



eGUIDE//

Government & Politics

Unit AS2 – The British Political Process Committees

Background	2
How is the Executive scrutinised?	2
Departmental Select Committees	3
The Work of Departmental Select Committees	3
Departmental Select Committees - The Wright Reforms and Increased Effectiveness	7
Membership	7
Public Accounts Committee	11
The Liaison Committee	12
The Impact of Select Committees	13
Select Committees in the House of Lords	14
Joint Committees	15
The Scrutiny Unit	16
Legislative Committees	16
The Case for Reforming Public Bill Committees	17
General Committees and Grand Committees - HOL	19
Revision Questions	20



Committees

Background

Unlike the USA where the constitution enforces a strict separation of powers of the executive and legislative branches, the UK's executive is drawn from the legislature i.e. the Prime Minister and all members of the Government (the Cabinet) are also members of the legislative branch. Most Cabinet members are MPs elected to the House of Commons, however, some can also be drawn from the House of Lords. This fusion of the executive and legislative branches has led many political commentators to question how effectively the legislative branch can perform one of its main roles; ***the scrutiny of the executive.***

How is the Executive scrutinised?

Parliamentary Committees are one crucial way in which the executive is scrutinised and this core responsibility is carried out by different types of parliamentary committees.

Select Committees:

1. **Departmental Select Committees**
2. Lords Select Committees
3. Joint Committees

Legislative Committees:

- 1) **Public Bill Committees**
- 2) Private Bill Committees
- 3) Committees on Statutory Instruments.
- 4) General Committees and Grand Committees

The most important of these committees and the ones subject to the most study are ***Departmental Select Committees*** and ***Public Bill Committees.***



Committees

Departmental Select Committees

Since 1979 Departmental Select Committees have scrutinised the work of each government department, for example, the Ministry of Justice is scrutinised by the Justice Select Committee and the Department for Education is scrutinised by the Education Select Committee. Indeed the number of Departmental Committees is not fixed and, for the most part, is dependent on the number of government departments. At present there are 19 such committees.

The Work of Departmental Select Committees

Departmental Select Committees, which were established in 1979, were given the responsibility of scrutinising the 'expenditure, administration and policy of the relevant government department and its associated public bodies.'¹ Since 2010 the core tasks carried out by these committees have been extended and committees often conduct pre-legislative scrutiny as well as post-legislative scrutiny. EU membership also impacts on the work of these committees as they have to scrutinise policy developments at the European level and EU legislative proposals.

These committees can conduct *inquiries* into the work of government departments and produce reports which the government must respond to within 60 days. The Culture, Media and Sports Committee (2016) is currently investigating the issue of blood doping in Athletics as well as internet connectivity across the UK. In carrying out inquiries such as these, Departmental Select Committees have the power to 'send for persons, papers and records'² to provide evidence. In instances where witnesses outside of the government are reluctant to appear before a committee a formal summons can be issued e.g. in 2011 Rupert Murdoch, the Chairman of News International stated that he would be unable to attend the hearing he had been invited to attend by the Culture, Media and Sports Committee. As Murdoch had turned down a specified date, the Committee decided to issue a formal summons for him to appear before the committee on July 19th 2011.

Committees, however, do not have the power to compel government ministers to attend. Ministers, however, rarely refuse to attend as to do so would demonstrate contempt for the Parliamentary process and would not reflect well on the Minister in question. A Minister does, however, have the power to suggest someone else to attend, someone they feel may better represent him or her.

If a civil servant refuses to attend, the committees can issue a summons but this would have to be enforced by the House and with the government having a majority in the Commons it is debatable if this would succeed. There have been calls to change this situation as far back as 2003. The Foreign Affairs Committee wrote to the Prime Minister, Tony Blair, requesting his attendance before the Committee to answer



Committees

questions about the decision to go to war in Iraq. The Prime Minister did not reply and it was the Foreign Secretary who informed the Committee that he would not attend. Indeed the Foreign Affairs Committee has often found the Government refusing to allow witnesses it has called to appear before them from doing so, especially in its inquiry into The Decision to Go to War in Iraq (2003). It was not only witnesses who were not allowed to attend but the Committee were also refused papers that they had requested leading the Committee to conclude in its report that the ‘continued refusal by Ministers to allow this committee access to intelligence papers and personnel, on this inquiry and more generally, is hampering it in the work which Parliament has asked it to carry out.’³ The Government is able to do this if they believe that revealing the information would not serve the public interest.

