



Liaison Committee

Corrected oral evidence: Review of investigative and scrutiny committees

Wednesday 23 May 2018

11.30 am

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Members present: Lord McFall of Alcluith (Chairman); Earl of Courtown; Baroness Garden of Frognal; Baroness Hayter of Kentish Town; Lord Lang of Monkton; Lord Low of Dalston; Lord Smith of Hindhead; Lord Williams of Elvel.

Evidence Session No. 7

Heard in Public

Questions 55 - 59

Witnesses

[I](#): Lord Puttnam; Baroness Prashar; Baroness Kidron.

Examination of Witnesses

Lord Puttnam, Baroness Prashar and Baroness Kidron.

Q55 **The Chairman:** Welcome to the second session of the morning. We are delighted for your attendance. For the sake of the *Hansard* writer, could you identify yourselves, please, starting with Lord Puttnam?

Lord Puttnam: I am David Puttnam.

Baroness Prashar: I am Usha Prashar.

Baroness Kidron: Beeban Kidron.

The Chairman: Good. Again, thank you very much. Baroness Kidron, you have provided us with a submission; Lord Puttnam, your submission dates from 2005, but it seems as relevant today as it was at that particular time, so maybe you could elaborate on that; and, Baroness Prashar, you can give us your comments following those. Maybe I could start with Baroness Kidron.

Baroness Kidron: I very much welcome the review and I read your piece, Chairman, in the *Red Benches*, setting out some of your ambition for the review. What I wanted to emphasise in my submission was the changing world outside and how our committee system needs not just to reflect it and catch up with it, but perhaps develop itself to anticipate some of the changes that are still to come. The disruptions that we have seen across all sorts of sectors will also disrupt, the workings of democracy, of this House, Parliament more broadly as well as the institutions all around us. My argument is for a more responsive, porous and light-footed system that can shape and reshape itself in different ways. Perhaps, as we go on, I can say exactly more about what that might look like, but that is my general principle.

The Chairman: Great. Lord Puttnam, in your Hansard Society commission in 2005 you mentioned that Parliament consistently fails to present itself as the sum of its parts, and, despite the incremental improvements taking place, it does not keep up with the nature of change and is failing to match that which takes place in society.

Lord Puttnam: I re-read the report, and interestingly enough—and I wish this was not the case—there is not one word of my foreword that I would change if I were writing it today, really not one. Of course there have been changes, and some of them very welcome changes. Particularly the organogram that we rather controversially set out in our original report has been significantly changed resulting in improvements in the management of Parliament, but I would change very little of what I said.

There was an interesting piece on the “Today” programme this morning about Oxford and inclusion, and the word that was used in respect of change was “glacial”. I am afraid I would probably have to use the same word here. Change does occur but it occurs at a glacial pace. Unfortunately, the speed of change in real life is more and more rapid,

and therefore the potential is for the gap between Parliament and the expectations of the outside world to grow rather than diminish.

Baroness Hayter of Kentish Town: Yes.

The Chairman: Baroness Prashar, with your extensive knowledge outside, in business, charities and voluntary organisations, how do you see this?

Baroness Prashar: Can I say, like my colleagues, that I really welcome this review? I think it is much needed. Unlike them, I have not written anything but I have a great deal to say about what I think. One area on which I agree with Baroness Kidron is the scale of change that is taking place in the outside world and the disruption. It is well reported that the disruption is so high that the capacity to keep up with it is not around. Therefore, it is important that we have a system that is responsive. I would like to see maybe four or five Standing Committees that are thematic, and underneath them we can then have sub-committees that are responsive in those areas.

The model I would suggest to you is the one that the EU Select Committee has. It has a main committee and then sub-committees that deal with different aspects. That would give us the flexibility.

If I may just give an example, some months ago I organised a talk by Nik Gowing on thinking the unthinkable. He has recently published a book. A few Members of the House of Lords came to listen to him, and that emphasised to me the need for capacity for us to think about change in the external world to which we can make a contribution. I felt that we do not really have the capacity through the Select Committee system to discuss those issues if we are going to be responsive to the external changes.

There is a lot more that I can say, but I am happy to respond to the questions as they arise.

The Chairman: Thank you. Lord Smith, you asked a question in the previous session that is relevant here.

Q56 **Lord Smith of Hindhead:** Yes. I will ask it again. I am very much hoping to still be in this noble House in 10 years' time and, God willing, perhaps in 20 years' time. Could I ask you to get your crystal ball out—I said tea leaves in the last session, so I will mix it up a little bit—and let us know where you think House of Lords committees should be in, let us say, 10 or 20 years' time?

The Chairman: On that, could I ask you to keep in mind restoration and renewal?

Baroness Prashar: Yes. When I was thinking about the question, I wanted to envision how the Select Committee system would be perceived by the outside world. I would like to see a very established, independent Select Committee system, which is renowned for its expertise, and is

highly regarded and connected in a very constructive way to the outside world—whether that be academia, research institutions, universities or non-governmental organisations—so that there is a flow of information and therefore it becomes a go-to place where people can see that there is a group of people who, over the years, have done a body of work that is highly regarded. That is where I would like us to see ourselves and, therefore, to be perceived as people who have done work that is relevant, who have contributed not just to the work of the House of Lords but in some ways influenced even our government departments and outside thinking. I think we have that capacity here. That is where I see ourselves being in 10 to 20 years' time.

