertise, particularly in terms of European business, to look out for the elephant traps. I toss this to you as a suggestion and I would be interested to hear what you think of it. If you took that core Committee of, say, eight or 10 or a dozen members of the European Committee that did it all the time and then bolted on to that four members from a departmental Select Committee, depending upon the subject matter of the issue under discussion, you might then get the best of both worlds.

Penny Mordaunt: I would agree with part of that, the first part. The benefit of having a permanent membership is that you understand procedure, you know what you can achieve and where the best way to intervene is, and the consequences perhaps of one course of action when the Minister goes back to Europe. Having sat on the Defence Committee and, by virtue of that being a member of the Arms Export Control Committee, I think it would be difficult just from my experience of that Committee—I have sat on a number of Select Committees, but just using that as an example—to be able to provide, I suppose, four people from that Committee at a particular given time. It was a considerable struggle for all four Select Committees that make up the Arms Export Control Committee getting the thing quorate, sometimes due to time, and all sorts of other reasons as well.

I favour giving all parliamentarians more opportunity to participate. Although members of a Select Committee will have a particular area of expertise, they obviously do not have a monopoly on it. I also think you are more likely to have the greatest challenge, I suppose, provided from people who are perhaps outside those Committees just because they are not taking either a Government or Opposition line, necessarily.

Miss McIntosh: I like what you are saying about having a core membership. There was something that I found quite difficult in what the European Scrutiny Committee was proposing: that the world and his wife could all just turn up on one particular day on one particular subject and have voting rights, which could be very odd. There would be a core membership, and realistically two members of a departmental Select Committee, but, for example, there are three Committees that cover various aspects of environment, so you could have two from relevant Committees.

The one thing that we have not considered is the nuclear option, which the Danes have in their European Market Committee. They meet with the Minister before the Minister goes to negotiate and signs along the dotted line and can issue a reserve beyond which the Minister is not allowed to go. We have never really considered that in this country, and I do not know that the Government would agree to it, but it is something that is worthy of consideration.

Q39 Chair: Martin, we are about to run out of time in a couple of minutes. Do you have any closing thoughts?

Martin Horwood: Well, just for the record, I would strongly disagree with the idea of adopting the Danish system. I cannot imagine the Danish negotiating position is very strong as a result, if you have already published the dotted line on which you are prepared to negotiate. What that system and, in fact, what I understand the German system and others have, that is very good is that you do discuss positions with Ministers beforehand. I came into this meeting thinking that had to be done through a departmental Select Committee. In the progress of what Anne in particular has talked about in terms of question time, perhaps there is scope for some kind of small question time, or a mini-statement on the Floor of the House.

Q40 Chair: You could have an urgent question.

Martin Horwood: Well, maybe it is, in effect, an urgent question. Ministers would routinely have to come before the House before they went to a European Council, in order to explain the broad position they were going to take, without making them sign on any dotted lines, and answer a few questions about the position the British Government are taking.

Chair: Do you know what? I think that is a really strong thing to end on from the three of you. Thank you for that; plenty of food for thought. You have taken us to areas where we had not been before; it was exciting to expand one's own knowledge and thinking. Can I thank the three of you for coming? Could I ask colleagues to remain so we can just quickly wash up a few things before we end?

Martin Horwood: Thank you for the opportunity.