In addition to being able to call members of the government to testify, Departmental Select Committees can also call on the leaders of private sector bodies to appear before them. As a number of public services are carried out by private bodies the committees will therefore ‘have a legitimate interest in scrutinising how taxpayers’ money is spent.’⁴ Departmental Select Committees fulfil the role of also representing the general public and have been commended for raising awareness of certain issues and putting them on the public agenda. Each Departmental Select Committee has a website which allows them to invite written submissions from members of the public and the evidence collected through written and oral submissions is published online throughout the inquiry process. Where appropriate, committees may also hold regional hearings to ensure that their evidence is as representative of the general public as possible. This demonstrates how these committees also fulfil a representative role.

The Culture, Media and Sport Committee’s inquiry into the News of the World phone hacking scandal also raised questions about the ability of committees to assess the truth of the evidence put before them. The committee in its report stated that ‘The integrity and effectiveness of the Select Committee system relies on the truthfulness and completeness of the oral and written evidence submitted. The behaviour of News International and certain witnesses in this affair demonstrated contempt for that system in the most blatant fashion.’⁵ Although committees have the power to make witnesses take an oath it is not a power that has been tested on many occasions, however, the Public Accounts Committee administered the oath to Anthony Inglese CB, General Counsel and Solicitor for her Majesty’s Revenue and Customs (HMRC) on 7th November, 2011 when he was questioned about the tax deals made between HMRC and companies such as Vodafone and Goldman Sachs.

There have been calls for committees to be given the power to punish contempt of Parliament. Withholding information or lying to committees would represent

¹ Departmental Select Committees Factsheet, Procedure Series, (August 2010), Archived, Parliamentary Copyright, House of Commons, p.1

² Departmental Select Committees Factsheet, Procedure Series, (August 2010), Archived, Parliamentary Copyright, House of Commons, p.4.

³ Kelly, Richard, (2013), Select Committees: evidence and witnesses. Section Parliament and Constitution Centre, p.8

⁴ House of Commons Liaison Committee,(2012) Select Committee effectiveness, resources and power, The Stationery Office Limited p.8



Committees

contempt. However, to give committees this power would possibly bring Parliament and its committees into conflict with the UK Courts as well as the European Courts. Contempt of Parliament has not been codified in statute and in 2003 the Liaison Committee stated that 'the disadvantages ... would outweigh the benefits.'⁶ In May 2012 the Culture, Media and Sports Committee conducted an inquiry into News International and phone hacking. Their report could not reach a final decision about whether Rupert Murdoch had misled them about his ignorance of the extent of the practice of phone hacking at News International. It certainly remains unclear how the Commons would deal with being lied to. While theoretically the House is able to impose a criminal penalty, 'the House of Commons is not believed to have fined anybody since 1666 ... and has not committed anyone to custody ... since the 19th century.'⁷



© MagMos /iStock/Thinkstock

The role of committees in holding public figures such as Rupert Murdoch to account may account for the fact that coverage of committee inquiries has 'more than tripled between 2008 and 2012.'⁸ According to Tom Shakespeare in his article 'Do Parliament's Select Committees wield too much power?' 'between 30-40% of select committee recommendations end up as government policy, which is better odds of influence than authoring a private member's bill that has only the slimmest chance of becoming law.'⁹ Other inquiries that have captured the public's attention and several column inches have been the several launched by the Treasury Select Committee and the Parliamentary Commission on Banking Standards (a Joint Committee), into the behaviour of the banking industry.

Once a committee has conducted its inquiry the report of their findings will be sent to the government and also made available to the public. The government is expected to respond to the report within 60 days and the Committee will publish the government's response which often takes the form of a memorandum or on occasion a **White paper**. The report and government response may also be debated in the House of Commons and the relevant Minister questioned by MPs.

