

Written evidence from Rt Hon Philip Dunne, Chair of the Environmental Audit Committee (SCC0028)

Reluctance of witnesses to appear before the Committee

The Environmental Audit Committee has not had cause to exercise its formal powers to send for persons, papers and records during the current Parliament. As with most Committees, it is normally sufficient for the Committee staff team to negotiate with third parties to secure witnesses and evidence required for the Committee's work. There is an inherent risk in attempting to exercise powers which have no clear means of enforcement and where a particular witness or piece of evidence is not essential for an inquiry, it is often the case that the Committee will seek evidence elsewhere, or agree to receive a written submission from those unable or unwilling to appear before the Committee at a time that aligns with the Committee's intended programme.

In response to your most recent call for evidence I would like to highlight an example of where this approach was unsuccessful, but where the Committee did not feel it wise to attempt to use its formal powers. In July 2020 the Committee organised an evidence session with major technology companies as part of its inquiry into Electronic Waste and the Circular Economy. Apple, the world's most valuable technology company, originally agreed to provide a representative for the session, but then pulled out of the session with just 9 days until the session was due to take place.

Situations such as this present a particular challenge. There is often room for flexibility in the timing of Committee meetings (although that is limited in current circumstances due to the understandable constraints on Select Committee broadcasting slots). For many inquiries there are a range of possible witnesses who could provide the Committee with useful evidence and it is necessary for the Committee to balance the timely completion of inquiries against the need to ensure the Committee has the best available evidence.

In this particular case, the Committee decided to continue with the planned schedule for the inquiry, rather than face a lengthy delay and disruption to the Committee's wider programme in order to negotiate an appearance by Apple at a later date. By way of compromise, the Committee agreed to seek written evidence from Apple on a number of specific questions, and provided the company with a month to respond.¹ Unfortunately, this deadline was then missed, with the company only galvanised to produce a response when the Chair issued a press notice castigating the company for its failure to engage with the inquiry.²

This lack of engagement does not amount to a serious interference with the ability of the Committee to conduct its work, but it nonetheless frustrates the Committee's powers to inquire into matters as it sees fit and to seek evidence from those it judges to be most appropriately placed to respond. We recognise that in Apple's case, any

¹ [Correspondence between the Chair and Apple](#), 4 August 2020

² EAC, [Apple refusal to respond to EAC on environmental sustainability and repairability of its products](#), 15 September 2020 ; [Correspondence between Apple and the Committee](#), 15 September 2020

solution proposed by your Committee is unlikely to bind those outside the UK's jurisdiction, but it nevertheless seems necessary for the Committee's powers to send for persons and papers to be given some more formal status beyond those they currently hold.

On the question of calling witnesses outside the UK's jurisdiction, it is also worth considering whether Committees should have the power to require those who trade in the UK to appear before Select Committees.

Challenges of Ministerial availability

It is a longstanding tradition that Ministers make themselves available to Parliament and to Select Committees, and there is certainly no suggestion that Ministers would seek to refuse to appear before a Committee on matters for which they are responsible. Nevertheless, there seems to be an increasing challenge in securing Ministers to appear before our Committee unless a very substantial amount of notice is given. Ministerial Offices will often seek to change the timing or the date of a session at short notice, even after a date has been agreed, presenting a particular challenge to Committees in the current environment where there is limited flexibility about when Committees can hold broadcast meetings.

There will undoubtedly be circumstances where Ministers need to change plans at short notice but there appears to have been an erosion of the importance of a Select Committee appearance in the minds of Ministers or their private offices. Given the Environmental Audit Committee's remit cuts across different departments' responsibilities, from time to time the Committee holds sessions with multiple Ministers from different departments. Co-ordinating Ministers' diaries for these sessions becomes even more difficult. The Committee has also found it difficult on occasion to find a Minister to take responsibility for environmental matters that cut across departments. We recognise that Ministers across Government are dealing with a particularly unprecedented set of circumstances, but we recommend that your Committee consider writing to all Ministers to underline the importance of making themselves available for scrutiny by Select Committees.

1 October 2020