

Government by Explanation

Some ideas from the select committee corridor

Andrew Tyrie MP



INSIDE

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Foreword

Select committees have come to play a central role in the UK's system of parliamentary democracy. Only in 1979 was the modern House of Commons committee system established, with dedicated cross-party committees scrutinising the work of each government department. Since then, the capacity, status and effectiveness of committees has increased steadily. Select committees today are as established a part of Westminster life as Prime Minister's Questions.

But as Andrew Tyrie sets out in this pamphlet we could and should move further in enhancing the influence of select committees. Andrew Tyrie is well-placed to lead the discussion on this agenda. He is a long-time campaigner for greater accountability of government to Parliament. And under his chairmanship, the Treasury Committee recently won an unprecedented veto power over appointment to the independent Office for Budget Responsibility.

In this important pamphlet, Andrew Tyrie sets out a broad vision for reform of the select committee system, guided by the insight that the key role of committees is to secure "government by explanation", in which the executive is required to explain its proposals and justify its actions. He makes a number of significant and radical proposals, including steps to enhance the role of the Liaison Committee, reform to the method by which committee members are selected, and further committee powers over key public appointments (in line with the Institute for Government's recent Balancing Act report).

I am delighted that the Institute for Government is able to publish this document as part of our *InsideOUT* series. I hope that its publication will lead to a lively discussion about the role of parliament, and serious consideration of the vision and the proposals contained within.

A handwritten signature in black ink, reading "Andrew Adonis". The signature is written in a cursive style and is positioned above a horizontal line.

Andrew Adonis
Director, Institute for Government

About the Author

Andrew Tyrie was elected Chairman of the House of Commons Treasury Select Committee in June 2010 and he has been Conservative Member of Parliament for Chichester since 1997. He has served on many Select and Standing Committees and as an opposition Treasury Spokesman. He has written extensively on economic and constitutional issues.

Acknowledgements

Many of the ideas in this paper derive from conversations with Parliamentary colleagues and staff over the years. Its theme originated in a conversation with Andrew Adonis, Chairman of the Institute for Government, in which we tried to think of ways in which the quality of Government could be improved by strengthening Parliament. I would particularly like to thank Sir Alan Beith, John Benger, David Doig, Oonagh Gay, Dorian Gerhold, Roger Gough, Lucinda Maer, Zoe Oliver-Watts, Crispin Poyser, Peter Riddell, Robert Rogers, Eve Samson, Paul Seaward, and a good number of others who would prefer not to be named, for their suggestions. Akash Paun of the Institute for Government provided an enormous amount of research support, much of which is reflected in the Institute for Government's paper, *Balancing Act: The right role for parliament in public appointments*, published with this paper. Others at the Institute for Government who helped include Gareth Morgan and Nadine Smith.

Introduction

The question I will try to address here is a simple one: what level and type of Parliamentary scrutiny maximises the effectiveness of Government?

A very powerful Parliament, which exercised powers of life and death over weak governments (on the model for example of the French Fourth Republic) would be a recipe for paralysis, particularly ill-suited to a time when strong executive leadership is needed to tackle our fiscal crisis. A supine Parliament which failed to hold the executive properly in check would leave the way free to abuse and corruption, the experience of numerous countries all over the world.

Both lead to poor quality government. In theory, the executive requires the assent of Parliament to govern. But it is embedded within Parliament and, in practice, it can dominate it. Party loyalty or occasionally, as now, coalition loyalty, provides the bedrock of support for it.

Intra-party discourse on the Government's side is the primary restraint on unfettered Government action – a neglected subject, often out of the public gaze, which here I will do nothing to redress. Nor will I address the role that a second Chamber, reformed and bolstered by democratic legitimacy, could start to play. And I will also sidestep the issue of whether electoral reform for the Commons could help provide a better balance between the executive and the legislature; on that I'm a deep sceptic. In what follows, when I refer to Parliament, I am referring to the elected House.

What can be done by Parliament to improve the quality of Government?