⁵ House of Commons Liaison Committee, (2012) Select Committee effectiveness, resources and power, The Stationery Office Limited p.46

⁶ House of Commons Liaison Committee, (2012) Select Committee effectiveness, resources and power, The Stationery Office Limited p.18

⁷ Bowcott, Owen, (July 2011) Lying to a Select Committee: – The Law, The Guardian

⁸ Shakespeare, Tom, (2015), A Point of View: – Do Parliament's Select Committees wield too much power, BBC website Magazine.

⁹ Shakespeare, Tom, (2015), A Point of View: – Do Parliament's Select Committees wield too much power, BBC website Magazine.



Committees

Summary Tasks

- To what extent are Departmental Select Committees able to compel witnesses to appear before them?
- What proposals have been made to strengthen the powers of Select Committees to ensure that the information they receive from witnesses is truthful?
- Why has coverage of the work of Departmental Select Committees increased in recent years?
- Create a spider diagram outlining the key responsibilities/core tasks carried out by Departmental Select Committees. Consult the Table on page 21 for more of these core tasks.
- Keep up to date with the current inquiries undertaken by Departmental Select Committees. Create a list of at least 5 current inquiries being undertaken by 5 different Select Committees. Consult the following weblink for this information:

<http://www.parliament.uk/business/committees/inquiries-a-z/>



Committees

Departmental Select Committees – The Wright Reforms and Increased Effectiveness?

Membership

Each committee has a membership of between 11 and 14 members and membership is allocated according to the parties' share of seats in the House of Commons.

Although committee members have always been expected to work together on a cross-party basis there were concerns, particularly prior to 2010, as to how willing those from the governing party may have been to question or criticise government policy especially when considering their future career advancement within the party. However, since the Wright reforms of 2010 it seems that the impartiality of committee members is better protected. Until 2010 the Whips of each party would have chosen the Committee Chairs and also nominated committee members. However, the Wright Reforms of 2010 changed this and led to the 'direct election of most chairs by the whole House of Commons, elections of committee members within each Party ... and a clear expectation of good attendance, underpinned by a '60% rule'¹⁰ (with members not attending at least 60% of meetings in a Session at risk of removal).'

According to Tom Shakespeare, a sociologist and frequent contributor to the BBC, the direct election of committee chairs and members has had a positive effect on committee membership as 'these individuals have a mandate from their peers and the positions are voted for by the whole house, meaning that the chairs have to get cross-party support. Moreover, as they don't have to please the whips to get selected or stay in their role, they have the freedom to criticise government departments, national institutions like the BBC, and even business interests.'¹¹

The Institute for Government recently conducted a report into Departmental Select Committees entitled 'Select Committees under Scrutiny: The impact of Parliamentary Committee Inquiries on Government.' The 2015 report found that the previous system whereby committee members had been chosen by the Whips had given the Whips 'a powerful tool of patronage.'¹² It sometimes led – but not always – to committees where the Chair drawn from the governing party would be reluctant to criticise the government. It did acknowledge, however, that prior to 2010 there were examples of Committee Chairs who were particularly protective of their scrutiny role and subjected the Government to intense scrutiny. In 2001 Labour Whips tried unsuccessfully to prevent Gwyneth Dunwoody, a Labour MP from being re-elected as chair of the Transport Select Committee.

¹⁰ Kelly, Richard, (2013), *Select Committees: evidence and witnesses*. Section Parliament and Constitution Centre, p.5

¹¹ Shakespeare, Tom, (2015), *A Point of View: – Do Parliament's Select Committees wield too much power*, BBC website Magazine

¹² White, Hanna, (June 2015) *Select Committees under Scrutiny*, Institute for Government, p.6



Committees

According to the Institute for Government, the direct election of Committee Chairs by the Whole House, and Committee members by their party rather than the Whips, has also had the effect of more chairs with expertise in the Committee's policy area being selected. Additionally, another effect of direct election has been to empower Chairs to be more innovative. The Institute for Government found that whilst some Chairs felt 'it had not radically changed their approach others felt that election had given them a licence to innovate and push the boundaries of traditional committee procedure to experiment with new ways of doing things.'¹³ The Institute for Government cited the example of Keith Vaz 'who announced new inquiries into topical issues as soon as they emerged without waiting for a meeting of the Home Affairs Committee'¹⁴ and Graham Allen, chair of the Political and Constitutional Reform Committee who campaigned for the introduction of a written constitution.

