

# **Departmental Select Committees – 30 Years of Scrutiny**

23 June 2009





## **30 Years of Scrutiny by Departmental Select Committees**

Attlee Suite, Portcullis House, House of Commons

23 June 2009

### **Programme**

*Chair: Paul Evans, Principal Clerk of Select Committees*

#### **1.45pm Rt Hon Alan Williams MP – introductory comments**

**2.00pm – 3pm**

#### **The origins and evolution of select committees**

This session looks at how the departmental select committees were established. It also provides some interest for those tasked with taking forward further reforms such as the proposed regional committees and e-petitions. How sure were those there at the beginning of the likely success and longevity of the committees? How did the Government react to this new way of conducting scrutiny?

*Chair: David Natzler (Clerk of Committees)*

Gavin Drewry (Royal Holloway, University of London)

Chris Price (former Chair of the Education Select Committee)

Bill Proctor (former Clerk to the Procedure Committee)

**3pm – 4pm**

#### **The Challenges for Scrutiny**

This session looks at some of the key challenges faced by select committees over the last thirty years. Where do select committees fit in within the life and role of a backbencher? What impact have select committees had on Government? How have the staffing needs of committees changed over the last 30 years?

*Chair: Dr Meg Russell (Constitution Unit, UCL)*

Peter Luff MP (Chair of the Business and Enterprise Committee)

Sir Nicholas Monck (former Permanent Secretary and member of the Better Government initiative)

Helen Irwin (former Clerk of Committees)

**Coffee Break 4pm – 4.15pm**

**4.15pm - 5.15pm**

#### **The future of select committees**

This final session looks at how the departmental select committee system has perhaps been part of a growth in the culture of scrutiny by committees. It could consider what possibilities select committees offer for further reform and development of the House of Commons.

*Chair: Dr Ruth Fox (Hansard Society)*

Professor the Lord Norton of Louth (University of Hull)

Peter Riddell (*The Times* and the chair of the Hansard Society)

Dr Tony Wright MP (Chair of the Public Administration Select Committee)

**5.15pm – 5.30pm Rt Hon Harriet Harman MP – Closing comments**



**Specialist Committees in Hindsight  
Departmentally-Related or Subject-Related?  
The Origins and Evolution of Select Committees  
Gavin Drewry, Royal Holloway, University of London**

The background to and pre-history of the reforms of 1979 have been well documented elsewhere – in particular by some of my fellow members of the SPG study group on *The New Select Committees*<sup>1</sup> – and I have drawn gratefully on some of that work in what follows.

My main object in this short presentation is to revisit just one of the many issues that featured intermittently in the pre-1979 debates about reforming the Commons' select committee system – viz whether the remits of specialist committees should be 'departmentally-related' or 'subject-related' in their coverage.

The SPG's study was published ten years after the establishment of the new committees by Margaret Thatcher's Leader of the House, Norman St John Stevas - 'when her mind was on larger matters'<sup>2</sup> and 'before the Sir Humphreys could reprogramme the new Cabinet.'<sup>3</sup> We loftily awarded what I suppose amounted to a cautious B++ mark to the committees. Yet, as I will seek to demonstrate, the SPG – from its academic founding-father, the late Sir Bernard Crick, in 1964 until the evidence submitted to the Procedure Committee just before the foundation of these - departmentally-related - select committees, had tended generally to favour the subject option.

Debate about committees goes back at least to the beginning of the 20<sup>th</sup> century, but I want to start with Bernard Crick's, *The Reform of Parliament*. In the foreword to Dermot Englefield's account of the first twenty-one years of the SPG,<sup>4</sup> Bernard Crick and Michael Ryle recalled how the publication of Crick's book prompted the conversations between them that led to the setting up of the Group. Here is what Crick had to say in 1964 about committees:

... there can be little doubt that the present committee system of the House (even with the reforms of 1966-67) is a ramshackle compound of conflicting elements... There is a need quite simply to stop thinking of the "essential" House of Commons as just the Floor, but rather as a dynamic relationship between the general Floor and the specific Committees – committees which nevertheless have to report to the whole House. The theory of Parliamentary procedure is still anti-specialist; the practice of the House is becoming more and more specialist; there is need for the theory to catch up with the practice and then to go beyond the existing practice, both to extend and simplify the present un-system of committees, to systematise them and to give them greater facilities.<sup>5</sup>

But he was sceptical of the 'superficial attractiveness' of departmentally-related committees:

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<sup>1</sup> See in particular, Priscilla Baines, 'History and Rationale of the 1979 Reforms', in G. Drewry (ed), *The New Select Committees*, Clarendon Press, 1985 (2<sup>nd</sup> edn. 1989), ch. 1; Philip Giddings, 'Select Committees and Parliamentary Scrutiny: Plus Ça Change', *Parliamentary Affairs*, 47, 1994, pp. 669-86.

<sup>2</sup> Hugo Young, *One of Us*, revised edn., Pan Books, 1990, p. 209.

<sup>3</sup> Graham Allen, obituary of John Garrett, *The Independent*, 15 September 2007

<sup>4</sup> Dermot Englefield, *The Study of Parliament Group: The First Twenty-One Years, 1964-1985*, Study of Parliament Group, 1985, pp. iv-v.

<sup>5</sup> Bernard Crick, *The Reform of Parliament*, 2<sup>nd</sup> edn., 1968, p. 100.

There would be too many committees – if they are each to stand any chance of gaining, from time to time, the attention of the Floor of the House for their more important reports. Such a system would carry a greater risk of interference with the routine work of Departments. It would certainly carry a great risk of creating committees as narrow-minded as some Departments.<sup>6</sup>

A new committee system needed ‘to bring together considerations relevant to several Departments and to take broad views...’

In written evidence to the Select Committee on Procedure in the session 1964-65<sup>7</sup> (followed up with oral evidence from Professors Bromhead, Hanson and Wiseman) the academic members of the Group called for an enlargement of the Estimates Committee to allow for extended use of its specialist sub-committees and for the creation of ‘Specialist Committees of Advice and Scrutiny’ which would eventually cover the whole field of administration. The suggested pattern for an experimental cluster of new committees was subject-related rather than departmentally-related:

- Scientific Development.
- The Prevention and Punishment of Crime.
- Machinery of National, Regional and Local Government and Administration.
- Housing, Building and Land Use.
- The Social Services.