Baroness Kidron: I would agree with that wholeheartedly, but perhaps I could say a couple of things about the process. We have to imagine a world in which technology may offer some benefits to us. For example, the machine learning and research right now is absolutely astonishing, it might be that, as we meet in committee, someone is able to gather the whole history of what we are discussing and present it as an infographic in front of committee members in real time. We must anticipate that there is going to be a different kind of interaction with the outside world across jurisdictions and time zones, some of which will be more immediate. I would argue that it gives us a huge advantage in terms of where we might seek our information, a broader group, a more international group, and perhaps not so many public affairs people—a richer diet.

At the same time, the physical presence of debate and discussion, and the collegiate nature of that discussion, is a key part of the committee system. So we need to respond to the opportunities of the virtual and reinvigorate the commitment of how we work together, and perhaps also burst out of the building, to answer your point about renewal. I think that we should get out more in general.

Q57 Lord Low of Dalston: I had a question here for Baroness Kidron, but it also follows on from what Baroness Prashar was saying, so perhaps you might both care to address it. Lady Kidron in her written evidence suggested that there should be a smaller number of broad thematic committees, and I think Baroness Prashar was suggesting that as well in what she said. Could the two of you please elaborate for us on what you believe would be the benefit of such a structure?

The Chairman: I am conscious that Lord Puttnam did not have the opportunity to answer the other point. Do you want to say something just now before we go on to Colin's question?

Lord Puttnam: I would say two things. I think the most under-regarded and certainly under-discussed benefit of the committee system—and the committees I am referring to here are pre-legislative, the normal Select Committees and, I would beg, post-legislative—is the ability to work on a cross-party basis and address complexity in detail. What emerged on the two pre-legislative committees I chaired was a genuine cross-party corpus of knowledge, so that when the Bill came to be debated in the

House important issues did not break down along party lines. This may not necessarily always suit the Whips, but the truth is that real thought and intelligence had developed that had been derived from four months of scrutiny. That ability to create relationships and understanding, and to reach agreements prior to reaching the Chamber, is invaluable, and its importance is not necessarily sufficiently understood.

The issue of post-legislative scrutiny, to which I've just heard Lord Cormack refer, is fundamental. It would give a real, and , additionally important role for the House. There is no question that we suffer from not being able to revisit legislation that has proved to be inadequate or, frankly, useless.

Baroness Prashar: Can I reinforce that point? I have been an avid supporter particularly of post-legislative scrutiny because I think it is important, given the complexity and the level of legislation that we have. With an area such as criminal justice, it seems to me that we have to look at that. I absolutely agree with the points about pre-legislative scrutiny because it is bringing to bear analysis and objectivity to a piece of legislation. We are a revising Chamber and we want to add value. The way in which we do that is both by pre-legislative and post-legislative scrutiny.

The Chairman: Baroness Kidron, did you want to come in first?

Baroness Kidron: I was going to answer Lord Low's question, if I might.

The Chairman: Lord Low put that question on a thematic committee structure. That is very important.

Baroness Kidron: Stepping back to the question that Lady Hayter was asking as we walked in, which is what is the committees system for, ? I feel that what we do in committees is build an up-to-date knowledge base for Members and for the House on a broad range of issues. That is the first thing that we do. We also support the legislative process.

We interrogate the common concerns across party and there is an enormous amount of consensus—I say that as a Cross-Bench Peer. It is interesting how close we can all get when we share the same evidence and experience.

Then there is something about it being a more responsive, swifter inquiry than the other forms and processes of government, which can take literally years and sometimes decades. I would also like to see more emphasis on giving the opportunity to public and civil society to feel that they contribute to the development of public policy. It is a very important way in to the political system.

With those things in mind, it seems to me that to have this small set of thematic committees that can respond quicker, be more integrated and work together would be a much better approach. You will notice in my evidence that I suggested four main Standing Committees and then

additionally one on exiting the European Union and one on the digital environment.

My reasoning for that is that I think this is a time where we are going to have to look forward internationally and that any international committee would be absolutely weighed down by issues of the gaps created by, the changes in, the integration of, and indeed our ongoing relationship with the Europe Union, so Europe does need to have its whole self committed in that direction.

I declare my interest as someone whose declared interests are all about the digital environment, but I think it is unarguable at this point that we need to not only look at our own processes but we have to teach ourselves, and our colleagues at every level throughout the Palace of Westminster, about what the issues are at a very profound level, and we have to support all the other committees in the places that their work integrates with the digital world. A committee on the Digital Environment would have a teaching function, a learning function and an organisational function. That is why I separated out those two things and left everything else very broad.

Lord Low of Dalston: What were the four committees?

Baroness Kidron: Home affairs, defence, security and foreign affairs, constitution and economic.

Lord Low of Dalston: Thank you.

Baroness Prashar: Could I respond, as the question was addressed to me as well?

The Chairman: Sure.

Baroness Prashar: Again, in terms of the themes, if you look at the Commons, they are on a departmental basis. I would like to see thematic things, which are overarching, because one needs to see a joined-up policy approach here.