The report identified the introduction of fixed term parliaments as another reason for the increased effectiveness of Departmental Select Committees. The Institute for Government found that The Fixed Term Parliaments Act of 2011 allowed committees by the end of the previous Parliament (2015) 'to bring their work programmes to a more orderly close and to do more work right up to the end of the parliament than was sometimes the case under the old system.'¹⁵

The Liaison Committee's revised core tasks for Departmental Select Committees which were approved by the House of Commons on 31st January, 2013 (see below) have also enhanced the status of Departmental Select Committees but these increased responsibilities also have the potential to overburden the committees as each committee only has a very small team of staff and specialist advisers (four or five). The Liaison Committee has called for extra funding for additional members of staff to assist the Chair and committee members with the work which often detracts from Committee duties.

See page 21 for the table listing the revised core tasks set by the Liaison Committee for all Departmental Select Committees in 2013.

¹³ White, Hanna, (June 2015) Select Committees under Scrutiny, Institute for Government, p.7

¹⁴ White, Hanna, (June 2015) Select Committees under Scrutiny, Institute for Government, p.7

¹⁵ White, Hanna, (June 2015) Select Committees under Scrutiny, Institute for Government, p.7



Committees

Summary Tasks

- Describe the Wright Reforms of 2010.
- How have the Wright Reforms of 2010 improved the effectiveness of the work of Departmental Select Committees?
- What other developments apart from the Wright Reforms have served to improve the effectiveness of Departmental Select Committees since 2010.
- Click on the following link: <http://www.parliament.uk/about/podcasts/theworkofparliament/select-committees-in-the-house-of-commons/how-do-select-committees-work/>
- This link will take you to a short film which provides an overview of the work of Select Committees. Watch it and add to your previous spider diagram specifying the core tasks of Departmental Select Committees.
- What impact do Select Committees have according to the film?



Committees

Research Task

Visit the site of a specific Departmental Select Committee. All Departmental Select Committees can be found at the following link:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/>

After choosing the Departmental Select Committee you intend on studying complete the following tasks and present the information to your class:

- Briefly outline the **'Role of the committee.'**
- Look at the **'Membership'** of the committee and note the party affiliation of the Chair and all other members.
- Look at the **'News'** section of the Committee's site and make a note of the work that is being currently undertaken by the Committee. Two or three examples will suffice.
- Look at the **'Publication'** section of their site and look at the most recent reports that they have completed. In the index for the report that you have accessed, click on **'Conclusions and recommendations'**. Summarise at least two recommendations that the committee makes.
- In the same **'Publication'** section of their site look for the Government's response to the Select Committee report you previously accessed. Summarise the Government response to at least two of the recommendations made by the committee.
- Were there any areas of disagreement between the committee's stance and that of the Government's?
- Entering the committee's name and subject of inquiry into your computer's search engine should allow you to access news articles about this issue. What do journalists and political commentators have to say about this inquiry?



Committees

Public Accounts Committee

The Public Accounts Committee was established in 1862. Unlike the Select Committees which scrutinise the work of a particular government department, the Public Accounts Committee scrutinises the expenditure of all government departments, public bodies and private companies who provide public services. It is demonstrably the busiest of all Select Committees and during the Parliamentary session of 2010–2015 it held 276 evidence sessions, published 244 unanimous reports and made 1,338 recommendations, 88% of which were accepted by government departments.¹⁶ Its remit to consider the activities of all government departments and beyond is probably one of the reasons it is the Committee which appears most frequently in news coverage.

Margaret Hodge who was the first Chair of the Public Accounts Committee to be elected by the whole House in 2010, following the Wright Reforms, did much to put the work of the Public Accounts Committee in the spotlight. Whilst some political commentators have commended her work in putting tax avoidance on the political agenda, others such as the Conservative Sir Alan Duncan accused her of ‘inappropriate grandstanding’ and of being ‘abusive and bullying’¹⁷ during her questioning of HSBC bosses over allegations that its Swiss private banking arm had colluded in tax evasion.

Margaret Hodge left her role as Chair of the Public Accounts Committee in 2015 and has been replaced by Meg Hillier who has also had to deal with the issue of tax avoidance, this time that of the internet giant Google. The Public Accounts Committee has found that Google’s tax deal, its commitment to pay £130 million in back taxes, is ‘disproportionately small when compared with the size of Google’s business in the UK.’¹⁸ This went against how the Chancellor, George Osborne had presented the deal to the public portraying it as a great outcome for the UK.

