



House of Commons
Liaison Committee

**The effectiveness and
influence of the select
committee system:
Government Response
to the Committee's
Fourth Report of
Session 2017–19**

**First Special Report of Session
2019–21**

*Ordered by the House of Commons
to be printed 12 June 2020*

The Liaison Committee

The Liaison Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and to hear evidence from the Prime Minister on matters of public policy.

Current membership

[Sir Bernard Jenkin MP](#) (*Conservative, Harwich and North Essex*) (Chair)

The Chairs of the following Select Committees are members of the Liaison Committee:

Administration—[Sir Charles Walker MP](#) (*Conservative, Broxbourne*)

Backbench Business—[Ian Mearns MP](#) (*Labour, Gateshead*)

Business, Energy and Industrial Strategy—[Darren Jones MP](#) (*Labour, Bristol North West*)

Defence—[Mr Tobias Ellwood MP](#) (*Conservative, Bournemouth East*)

Digital, Culture, Media and Sport—[Julian Knight MP](#) (*Conservative, Solihull*)

Education—[Robert Halfon MP](#) (*Conservative, Harlow*)

Environment, Food and Rural Affairs—[Neil Parish MP](#) (*Conservative, Tiverton and Honiton*)

Environmental Audit—[Philip Dunne MP](#) (*Conservative, Ludlow*)

European Scrutiny—[Sir William Cash MP](#) (*Conservative, Stone*)

European Statutory Instruments—[Andrew Jones MP](#) (*Conservative, Harrogate and Knaresborough*)

Finance—[Lilian Greenwood MP](#) (*Labour, Nottingham South*)

Foreign Affairs—[Tom Tugendhat MP](#) (*Conservative, Tonbridge and Malling*)

Future Relationship with the European Union—[Hilary Benn MP](#) (*Labour, Leeds Central*)

Health and Social Care—[Jeremy Hunt MP](#) (*Conservative, South West Surrey*)

Home Affairs—[Yvette Cooper MP](#) (*Labour, Normanton, Pontefract and Castleford*)

Housing, Communities and Local Government—[Mr Clive Betts MP](#) (*Labour, Sheffield South East*)

Human Rights (Joint Committee)—[Ms Harriet Harman MP](#) (*Labour, Camberwell and Peckham*)

International Development—[Sarah Champion MP](#) (*Labour, Rotherham*)

International Trade—[Angus Brendan MacNeil MP](#) (*Scottish National Party, Na h-Eileanan an Iar*)

Justice—[Sir Robert Neill MP](#) (*Conservative, Bromley and Chislehurst*)

Northern Ireland Affairs—[Simon Hoare MP](#) (*Conservative, North Dorset*)

Petitions—[Catherine McKinnell MP](#) (*Labour, Newcastle upon Tyne North*)

Procedure—[Karen Bradley MP](#) (*Conservative, Staffordshire Moorlands*)

Public Accounts—[Meg Hillier MP](#) (*Labour (Co-op), Hackney South and Shoreditch*)

Public Administration and Constitutional Affairs—[Mr William Wragg MP](#) (*Conservative, Hazel Grove*)

Regulatory Reform—[Stephen McPartland MP](#) (*Conservative, Stevenage*)

Science and Technology—[Greg Clark MP](#) (*Conservative, Tunbridge Wells*)
Scottish Affairs—[Pete Wishart MP](#) (*Scottish National Party, Perth and North Perthshire*)
Selection—[Bill Wiggin MP](#) (*Conservative, North Herefordshire*)
Standards (and Privileges)—[Chris Bryant MP](#) (*Labour, Rhondda*)
Statutory Instruments (Joint Committee)—[Jessica Morden MP](#) (*Labour, Newport East*)
Transport—[Huw Merriman MP](#) (*Conservative, Bexhill and Battle*)
Treasury—[Mel Stride MP](#) (*Conservative, Central Devon*)
Welsh Affairs—[Stephen Crabb MP](#) (*Conservative, Preseli Pembrokeshire*)
Women and Equalities—[Caroline Nokes MP](#) (*Conservative, Romsey and Southampton North*)
Work and Pensions—[Stephen Timms MP](#) (*Labour, East Ham*)

Powers

The powers of the Committee are set out in House of Commons Standing Order No.145. The Standing Orders are available on the Internet via www.parliament.uk.