It has been said that 'democracy is government by explanation'. I agree. The main role that Parliament must play, and play better, is that of forcing the Government to explain its proposals and justify its actions. This is largely what is meant by the overused term scrutiny. When done well, forcing the Government to explain can mean persuading it to think again. Much more important, the knowledge that Parliamentary scrutiny awaits can and should influence policy formation in Whitehall. For each public governmental re-think, there may have already been five behind the scenes, triggered or influenced by the instruments of Parliamentary scrutiny, even before they are deployed.

Better quality explanations, and the knowledge that they will be tested in Parliament, should therefore provide better quality Government. We are some way from this constitutional idyll, as recent U-turns on Government proposals testify. If we are to secure government by explanation, there is no blueprint that can be derived from first principles, nor simply copied from elsewhere. We need to start with what we have and build on the reforms of the last three decades, in particular the role of select committees, which will provide the main focus of my remarks. After describing recent developments, I will conclude by setting out some proposals for further reform.

Where do we stand at present?

A year ago as I was speaking in the House a moth came out of the green upholstery and settled momentarily on my notes before moving on to the lapel of a colleague. An hour later while enjoying a piece of cake in the tea room, I noticed mice running between the feet of colleagues. I was assured that they are fed by hand by one of the Tory whips. In the car park just before Christmas I spotted a rat – of the furry type – no doubt sheltering from the cold weather.

It is hard not to see here metaphors for a decaying parliamentary democracy, and there have been times that Parliament's decline has indeed seemed to be beyond parody. Some of what I am about to say will be critical of Parliament. But, before going overboard, it is worth pointing out some of the strengths of British democracy.

We are fortunate to live in a highly sophisticated democratic culture – a culture which runs deep in the bones of our country and society. All across my constituency, reflecting other parts of the country, one can find small organisations and voluntary associations going about their business within a framework of understandings, written constitutions, committee meetings and minutes. This is the world of grass-roots involvement that de Tocqueville described in *Democracy in America*.

One should be wary of the notion that such civic virtue blooms exclusively in Anglo-Saxon gardens, but voluntary association remains an important measure of our political health. Furthermore, for all the criticism of it, Parliament still forms and provides legitimacy for Governments and their decisions, it still authorises taxation and spending, and it still contributes to forcing the Government to explain its actions to the electorate, directly in the Chamber and committees and indirectly through MPs, acting as the link between Parliament and their constituents. And while our Parliament may be defective, many other countries' legislatures are scarcely paragons.

The idea that we have declined from a golden age is absurdly overdone. Nonetheless, there is general agreement that Parliament does less well than it should. I concluded soon after being elected to the House in 1997 that the executive was overmighty and that something needed to be done about it. That is why, over a decade ago, I wrote *Mr Blair's Poodle*, an explanation of the scope and limits of executive ascendancy and how to reverse it. In a subsequent companion volume, *Mr Blair's Poodle Goes To War*, I sought to illustrate the extent to which, after the Iraq War, Parliament and its committees were thwarted by the executive in their attempts to establish what really happened in the months prior to war.

Pressure from the media and the public to get to the truth, rather than from Parliament, was crucial in securing a series of extra-Parliamentary inquiries: Hutton, Butler, and now Chilcot. If Parliament had got further with its own investigations some of those might not have been needed. That they were set up partly, perhaps mainly, as a result of outside pressure also testifies to the weakness of Parliament.

A superficial reading of those events might lead one to conclude that, when it comes to scrutiny of the executive, Parliament's loss was the executive's gain, and that we were witnessing a constitutional zero sum game. Much constitutional theory appears to lend weight to this argument, with its language of balance and the separation of powers, but it is fundamentally mistaken.

The executive's ability to fend off Parliament on so many issues has led to a loss of public confidence in political leadership, including government leadership. This is because the erosion of trust has weakened our political system as a whole. Difficult as it was to persuade the public to take on trust the need for war in 2003, how much more difficult would it be for a Prime Minister to persuade the public to rely on similar assurances in 2011? Any dilution of trust, and the consent which flows from it, weakens our democracy and to the extent that it circumscribes the scope for necessary executive action in future it may make Britain less secure.