Summary Tasks

How is the work of the Public Accounts Committee different from that of Departmental Select Committees?

Why is the Public Accounts Committee considered one of the busiest of Select Committees and why has it attracted so much press attention?

¹⁶ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/history-of-committee/>

¹⁷ Syal, Rajeev, March 2015), ‘Margaret Hodge accused of bullying HSBC bosses at hearing’, The Guardian

¹⁸ Syal, Rajeev, (Feb 2016), ‘Google tax deal: MPs criticise secretive settlement’ The Guardian



Committees

The Liaison Committee

The Liaison Committee is made up of the Chairs of each of the Select Committees. Its role is to consider issues relating to the work of Select Committees and to ensure good practice. It is to this end that it published its report in 2012 on the effectiveness, resources and powers of Select Committees which made several recommendations regarding how the committee system could be strengthened. One of the most interesting findings of the report was that a number of committees had complaints about the government in relation to supplying witnesses and delays in the provision of information or responses to reports. In light of this the Liaison Committee recommended that 'If a government response is inadequate, a committee can and should draw attention to this when it reports and publishes the response.'¹⁹ This demonstrates how the committee system is striving to exert its independence from the executive and fulfil its function of scrutinising the executive to the best of its capabilities. In 2002, Tony Blair committed to appearing in front of the Liaison Committee on a bi-annual basis and subsequent Prime Ministers have also adhered to this convention. The Liaison Committee's questioning of the Prime Minister has not always been the most comfortable of experiences for the Prime Minister. During his time as PM, Tony Blair had to answer questions about his rationale for war in Iraq and the widespread belief by many in the public that they had been misled about the existence of Weapons of Mass Destruction in Saddam Hussein's Iraq.

The Rt Hon. Andrew Tyrie MP is the current Chair of the Liaison Committee and responsible for conducting the bi-annual meetings with the PM established during Tony Blair's premiership. Tyrie questioned David Cameron (January 2016) about the lack of information given to the Intelligence and Security Committee over the use of drone strikes in Syria. Tyrie's questioning of Cameron on this occasion drew a lot of media attention and led the Telegraph to report that 'the PM did not react well to the first proper scrutiny he has faced for ages.'²⁰ The Committee also questioned Cameron on May 4th 2016, ahead of the EU referendum, with the former Prime Minister facing tough questions from pro-EU and anti-EU members of the Committee.

¹⁹ House of Commons Liaison Committee, (2012) Select Committee effectiveness, resources and power, The Stationery Office Limited p.8

²⁰ Rentoul, John, (Jan 2016) 'David Cameron comes up against some stiff opposition at last', The Independent.



Committees

The impact of Select Committees

It is clear that the existence of Committees enhances British democracy and it is possible to identify several impacts that committees have on the democratic process. Select Committees can:

- **Hold elected representatives, public officials and business interests to account.** The Director-general of the BBC, Greg Dyke, the HSBC executive Rona Fairhead and the owner of News International, Rupert Murdoch are among those who have appeared before Committees.
- **Provide legitimacy** – As the evidence provided is taken in public, government ministers who may appear before a select committee are able to account for their work in a public forum and government is therefore seen as more open. The fact that they are willing to account for themselves in a public forum can lead to greater confidence in their work.
- **Expose evidence** – Committees by their ability to call for ‘persons, papers and records’²¹ are able to obtain testimony that may not have been readily provided.
- **Raise the profile of issues.** The work of committees is now more regularly reported in the media.
- **Introduce new voices to the political debate.** Each Committee has an online forum in which they can invite testimony from members of the public in advance of an inquiry.
- **Political consensus building** – The findings of a committee can lead to cross party efforts to enact new legislation.
- **Change government policy** – According to the Nuffield Foundation which funds research in education and social policy, ‘around 40% of recommendations are accepted by the government and a similar proportion go on to be implemented.’²²

The Institute for Government has produced a report on the impact of Select Committees focusing on the case studies of the Home Affairs Select Committee, the Defence Select Committee and the Parliamentary Commission on Banking Standards. For a full copy of the Institute for Government’s report on ‘Select Committees under Scrutiny: The impact of parliamentary committee inquiries on government’ see the following link.