In the aftermath of this and other enquiries of and reports by the Procedure Committee, there was an extension in the use of specialist sub-committees by the Estimates Committee. And, after Richard Crossman had succeeded Herbert Bowden as Leader of the House in August 1966 there was some cautious experimentation with specialist select committees – six of them in the 1966-70 Parliament:

- Agriculture
- Science and Technology
- Education and Science
- Race Relations and Immigration
- Overseas Aid and Development
- Scottish Affairs

Of the six committees, four – Education and Science, Overseas Aid, Scottish Affairs and Agriculture – were departmentally-related; the other two were subject-related. Priscilla Baines has observed of the new committees that their genesis was varied, as was their performance.<sup>8</sup> Philip Giddings notes that opinions – inside and outside the House - about the successfulness of the experiment were mixed: and, by the end of the decade, ‘though a great deal more committee activity was taking place, its coverage was patchy and its overall effectiveness uncertain.’<sup>9</sup>

The next episode in the committee reform saga was the decision (following another report by the Procedure Committee, in the 1968-69 session) to convert the Estimates Committee into an Expenditure Committee, with six sub-committees (fewer than had been recommended by the Procedure Committee) – one general, the other five covering broadly defined areas of public expenditure. Two subject-related committees were retained.

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<sup>6</sup> *Ibid.*, p. 243

<sup>7</sup> Select Committee on Procedure, 4<sup>th</sup> Report, 1964-65, HC 303. Appendix 2 to Minutes of Evidence.

<sup>8</sup> *loc. cit.*, p. 20.

<sup>9</sup> *loc. cit.*, p. 676

In June 1976 Members of the SPG contributed to a PEP Pamphlet on the 'failures and achievements' of the post-1966 specialist committees.<sup>10</sup> The conclusions of this study formed part of the basis of a memorandum submitted to the Procedure Committee by academic members of the Group in the 1977-78 session.<sup>11</sup>

Distinguishing between 'subject' and 'departmental' committees the memorandum concluded that:

Without question the subject committees have fared better. The Select Committees on Science and Technology and on Race Relations and Immigration appear to have gained a permanent existence while the original departmental committees have disappeared with the exception of Overseas Development which may now be more fairly described as a subject area.

It explained the greater success of the subject committees 'when judged in terms of longevity' as follows:

They are not concerned with the work of a single Department; so no Department feels that it suffers discrimination by having a Select Committee always 'on its back'. A subject committee attracts support from Members who are sympathetic to a cause, e.g. more scientific development or better race relations. As these causes are supported by Governments of all parties there is a basic harmony of outlook between the subject committees and the Departments with which they deal. Further, the subject committees attract support from voluntary organisations active in their particular sphere.

So, the pebble that I want to cast into the millpond today is to ask whether our SPG predecessors may have been right all along, and the 1979 reformers, gently applauded, by our study group, might have been wrong.

I cannot now remember, thirty years on, where I myself stood on the 'subject' versus 'departmental' issue in the 1970s. I am not sure that the distinction is watertight anyway – consider, for instance, the Crossman committee on Overseas Development. And, like other observers, including Crossman, I probably saw the antics of his Agriculture Committee as giving subject committees a bit of a bad name.

I have always been something of a fan of the Haldane Report<sup>12</sup> which, in 1918, suggested criteria for the allocation of functions between ministries – and called for the establishment of a system of select committees to oversee them. Then there is the House of Lords whose committees – including the EU Committee, with its seven sub-committees;<sup>13</sup> the Science and Technology Committee, set up in 1980 to fill the gap left by the abolition of the Commons committee with the same remit; the Economic Affairs Committee and the Constitution Committee – are organised on subject lines that cut across departmental boundaries. The widely acknowledged quality of their reports may suggest that perhaps the Commons, back in 1979, may

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<sup>10</sup> *Specialist Committees in the British Parliament: The Experience of a Decade*, PEP, June 1976. See some rueful comments about this publication by Stuart Walkland, one of its (anonymous) contributors, in his Foreword to *The New Select Committees*.

<sup>11</sup> Select Committee on Procedure, First Report, HC 588-III, 1977-78, Appendix 1 to Minutes of Evidence.

<sup>12</sup> Ministry of Reconstruction, *Report of the Machinery of Government Committee*, Cmd 9230, 1918

<sup>13</sup> Sub-committee A, Economic and Financial Affairs, and International Trade; B, Internal Market (including energy, industry, transport, communications, research and space); C, Foreign Affairs, Defence and Development; D, Environment and Agriculture; E, Law and Institutions; F, Home Affairs; G, Social Policy and Consumer Affairs.

have missed a trick; but as the Lords' committees lay credible claim to complementing the role of the Commons' departmental committees, there may seem little point, in 2009, conjuring up unlikely scenarios for re-configuring the latter on subject lines. The 'subject' slots are already pretty well covered by the other House.

And yet I still sometimes find myself wondering, on wet Wednesday afternoons, thirty years on, how the parliamentary world might have looked if Bernard Crick's views had prevailed. There are now 19 departmental committees; is this, as Crick feared, too many (particularly given their co-existence with numerous other committees)? Is the departmental link conducive to continuity and the development of institutional memory, given the propensity of governments to tinker endlessly and often pointlessly with departmental names and responsibilities (Universities, Innovation and Skills being just one very recent instance)?

What do you think?

**Tales of Select Committees 1967 – 83.**  
**The Origins and Evolution of Select Committees**  
**Chris Price, Former Chair of the Education Select Committee**

1. *The 'Crossman' select education on education, 1967. The major innovation in the Crossman committees was the committee's right to take evidence outside the precincts of parliament.*

Powers, precedents and proceedings

Fred Willey, a senior ex minister was appointed chairman of the 'Crossman' education committee. With the help of his clerk he appointed three deputy chairmen to conduct three subcommittees - of which I was one. He had chosen a vague title for our enquiry - "Student relations", the scope of which the whips and ministers only realised too late. The enquiry involved examining the 'student revolt' - a tempestuous period for most universities and colleges which was reaching its peak. The first destination of my sub committee was Guildford College of Art which Surrey County Council had closed and surrounded by barbed wire. Obstacles to our enquiry began to appear.

The deputy clerk of the Surrey County Council – a Mr Waite - came to see me at the Commons and said the taking of evidence at one of its colleges was unconstitutional and breached the privileges of local government. I told him that Parliament had sovereign powers to proceed as it wished. Then the Commons authorities, fearful of an incident, said there was no precedent which enabled them allocate expenditure for proceedings outside parliament. My clerk, Cyril James, however, discovered that there was one – the occasion of the third return of George III to sanity where MPs had paid bodyguards to protect them on their way to give thanks at St Paul's Cathedral.

