



HOUSE OF LORDS

Liaison Committee

9th Report of Session 2019–21

Review of the Common Frameworks Scrutiny Committee

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Liaison Committee

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The Members of the Liaison Committee are:

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<u>Lord Davies of Oldham</u>	<u>Lord Smith of Hindhead</u>
<u>Baroness Hayter of Kentish Town</u>	<u>Lord Tyler</u>
<u>Earl Howe</u>	<u>Baroness Walmsley</u>
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Committee staff

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Review of the Common Frameworks Scrutiny Committee

Introduction

1. In July 2020 this Committee recommended the appointment of a Common Frameworks Scrutiny Committee “for the duration of the present session”¹. We considered that it would be important that the Liaison Committee should keep the work of the Committee under regular review.
2. This report now recommends that, given developments over recent months, the Common Frameworks Scrutiny Committee should be reappointed at the start of the new session of Parliament, until the end of 2021.

Work of the Common Frameworks Scrutiny Committee

3. The Common Frameworks Scrutiny Committee was appointed by the House on 17 September 2020, to scrutinise and consider matters relating to common frameworks.² In December the Chair of the Common Frameworks Committee, Baroness Andrews, wrote to the Chair of the Liaison Committee outlining the work of her Committee. As well as scrutinising individual common frameworks, it had launched an inquiry into the common frameworks programme. She noted that common frameworks would form an integral part of the UK policymaking and the UK internal market once the post-Brexit transition period had finished. She therefore suggested parliamentary scrutiny of common frameworks would need to continue even after the initial common frameworks programme was complete.³
4. Following receipt of this letter, on 8 February the Chair of the Liaison Committee held a helpful discussion with Baroness Andrews, together with Baroness Taylor of Bolton, Chair of the Constitution Committee, and Lord Kinnoull, Chair of the European Union Committee.
5. On 2 March Baroness Andrews wrote a further letter, with an update on the Committee’s progress. She noted that since her last letter the common frameworks programme had experienced major delays, with the result that even though the Committee was about to publish an interim report on the programme as a whole, its scrutiny of specific frameworks had “in many respects only just begun”⁴.
6. She reported that the Minister for the Constitution and Devolution, Chloe Smith MP, had told the Committee on 23 February that the Government now expected to “complete the programme within 2021”⁵. Lady Andrews therefore suggested that there was a “strong case” for the Common

1 Liaison Committee, *A Common Frameworks Scrutiny Committee* (4th Report, Session 2019–21, HL Paper 115)

2 HL Deb, 17 September 2020, [col 1402](#)

3 Letter from Baroness Andrews, Chair of the Common Frameworks Scrutiny Committee to the Senior Deputy Speaker on the Common Frameworks Scrutiny Committee (17 December 2020): <https://committees.parliament.uk/publications/4061/documents/40427/default/>

4 Letter from Baroness Andrews, Chair of the Common Frameworks Scrutiny Committee to the Senior Deputy Speaker on the Common Frameworks Scrutiny Committee (2 March 2021): <https://committees.parliament.uk/publications/5008/documents/49955/default/>

5 Oral evidence taken before the Common Frameworks Scrutiny Committee on 23 February 2021 (Session 2019–21), [QQ 99](#) (Chloe Smith MP)

Frameworks Scrutiny Committee to continue its work in the new session, and until the end of 2021, after which thematic committees would be well placed to continue scrutinising the operation of frameworks across a range of UK internal market policy areas.⁶

7. Prior to giving oral evidence to the Commons Frameworks Committee Chloe Smith MP wrote to Baroness Andrews providing further information in relation to the changed timetable for common frameworks scrutiny. Her letter included the following explanation:

“I recognise the need for fully developed frameworks to be shared with legislatures to ensure effective scrutiny can be conducted. I understand the Common Frameworks Scrutiny Committee’s mandate is for the remainder of the parliamentary session, and as such you will want to review frameworks at the earliest possible opportunity. There is clearly a balance to be struck between committees receiving fully developed frameworks and reviewing frameworks as soon as possible.

“You have also indicated the importance of transparency with regard to the frameworks which are now in use. I agree that it is important to maximise transparency in the common frameworks programme and agree with you that the provisional frameworks should be made available to parliamentary committees across UK Parliament and the devolved legislatures at the earliest opportunity.

“The UK Common Frameworks programme is a joint project across the UK Government and devolved administrations and as such I am mindful of the need to take a consistent approach across all nations. With regard to initiating formal scrutiny, many frameworks continue to be developed and so full scrutiny may prove most useful later this year.”⁷

Consideration

8. The letters from Committee Chair Baroness Andrews and from the Minister, Chloe Smith MP, demonstrate the need for the Committee to continue its important work. Scrutiny of common frameworks does not fall within the remit of any other House of Lords committee. Furthermore, as we noted in our July 2020 report recommending the Committee’s appointment, the existing sessional committees do not have sufficient resources to undertake this additional scrutiny work.
9. The speed with which the scrutiny is likely to need to be conducted, combined with the scale and breadth of issues of relevance that require scrutiny, lend further weight to the work of the Committee. Common frameworks, and their scrutiny, have great importance for the future governance of the United Kingdom.

Conclusion and recommendation

10. **The Common Frameworks Scrutiny Committee is not a sessional select committee and will therefore cease to exist as and when**

6 Letter from Baroness Andrews, Chair of the Common Frameworks Scrutiny Committee to the Senior Deputy Speaker on the Common Frameworks Scrutiny Committee (2 March 2021): <https://committees.parliament.uk/publications/5008/documents/49955/default/>

7 Letter from Chloe Smith MP, Minister for the Constitution and Devolution to Baroness Andrews, Chair of the Common Frameworks Scrutiny Committee (22 February 2021): <https://committees.parliament.uk/publications/4780/documents/48283/default/>

Parliament is prorogued at the end of the session, unless a decision is taken to reappoint it. We believe it is performing a vital role, and one which, owing to the delays in the common frameworks programme, is likely to be needed until the end of 2021.

11. *We therefore recommend the reappointment of a Common Frameworks Scrutiny Committee, with the same terms of reference and membership, at the start of the next session of Parliament, with the expectation that it should complete its work by the end of 2021.*