<http://www.instituteforgovernment.org.uk/sites/default/files/publications/Under%20scrutiny%20final.pdf>

²¹ Departmental Select Committees Factsheet, Procedure Series, (August 2010), Archived, Parliamentary Copyright, House of Commons. p.4

²² <http://www.nuffieldfoundation.org/impact-house-commons-select-committees>



Committees

Summary Tasks

- Along with the material from this eGuide and the following recommended articles create a two column table detailing the strengths and weaknesses of Departmental Select Committees.

<http://alevelpolitics.com/audio-are-select-committees-too-powerful/>

<http://blogs.spectator.co.uk/2013/11/are-parliaments-select-committees-working-i-say-no/>

<http://www.bbc.co.uk/news/magazine-31961356>

<http://www.democraticaudit.com/?p=11941>

- Use the recommended reading material to help you create a list of proposals that have been suggested to increase the effectiveness of Departmental Select Committees.

Select Committees in the House of Lords

Unlike the Commons Select Committees, the Lords Select Committees do not mirror specific government departments but rather consider five key areas and are structured as follows:

- the Economic Affairs Committee
- the Constitution Committee
- the European Union Committee
- the Science and Technology Committee
- the Communications Committee

Detailed information about the work of each of the Lords committees and their current work can be found on the Parliament UK website by clicking on the following link:

<http://www.parliament.uk/business/committees/committees-a-z/lords-select/>

The following video also provides an overview of the work of the Lords Committees:

<http://www.parliament.uk/about/podcasts/theworkofparliament/select-committees-in-the-house-of-lords/>



Committees

The European Union Committee, whose work it is to examine the impact of EU laws and policies on the governance of the UK and the laws passed by its institutions is at present conducting an inquiry into EU reform and just like the Commons' Departmental Select Committees it has the ability 'to call for persons, papers and records'.²³In examining EU reform the Committee has heard evidence from members of the German Bundestag, French Senators and the government's Foreign Secretary, Phillip Hammond.

The role of scrutinising EU laws and policies is one that is guaranteed in both the House of Commons and the House of Lords by a Scrutiny Reserve Resolution which means that the Committee must complete its scrutiny before government ministers can agree to any proposal in the Council of Ministers. For information about the scrutiny process carried out by the European Committee consult the following flowchart:

<http://www.parliament.uk/documents/lords-committees/eu-select/scrutiny-flowchart.pdf>

Joint Committees

Joint Committees are made up of members of both the House of Commons and the House of Lords and they carry out the same roles according to the same processes as the Commons Select and Lords Select Committees. There are three permanent Joint Committees and they are as follows:

- The Joint Committee on Human Rights;
- The Joint Committee on National Security Strategy; and
- The Joint Committee on Statutory Instruments.

Detailed information about the role and current work of the Joint Committees can be found by referring to the following links:

The Joint Committee on Human Rights

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/>

The Joint Committee on National Security Strategy

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/national-security-strategy/>

The Joint Committee on Statutory Instruments

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/statutory-instruments/>



Committees

All evidence sessions are held in public and this is the case for all Committee hearings. On 30th January 2014 the former Prime Minister, David Cameron appeared before the Joint Committee on National Security Strategy and was questioned on government plans for the 2015 National Security Strategy. It is possible to view this session by clicking on the following link:

<http://www.parliament.uk/business/committees/committees-a-z/joint-select/national-security-strategy/news/evidence-from-the-prime-minister/>

The Scrutiny Unit

The Scrutiny Unit was established in November 2002 on the recommendations of the Liaison Committee.

Task

Use the following link to make a note of the core responsibilities of the Scrutiny Unit. Provide examples of the support it has provided for Select Committees.