When hearings took place at the college and we were questioning the leader of the county council, Mr Waite rose and said: "I advise my client not to answer that question; these proceedings are not privileged". I told him that the witness was not his client and that the evidence being given enjoyed the absolute privilege of proceedings in the High Court of Parliament. (Cyril James had told me *'It may not be, but if you say it is it will be'*).

35 years later, when I asked Andrew Mackinlay, the MP for Thurrock, why he used the identical phrase (*High Court of Parliament*) to Dr Kelly in the Foreign Affairs Committee enquiry, he told he had been present at the Guildford hearing - as a teenage county council clerk - and liked the definition of our democracy.

Some months later I was approached by Mr (later Sir) Richard Barlas who said he would advise me to resign as chairman of a subcommittee. I had written an article in the *New Statesman* which suggested that the newly appointed vice chancellor of Birmingham University, Robert Brockie Hunter, was not a particularly brilliant manager of student revolts. Select committee chairmen, he told me, had to be impartial. Being somewhat naïve at the time, I handed over the chairmanship to a colleague. The next day, Ian Mikado, a senior Tribune Group MP who chaired the Committee on Nationalised Industries, grabbed me by the collar in the Central Lobby and exploded. "You effing idiot; why did you effing resign; Barlas is just an effing clerk. Never do anything clerks tell you to do; our job is to tell them what to do." My criticism of the Birmingham University vice chancellor seemed to do him no harm; within 10 years he became Baron Hunter of Newington.

2. *The Education, Arts and Home Office subcommittee of the Expenditure Committee. 1974. In 1970 the Commons established an overarching Expenditure Committee with first 6 and then 10 subcommittees*

The select committee as 'slow fuse'.

I lost my seat in 1970 and was re-elected to the Commons in 1974. The "Crossman" committees had been replaced by an all-embracing "Select Committee on Expenditure" with a range of subcommittees. I was appointed to a subcommittee chaired by Janet (now Lady) Fookes, which looked at issues for which the Home Office was responsible. A decision was taken to take evidence on "The Charity Commissioners and their Accountability". In his initial evidence the Chairman of the Charity Commissioners gave his opinion that charities were accountable not to Parliament but directly to the monarch.

My interest in the remit revolved around the (very recent) 1973 Education Act which had moved the supervisory responsibility for charitable independent schools from the education ministry (where it had lain for nearly 80 years) to the home office. I had been told by William van Straubenzee, the Conservative education minister, that the Act was needed to protect the public schools from interference from any future Labour government.

I suggested a recommendation to bring these schools into line with other charities, which had to demonstrate that they were involved in "charitable purposes". I typed out a draft and took to the committee clerk – who was one of a number of foreign office diplomats who recently had been made redundant and offered temporary jobs as House of Commons clerks for the new select committees. My amendment (when it was eventually incorporated in our report) read: "*We believe that our recommendation to make a test of public benefit the overriding consideration alongside that of education accords, both with the spirit in which many of our sixteenth century public schools were founded and with a widespread public feeling today that charitable activities should not be manifestly devoted to privilege or exclusiveness. We would therefore expect that our new test of "purposes beneficial to the community" would only admit to charitable status those institutions which manifestly devote the education they provide towards meeting a range of clear educational needs throughout the whole community.*" I said I wanted to bring the public schools more into line with state schools. He kept saying "We don't believe that, we don't want to do that". Mindful of the Ian Mikado doctrine, I drew myself up to my full height and coldly instructed him to table it at the next meeting. It was unanimously supported by the whole committee.

The recommendation was then virtually forgotten for nearly a quarter of a century – surviving only in Labour party policy at each general election. Soon after the 1997 election, however, a Downing Street policy unit, instructed to find some modern and proactive development of charity law to tighten up the meaning of 'charitable purposes', used the essence of the committee's recommendation to formulate its recommendations on educational charities. It – tentatively – found its way into parts of the 2006 Charities Act. A strengthened charity commission is now charged with the (somewhat vague) task of insisting that independent schools deliver charitable benefit to both to the school's pupils and to the wider community.

### 3. 1978 *The Committee on Privileges*

'Freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament' *Article 9, Bill of Rights Act 1689*

#### The MP as witness and the pliability of the law

In 1977 two journalists and a former soldier were prosecuted for breaking the official secrets act, a prosecution which needs the Attorney General's *fiat*. In the magistrates' court, the chief witness in the case was introduced under the name Colonel B. but gave sufficient details about himself to be identified in the army lists. When three magazines printed his real name - Colonel Johnstone - they were found guilty of contempt of court by Lord Widgery, the Lord Chief Justice. Feeling that the secrecy was simply (in legal jargon) an 'in terrorem device' and knowing that MPs are, under the 1689 Bill of Rights Act, immune from prosecution for anything they say in Parliament, I and three of my colleagues repeated the name (Colonel Johnstone) in the Commons to give newspapers and broadcasters the opportunity to disclose it.

When we were summoned before the Committee on Privileges for breaking the Commons *sub-judice* rule (under which Parliament refrains from discussing matters active in the courts) my three colleagues asked me to represent them. Waiting for my interrogation outside Committee Room 15 on the Commons, I was petrified. It eventually emerged, however, that this terror was quite unnecessary. The Committee, sitting in private, treated me courteously.

After my hearing, subsequent events educated me about the strange symbiosis between parliament and the courts. First the two journalists and the former soldier received conditional discharges from Mr Justice Mars Jones, normally a quite severe judge; then the Privileges Committee produced an anodyne report which made no criticism of me and my colleagues; almost immediately I was invited to a reception in the Lord Chancellor's residence where a law lord, Lord Wilberforce (whom I had never met before) approached me, called me 'dear boy' and said that when the Commons took one step forwards, the Lords often took one step back; later when the magazines appealed against their convictions to the House of Lords (in its *judicial* capacity), all three were acquitted of contempt, with Lord Widgery's verdict unanimously found to be mistaken - in an opinion delivered by a normally highly conservative judge, Lord Diplock; and finally, some months later, when having been invited to deliver a lecture at Bramshill police college and finding myself walking into a very formal dinner next to Lord Diplock, in response to a query about what made him decide to overrule Widgery, his face froze, his body tensed and he growled "I did it through gritted teeth" - before peeling off to his seat at the high table.

