INTRODUCTION

1. I welcome the opportunity to answer some of the points raised in detailed questions but before I do so I should like to make some short observations as they will colour the answers that I give.

2. One of the shortcomings of our democratic system is that both Members of the House of Commons and Governments are tempted to think short term. It is difficult to think beyond the next General Election which is a maximum of five years though many policies need to be developed over a much longer period of time. Whilst the Civil Service is permanent and ought to able to think strategically I suspect that many civil servants do not stay sufficiently long in one role in order to oversee long term projects. They must also be influenced to some extent by the preoccupation of Ministers with what is happening right now.

3. By contrast the House of Lords as an appointed chamber does not have to worry directly about its own position when the next election comes. Furthermore many peers are older and less preoccupied with thoughts of promotion. Some have vast experience not only of public life but many other professions and occupations. These factors make it easier to think strategically.

4. Indeed I believe that the ability of the House of Lords to take the long view is unique in our current constitutional arrangements and is invaluable in informing the work of the Select Committees.

ANSWERS TO DETAILED QUESTIONS.
SUBJECT MATTER AND STRUCTURE.

5. I see no reason why the current committee structure should be changed fundamentally.

6. Clearly the European Union Select Committee with its six sub-committees will shortly become obsolete in its current form. However, given the possibility of a transition period to the end of 2020, there is likely to be a significant amount of EU related work until the end of that period. There may well be a case for a re-modelled EU Committee with its six sub-committees. In the longer term I favour the idea of extending the remit of the International Relations Committee to include relations with the European Union, possibly as a Sub-committee of that body.

7. I believe that it is desirable to avoid overlap with the work of the House of Commons Select Committees. While there is nothing inherently wrong in overlapping in practice it seems to me a waste of effort to have the two Houses occupying the same territory so to speak. There is also a very practical point in that one is asking civil servants, experts and those with a strong interest in the subject matter to produce evidence and it adds to their burdens if they give evidence to two enquiries.

8. I do not believe that there is an easy answer in striving for the best balance between ad-hoc committees and sessional committees. However I think that the bulk of the work should be undertaken by sessional committees for the reasons I gave in my opening observations. It is very important that there should, in many cases, be a follow-up to work and reports already undertaken. This is part of what I regard as the long view. It also complements the
work of the Commons whose Select Committees tend to engage in shorter enquiries.

9. Whilst there is no correct answer as to the best balance between short and long enquiries I am inclined, for the reasons given above, to say that the majority of enquiries should be long.

10. Sessional committees should last for the duration of a Parliament unless there are good reasons for not doing so.

AD-HOC COMMITTEES

11. I accept the criteria the Liaison Committee uses save that I have doubts about requiring an activity to be completed in one year. I think there should be some sensible flexibility especially when considering the House’s calendar in sitting days and recesses.

12. I am not aware that there are any settled current arrangements for following up committee reports. I had always presumed in the case of sessional committees that it was up to the Chairman and committee to make decisions on these matters. In the case of ad-hoc committees I had assumed that it was not possible to follow up if they were only in existence for a short time.

13. The emphasis should always be on the work of sessional committees and I feel that the balance of having around four new short term committees about right.

14. I believe that a lot more could be done to look at the effects of legislation particularly as many Acts of Parliament are, relatively speaking, rushed through and in any case it is not always possible to anticipate what the results of any proposed legislation might
actually be. I believe that this is a field where the House of Lords could play an increasingly valuable role. There seems to me to be various possibilities. Either one could set up an ad-hoc committee to look at a particular piece of legislation or it could come within the remit of the appropriate sessional committee or both. A further possibility is a joint committee with the House of Commons. It is certainly a matter which I would urge the Liaison Committee to look at closely.

15. I foresee a greatly increased workload for the Secondary Legislation Scrutiny Committee in the wake of Brexit. If it is to fulfil its duties effectively I am sure it will be necessary to form one or more sub-committees to distribute the load. Of equal importance will be the addition of more clerical and advisory staff.

ENGAGEMENT WITH THE PUBLIC.

16. I do not feel sufficiently well qualified to answer these issues beyond making the general observation that the Liaison Committee needs to look at the target audiences and see what means of communication they respond to and gear their actions accordingly.

CHAIRMAN AND MEMBERS

17. Though I am broadly satisfied with the current arrangements for the appointment of committee chairmen and members I think there are improvements that could be made. There ought to be a standardised procedure for informing Peers particularly, new Peers, of the opportunities to serve on select committees when there are vacancies and also how to register an interest on serving on one or more committees should vacancies arise. It may be that there is such a procedure but it does not seem to be particularly well known if that is the case. So far as the appointment of chairmen is
concerned the system seems to work well though I can see that some may query appointment as opposed to election as happens in the House of Commons.

18. I am less happy with the “rotation rule” as I feel the Chairman coming fresh to a committee needs time to settle into the role and also needs time to oversee whether there is any requirement for follow-up work after committee reports have been published. Consideration should be given to appointing a new chairman from a member of the Committee rather than ‘parachuting’ in someone unfamiliar with the work of the particular committee. I should prefer a Chairman to be in place for four years. The same goes for members of the committee subject to a comment I make later. I have vivid recollections of the idiotic situation that arose when a decision was made to reduce the length of service on a committee apparently to give more peers a chance to be on one as a result of which the Communications Committee found itself with a new Chairman and seemingly more new members than old ones!

19. Ideally I would expect there to be no less than 12 and no more than 15 on the various committees.

20. I warmly support the idea of a written role description for Committee Chairmen and members to clarify expectations from the outset. This should include the expectation that members of the committee should attend every meeting from the beginning to the end unless there are cogent reasons for absence. I accept of course that the illness of a peer or pressing domestic circumstances might make it impossible but in those circumstances a member should tender his or her resignation. If, as we are led to believe, there are always more peers wishing to join a select committee than there are places available then it is not just that someone
should occupy a seat at a committee without attending on a very regular basis.

21. In my experience committee staff are brilliant in supporting Chairmen and members already and I am not sure what more they could do.

22. Trying to improve the timeliness and content of government responses is an easy question to pose but remarkably difficult to answer. Initially I think it should be the task of the committee itself to make the relevant government department aware if they are too slow in coming back with their response and the same if the content is unsatisfactory and they should not pull their punches! An added incentive could be to extend the concept of ‘name and shame’ akin to the way Departments which have not answered Questions for Written Answers within the ten days are named and shamed. This I would regard as being part of taking the longer view. Secondly, I think committees making such complaints should also inform the Liaison Committee so that the latter can build up a data base of information and see whether there is any department which is more or less efficient. The Liaison Committee itself should have the power to support an individual committee in making representations to government departments or ministers.

17th March 2018.