<http://www.parliament.uk/documents/commons/Scrutiny/081114-SU-leaflet.pdf>

Legislative Committees

Public and Private Bill Committees. (House of Commons)

Public Bill Committees or Private Bill Committees are formed after a bill receives its second reading. A Public Bill Committee is so-called because it considers legislation which affects the whole of the population and has been proposed by the government. A Private Bill Committee considers legislation put forth by a Member of Parliament from one of the opposition parties, a member of the House of Lords or indeed a backbencher from the governing party. The membership of both of these types of committee is determined according to party strength in the House of Commons. This invariably means that the majority of members will come from the governing party with many arguing that this has a detrimental effect on scrutiny of the legislation particularly if it is a public bill which is being scrutinised. Public Bill and Private Bill



Committees

committees are temporary and only exist until the bill becomes or does not become an Act of Parliament. Public Bill Committees are given the title of the bill they are considering. Current Public Bill Committees (2016) include the Select Committee on the Armed Forces Bill and the Select Committee on the High Speed Rail Bill. Public Bill Committees when considering a bill will invite experts and interest groups to provide both oral and written submissions. This input will inform any amendments made to the Bill by MPs. The proposed amendments are published daily before the bill is then returned to the floor of the House of Commons, where all MPs can debate the amendments made at committee state and suggest their own further amendments. This stage of the legislative process is known as the Report Stage and is followed by the third reading. If the Bill began in the House of Commons and passes the third stage it will then make its way to the House of Lords for its first reading. The Bill will then follow the same process as it did in the Commons, undergoing its first reading, second reading, committee stage, the report stage, and its third reading. If the House of Lords has made amendments to the Bill it will then be sent back to the Commons and if approved by the Commons it will then go on to receive Royal Assent and become an Act of Parliament.

For information on the work undertaken by current Public Bill Committees and to find out at which stage of the legislative process they are in click on the following link: <http://services.parliament.uk/bills/>

The Case for Reforming Public Bill Committees:

The main role of a Public Bill Committee is to ensure that the legislation presented to it is passed in a form that will ensure it is able to be successfully implemented. Legislation will invariably require amending to ensure that this is the case. However, because of the way in which Public Bill Committees are appointed, with the governing party receiving majority membership of the committee, it has often been claimed that MPs from the governing party are reluctant to make the changes that might ensure that the best possible law is enacted rather than what the government prefers. A committee member might have future ambitions to become a future junior minister or indeed a future Secretary of State. The think tank 'Reform' which concerns itself with public sector reform recently published a report (2015) arguing that for Parliament to be truly effective, committees must become more powerful and independent. Graham Brady, MP contributed a foreword to the report in which he confirmed that executive dominance of the legislature through committee membership has a very negative effect. He claimed that 'The domination of the legislature by the executive and the pervasive corruption of patronage effect a collective lobotomy. Intelligent and independent minded people are too often transformed into lobby-fodder living in hope of even the most ridiculous sign of favour or preferment.'²⁴

²⁴ Hagelund, Camilla and Goddard, Johnathan (March 2015), A Parliament of Lawmakers, Reform, P.3



Committees

However, it is not only MPs from the governing party who have been seen as an obstacle to effective scrutiny of legislation but also committee members from the opposition parties who also have to contend with their own Party Whips. It is often the case that a partisan approach is taken to participation in a Public Bill Committee and Paul Flynn in his book 'How to be an MP' claimed that 'Opposition MPs are lectured that their only influence is the ability to delay Government bills. They are urged to fill time spaces with words whose main purpose is to gum up the works.'²⁵ The independent think tank, Reform are of the opinion that select committees should be allowed to carry out bill scrutiny. Reform believe that the fact that the two main functions of legislating and holding government to account have been separated and divided between select committees on the one hand and public bill committees on the other, mean that the UK does not have an effective committee system. The fact that Public Bill Committees are temporary and only exist until the bill becomes an Act mean that these committees lack the expertise that can be developed through membership of a permanent committee. One of the main failings of the committee system at present, as identified by Reform, is the inability to ensure that committees are staffed with the necessary expertise. Reform found that 'only around eight per cent of the places on public bill committees were taken by members who also sat on the relevant departmental select committee.'²⁶ Allowing Select Committee members to also conduct bill scrutiny would rectify this weakness and allow members to develop their expertise.

Reform acknowledge, however, that for select committees to undertake this additional role, changes would have to be made to the structure of select committees, the membership of which itself suffers from a high turnover. One of their recommendations is that MPs who become committee members or indeed Chairs should receive a 'function related salary increment'. Reform believe that 'this would signal that the work is integral to the role of an MP, not an optional extra ... These changes could create an alternative career path to the ministerial ambitions of most MPs.'²⁷ In addition to this, Reform are of the belief that transferring bill scrutiny to the select committees would allow for more collaborative, cross-party working, something which had been lacking in public bill committees because of the control of the Whips.