I shall always believe that this series of events had a something of a single thread running through them. The Privileges Committee which interrogated me was replete with MPs who were also QCs and inclined to dine alternately in Westminster and Chancery Lane. The Bill of Rights properly separated the respective roles of High Court of Parliament from the High Court of Justice; but how the separation actually works involves off-the-record gossip between those with feet in both camps, a procedure which lies at the heart of our unwritten constitution. The High Court of Justice tries to avoid open war with the High Court of Parliament; and, sometimes, judicial Lords are content to defer to the democratic Commoners.

#### 4. 1979 The Select Committee on Education, Science and the Arts

Who picks the chairman.

Throughout the late 1970s a Procedure Committee had recommended a comprehensive system of 12 select committees to oversee the policy, administration and expenditure of each department of state. When the Conservatives won the 1979 general election, the project might have foundered. New influential select committees did not appeal to Mrs Thatcher. But Norman St John-Stevan, her new Leader of the House of Commons, rushed the whole system through cabinet committees before it dawned on the prime minister what was going on.

Formally, the chairmanships of Commons select committees are arranged by the whips on the Gladstonian principle that they should be shared between government and opposition according to the balance of the parties in the House. Traditionally, the Government takes the more important ones - foreign affairs, defence, home affairs and finance - while leaving the less crucial ones like health and education to Labour.

When parliament resumed after the general election, I was put on the standing committee<sup>1</sup> of an education bill designed to protect grammar schools from going 'comprehensive'. One morning in mid-July, Walter Harrison, Labour's deputy chief whip, pinned me down in the Committee corridor after I had been filibustering a short Education Bill, hoping to delay its passage until after the summer recess. 'You'll have to shut up, Chris, the committee's got to finish today'. 'Why?' I said. 'We could get two more comprehensive schools in Bolton if we delay the Royal Assent to October.' 'I'm sorry, Chris. I've promised the Tories that I'll give them the Bill next week'.

It slowly dawned on me that this was a personal opportunity as well as a political setback. I was watching a smiling whip using his patronage. 'If you can promise the Tories things, Walter, you can promise me things, can't you'. Harrison maintained his silent smile. 'I want to be Chairman of the Education Select Committee'. The smile and the silence persisted for a whole 60 seconds before he said: 'Is that all?'

Three months later the whips delivered on their deal. I was nominated for membership of the select committee with an indication that I was the favoured candidate for chairman; and in December 1979 I found myself unanimously elected the chairman of the Select Committee on Education, Science and the Arts. It was small, consisting of just 9 members, 5 Conservative, 3 Labour and one Welsh Nationalist. Its quorum was 3 and our task was not just to oversee the Department of Education and Science but also the Office of Arts and Libraries. The committee had a wider remit than any other. We operated in a wholly bi-partisan manner and when I lost my seat in 1983, the academics rated it as one of the more successful of the new committees. One of our recommendations was that its remit was too wide and that there should be a select committee on culture. Ten years later, when John Major created the Department of National Heritage, a separate committee emerged.

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<sup>1</sup> Standing committees scrutinised legislation as a Bill passed through the Commons, unlike Select Committees which reported to ministers.

**The 1978 Procedure Committee & the 1979 debates**  
**The Origins and Evolution of Select Committees**  
**Bill Proctor, Former Clerk of the Committee**

*Origins of the Committee:* Increasing influence of academic critiques of Parliament (Bernard Crick, Brian Chapman etc (partly a result of growth of university politics departments)), and establishment of the Study of Parliament Group; new generation of young Members on both sides of the House (and some younger staff) keen to “modernise”; frustration with previous half-measures of reform. A classic Government response: let’s set up a committee, give it a very wide brief, and occupy the critics in endless debate for a few years.

*Membership:* Young enthusiasts from both sides, but the Whips optimistic that presence of Tom Williams and David Renton would discourage enthusiasm, and obviously delighted in getting Enoch Powell (whose antipathy towards committees of any kind was thought at least to match that of Michael Foot): the Whips had forgotten that Enoch was most of all a logician.

*The Committee’s approach to their task:* Although fully aware of outside criticism, the committee decided from the start that they didn’t want expert advisers: who could be more expert on matters parliamentary than parliamentarians themselves? Academic etc papers received, but oral evidence almost entirely confined to Members: this undoubtedly made the committee’s Report more easily saleable to other Members: if it came from sound people like Williams, Renton etc it must be ok. So the committee proceeded largely by way of debate amongst themselves: 2-3 hours every Monday evening for months on end, with a “running minute” of decisions reached in principle, on which report drafting was eventually based. During this process Enoch Powell converted to new committee system proposals, and once converted became an advocate.

*The nature of the committee system:* Much to the ire of some academics, the committee had relatively little difficulty in resolving the “subject” vs “departmental” debate in favour of the latter – largely because they wanted to lock the new committees onto the responsibilities of specific Secretaries of State and Ministers: this was a political relationship which was more natural to the traditions of the House and to their instincts as politicians. The only lip-service paid to the other camp was in the carefully-chosen wording (“subject areas within the responsibilities of individual government departments, or groups of departments”), which fooled nobody: and the committee was ruthless (wrongly, in my view) in dispensing with the services of both the Nationalised Industries Committee and the Science & Technology Committee, relying instead on a form of “jointery” which for the first two decades or so did not really work. The committee rejected giving formal legislative powers to the new committees because they had looked at the situation in Ottawa, and knew that the Whips would be in charge if they went down that road. Again, I’m sure they were right, although the alternatives (pre-legislative scrutiny and evidence taking bill committees) took an awful long time to come to anything like infancy, let alone maturity.

*Underlying principles:* “The balance of advantage between Parliament and Government in the day to day working of the Constitution is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy. We believe that a new balance must be struck, not by changes of a fundamental or revolutionary character..., but by changes in practice of an evolutionary kind... We have approached our task not in the hope of making the job of Government more comfortable, the weapons of

Opposition more formidable, or the life of the backbencher more bearable, but with the aim of enabling the House as a whole to exercise effective control and stewardship over Ministers and the expanding bureaucracy of the modern state..., and to make the decisions of Parliament and Government more responsive to the wishes of the electorate".<sup>1</sup>

*Style of the Report:* Although much of the Report was drafted in the time-worn phraseology of a hundred predecessors, the Introduction (see above) was deliberately written in headline-grabbing, almost emotive, terms. Both the statement of principles and the style of at least the Introduction were unlike anything which had emerged from Procedure Committees since World War II, which were almost exclusively concerned with efficiency for its own sake: the Procedure Committee was talking the *language* of reform, and for this reason it was taken seriously, both in the House and in the outside world.