Publications

© Parliamentary Copyright House of Commons 2020. This publication may be reproduced under the terms of the Open Parliament Licence, which is published at www.parliament.uk/copyright.

Committee reports are published on the [publications page](#) of the Committee website and in print by Order of the House.

Committee staff

The current staff of the Committee are Richard Dawson (Business Manager), Liz Parratt (Media Officer) and David Slater (Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Liaison Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 5675; the Committee's email address is liaisoncommittee@parliament.uk. Media inquiries should be addressed to Liz Parratt on 020 7219 1708.

You can follow the Committee on Twitter using [@CommonsLiaison](#).

First Special Report

The Liaison Committee published its Fourth Report of Session 2017–19, [The effectiveness and influence of the select committee system](#) (HC 1860) on 9 September 2019.

The Government Response was received on the 28 May 2020 and is appended to this report.

Appendix: Government Response

Select committees play an important role in investigating specific issues in detail, scrutinising the work of Government, holding the Government to account, and ensuring the effective delivery of policy and efficient spending of taxpayers' money. This response addresses the specific conclusions and recommendations which are directed at the Government. It does not address all of the recommendations in turn. This is in recognition of the fact that there are a number of conclusions and recommendations which are for the House, and its committees, to consider whether to take forward.

The work of committees

1. We recommend that paragraph (1) of Standing Order No. 152 should be amended to read as follows: Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments and their associated public bodies as set out in paragraph (2) of this order; together with matters of public concern falling within the area of competence of those departments and bodies. (Paragraph 18)

The Government does not consider there is a need to update the Standing Orders to reflect the wider role that some committees have recently chosen to adopt. As the Liaison Committee itself recognises, select committees are already able to interpret their own remit. [Conclusions and recommendations 2–5 are not directed at the Government.]

6. We recommend that every government department produces an annual memorandum to the relevant select committee which sets out progress on implementing committee recommendations and other reports notified as being of interest to the relevant committee. This would enable both committees and departments to monitor the quality as well as the timeliness of government responses. Departments should also provide memoranda to cross-cutting committees where their responsibilities apply. (Paragraph 32)

The Government does not consider that a 'one-size-fits-all' approach is suitable for the routine monitoring of, and reporting on, progress towards implementing committee recommendations. A committee's interest in a particular subject may change over time and it is right that committees themselves actively choose from existing mechanisms (e.g. correspondence or follow-up evidence sessions) for engaging with departments directly on policy areas of particular interest. Committees ought to engage directly with individual Government departments, and the Ministers in those departments, to agree ad-hoc arrangements as appropriate.

[Conclusion 7 is not directed at the Government.]

8. We believe it remains appropriate to have a deadline for government responses, but how it is met should be a matter of negotiation between ministers and chairs. We intend to monitor the timeliness of these responses over the next twelve months. Where departments are persistently late, or responses are persistently poor quality, we will notify the Leader of the House of our concerns. We believe best practice in this area will not happen of its own accord: the Committee Office should invest resources in the technology and techniques which are shown to work in improving the follow-through of committee recommendations. Together with the Cabinet Office, the Committee Office should be developing official-level dialogue about how both sides of the bargain could be strengthened to ensure that committees are not casting their bread on the waters when they make recommendations to government. (Paragraph 36)

The Government notes the Committee's conclusion. In particular, the suggestion to notify the Leader of the House where it has not been possible for a department to provide a considered response to a committee within two months of publication. The Osmotherly Rules, which serve as guidance for civil servants in giving evidence to select committees, are a statement of best practice for responding to select committee reports. The Osmotherly Rules provide that where a report is complex or technical in nature, the Government response may take longer to produce; in this event, the Government is committed to keeping the Committee informed on the response timetable. Whilst in the Government's view a central policing role would be disproportionate, the Leader of the House can have a role to play in reminding colleagues of the need to give timely and well considered responses.

[Conclusion 9 is not directed at the Government.]