Again, answering your question, the committee system has to respond to the role of the House but add a bit more to it, such as scrutiny and revising. Adding value is the in-depth investigations and reaching out so that we can help or perform the function of the House much more effectively.

As to themes that I had worked out, they were home affairs, health and welfare, foreign affairs and international, and within that I would put the EU. In the interim, the EU committees will obviously have to reflect the transition arrangements, in a way, while we have to watch how it is dismantling itself, but at the same time the relationship between the European Parliament and our Parliament is going to be quite important. So, that comes as part of that; within that would also come the development aspects of policy, and then defence and security and

constitution. I also had down digital disruption, because I absolutely agree with you on that.

You can look at those as thematic committees, and, as I said at the outset, underneath them you could have sub-committees as and when—time limited and ad hoc—in whatever form you actually want them.

Lord Puttnam: Chairman, could I offer a recent example of exactly what has been said? On Monday evening there was a very short debate on nursing shortages and related issues. Lord O'Shaughnessy was at the Despatch Box and raised my concern at growing levels of teacher shortages, simply to make the point that, unless you get a sufficient pipeline of good teachers moving through the system, you are never, ever going to solve the nursing problem. It was a good, short debate.

I bumped into Lord O'Shaughnessy yesterday, who has previously held the education brief, and he said to me, "That was very good yesterday. You are absolutely right". I was trying to make the point that in my first six years in this House my job, working for David Blunkett, was in addressing what were then alarming levels of teacher shortage. I arrived in 1997 because we had a crisis. We now have another crisis.

Other than speaking on the Floor of the House, which can immediately sound somewhat confrontational, there is no way that I can offer or be encouraged to offer any of the learnings—and we made a lot of mistakes between 1997 and 2003—to help in this new crisis. If only there were committees that somehow could be drawn together to say, "Look, we have been here before", because with most of the crises we hit its true to say we have been here before. So surely the issue is "Who knows about them? Who can bring experience to them?" We do not do that. We simply don't seem to have the committee mechanisms to use the experience available to us.

The Chairman: Are you suggesting that, if we have a bigger footprint, that could be looked at?

Lord Puttnam: We have wonderful people here.

Lord Lang of Monkton: I want to pick up a point before it gets lost that Baroness Kidron mentioned when she said we should get out more, and our formal questions may not cover that ground. I think it is very important. Lady Kidron, you brought it forward very strongly when you talked about committees developing a national conversation and contributing to public debate. It is easy to say it, but it is very difficult to get away from this building, to get a committee out on the ground or out of London, even, which is more preferable. Are you contemplating that we should hold conferences sponsored, launched and controlled by the committees or by the House of Lords generally, or do you have any other thoughts?

For example, the *Spectator* and quite a lot of other magazines and organisations hold debates for the public at which their leading experts

on certain subjects argue with each other to stimulate a debate. What sort of initiatives do you have in mind for getting out more? Lord Puttnam and Baroness Prashar might want to comment as well.

Baroness Kidron: I was very aware on the committee on which I serve, which is the Communications Committee, that when we went to Manchester to take evidence not only did the people who live and work in Manchester feel much more connected to what we were doing, but we understood things in a slightly more rounded fashion, because it is not only the questions; it is all the bits in between.

We also did some really interesting work with young people, which is something we should make a much bigger effort to do more generally. When we were looking at questions of their engagement with the digital world, we invited them to this building, and I went to visit some other groups elsewhere. They contributed very profoundly to our processes and our attitudes. When we did the theatre inquiry, we went to visit a theatre. We were in their space, in their house, not our House. I am aware that a Commons committee just went to Washington to take evidence as well.

I see a lot of opportunity of virtual meeting and breaking a the walls in that sense that opportunity is coming, but perhaps, when you are looking at the resources and the financing and so on, it should be made an expectation of committee work that it goes to visit some of the people who are the subject of our inquiries in their environment rather than in ours, because it does rather change the feeling of things.

Lord Puttnam: I would like to answer the same question from a slightly different perspective. I have had two roles for this Government. I was a culture and trade envoy to south-east Asia. Prior to that, for five years I had been a consultant or expert adviser on media and communications issues to the Singapore Government. I think that we, the mother of Parliaments, could do a better job at being a little more humble. Western democracies do not have all the answers any longer and have not had, actually, for quite a long time. There are practices in the Singapore Parliament and the Taiwanese Parliament that we could do very well to look at and in some cases assimilate into our own procedures. We are just not very good at it.

We start from the basis that we are there to teach them, not necessarily there to learn anything from them, but in truth there are any number of parliaments around the world that are doing things very adventurously and in some cases very successfully—and a little humility on our part would, I think, go a long way.

Baroness Prashar: I absolutely agree with the comments made by my colleagues. As to a wider public conversation, there are different models that would work. I would like to see us not to be too straitjacketed in a sense and to try the different things that we have been talking about. We have to use digital and social media much more than we do.

When I was chair of the EU Home Affairs Sub-Committee, we brought in people who had come here as refugees and talked to them. It brings a very different feel to the proceedings. I think outreach is very important. It is about engagement and it is about knowledge. It is important that the legitimacy of the House comes from having that access—this piece of information.

I really want to underline the point about humility because, in my different capacity as part of the British Council, we have been doing some work in Hammamet in the Maghreb countries. When you talk to people about democracy, you begin to realise that there are different practices that we really need to be learning from. It is important that we engage and learn, and it is now about mutual learning. That has to be the way that we move forward.