Iraq was only one staging post, albeit an important one, in a gradual erosion of respect for our institutions which has come over many decades. This was already gathering pace long before the Blair administration came to office: we have only to think of the circumstances in which Lord Nolan's Committee was established to confirm this. Nonetheless, if Parliament had got to the truth over Iraq, the crisis of trust would surely be less deep now. A less trusted executive and one less capable of persuading the public of its strategy is only one consequence of the executive's ascendancy over Parliament.

There are many others:

- ill thought-out legislation;
- the irrelevance of Parliament in the eyes of the public;
- the replacement of Parliament by the media as a primary source of information about the executive;
- the bypassing of Parliament with the growth of presidentialism and celebrity politics; and
- the enhanced capacity of government to take action without providing a full explanation, an explanation which might, in fact, force it to think again.

Action has been needed for some time.

The reform record: Labour and the Coalition

To their credit, the last Labour Government responded, often implementing proposals made by backbenchers, including opposition members, as well as by select committees. It took action, and on many fronts. This included:

- the introduction of evidence gathering sessions to Public Bill Committees, prior to their line by line examination of bills;
- greater resources for select committees;
- biannual appearances by the PM before the Liaison Committee;
- giving Members more power to debate topics they chose through the introduction of Westminster Hall;
- the introduction of topical parliamentary questions;
- at least trying to introduce bills in draft for pre-legislative scrutiny;
- some experiment with post-legislative scrutiny;
- establishing the principle that Parliament should vote before military action is authorised; and
- the enactment of FOI.

Taken together, these measures have strengthened MPs' hands to some degree.

The incoming coalition Government has also acted to implement a number of improvements, some of them developed in opposition by Ken Clarke's Democracy Task Force, on which I served. These have included two important reforms. First, the creation of a backbench Business Committee, with more control over Parliamentary time, is certainly a step forward. We will have to wait to find out how big. Second, the election of select committee chairmen by secret ballot of the whole House, already approved with cross-party support prior to the election, was implemented in 2010. This could have even more profound consequences. It creates a group of backbenchers at once independent of party pressure and accountable to Parliament to guide scrutiny of the executive. We are already seeing some benefits of this.

For example, the "cull of the quangos" has been challenged by the Public Administration Select Committee on the grounds that the Bill contains insufficient safeguards to prevent the misuse of powers by ministers and that it should contain a general sunset clause. Stephen Dorrell's Health Committee has challenged the rationale for the Government's ambitious health reforms. And in our look at the Government's proposals for reform of financial services regulation, the Treasury Committee argued that the Government's timetable was too ambitious; there was insufficient detail about the considerable powers to be given to the Bank of England; there needed to be far more thought about the accountability of the new regulators and about the role of government in the new structure. These are all matters that can be resolved – but there is now more pressure on the Government to resolve them.

Select committees can force government to fill the explanations deficit, a deficit which incidentally has led so many theorists over the years wrongly to conclude that we live in an elective dictatorship. All this suggests that government by explanation can work as a way of forcing an effective government to take time to get it right and to explain properly why it is right.

If further Parliamentary reform can entrench the notion that the Government must explain the reason for its actions, and if that can be accomplished in a way that is digestible to the wider public, then the Parliamentary reformers will have really achieved a good deal.

Modern government is complex. Many of the tools bequeathed to us from the nineteenth century for holding the Government to account – mainly designed for deployment in the Chamber cockpit – are not just ineffective. They are ill-suited to securing consent in a twenty-first century democracy. Much of what goes on in the Chamber strikes the public – particularly the young – as little more than late Victorian pantomime. And often scarcely more is accomplished by it. If the public is to be recruited to take an interest in Parliament we must find a medium and form of discourse which has more in common with what they see and experience in their daily lives. The committee corridor can provide some of it.