10. The current pilot swap arrangements for Estimates Days have given the Committee access to the agenda on three days a session. We believe this pilot arrangement to have been a success and recommend that it should be embedded in Standing Orders, and we await the outcome of the Procedure Committee's evaluation of the pilot, which it instituted in January 2018. Given the somewhat elastic length of a parliamentary session, the number of days given to the Liaison Committee should be at least three a year, rather than three a session. (Paragraph 42)

As the Liaison Committee notes there are a number of routes available to select committees seeking to debate their reports on the floor of the House and in Westminster Hall. This includes the pilot arrangements for Estimates Day debates in the Chamber. The Government awaits the outcome of the Procedure Committee's evaluation of that pilot and looks forward to continuing the conversation on this matter at that point.

[Conclusions and recommendations 11–13 are not directed at the Government.]

Select committees and the UK's future with the European Union

[Conclusions and recommendations 14–16 are not directed at the Government.]

17. Further work is also required to consider the appropriate model for future treaty scrutiny and the Liaison Committees of both Houses should hold internal discussions to take this forward. Options for consideration include the establishment of a joint “treaties” committee of both Houses. (Paragraph 84)

The Government notes the Committee's conclusion. This issue was also raised by the House of Lords Constitution Committee in its report, *Parliamentary scrutiny of treaties*. As set out in response to that report, the establishment of, or amendment to, structures within Parliament to scrutinise treaties is a matter for Parliament itself. The Government remains committed to the principle of parliamentary scrutiny, and commits to engage with any committee tasked with scrutinising treaties in a constructive way.

[Conclusion 18 is not directed at the Government.]

19. We recommend the development of a Framework Agreement between both Houses of Parliament and the Government on providing information on treaty negotiations and conclusion. (Paragraph 89)

As set out in response to the House of Lords Constitution Committee report, *Parliamentary scrutiny of treaties*, the Government is committed to engaging with whatever parliamentary scrutiny structures the Houses implement.¹ In considering what information to provide to Parliament, Ministers have to balance competing public interests (as indeed Parliament has recognised in other contexts including the Freedom of Information Act 2000, which itself contains an exemption covering international relations (Section 27)). The consideration of whether and what type of information it will be in the public interest to release in the context of continuing negotiations will involve weighing the need for transparency and openness against a range of other factors including the risk of undermining the UK's negotiating position, any prejudice to the UK's relationship with other States and any expectation of confidentiality on the part of those States. The approach to information sharing will inevitably depend on the nature and context of the treaty, and the expectations of other parties. Ultimately, the Government will need to take a view on the appropriate level of information that is provided.

20. Discussions must now take place between the Liaison Committees of both Houses, with input from the Leaders of each House, to determine the next chapter in the House's oversight of UKEU relations, whatever form they take and at whatever pace of change. The Government welcomes the opportunity for further discussions with the two Liaison Committees.

Evidence, engagement and research

[Conclusions and recommendations 21–24 are not directed at the Government.]

25. We note how discourteous it can appear to witnesses and how disruptive it can be for them to have to pause an evidence session when the division bell rings. Many witnesses travel long distances to give evidence and the House should consider how its voting procedures could be modified to reduce this disruption, including trialling the use of electronic voting posts in committee rooms. (Paragraph 113)

¹ House of Lords Constitution Committee, 20th Report of Session 2017–19, *Parliamentary Scrutiny of Treaties*, HL Paper 345.

Changes to voting procedures should only ever be taken forward once potential consequences have been fully thought through, where there is substantial support for change from across the House and where change is in the interests of enabling MPs to do a more effective job. The Government is not convinced that these minor concerns should lead to changes to voting procedures. In considering alternative arrangements, including electronic voting, the Government is of the view that votes should require Members to attend the division lobbies. Many Members view the procedure of voting in person through the lobbies as an essential opportunity to speak to or lobby senior colleagues. Others have made the case that the current arrangements focus the minds of members when voting and they are always therefore clear what they are voting for.

Of course, in the context of the coronavirus pandemic, the House has agreed arrangements for remote voting to be put in place. In these particular and unique set of circumstances in which we find ourselves, it is necessary that we innovate to ensure that the House of Commons can continue to both scrutinise the Government and continue to legislate. The Government is committed to listening carefully to the views of Members across the House, including those of the Procedure Committee, as we develop these new and temporary ways of working. However, it is the Government's clear view that the arrangements are temporary and the House will return to the normal tried and tested ways of working as soon as possible.