Baroness Kidron: May I add that I would rather not be sponsored by commercial companies or specific conferences, but I do think there may be an opportunity through the IPU and other institutions within Parliament?

Baroness Prashar: That is a very good point.

Lord Lang of Monkton: Thank you.

The Chairman: Understood.

Baroness Hayter of Kentish Town: I want to come back to the purpose of the committees. It has been very interesting that what has been said has been quite different. The questions have to be: are we here to influence government or this House, or wider? You have come up with much more interesting things about the functioning of the House, getting cross-party consensus and the way of working, as well as what we are looking at.

I would still like some more thoughts about what exactly it is that the committees do that is different from the House. It is very nice saying that we should go out, but I have to say, as the shadow spokesperson on Brexit, that the House does not allow me to go to Brussels. The EU Committee goes to Dublin and to Gibraltar to meet people. We have to look at the resources. We have to see the committees as part of the whole House. Is it the House that needs that dialogue or is it committees? Again, what is it that the committees are doing rather than the House? What is the role of the committees, and, particularly post Brexit, to what extent does the House have to understand this whole new world, or is it committees, or is it committees to influence the House? I have no answers.

Baroness Kidron: You are describing, I hope, the very tension that the committee system should be answering, in a way. I do feel that it is so much about knowledge-building, creating the environment with and being separate from but cognisant of the legislative programme. I mentioned in my written evidence, that in the middle of the Data Protection Bill where

everybody on all sides of the House stood up to say, “We don’t understand the full implications of GDPR, and yet we are passing a piece of legislation that directly builds on it”.

At that moment, I am not sure that if it was not Lord Puttnam who suggested that we have a short committee inquiry to tease out the themes of GDPR and inform the House while the Bill was making its way between Houses. Of course there was not the capacity; there was not the responsiveness built into the system; the people who could have done it were busy with their own programme. It just was not possible.

My answer, which is perhaps not a very technical answer, is that the committee is there to round out the business of the House; it is a layer of skin between us and the world. It is there to articulate that, “These things are happening in the world, and we must consider them and bring them into our purview, and at the same time these are the things we are doing, and we must consider them and get them out to the public”. I actually think it has that role.

Lord Low of Dalston: There is a precedent for what you are proposing or Lord Puttnam was asking for on the Data Protection Bill, and that was the committee that was set up in the course of the deliberations on the Trade Union Bill. The purpose may not have been identical but it was a kind of precedent. On the Trade Union Bill, its purpose was to bottom a knotty problem that the House was having difficulty getting over. You are suggesting that there might be a role for a committee in assembling the common knowledge that members of a committee needed to have in order to deal effectively with it.

Baroness Prashar: Exactly.

Baroness Kidron: That is exactly what I was suggesting, and I think it should be a normal and expected function of the committee system as redesigned rather than something extraordinary that we can point at that. By having fewer, broader committees, but having a more responsive ad hoc system underneath it, there would be capacity to do just that. It was beautifully put, so I am not going to try.

Baroness Prashar: There is an example I could give. I see the sort of structure you are outlining, but it seems to me that, if you look back, soon after Brexit the EU Select Committee and sub-committees did a spate of reports very quickly, and that was precisely the purpose—

Baroness Hayter of Kentish Town: They were brilliantly done too.

Baroness Prashar: —to do those reports, to inform the debate in the House. It was designed for everybody. We worked really hard, and thanks to the staff of the Select Committees. That is the way we were trying to be responsive to the issues. We add value to that and we provide the information in some depth to help the work of the House. That is a fine example.

Lord Puttnam: I have three practical solutions to offer. This excellent document *Lines of Inquiry* came out this year. It is the guide to the Select Committees in the other place. I checked with the people who publish *The House*, and they have no plans to do one for the House of Lords, which is absurd because it sets out the purpose of each committee, as seen by its chair, it sets out who the members of the committee are, what its purpose is and what it is going to achieve in the coming year. It is a really useful document. The fact that *The House* magazine has not thought that it might be a good idea to do exactly the same for the Lords—

The Chairman: I will tell you what—in my role, I will get on to them. Okay?

Lord Lang of Monkton: Lord Cormack is editor-in-chief.

The Chairman: We will get on to him.

Baroness Kidron: Sorted.

Lord Puttnam: That was one point. The second one is that maybe the most important line in these two reports is that cut-price democracy can never ever be seen as a bargain.

The Chairman: Yes, that was your third point.

Lord Puttnam: That is fundamental. We could get ourselves into a lot of problems—I will not be here at the time, but others will—with the renewal and restoration project. It is very welcome, but it is going to be hugely expensive. The very idea that such a sum of money should be spent out of the public purse and then not be matched by a superbly well-orchestrated, and reorganised Parliamentary system has to be a nonsense; it really is. I can well imagine a perfectly thoughtful newspaper—the *FT* by way of example—saying, “Hang on a second, what has happened here? We have this superb building with amazing facilities, but the actual way in which the institution itself operates has barely changed at all”. I am looking at Lord Smith as I say this. There is a wonderful opportunity here to match purpose, organisation and, as it were, the costs of construction.