The UK Parliament – far more than others – has undervalued the committee corridor. In contrast to most other democracies relying on committees is a recent phenomenon. Only in 1979 was a proper select committee system established at Westminster, with a committee dedicated to scrutinising each Department of State. British select committees have few powers in comparison to their counterparts in other countries such as the US. Nor do they play much of a role in the legislative process, unlike many European legislatures and – closer to home – the Scottish Parliament.

The quiet advance of select committees

While select committees may have few formal powers of control over the Government, they have gradually developed their role of getting the Government to explain, and to improve, policy-making. It's still far from perfect. In the past some committees were loath to use even the few powers they do have, such as the power to summon witnesses before them. Many are now building their capacity and their bite. More and more, committees have been showing the self confidence, the desire and the capacity to challenge government across a broad front. There are a good number of reasons why this is happening.

First, partisanship has been further diluted, often triggered by independent-minded chairmen, such as the late Gwyneth Dunwoody. This Parliament began with a major blow to partisanship. With the removal of the whips from the appointment of chairmen there has been a palpable shift of mood. Select committee chairmen now feel accountable to those who elected them - their fellow MPs. The election of members of committees by their own parties rather than as whips' appointments has also diluted the whips' influence.

In addition, there is a greater willingness on the part of a growing number of select committee members to stay for a long tour. This helps develop a committee memory and a sense of collegiality, modifying party tribalism. The balance between committee loyalty and party loyalty has certainly been altered, and in subtle ways.

Secondly, the scope for detailed scrutiny, for getting under the skin of an issue, is steadily increasing. This is partly as a consequence of improvements in briefing by staff and also the development of knowledge of the field by members, enabling the right questions to be asked. Sustained cross-examination by a well-informed committee member can generate information and explanation by ministers that ritual exchanges on the floor of the House, where partisanship clouds as much as it clarifies, often fail to do. Committee evidence sessions – two hours or more of intense questioning of a cabinet minister – can do a far more subtle job of questioning the Government than the ten minutes John Humphrys or Jeremy Paxman has on *Today* or *Newsnight*.

Third, greater public and media attention increases the attractiveness of committee membership to backbenchers, while encouraging better attendance and diligence. Alongside the carrot of asking a pertinent question is the stick that the media might criticise a committee and its members for being asleep on the job. As the bankers came in to the Treasury Select Committee in February 2009 for a high-profile cross examination, along with a massive media scrum, one of my more experienced colleagues leant over to me and said: "It's not just them who are on trial, you know, it's us."

Public attention acts as an equally effective discipline on witnesses. It was clear to anybody watching that, when the Chancellor came before the Treasury Committee in early November, he had prepared carefully. Explanations were forthcoming, answers were full and detailed.

For example, far more light was shed on the distributional effects of the emergency budget than any previous Chancellor had provided. He knew the questions were coming. He'd prepared for them. And he'd decided that detailed answers were likely to give a better press than evasion. And they did.

The public attention that can come with committee scrutiny changes the way ministers now address the decisions that they must take. When a minister is making a choice, he has to put it through the prism not only of explanation on the floor of the House, which he knows may be perfunctory, even if subject to an Urgent Question – but also in committee. The committee corridor has not wrested the scrutiny role back from the media - the *Today* programme and *Newsnight* still figure in the minister's thoughts, too, because they usually reach a wider audience – but it is now a more important player.

Fourth, the scrutiny of civil servants has steadily intensified. Their replies can be compared to those of ministers: the Treasury Committee has usually called before it senior civil servants working on the Budget, immediately before seeing the Chancellor. It is important that scrutiny exposes departments where too much is left to officials to decide.

Fifth, the committee corridor is now developing its scrutiny of the Prime Minister. In *Mr Blair's Poodle*, I argued that Parliament needed to do more to scrutinise power where it really lies. In our increasingly presidential system, an examination of the efficient rather than the dignified elements in our polity must mean detailed questioning of the Prime Minister. To his credit, and probably because he knew it would play to his strengths, Tony Blair accepted the invitation to make regular appearances before the Liaison Committee, which brings together the select committee chairmen. The Liaison Committee's performance was mixed, but an important new instrument of scrutiny was established. These are some signs of progress.