*Timing:* (i) Although the committee took an inordinately long time in its deliberations (for the best of reasons), Members (and staff) nonetheless knew that the timing of publication was crucial: it had to take place before the summer adjournment if it were to have any impact in the General Election which was universally expected in the autumn.<sup>2</sup> (ii) Report eventually published on the day the House rose for the summer. It was anticipated by widespread briefing of the broadsheets (but no specific leaks!), with the result that immediately after publication the committee received almost blanket coverage in the print media, including the redtops – almost entirely supportive on everything except the small print.<sup>3</sup> (iii) As a result of this supportive publicity, and in view of the impending Election, the Shadow Leader of the House (Francis Pym), encouraged by rising Tory star Kenneth Baker, announced his personal support only a few days after publication, and in the autumn made implementation of the Report a manifesto commitment: not to be upstaged, the other parties followed suit.

*Later tactics:* In the months following the autumn Election which didn't happen committee members maintained constant pressure on the Callaghan Government for action. Two-day adjournment debate in February 1979 showed overwhelming support in the House, and committee followed it up immediately with a Special Report suggesting how the 76 recommendations could be grouped and prioritised for debate – the last word from the committee until after the return of the Conservatives in May. In the new Parliament the surviving committee members grabbed the initiative with an EDM (quickly supported by over half the backbenchers)<sup>4</sup> calling for immediate action on the Report and the Special Report. Having committed itself in both manifesto and Queen's Speech, the Government's hand was effectively forced.

*Importance of personalities (and luck):* Very articulate young Members on the committee. The accident of Tom Williams' illness, and the resulting chairmanship in

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<sup>1</sup> The Clerk was more or less physically restrained from explicitly setting out the obvious arguments in favour of PR in the context of "redressing the balance", but is delighted that 30 years on somebody in addition to him and Alan Beith is waking up to them.

<sup>2</sup> Given the technological limitations of the day, it would have over-strained the resources of the parliamentary press to produce formal minutes in the traditional style (setting out the full texts of all paragraphs where amendments were defeated, withdrawn or divided on), since they would have required more typesetting than the Report itself: a new, briefer, style of minuting was therefore invented for the occasion (and followed thereafter).

<sup>3</sup> The redtops (including for this purpose the *Telegraph* and the *Standard*) made much of the failure of John Garrett and Giles Radice to win on the subject of earlier sittings of the House: of course they eventually won after 1997.

<sup>4</sup> Against all propriety and precedent the former Clerk of the former Committee roamed the bars and the Tearoom to collect many of the signatures.

the critical months of David Renton. The intellectual honesty of Enoch Powell. The genuine commitment of both Francis Pym and Norman St John-Stevas. Margaret Thatcher's preoccupation with Cabinet-building in the first few weeks of the new Parliament, her eye therefore being off the ball.

*Finally:* The Procedure Committee offered an agenda for change. With the crucial support of the media<sup>5</sup>, the committee became, for once, the beneficiary rather than the victim of its own publicity. If members originally had doubts about the longevity of their proposals they were soon convinced by what the media said back to them; and they realised that the veiled hostility of many academics (who felt that the committee should have gone further) would greatly increase support amongst backbenchers. Ultimately this was major change disguised as iterative tinkering - in the best British tradition. It became the blueprint for decades of internal change<sup>6</sup> because it was "owned" by backbenchers and they continued to drive it forward. The whole process owed much to the "hung" nature of the 1974-79 Parliament, and the resources to fuel the new committees were only forthcoming as a result of the 1978 House of Commons (Administration) Act – itself a child of that stimulating time.

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<sup>5</sup> "A historic document in British parliamentary history" (*The Times*); "the House of Commons will never be quite the same again" (*The FT*); "The Commons ... will begin to claw back the authority it has steadily surrendered to the Executive over the years" (*The Guardian*); "a milestone of parliamentary reform: MPs should fight for it" (*The Economist*).

<sup>6</sup> Of the Report's 76 Recommendations, only 13 were not implemented over the next 30 years: most of the latter were either minor or have been overtaken by subsequent procedural changes.



## **The Challenges for Scrutiny**

**Peter Luff MP, Chair of the Business and Enterprise Committee**

Politicians love committees, but generally, their tendency to create them should be resisted. Once created, to make sure they work well, their purpose, structure and functions should be kept under constant review and the possibility of abolition should always be at the front of the chairman's mind.

There is, though, one type of committee we should embrace warmly while working to make more effective – the Commons select committee. As chairman of one and past chairman of another, I know just how effective and useful they can be. But they need a breath of fresh air to make them better still.

This year is the modern select committee's thirtieth birthday. One of the most effective reforms of Parliament was the establishment in 1979 under Norman St John Stevas of the system of departmental select committees.

Thirty years on, the Select Committee system needs pruning like an overgrown bush – they have mushroomed in number and size. Hacking them back a bit will make them stronger and more effective. True they have been given some new responsibilities – such as scrutinising a limited range of public appointments – but on the whole the growth in numbers and membership has made for confusion, overlap and a lack of engagement by the members of the committees.

We need to reform, reduce and empower these committees to make them still more effective.

The way members are appointed to committees often raises the most eyebrows. Frankly, I don't think it matters whether committees are appointed by the whips or voted on by the whole House – there are some much more important reforms to make. A well chaired committee of good members will soon develop a healthy independence and commonality of purpose. Electing members and chairmen might address some perception problems, but not the important, underlying ones.

Two great unappreciated issues are the difficulties in finding MPs to serve on so many committees and the real challenge of maintaining a quorum for the less high profile but important sessions of virtually all committees.

Too many committees means too many MPs have to serve on more than one - or have to balance select committee membership with other important Parliamentary roles. And with too many MPs on committees it becomes difficult for individuals to contribute to the work of the committee. I know my committee is much stronger for being reduced from fourteen to eleven – but how much better if we could reduce numbers to nine, then an even stronger team spirit could emerge. I live in fear of being increased in size again as the result of recent machinery of government changes. So there's reform one – make the normal size of each just nine and the maximum (to enable minority party representation) eleven.

Reform two is abolition of many committees. We just don't need several of them at all, especially the so-called cross-cutting committees. There is no need for the Environmental Audit committee for example – its job should be done by the Environment, Food and Rural Affairs committee and the new Energy and Climate

Change committee. The Modernisation committee can go, with its work done by the Procedure Committee.