Baroness Prashar: Hear, hear.

The Chairman: Taking in the wider resource element.

Lord Puttnam: That would be my second point.

My third is about the crystal ball, but mine has maybe a slightly rosy glow. I think that within 10 to 15 years we will accept the fact that defence, health and education have to fall outside the political scrum. I am quite certain that that consensus on this will begin to emerge. If that is the case, then it would be wonderful to move towards a point where the committee system began to anticipate that and promote the case for greater interconnectedness between health and education, for example.

You cannot deal with that type of change in the way that we are set up at the moment, but, on the other hand, if we could get our heads around how to better address these issues we may come up with solutions that none of us has ever thought of.

Baroness Prashar: Hear, hear.

Q58 **Baroness Garden of Frognal:** Yes. What do you believe are the strengths and weaknesses of the current system of selecting chairs and members of committees? We heard Lord Cormack's views earlier on. I noticed, Baroness Kidron, in your submission that you point out that it would be beneficial to have a clear understanding of the expectations inherent in committee membership, including but not limited to attending. I am a great fan of setting out what the criteria are for doing any sort of job, and I am not aware that we have such guidance. How do you think members should be selected or elected?

It is obviously different in different parties. I was quite astonished by what Lord Cormack said, because we have a system where people volunteer, and then the Whips probably come in and work out, if there is more than one person for each committee, who should be on it; but there is no idea that membership is imposed or that it is selected from outside. People start by volunteering themselves, but obviously that is different in different parties.

Baroness Kidron: As a Cross-Bench Peer, we do volunteer and are chosen by some means, but I am not sure what the criteria are. The point that I was trying to make is that I consider committee membership a huge privilege. It comes with responsibilities of attendance, homework, thoughtfulness and so on. I am not suggesting that people should have some sort of contractual relationship with their committee, but there should be slightly more clarity about what the expectation is and that if you cannot meet those expectations you should move on to give a place to someone else. I think that committee membership is also very hard-fought over because we are many and committees are few.

There is another point that I was interested in, to which I do not have an answer, but I would like to put to you. People have a mix of skills in the House and one function of a committee is to spread those skills and understandings among colleagues. Perhaps there should be some sort of skills audit so that people are bringing expertise, but we are also spreading expertise. That may be a useful criteria.

For example, in the period that I have been on the Communications Committee we have done an awful lot of work around the digital environment, and it has been transforming for many of our members. They are really well informed and really interested in an area that they, frankly, said at the beginning they felt very unsure about. I would like you to consider, among other things, how skills can be best used but also spread so that the House's reputation for expertise is continued.

Then I wondered about whether there should be an election of the chair, as there is in the Commons, but I do not have strong feelings.

Lord Lang of Monkton: Can I pick up a small point about the need for skill? Is there not also a need for an empty but inquiring mind and an attentive Peer who becomes enthralled because they have to listen, instead of coming with their own preconceived certainties?

Baroness Kidron: Absolutely. I think that is what I am suggesting by saying there should be a mix of openness and skills.

Lord Lang of Monkton: I put myself in the latter category. I am a daft laddie who asks questions, sometimes rather silly ones, but actually gets interesting answers.

Baroness Kidron: Absolutely.

The Chairman: Could you add to your points, Baroness Kidron? In your few detailed points you mention skills and expertise, but you also mention about it being beneficial to have a clear understanding of the expectations inherent in committee membership. In that regard, others have said that we need communication strategies for each committee informed by the objectives of the inquiry, the context in which the inquiry takes place—socially and politically—and to follow that aspect through.

The third aspect you mention is that the tradition of providing questions to witnesses in advance can make for over-rehearsed processes. There is nothing over-rehearsed about yourselves this morning. This will apply to other people, but it is a point I want you to address.

Baroness Kidron: I am going to fall on my sword here because I have not appeared in front of a committee before today and it was really wonderful to have the questions in advance. However, I am concerned that many witnesses are from public affairs with specific well-rehearsed interests. I think when we give them the questions and then stick to them—if we do not have time to have supplementaries, argument and pick up on what they say when we run out of time for that piece—we do not get the maximum benefit out of them. There is a sort of nuanced place between a full set of questions and saying, “This is what we are looking to address in general”. Perhaps, when we know that a witness is coming from an environment where they do not have a huge office of people to give them notes, then they could get rather more help from committee staff than in other cases?

It is preposterous when you get someone from a top-100 company there with the questions, with the answers and with the suit. That is what I was referring to.

The Chairman: Good; thank you. Lord Williams wants to come in, but Lord Puttnam wanted to contribute.

Lord Puttnam: Again, I had a recent experience where I learned a lot—it relates to the committee on Artificial Intelligence that I was sitting on. It is a very good example of what Baroness Prashar and Baroness Kidron were just referring to. We put out a call for evidence. Immediately the big tech businesses responded, sometimes with very voluminous and quite

expert evidence. When you look back, the dominant voice in evidence, written and oral to that committee was, I would say, a technology voice. We did not do anything like enough—and it is my fault as much as anyone’s—to get educationalists involved. We had three, I think, from memory. There was an imbalance.

I would not like us to fall for the same problem they clearly had in the US Senate, which is the extraordinary dominance of well funded vested interests and our inability to find the alternative, smaller and less tutored voices. That was a mistake.