A programme for further reform

In the remainder of this paper, I will focus on a few reforms which could further strengthen committees. I recognise that I'm neglecting other important areas for improving Parliament such as the legislative process. What follows does no more than set out a tentative agenda. I hope that colleagues will improve it by addition and amendment. Some items are mentioned as no more than a basis for discussion; others, such as the proposals that select committees extend their role by vetting quango appointments, have been well developed by the Institute.

First, scrutiny of public appointments

Select committees should be given a greater role in scrutinising appointments to major quangos and other public bodies. For many years, almost all such public appointments were wholly a matter for the executive, with all the risks of patronage this brought with it. Since 1995 there has at least been an independent Commissioner for Public Appointments to regulate the recruitment process. But until much more recently there was no role whatsoever for MPs or select committees in scrutinising appointments to these important posts, even though the size and scope of the quango state has grown considerably. In recent years Parliament has put its toe in the door.

The Treasury Committee took a lead here more than a decade ago, introducing pre-commencement hearings for members of the Monetary Policy Committee when the Bank of England was given control over monetary policy. Since 2008, other committees have had the ability to hold pre-appointment hearings over a range of senior public sector posts. But Committees have for the most part been reluctant to press the point despite having serious reservations about candidates from time to time. And on the two occasions that committees have asked ministers to reconsider – the appointment of a member of the MPC, and the appointment of the Children's Commissioner – the decisions were still pushed through by ministers. Over the past year, however, things have begun to move further and faster.

Again, I am pleased to say that the Treasury Select Committee has been active. When the Chancellor came before the Committee for the first time on 15 July last year, he responded to a request that we had made to him, that the independence of the newly created Office of Budget Responsibility be buttressed by a new form of Parliamentary accountability. He came back with a suggestion. He proposed that the committee should play a partnership role in the appointment of the OBR's Chairman. That is, he offered the Committee a veto over the appointment. We accepted. We went further and demanded and obtained more. First, we demanded that the veto be reinforced by statute. Secondly, we demanded a veto over the power of the Government to dismiss the OBR Chairman. The latter point is crucial. It means that if and when an OBR Chairman produces a fiscal assessment or forecast which is inconvenient or embarrassing to the Government, his or her independence can be protected by the Treasury Committee. There is now a 'double-lock', protecting the OBR. And the fact that the Committee is deeply engaged in the Chairman's appointment and dismissal means that the OBR is now very directly accountable for its actions.

I don't think that Parliament should stop there. What may look like a small change for one committee can serve as a beacon for a radical extension of committee scrutiny and Parliamentary authority. This was vividly brought home to me by a remark made by a very senior member of the Government a few weeks after the TSC secured the concession. He sidled up to me in the lobby and said, "This is a one-off, you know. We don't want this to serve as a precedent." Exactly. Committees now have a route map. They know what they should do. They can do best by marching resolutely towards the sound of gunfire.

The opportunity is now there, right across Whitehall, for select committees to open up the quango state. It is now up to us to restrain and reverse the growth of executive patronage. Already, the process has begun. In January this year Ken Clarke, the Justice Secretary, agreed that when he appoints a new Information Commissioner in three years' time, he will "accept the Committee's conclusion on whether or not the candidate should be appointed". A further precedent has been set.

I'm delighted that the Institute for Government has engaged in this debate, following on from an informal meeting with a number of select committee chairmen some months ago. The result of that is the outstanding consultation paper on appointments published by the Institute. I agree with all its main proposals.

The consultation paper reminds us that the volume of quango appointments is vast. Ministers are responsible for making several thousand appointments to a wide array of Non-Departmental Public Bodies, Non-Ministerial Departments, Advisory Councils, Commissions, Grant-Making Bodies and more.