²⁵ Hagelund, Camilla and Goddard, Johnathan (March 2015), A Parliament of Lawmakers, Reform, P.3

²⁶ Hagelund, Camilla and Goddard, Johnathan (March 2015), A Parliament of Lawmakers, Reform, P.13

²⁷ Hagelund, Camilla and Goddard, Johnathan (March 2015), A Parliament of Lawmakers, Reform, P.35



Committees

Summary Tasks

To read the full report by the think tank 'Reform' click on the following link. Reform's website includes excellent reading material relevant to your course so sign up to their Newsletter to engage with this further reading.

<http://www.reform.uk/publication/how-to-run-a-country-a-parliament-of-lawmakers/>

'Public Bill Committees do not provide effective scrutiny of government legislation.' Create a table detailing evidence for and against this statement.

What recommendations have been made to improve the effectiveness of Public Bill Committees?

General Committees and Grand Committees – HOL

The Lords also consider Public and Private bills, however, unlike the House of Commons' Private or Public Bill Committees – which are composed of at least 16 members – the Commons' equivalent in the House of Lords meet as a whole House or as a Grand Committee away from the chamber. Grand Committees consider issues affecting the regions and include the following: the Scottish Grand Committee, the Welsh Grand Committee and the Northern Ireland Grand Committee.



CCEA AS2 – The British Political Process

All of the questions listed below have appeared in past papers for CCEA's Government and Politics. The wording and marks awarded for these types of questions have been amended to reflect CCEA's current specification and Specimen Assessment Materials.

Identify **two** types of committee in the House of Commons. [4]

Identify **two** powers of House of Commons Select Committees. [4]

Explain what is meant by 'legislative scrutiny'. [5]

Explain **two** criticisms of Public Bill Committees in the House of Commons. [10]

Explain how Departmental Select Committees act as a check upon the government. [15]

Although not the sole focus of the following essay questions it would be expected that you consider the role of Departmental Select Committees or Public Bill Committees in the following essay questions:

'Due to government control, the House of Commons is now little more than a 'talking shop'.' Discuss the validity of this statement. [26]

'The House of Commons is just a 'rubber stamp' for government legislation.' Discuss the validity of this statement. [26]

'Parliamentary scrutiny of the executive is stronger than ever.' Discuss the validity of this statement. [26]



Committees

TABLE 2:

REVISED SELECT COMMITTEE CORE TASKS FOR DEPARTMENTAL SELECT COMMITTEES

Overall aim: To hold Ministers and Departments to account for their policy and decision-making and to support the House in its control of the supply of public money and scrutiny of legislation.

STRATEGY

Task 1

To examine the strategy of the department, how it has identified its key objectives and priorities and whether it has the means to achieve them, in terms of plans, resources, skills, capabilities and management information.

POLICY

Task 2

To examine policy proposals by the department, and areas of emerging policy, or where existing policy is deficient, and make proposals.

EXPENDITURE AND PERFORMANCE

Task 3

To examine the expenditure plans, outturn and performance of the department and its arm's length bodies, and the relationships between spending and delivery of outcomes.

DRAFT BILLS

Task 4

To conduct scrutiny of draft bills within the committee's responsibilities.

BILLS AND DELEGATED LEGISLATION

Task 5

To assist the House in its consideration of bills and statutory instruments, including draft orders under the Public Bodies Act.

POST-LEGISLATIVE SCRUTINY

Task 6

To examine the implementation of legislation and scrutinise the department's postlegislative assessments.

EUROPEAN SCRUTINY

Task 7

To scrutinise policy developments at the European level and EU legislative proposals.



Committees

APPOINTMENTS

Task 8

To scrutinise major appointments made by the department and to hold pre-appointment hearings where appropriate.

SUPPORT FOR THE HOUSE

Task 9

To produce timely reports to inform debate in the House, including Westminster Hall, or debating committees, and to examine petitions tabled.

PUBLIC ENGAGEMENT

Task 10

To assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public.