The other mistake—and I think it is an easy one to solve—is that at the moment we are only allowed to publish evidence that we have received. What happened in this case—it is no one’s fault and because our clerks and advisors did a brilliant job—is that the Economist Intelligence Unit at exactly the same time that we were doing our report was doing a not dissimilar one. We should have the breadth of knowledge to know what is going on in the outside world and be able to bring it in to our own considerations.

The net result was— and this is no especial criticism of the Minister, Matt Hancock—that he made an assertion that we are no. 1 or no. 2 in the world in our preparedness for AI. The Economist Intelligence Unit report, two weeks later suggests we are no. 8 or no. 9. We could only publish the Minister’s unchallenged assertion, and we end up potentially looking a little bit stupid. It is an own goal really.

The Chairman: On that gathering of evidence, some of the staff had mentioned to me informally that there was a case for Welsh fishermen and they wanted to give evidence by video, but we could not accept that evidence. They would have to come and lose a day’s pay as a result of that. We have to look at that issue of evidence, absolutely.

Baroness Prashar: Going back to Baroness Garden’s question about the selection of committee members and chairs, I agree with you. I think at the moment it is right to have the critical balance, the cross-section and so on. We need a mixture of expertise and inquiring minds. It is like any other board where you need people to ask stupid questions so that you get good answers. In that sense, it is important to have that kind of balance too.

Going back to your point, if you are going to modernise the building, we have to professionalise the way committees work as well. The professionalisation comes with people having chairing skills. The communication strategy is going to be quite important, because if you really want to engage with the outside world and make sure that what you do is disseminated, it requires a proper communications strategy. We really need to up our game in that area. Therefore, it is very important that we have the right kind of expertise—the right kind of balance.

The one word I would use is “professionalising” what we do, because if you are going to be a body that is seen as having expertise, a place to go

to and have the kind of reputation that we want it to have and all the things we are doing, we have to professionalise the way we operate. I am very keen, as Lord Puttnam says, that we keep an eye not just on what economists are doing, but on what research organisations are doing, and how we pull all that together. Sometimes the rules of our current Select Committees are quite restrictive, and we have to look at how we bring that flexibility to make sure that we engage.

Lord Williams of Elvel: I want to get back to this notion. There is nothing opaque about committee selection. It is all done by the Whips, and I am afraid in our party, for instance, the Whip circulates and says, "These are the criteria that I insist you observe, and, if you are interested, you come and see me, and I will appoint you". The leaders and the Whips decide which committees take place. It is not something that is presented to the House other than as a *fait accompli*.

The Whips will decide how far you could go in expenditure. The Whips will replace you on your committee, as they replaced Lord Cormack. What you are saying, fundamentally, is that you think the task of the Whips should be much reduced—that is, the power of the Whips should be broken. For that to happen, you have to take on the Government—any Government—because the Government want to make sure that their business gets through the House in due, proper manner. I would invite your comment on what I have said, but I am not sure that we are in the real world here.

Lord Puttnam: I will take a stab at an answer because Baroness Royall, when she was leader, faced this problem. We had quite a hoo-hah in our own party about the appointment to committees and the appointment of chairs of committees. The argument made by the Whips—and Lord Williams is exactly right—was that we must not take away their power of patronage. If we took away their power of patronage, it was reducing their effectiveness. That did not go down well with most backbench Peers in the party. I do not think we have really ever come up with a resolution other than it being little less brutal and a little less obvious than it was, but it could be a lot more transparent and we could be a lot more sensible in appointing people with expertise.

I think Lord Williams is right. In the end, in the order of priorities about what you could bring to a committee, expertise came about fourth.

Baroness Hayter of Kentish Town: I do not know why you are looking particularly at me. I am no longer a Labour Whip.

The Chairman: So you are all signed up for transparency.

Lord Smith of Hindhead: I am also a Whip but I am a very humble Whip compared with the noble Earl who has left. I am a soft Whip rather than a hard Whip.

Lord Lang of Monkton: There is no such thing.

Lord Smith of Hindhead: Could I ask you if you have identified any

current gaps in the scrutiny process across Parliament as a whole, and, if so, how these might be addressed, at least in part, by House of Lords committees?

Baroness Prashar: In answering the question we are talking about, on the thematic reports, the work that we have done so far is very good and it needs to be built upon. I would like to see much more thematic work done where we can see joined-up policy, issues that we talk about in education, health and so on. That is a real gap. I see that much more in the arena of international relations and development, but also in digital disruption. I would very much like to see thematic Select Committees so that we can begin to look at things in a joined-up way, because, as I said, the House of Commons has good departmental ones. If we are siloed, we do not get the overview, and the world is becoming really well connected and the change is much more complex.

I agree with Lord Puttnam when he says issues to do with home affairs, health and all of that will cease to be party political in a sense. There will have to be a joined-up approach to deal with some of these issues. That is where I see the biggest gap. That is the way we need to go forward.

Lord Puttnam: Can I offer one other suggestion, which is co-option? I remember very well that we were dealing with a particularly difficult subject before Lord Rees came into the House, and it was very clear that he was the crucial person. Frankly, the idea of having him on our side being able to ask the questions rather than just simply putting in a witness appearance would have been an enormous help at the time.