Most controversially, I would even abolish the Public Accounts committee – the scrutiny of expenditure it undertakes would be much better done by the individual departmental select committees who really understand the departments they monitor. The relentless emphasis on the negative from the PAC does much to undermine necessary intelligent risk-taking by civil servants and so to diminish the quality of governance. Departmental committees could reach more rounded judgements and give praise where praise is due.

There is the question of these wretched new regional committees which should be the first committees to be axed under any reforms. Duplicating the work of other committees and over-riding true local accountability, they take to 525 the number of places on select committees.

My reforms to the size and number of committees would reduce the number to a much more manageable 301. If you exclude the Liaison committee and the Committees on Arms Exports Controls, which are comprised of ex officio chairmen and members of other committees, the number actually falls to just 260.

Smaller, fewer committees would automatically increase their effectiveness – but, and here is my third reform, we should also give them more power – for example, giving them the power to refer more issues about expenditure, appointments and policy to the floor of the House, not just for debate but also for votes. This is the debate we should be having – not about elections to committees but about their powers. Then still better candidates for committees would also emerge and even former ministers might think of playing an active part within them.

The select committee system isn't broken, but it is tired. Reform, reduce and empower the committees. If Parliament is serious about reform – and not just attempting to dress, or window dress, its recent wounds then this is a package of change just crying out to be made.

**Parliament and the Executive, Extract from ‘Governing Well’, The Better  
Government Initiative  
The Challenges for Scrutiny  
Sir Nicholas Monk, Former Permanent Secretary and Member of the Better  
Government Initiative**

We understand that the Government as yet has no active plans to promote relevant changes in Parliament and in the Executive’s relations with Parliament. Several proposals in “The Governance of Britain” might be seen as improvements, but they will not transform the present unsatisfactory performance.

We recommend measures to improve the quality of policy proposals and to strengthen Parliament’s scrutiny of them. Most would not require legislation. Several of the recommendations are expressed as broad principles; arrangements for monitoring and enforcement would need detailed consideration by Parliament. One approach might be for the Liaison Committee to monitor compliance with the Parliamentary Resolution to ensure that legislation entering Parliament is complete, of acceptable quality, and properly explained.

- R6: In order to raise the quality of legislative and policy proposals, Parliament should pass a Resolution which sets standards for thorough preparation by the Executive. (An illustrative draft Resolution is at Annex 1.) Parliament itself is best able to decide how the passage of such a Resolution should be handled.
- R7: The Resolution should ask the Government for a public response setting out how it will ensure that its proposals will meet the required standards; and ask Select Committees to check compliance before the Government’s individual proposals reach the floor of the House.
- R8: Pre-introduction tests should be required to ensure that legislation is operationally (as opposed to presentationally) necessary and that the intended results of proposals are specified clearly enough to be used as criteria in post-implementation assessment.
- R9: Select Committees should routinely conduct post-implementation reviews of legislation and major policy proposals after 2-3 years to assess their costs and effects against the initial proposals.

An alternative mechanism to supplement Select Committees or replace them in this task might be a new joint committee of both Houses of Parliament.

The present weakness, by international standards, in Parliament’s scrutiny of the Executive’s tax and spending proposals should be corrected.

- R10: On tax, there should be a genuine Green Budget, separating changes in tax rates from new taxes and providing draft clauses on new taxes, all reaching Parliament at least as early as the present Pre-Budget Report and preferably earlier.
- R11: On expenditure, Parliament should be involved at an early stage in the broad issues of Comprehensive Spending Reviews. In the annual process the relevant Select Committees should provide a commentary which the House

would have when it considered the Executive's proposed plans for total spending and its allocation.

- R12: The "Red Book" – effectively a White Paper on the Government's budgetary plans – should be made available to Parliament in advance of the debate Public Service Agreements (PSAs) are now the key mechanism for allocating resources to Departments, but they are complex, poorly understood, and sometimes based on only limited consultation.
- R13 We recommend that, given the current importance of PSAs in determining policy and expenditure, it would be appropriate if departmental Select Committees had the resources to scrutinise more closely the PSAs for which their Department had the lead role.

We recommend measures to strengthen the Select Committees, improve the effectiveness of their scrutiny and make them more independent of the Executive.<sup>1</sup> Some will have significant resource consequences.

- R14: The selection of Select Committee chairs and members should be freed from control by the party whips.

The Houses should decide how they might best be chosen. Suggestions include election by backbenchers, by party, and by a secret ballot by the whole House. The whips would still agree the proportions of members from each party and the allocation of select committee chairs by party. But they should not control the selection of individual chairs or members.

- R15: Once this has been done the extra pay received by MPs who are Select Committee chairs should be increased from £13,459 to at least the amount for a junior minister, £30,280, or perhaps closer to the pay of a Minister of State, £39,893. Consideration should also be given to whether Committee Members in either House should receive a stipend for committee work.
- R16: Select Committees should have more effective powers to call for papers, for example business cases and risk assessments
- R17: The volume of legislation should be reduced, and the quality of scrutiny (especially in the Commons) thereby increased, through stronger pre-introduction tests.
- R18: the numbers and range of skills of staff supporting Select Committees should be increased so as to improve the speed, depth and range of their investigations.

Few Select Committees manage to deal with all their core tasks. The Governance Green Paper and some of our recommendations would add to that burden. Their capacity could be increased by giving greater priority to scrutiny, making more use of joint committees with the Lords, and providing more professional staff. Committees

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<sup>1</sup> We are also attracted by proposals in a recent Constitution Unit report ("The House Rules? International lessons for enhancing the autonomy of the House of Commons" by Meg Russell and Akash Paun, October 2007) that there should be a weekly 30 minute slot in the Chamber for a Select Committee chair to introduce a new report, and that Committees should be empowered to propose substantive motions for debate and their own bills. The appetite of backbenchers for Select Committee work is likely to be greater if the influence of Committees is strengthened in these or similar ways.

might be encouraged to report annually on the core tasks they have concentrated on and those they cannot cover well unless they have more, or different, professional staff.

- R19: The Government should undertake that it will only move amendments to its own bills, other than in response to other amendments or on a genuine change of circumstances, where there is exceptional cause, justified as such.

A further incentive to good bill preparation would be to allow either House to refuse the carryover of bills from one session to another if poor preparation had led to delay and allow a select committee or bill committee to ask for a vote on the floor of either House in such circumstances.

Parliament cannot perform its function of holding the Executive to account unless it is provided at a formative stage with a full written statement and analysis of the problem the Government wishes to remedy and options for action and, at the implementation stage, with a full explanation of the basis on which decisions have been taken. The length of these papers will vary with the complexity of the issue but they can often be short.