[Conclusions and recommendations 26–46 are not directed at the Government.]

Powers, privileges and contempts

[Conclusions and recommendations 47–49 are not directed at the Government.]

50. We further note that recourse to an Address would be available at the initiative of a committee, but the main issue would be the ability of the government to refuse to find time for a motion for an Address to be debated. We believe that, as it is tantamount to a matter of privilege, should any committee feel obliged to have such resort to seeking a motion for an Address, it should become the clear practice of the House that time would be found urgently to debate its motion. (Paragraph 189)

The Government notes that matters of privilege are determined by the Speaker and it is right that he has the power to give precedence to those matters over the orders of the day. For any other matters, it is open to all Members of the House to make an application to the Backbench Business Committee to schedule a subject for debate in Westminster Hall or on the floor of the House.

51. We urge government to be more forthcoming in releasing papers that set out the evidence on which decisions are made, even if this involves redacting sections which are formal advice to ministers. There is no excuse for withholding evidence gathered at public expense which should rightly be in the public domain so that it can be subject to scrutiny. (Paragraph 190)

The Government is committed to sharing information with Parliament but when doing so, must be mindful of its duty to balance a commitment to transparency with the

broader public interest and its legal duties. As the Liaison Committee itself recognises, wranglings” between committees and Ministers over access to papers is generally resolved by compromise.

[Conclusions 52–53 are not directed at the Government.]

54. We support the recommendation of the Digital, Culture, Media and Sport and Public Administration and Constitutional Affairs committees for a new standing order of the House to provide for committees to have a right to initiate a short debate in cases where Ministers propose to override a negative report of a committee following a preappointment hearing. (Paragraph 198)

As set out in the Government’s response to the Public Administration and Constitutional Affairs Committee report, *Pre-Appointment Hearings: Promoting Best Practice*, there are a number of mechanisms already in place by which Ministers are held to account by Parliament for their actions.² These processes allow for the Minister to explain the decision taken to Parliament and for questions to be fully addressed. The Government therefore does not agree with the recommendation to provide for a new mechanism, in Standing Orders, for instigating debate.

Communicating our work

[Conclusions and recommendations 55–57 are not directed at the Government.]

58. We recommend that Standing Order No. 134 be amended to give committees complete discretion and flexibility over the timing and distribution of their embargoed reports before publication. (Paragraph 213)

The Government recognises that it is for the House itself to determine any changes to its own Standing Orders. However, the current provisions allow an embargo period of up to 72 hours which is already reasonable.

[Conclusions and recommendations 59–62 are not directed at the Government.]

Chairs and Members

63. We recommend that the relevant changes to Standing Order No. 122B be made to extend chair elections to all select committees. (Paragraph 239)

The Government recognises that the election of select committee chairs has been a reform that has been welcomed for ensuring greater independence of committees. We will consider further any views on this matter shared by the committees affected and the House as a whole.

[Recommendation 64 is not directed at the Government.]

65. We suggest that eligibility to sit on select committees should be determined by extending the application of the provision of those eligible to sit on the Backbench Business Committee to all select committees. (Paragraph 245)

² Public Administration and Constitutional Affairs Committee, Tenth Report of Session 2017–19, *Pre-Appointment Hearings: Promoting Best Practice*, HC909.

The Standing Orders set out that “no Member who is a Minister of the Crown or parliamentary private secretary or principal opposition front-bench spokesperson shall be eligible to be the chair or a member of the [backbench business] committee”.³ The Backbench Business Committee performs a unique role in determining subjects brought forward by backbenchers for debate in the Chamber and it is therefore right that there is no front-bench representation on this Committee. In respect of other committees, the Liaison Committee itself notes there are already some restrictions in place: the Ministerial Code states that parliamentary private secretaries should “withdraw from any involvement with inquiries into their appointed Minister’s department”. The Government has concerns that any wider restrictions on eligibility to sit on other select committees might lead to difficulties in filling places, however, this is ultimately a matter for the House.

[Recommendation 66 is not directed at the Government.]