It would, of course, be absurd to expect committees to engage with all of these. However, as the Institute recommends, there is a smallish category of the most senior regulators, ombudsmen, inspectors and constitutional watchdogs, where Parliament, and select committees in particular, should certainly play a greater role in confirming appointments. This category of posts, described in the paper as the "A List", has been identified on the basis of the following four criteria:

- *Independence.* Committees should have a say in appointments where the credibility of the body in question depends upon its independence from government. This can be illustrated by looking at Treasury related appointments. Independence is manifestly needed for the OBR. On the same grounds, similar treatment could be applied to the Governorship of the Bank of England, the head of the Competition Commission and the Chair of the UK Statistics Authority.

Certainly, consideration now needs to be given to this, not least by the Treasury Select Committee and we will be examining some of this as part of our recently announced inquiry into the accountability of the Bank of England. With the new powers being conferred on it, the Bank will shortly be by far the most powerful quango in the land.

- *Representation.* Greater committee involvement is required where a post's responsibilities include representation of the public interest in dealings with government. The Parliamentary Ombudsman and the Information Commissioner are two examples.

- *Public Interest.* Committees should engage where there is particularly strong public interest in how the candidate will carry out his or her responsibilities. This might apply for the Chief Inspector of Schools or the Chair of the BBC Trust.
- *Parliament.* Where the post is important to the workings of Parliament itself, as for the Chairman of the House of Lords Appointments Commission, committees should also keep alert.

I'd be tempted to add a fifth criterion to cover an issue already identified in the Institute's paper: where an *ad hoc* or temporary appointment is made which, for the duration of his or her appointment, would fall within the above four criteria, the most relevant select committee should also be involved. This should enable enquiries to be covered such as those chaired by Lord Butler, Lord Hutton, Sir Thomas Legg and Sir Peter Gibson. In total, the Institute lists around 25 top posts to which an appointment should not be made if the select committee express their opposition to the Government's proposed candidate.

This leaves a number of questions. At least two are crucial, the answers to which may vary, case by case. First, should the committee's powers be entrenched in Statute? Second, should the House as a whole – in practice the Government, by mobilizing its majority – retain the authority to override a committee veto? I won't answer either of these questions now, except to say that the exercise of any override process should certainly require a good deal of government by explanation on the floor of the House. This will also act as a restraint on arbitrary use of power by the committee – it, too, would have to explain its decision.

So, a new system is available to us. It has already been tested in pilot schemes. It seems to work. The OBR Directors have acquired some added authority by having received, in public, a stamp of approval from the Treasury Select Committee. Now the same can and should apply across the quango state.

Second, scrutiny of the Prime Minister

On this, I am a radical and I know that many colleagues will disagree. Meetings with the Prime Minister should take place monthly when Parliament is sitting, rather than every six months. Arguably, during the week of that meeting, there could be no session of Prime Minister's Question Time. The latter would provide some compensation for the higher workload for the Prime Minister implied by frequent committee appearances. I can't see him agreeing without some sort of *quid pro quo*.

The main objection is that more frequent appearances would further bolster Prime Ministerial power at the expense of his or her Cabinet colleagues. In my view, this concern needs to be tempered by two points.

First, as earlier mentioned, power needs to be scrutinised where it really lies: Parliament has responded relatively poorly, so far, to the steady growth of presidentialism in our system of government in recent decades. Second, Prime Ministers can and do already by-pass their colleagues – they have many tools at their disposal to do so, not least press conferences at Number 10- a counterpart to a US President appearing on his lawn at the White House. In our parliamentary system would it not be better to bring at least some of these exchanges in house?

Meetings should be restricted to two hours. The topics to be raised should be given greater advance publicity. Scrutiny can be more penetrative and enlightening than the PMQs, Number 10 press conferences or fifteen minute interviews on the Today programme.

A meeting of some thirty committee chairmen is too big and lacks focus. Instead, the Liaison Committee should be represented by a smaller group of about a dozen chairmen, while having the scope to co-opt another chairman when his or her expertise is needed. There may be other approaches to reducing the numbers – it is up to us to sort this out.

There are arguments both ways about the proposal for more frequent appearances but I am sure about one thing: Parliament should not sit idly by while the Presidential Premiership continues to develop.