- R20: The Government should commit itself to provide Parliament with full and timely written explanation of its legislative and major policy proposals, normally in the form of Green Papers and subsequent White Papers.

When dealing with particularly complex issues it may be necessary to proceed by stages, with a further consultation paper before the final White Paper is issued.

- R21: Major changes in the machinery of government should be accompanied by a written explanation and a business case from Ministers on which there should be a debate and a vote.<sup>2</sup>
- R22: Similar arrangements should apply when other significant changes are proposed in the delivery structure for public services or in Government guidance to public service providers.

Wider measures to enhance the position of backbenchers should be introduced, consistently with the Government's expressed wish to get away from "old sterile party divides" and increase cooperation across party lines. A limited, but important, advance would be a backbench business committee to control the use of non-Government time. A further advance would be to allow Opposition parties a say on what clauses in bills should be scrutinized in committee. An additional step would be to establish a House Business Committee to control the allocation of time on Government business.

- R23: The party whips should ease their control so that MPs can behave more independently, and the "usual channels" should be replaced by a more transparent and inclusive House of Commons "Business Committee" as in Scotland and in the House of Lords.

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<sup>2</sup> This would implement a proposal put forward by the Public Administration Select Committee in June 2007. In this case, unlike our other recommendations, some amendment of the Ministers of the Crown Act 1975 would be needed. The business case should cover not only direct financial costs but also the possible loss, in the words of the PASC report, of "expertise, institutional memory and strategic focus".

- R24: The Opposition should have a greater say in the timetabling of consideration of Bills so that it can ensure that matters of key concern are fully explored.
- R25: Recommendations 6-24 should be implemented in parallel with the Constitution Renewal Bill proposed by the Government in “The Governance of Britain” and not after it.

## **The Challenges for Scrutiny**

### **Helen Irwin, Former Clerk of Committees**

*How have staffing needs of committees changed over 30 years and what resources will committees (departmental and other) require in coming years?*

Liaison Committee 2007-08 report: "There is a danger that increased responsibilities, such as pre- and post-legislative work or pre- and post-appointment hearings, and more and larger committees, may result in the perverse outcome of an overall decrease in the quality of scrutiny" (para 80)

*Would giving committees more staff ensure that scrutiny standards are retained or improved?*

If committees' responsibilities increase, it is self-evident that some more staff will be needed. But some see the relatively small size of committee staff as a serious weakness in the present arrangements and argue for much bigger staff apparatuses to strengthen the power of committees and the House.

Costs: In 2007-08 total costs of Commons select committees (excluding chairmen's pay) c£15m, of which staff cost £10.5m. Just under 200 staff in committee office (compared with 56 in 1977). In addition committees spent in total £316,808.22p on specialist advisers' fees and £78,505.84p on commissioning work.

Look at what they support. Liaison Committee report refers to 785 public hearings and 387 substantive reports.

Committee powers include power to send for memoranda, take evidence, make investigative visits and appoint specialist advisers to help in their work. Committees themselves do not have a power to appoint staff who are appointed from the staff of the Department of Chamber and Committee services. Liaison Committee takes an interest in overall staffing – following a review initiated by Alan Williams, approximately 20% increase in Committee Office staff after 2001.

Basic staffing structure 1979: one clerk, often quite junior, one administrative officer and one secretary. A couple of committees also had one specialist assistant, recruited from outside parliamentary staff, on a temporary basis. Two had NAO staff seconded to work for them. The Procedure Committee expected the number of specialist staff to increase and it did, over time. Following the 2001 review of resources, numbers of specialist staff approximately doubled.

Typical model today: for busier committees, two clerks, one of whom is generally quite senior and one may be learning the job; probably three administrative support staff at various grades, two committee specialists. There are more NAO secondees. Average size of committee team 6.5. In addition the Scrutiny Unit of 18 people, mainly specialists, is a common resource, particularly on financial matters.

Basic staffing formula suggested by the Procedure Committee in 1978 retained.

Factors in deciding what staff are needed:

*A Functions:*

Basic remit: Examine expenditure, administration and policy of one government department and related public bodies. Very broad and committees' appetite for

various parts of their remits change over time, so committees may need to look for new sources of help.

Remits change and staffing requirement change as Prime Minister changes structure of government: recent examples: former responsibilities of Home Affairs Committee now moved to Justice Committee; Children Schools and Families absorbed functions from various departments; Business and Enterprise Committee now absorbing most or all of the functions of the DIUSS committee.

### *B Volume of work*

Core tasks (see Liaison Committee report)

New functions: such as Scrutiny of Welsh Legislative Competence Orders and Legislative Reform Orders; Justice Committee's role in relation to Sentencing guidelines; Pre and post legislative scrutiny; Pre-appointment hearings mean new skills required – especially legal expertise. (Almost no lawyers working with committees in 1979.)

Joined-uppery. PSAs, new Planning statements, demand committees work together – in practice means additional work for members and staff.

### *C New ways of working:*

Internet publication; web fora; more informal seminars, meetings and visits all staff-intensive as is media liaison – a function not expected in 1979.

### *D Changes in procedures:*

Recent major changes, especially the advent of evidence-taking public bill committees and the referral of some draft bills to joint committees create a demand – but a time-limited demand – for extra resources – clerkly, administrative and specialist - to support those committees. So far mainly drawn, quite cost-effectively, from staff of existing committees. The new regional committees create another new demand, especially if they meet mainly in the regions.

Still no clear consensus on what committees are to do, though all agree one of parliament's main roles is "scrutiny". They are not think tanks, nor public inquiries, nor alternative government departments, nor investigative journalists. Scrutiny not mechanical (though routine procedures help). Committees are essentially a political check on the executive, not a series of vetting machines with targets to deliver.

Risk of calling for large staff units to make committees more effective and able to cope with the new demands made of them, is that although additional staff may help committees to cope with the quantity of work and deliver lots of reports, members will not have more and more time to do the staff work justice and committees' questions and conclusions will be those of their staff and not the political scrutiny which is required. The Liaison Committee's fear that the quality of scrutiny may diminish could, perversely, be exacerbated as a consequence of giving committees larger teams of staff.

Politicians need to be more engaged, not less – sessional returns show some have poor attendance and witnesses too frequently give evidence to a scant quorum of members.

Current economic climate major increases in staffing probably not realistic. In 2005 review of resources we looked at how committee resources – mainly staff – were used and tried to find ways of using them more effectively. That means, more flexibly.