67. We repeat here the recommendation of the Wright Committee but extend this from the principal committees to all committees: “that select committees should be nominated within no more than six weeks of the Queen’s Speech”. We further recommend that the Liaison Committee should be enabled to sit with an interim chair pending the formal constitution of all committees once the majority have been elected. It is not acceptable that scrutiny of the Prime Minister should be unduly delayed. (Paragraph 252).

The Government has worked to establish select committees as soon as was practicable since the 2019 election. The timeline for setting up select committees in the aftermath of a general election is partly set in Standing Orders and partly determined by internal party processes. In addition, because of the unusual timing of the general election, the House agreed an extension to the recommended timetable, taking account of the Christmas recess. The elected chairs of select committees were confirmed on 29 January and the vast majority of Committees had their members confirmed on 2 March and were able to begin work.

The Government recognises the role played by the Liaison Committee in scrutinising the Prime Minister. The Prime Minister has an excellent record of appearing in the House of Commons Chamber to be scrutinised by MPs, and he is committed to attending Liaison Committee meetings in accordance with the precedent set by his predecessors. However, the Government does not consider that the Liaison Committee should be enabled to sit with an interim chair at the start of a Parliament before the majority of committees are properly constituted. To do so would potentially put at a disadvantage the chairs of any committees not yet constituted.

[Conclusions and recommendations 68–73 are not directed at the Government.]

The role of the Liaison Committee

74. Specifying the number of oral evidence sessions with the Prime Minister in Standing Orders would not be a proportionate step. There should remain some flexibility in timing to allow us to respond to events. However, the presumption must be that the Prime Minister will make three dates a year available in good time for us to make the

3 Standing Order No. 152J, Backbench Business Committee, Standing Orders of the House of Commons – Public Business.

necessary arrangements. Where we suggest a particular timing, the Prime Minister should consider their response in the context of the value of public and parliamentary scrutiny and should try to accommodate requests to attend on or close to these dates. In particular, any new Prime Minister should appear before the Liaison Committee at the earliest opportunity after they take up office. (Paragraph 277)

The Liaison Committee is an important forum and the Government welcomes the constructive working relationship with it, particularly on issues such as pre-legislative scrutiny of Government Bills. We agree with the Committee that it would be disproportionate to set the number of appearances by the Prime Minister in Standing Orders. The Committee's sessions with the Prime Minister are a useful opportunity for Committee Chairs to question the Prime Minister, however there are many other ways that a wider audience can hold the Prime Minister to account, including the weekly session of Prime Minister's Questions. This Prime Minister has an excellent record of appearing in the House of Commons Chamber to be scrutinised by MPs, and he is committed to attending Liaison Committee meetings in accordance with the precedent set by his predecessors.

[Conclusion 75 is not directed at the Government.]

76. Standing Order No. 145 should be amended to extend our ability to take evidence on matters of public policy from others than just the Prime Minister. (Paragraph 281)

The Government is not supportive of the Committee's recommendation to amend Standing Order No. 145 to extend its ability to take evidence on matters of public policy from others than just the Prime Minister. In particular, the change to allow members of one committee to attend meetings of other committees, brought forward by the Government following the Liaison Committee's recommendation in its first report of 2017–19, means that departmental committees can already join together to question witnesses when there are cross-cutting matters at stake. This power has been effectively used to question ministers on the Government's response to Covid-19.

77. We recommend that the Liaison Committee be given the power to appoint specialist advisers. (Paragraph 282)

Given the restricted remit of the Liaison Committee the Government is not convinced that this power is necessary. Regard should be given to whether it would represent good value for money for the House.

[Conclusions and recommendations 78–82 are not directed at the Government.]

83. We invite the Procedure Committee to bring forward further changes to Standing Order No. 145 so that the Liaison Committee can come into existence as and when chairs take office following a general election. We recommend that an interim chair of the Committee could then be elected by chairs once more than half were in place, pending a final decision when the Committee was complete. (Paragraph 295)

As stated in response to recommendation 67, the Government does not consider that the Liaison Committee should be enabled to sit with an interim chair at the start of a Parliament before the majority of committees are properly constituted. To do so would potentially put at a disadvantage the chairs of any committees not yet constituted. The Government also

does not consider it appropriate for chairs to sit on the Liaison Committee before their committees are properly constituted - this would erode the important link between the chairs and other members of their committees.

[Recommendation 84 is not directed at the Government.]