There is another benefit we could pick up. Co-option would be a pretty good way of beginning to identify and almost rehearse people who might become candidates for the Cross-Benches or generally to join the House. If you have known that someone played a blinder as a co-opted member of a committee, you are that much more likely to say, "You know what—this person would be a very valuable addition to the House". For me, it would be a much more practical way of going forward than the present appointment system.

Lord Smith of Hindhead: That is a very interesting point.

Baroness Kidron: It seems to me that if we had the thematic structure it would also make sure that the work of individual committees does not become unbalanced, sometimes you feel as if you are on a particular path and you build towards an understanding through different inquiries, but that means that all the other things that should come under your purview just disappear off the agenda. The idea of an umbrella with more small pieces underneath it allows for things to find a place, and not to fall out of sight.

The last thing, which may sound a little populist, is that it would be interesting to explore a mechanism where members of the public, local authorities or other gatherings could put forward suggestions for

inquiries, only because I sometimes feel that to set the question is as powerful as to provide the answer.

The Chairman: Sure. We have had other evidence on the thematic approach from Lord Stern, Lord Cormack and Lord Norton on that.

Baroness Prashar: Can I make one point here on an issue that is obviously very close to me, and it comes under the umbrella of constitutional issues? We have a very good Constitution Committee. We have been in the area of constitutional reform for a pretty long time, but we have seen certain changes because what keeps our constitution together is the unwritten rules of the impartiality of the Civil Service, the independence of the judiciary and the rule of law. Some of these things have been under attack. This seems to me to be one area that maybe we need to give a lot more attention to than we have done so far. From my point of view, that has been a gap.

The Chairman: Sure.

Lord Lang of Monkton: I would quite like to give Lord Puttnam a chance to repeat his thoughts relating to the glacial progress since the 2004 report and the Hansard Society. I will give him two examples to think about. First, I was on a committee that produced a report and waited over two years for a government reply and many more months for a debate. The reply had very little substance; waffle is, frankly, the word I would use. It is very unsatisfactory.

On the other hand, there was a reason for it, and the reason was, I think, although I am never certain, that the Government could not reach agreement internally on what they wanted to say. It is not justified because it was not that sort of a report. The subject was controversial; it was related to devolution.

Secondly, on another matter, when I was a Minister 20 years ago, you were not allowed to reply to a Select Committee report off the cuff and immediately. Even though, quietly, the department had a pretty good idea what the report was going to say, it was absolutely forbidden, and so they had a completely wild run at the Government, and six weeks later they had reached agreement internally and across departments on a suitable reply for the Government. I think that has changed because I notice now that when a report comes out you get a Twitter reply almost within the day, probably followed up by a more detailed reply.

I think both those things reflect the fact that it is difficult for the processes of government to move at the speed at which the media move. Do you think there is a way round that, and would you like to enlarge on anything that you have thought about?

Lord Puttnam: When I used the word "glacial" that's no entirely accurate I looked across, and I hope Lord Low will not mind me mentioning this. Some remarkable things have happened. I very well remember Jack Ashley—Lord Ashley—when I was first here in 1997, and

others may also remember, having the most primitive support for his hearing disabilities; it was really primitive. The House has done extraordinarily well in addressing disability issues. Lord Low might tell me we could do even better, but from my perspective it has been very sensitively and intelligently handled, so it is not that everything has moved glacially. That is a rather nice example of something that has improved greatly. But, rather like you, I have an example that I think may run to the core of this.

The pre-legislative scrutiny committee on the communications Bill in 2003 had about 109 recommendations. I knew well, and was a friend of, Tessa Jowell, who was Secretary of State. When we published our report the then Permanent Secretary went absolutely ballistic, saying that we had gone completely beyond our remit, that it was not the job—this was one of the very early pre-legislative committees—of a pre-legislative committee to criticise the Government or try to take the Bill apart. In the end, they accepted all but four of our 109 recommendations. What we were dealing with was an instinctive response from the Civil Service to a very inconvenient report, a Secretary of State who actually thought it was a very constructive report, and, eventually, through Parliament, pretty well everything we suggested happened, and on a largely cross-party basis.

I have never fully understood the differentiation—because I am rather ignorant—between Parliament and government, because I have worked for government and I obviously work within Parliament. But I think that some of the problems, exist in the fact that government and Parliament have an uneasy relationship—that government, because it controls, in a sense, the purse strings, is able to pull you back if you happen to be doing too well. I think that is where some form of resolution is needed. I am fascinated by your story that you had an instinctive response, but you could not—

Lord Lang of Monkton: We could not use it.

Lord Puttnam: —articulate it until it was available on an evidence base. There is an issue here. If we are going to do better with Select Committees and with pre and post legislation, there has to be an acceptance within the Civil Service that that will require more work, more resources; it may well require more people, but we might just end up with better government.

Lord Lang of Monkton: Lord Chairman, I think we just have time to ask the panel if they have any observations on aspects of this subject.

The Chairman: I will take Lord Smith first.

Q59 **Lord Smith of Hindhead:** I think this is a classic case of going through the list of questions, is it not, as you mentioned? Having given evidence to Select Committees in the past and now served on three Select Committees, I can say that when you are coming towards a Select Committee you absolutely work out in your mind what you want to say

but you also work out in your mind what you do not want to say. The secret of asking the questions is to get people to say what they have decided not to say rather than what they want to say.