Committees don't need to own all their own staff. All staff, including specialists, are now mobile and may work for more than one committee. NAO now does work for most departmental committees, not just PAC; There are other joint resources for committees, Scrutiny Unit - POST and, increasingly, the Library. Adding more staff to these common resources may be better than increasing committees' own teams.

Secondment of civil servants to committees – as specialists or as clerks – now happening. Much more scope for such temporary additions to teams as the work dictates – perhaps from NAO, maybe from other bodies.

Other options: more use of specialist advisers; higher pay for them; greater use by committees of panels of advisers;

More commissioned work – including from specialist advisers and from NAO, POST, Library;

Sharing of specialist resources with the Lords;

Perhaps ask members to do more of the work as rapporteurs.

## **The Future of Select Committees**

**Peter Riddell, Hansard Society Chair, chief political commentator of *The Times* and a Senior Fellow of the Institute for Government**

The 30th anniversary of the creation of departmental select committees deserves to be celebrated - but in a measured way recognising the inherent constraints of a parliamentary system. Similarly, at a time when a multitude of ideas are buzzing around on constitutional reform and democratic renewal, realism is even more necessary about what should, and can, change.

The select committees have substantially changed the way that the Commons operates, broadening the range of scrutiny and providing another dimension to the lives of MPs. They have ensured that most activities of government are examined. This has been achieved mainly through public evidence taking sessions when ministers, civil servants, officials and leaders of the private and voluntary sectors have to explain themselves.

The best of the committee sessions have become the centre of public debates on the issues of the day, not least because they are televised. A classic recent example has been the series of hearings held by the Treasury committee on the banking crisis - at which both errant bankers and regulators have been taken to task for their failings up to 2008.

On a longer-term view, the discussion of economic policy has been opened up. Before 1979, monetary policy was largely secret as the Bank of England operated through nods and winks. Of course, the key changes were the publication of the minutes of meetings and then the creation of the Monetary Policy Committee in 1997. But as important is that the Governor and members of the MPC regularly appear before the Treasury committee several times a year to discuss policy.

Shining the light of publicity has often been more important than the reports themselves which can be, and often are, ignored by the Government which produces patronising and bland responses. Two shrewd veterans of the Clerks' departments of the Commons and Lords, Robert Rogers and Rhodri Walters, point in their study "How Parliament Works" to committee influence over government policy on Gulf War syndrome, communications regulation, and empty homes. The Public Administration Committee has unquestionably kept alive the issue of compensation to Equitable Life policyholders against sustained resistance from the Treasury.

A more cautious view has recently been put forward in "The Journal of Legislative Studies" by Andrew Kennon, a senior Commons clerk, and academics Phil Larkin and Andrew Hindmoor, in examining the influence of the Education and Skills committee from 1997 until 2005. They conclude that committees have indirect influence, seldom decisive on their own, but as part of the wider public debate. They make the interesting, and seldom acknowledged, point that committees can affect the development of policy through dialogue between ministers and backbenchers on their own side.

But - and it is a big but - select committees remain advisory. They do not write legislation, nor can they block public expenditure plans or appointments. Above all, they operate within the context of a parliamentary system where the executive is inherently a major, and often the dominant, player in the legislature. That is why comparisons with American Congressional committee are misleading.

These constraints are both formal, in the power of the whips, and, as important,

informal, in the ambitions and conduct of MPs. The most significant limit on select committees comes from the ambitions of MPs themselves to serve as ministers, or on shadow frontbench teams.

Moreover, select committee work seldom attracts attention in constituencies, so few MPs feel they personally gain from service. With the growing size of frontbenches, and, now, the existence of regional committees, many members have to serve on two committees, as well as on public bill committees considering legislation. The combination of many demands on their time and the lack of political reward for participation explains the poor attendance on many committees, which are dominated by a hard core of four or five MPs.

Few MPs have achieved public reputations primarily for their work on select committees, rather than for any brief periods they may have served in office. Notable exceptions are Tony Wright, Barry Sheerman, and John McFall and, in the past, Giles (now Lord) Radice and Terence (now Lord) Higgins. However in his diaries, "A View from the Foothills", Chris Mullin several times wonders whether he had more influence, and public attention, as chairman of the Home Affairs Committee, than in his two spells as a minister.

Nonetheless, the role of select committees has been strengthened since 1979, notably when Robin Cook was Leader of the Commons from June 2001 until March 2003. This followed a build up of frustration towards the end of the 1997-2001 parliament which surfaced in a series of reports: "Shifting the Balance" from the Liaison Committee of select committee chairmen; a strong report from the Parliament First group; and a wide ranging series of recommendations on improving scrutiny by a Hansard Society Commission chaired by Lord Newton of Braintree.

The Cook reforms formally gave select committees core functions and duties, including the scrutiny of regulatory agencies and departmental spending plans. This has ensured that committees do not just focus on eye-catching issues. Later, and after an initial defeat, MPs chairing select committee have received an additional amount on top of their backbench salaries. There have been further important reforms: first, and in response to his own weakness, Tony Blair agreed to give evidence twice a year to the Liaison Committee; and, second, Gordon Brown has given committees a more formal role, though not veto power, over a wide range of appointments to public bodies.

But there remain continuing worries about the influence of party whips over nominations to committees and in privately carving up the chairmanships (sometimes to provide a soft landing for former ministers). So a priority is to ensure greater independence for the committees. This could be done by a creating an independent panel to put names for select committee membership before the Commons. There should also be more scope to remove MPs who do not attend regularly.

In addition, to avoid overload, the number of committees could be pruned, starting with the regional committees, to ensure that any MP serves on only one investigatory committee (as opposed to domestic and public bill committees). There might also be an experiment to combine select and public bill work in new committees, on the US and Scottish model. This could be tried in one departmental area to see if there are advantages to deploy the expertise of a select committee in examining legislation. In addition, bills which have not been subject to pre-legislative scrutiny should be automatically referred to a select committee before second reading.

Select committees might also be given a special prime time slot to present and debate their reports on the floor of the House.

But the most important change would be to alter the incentives to encourage more talented and younger MPs to serve on select committees rather than go on to their frontbenches as soon as possible. That involves cutting the size of the payroll vote on the Government side (both paid ministers, unpaid ones and parliamentary private secretaries) and the current bloated Opposition teams.

The real test will be when Governments treat select committees in a less patronising and hostile fashion - regarding them not as tiresome nuisances ( as many ministers and civil servants now do) but more as necessary, and desirable, partners.