

**Written evidence from Tom Tugendhat MP, Chair of the Foreign Affairs
Committee (SCC0026)**

I am responding on behalf of the Foreign Affairs Committee to your recent request for additional evidence to your Committee's resumed inquiry into the exercise and enforcement of powers relating to select committees.

As you will be aware, the Committee in the last Parliament experienced on a few occasions considerable difficulty in securing the timely attendance of witnesses from UK companies in respect of relevant inquiries. Whilst in the end it proved possible to secure attendance through lengthy negotiation, the absence of clear and enforceable rules governing the Committee's powers made this task significantly more difficult than it should have been. We would therefore welcome any attempt by the Committee of Privileges and the House to provide such clarity, without introducing a significant risk of intervention by the Courts in Committee proceedings.

We would also encourage your Committee to revisit the current powers of select committees to secure the attendance of members of the House of Lords. Again, the Committee managed to overcome this procedural hurdle in the last Parliament, but there may in future be rare occasions when the power is needed and justifiable. Given that Peers may have or have had roles and responsibilities that fall squarely within the remit of select committees' scrutiny activities, it seems inappropriate and unreasonable that they should be protected from being held to account by virtue of their membership of the Upper House.

Finally, in the present Parliament the Committee has encountered an issue with the attendance of civil servants. The Foreign Secretary has been explicit that he does not wish civil servants to appear before the Committee in the absence of a Minister. Whilst in general the appearance of Ministers rather than civil servants is welcome, there are occasions – connected to availability or the subject under consideration – when it would be appropriate for civil servants to attend without Ministers. I am not aware that this constraint has been applied by other Departments, nor do we consider it to be in line with the demands of good scrutiny. It would be helpful, when your Committee considers the application of select committees' powers to civil servants, that this issue could be reviewed with a view to providing greater clarity.

I hope that this is helpful.

1 October 2020