My question is the one that the noble Earl was going to ask, which is, how important do you think it is to avoid overlap between the House of Lords and the House of Commons committees? I know as a Liaison Committee we spend quite a lot of time thinking about this. Do you think it is an important point?

Lord Puttnam: For me, the most interesting difference is that, in my experience, Lords committees do not grandstand. That is not a small difference. I think it is quite a big difference. We are there actually to find out the things we need to find out, as opposed to promoting ourselves in the eyes of the electorate or our constituents. I think that is an important difference. While I am really keen on transparency and on us getting our message out, our ability to work quietly in a non-grandstanding way is very useful. Is that helpful?

Lord Smith of Hindhead: Thank you.

Baroness Prashar: I agree with that. We did have a discussion about that when we were looking at the EU Select Committee post Brexit, and for that reason we decided that we needed to have a discrete piece of work. I think grandstanding was avoided by the fact that we are independent, we can stand back and take a strategic view. That is our strength.

The Chairman: Could I just say, having spent time in the House of Commons and chaired committees, that not all committees grandstand, so I think it is not a blanket condemnation, if I am correct, is it, Lord Puttnam?

Lord Puttnam: It is not a blanket condemnation, but I would say, Lord Chairman, that I do think it is something of a growing practice.

The Chairman: Fine—okay.

Baroness Kidron: Just to add to that, I would say that I too think there is an importance in some sort of separation, but we recently had the chair of the Communications Committee from the Commons come to address us privately on some joint areas of overlap. It was absolutely fantastic, and I rather think that we all learned something—he and we—and I think that should be part of the system. There should be some sort of informal connectivity.

Lord Smith of Hindhead: That is interesting and it has been raised in the past.

The Chairman: For your information, we have had the chair of the Liaison Committee in the House of Commons, Sarah Wollaston, come to give evidence to us. Frank Field is coming to give evidence to us, and there is agreement that the issue should be complementarity between

the House of Lords and the House of Commons.

Baroness Kidron: Exactly.

The Chairman: Also, there is the concept of parliamentary scrutiny—in other words, taking in both Houses but with that overarching scrutiny, and that would help. The responses we have had from the House of Commons from the chairs have been very positive, so it is important that we keep in line with them here.

Baroness Prashar: We keep the dialogue and the complementarity.

Baroness Kidron: Yes.

The Chairman: This has been an excellent evidence session this morning. If I could sum up what you have said to me, you are really saying that glacial change is taking place; the ground is changing under our feet; we have to recognise that and we have to engage with the outside world, to use Lord Williams's phrase, in "the real world". Is that a fair assessment?

Lord Puttnam: Yes. I am somewhat bothered by my use of the word "glacial". What I am really suggesting is that the disparity between the speed of change outside and our ability to respond to it is growing, and that is particularly worrying.

The Chairman: Baroness Prashar, do you have comments on that?

Baroness Prashar: No. I think that is fine.

The Chairman: Baroness Kidron?

Baroness Kidron: The only thing disturbing that was said about this morning session was about patronage. So I would like to say on the record that patronage should not get in the way of having a radical shake-up to make the committee system to make it more fit for purpose and future-facing. If that is a blockage, then it should be dealt with.

The Chairman: That is a good message. Lord Lang, do you want to come in?

Lord Lang of Monkton: I am going to ask for any observations of matters that we have not asked you about that you were longing to tell us about.

Lord Puttnam: I have one final thing, which I have just written down. My 15-year experience with Singapore is marked by one thing: whenever I go there, they are not remotely interested in you complimenting them; all they want to know is, "How could we do this better?" That is the only question they ask: "How can we do it better?" They are in a constant cycle of improvement, and if we could—

Lord Low of Dalston: If that is the only question, who answers?

Lord Puttnam: Both civil servants and Ministers. I used to go twice a year to see them and talk about what they had done. My instinct was to say, "My word, you're doing well". They were not interested in how well they were doing. They wanted to discuss what they could be doing to improve or where are they are managing to do things better? That is a really useful mindset to develop. I think it has a lot to do with their extraordinary success in the last dozen years.

Baroness Kidron: My final thought would be about diversity—to make sure that the committee system is not a talking shop for the professional classes. I know we get experts, but I think we really have to work very hard to make sure that we reach all of the different communities.

Lord Lang of Monkton: The public and not just experts in matters.

Baroness Kidron: I mean we need to go out of our way to have experts of different backgrounds, but also perhaps to be a bit careful about what we think an expert is.

The Chairman: There have been plenty of pronouncements on that from government.

Baroness Prashar: I have a final comment. I want to pay tribute to the staff who serve our committees, but I have one plea, having served. Sometimes, the churn is so much that you have to adjust to different clerks in a short space of time. If you are going to professionalise the committees, this will have implications for the staff, the flexibility and the resources, but I want to put on record that I think we are very well served by the staff.

The Chairman: That is great. Thank you for your evidence this morning. I reassure you that member engagement is very high on our agenda, so we are not finished with that engagement with you. As we go along, it is important that members know how we have gone about our business and the emerging themes. We will keep in contact with you on that. We are really grateful for your evidence this morning, and we have finished exactly on time. Thank you.