Third, other Liaison Committee reforms

The Liaison Committee, chaired by Sir Alan Beith, can help set the agenda on behalf of Parliament. It is composed of a group of people who, insofar as it can be said of anyone, represent the back benches of the House of Commons. But they are little seen as a group. If we as a group of select committee chairmen feel that more needs to be done, it is for us to speak up. I hope it develops in this way.

We could start by examining the Institute's excellent proposals on appointments. There's much more that we can do, including linking the work of committees more closely with that of the Chamber, better oversight of parliamentary budgeting, both on committees and more widely, bringing more light to bear on the House of Commons Commission's work, and much more besides. It seems sensible at least to consider such ideas. Collectively, I feel that we could become more than shop stewards for our respective committees.

Fourth, the balance between committees and the Chamber

Committee scrutiny is from time to time stymied by the plenary business in the Chamber. We can have the absurdity of a full committee corridor emptying to vote on business – debated in the Chamber by only a handful of members. We should consider a reconfiguration of the Parliamentary week, giving greater scope for uninterrupted committee work.

There are numerous possible routes to achieving this. I would be inclined to consider creating a Committee day, as have many other Parliaments, although I realise that the executive, and some traditionalists, will balk at the idea. Few if any parliaments in advanced democracies rely so much on the main Chamber. Too much of what goes on there is time and energy wasted. As far as the Chamber is concerned, less can mean more. A Chamber which acted as a forum for crucial issues could and should then be able to allocate more time for this: the Iraq debate is a case in point.

Fifth, resources and support

Most committees could do more if they had the resources. Given the financial stringency necessitated by the deficit, now is not the time to bid for more cash, but resources can be reallocated. Would it be too radical to suggest that committees should, within a given budget allocation, decide on their own priorities? I hope I do not upset too many colleagues by suggesting that there had to be, for example, some reduction in travel budgets.

At the same time, much more imagination should be used to get access to high quality advisers from outside bodies, and to obtain secondees for specific projects in ways which do not imperil Parliamentary independence. With this in mind, Alan Beith and I developed a revised set of guidelines for committees, now accepted, to enable the greater deployment of outside expertise. I am very grateful to my own committee clerk for working up these proposals. She and I both have more ideas in the pipeline.

In my experience, committee clerks and staff are extremely dedicated and motivated by their work, and I have enormous respect for the high calibre and commitment of the clerks to making Parliament work. Still, I agree with the recommendations of the Menzies Campbell enquiry into the running of the House – triggered by the Damian Green affair – that, early in this Parliament, there should be “a fresh examination of the roles and responsibilities of the officers of the House.”

The time has probably come for further reform, including changes in the way that senior House staff are recruited and their careers managed. Among other things, we should consider measures to secure greater integration of staff support with that of the Library and committee experts. We could also consider the recruitment of more people in mid-career, particularly from the private sector, and those with management expertise.

Sixth, the Osmotherly rules

These rules need to be re-examined. They make it clear that civil servants speak on behalf of ministers and, to that extent, the rules act to protect them from scrutiny. The House of Commons has neither accepted, nor approved, the Osmotherly rules: they are nothing more than internal government guidelines, which the Government has chosen to make available to committees. On some occasions when committees have demanded that named civil servants appear, Ministers have come in their stead. In previous Parliaments, committees have seemed content with this. If a committee had insisted on calling a named civil servant, the decision would have been referred to the House as a whole, and the committee would have lost.

It is said that the Osmotherly convention may be breaking down. In my view, it is probably time that it did break down, and committees should not shrink from summoning named civil servants if they feel it necessary. Any Ministerial resistance should be given maximum sunlight.

One further idea put to me – at least worth exploring – would be to make contempt of a committee, that is, failing to appear, a criminal act. But this might get the courts into an area Parliament would prefer them not to tread, which makes me wary.

Seventh, committee members and outside interests

I have been on the committee corridor for more than twelve of the fourteen years that I have been in Parliament. For most of that time, I have served on at least two, sometimes three and occasionally four select committees simultaneously. It is hard work. But it is not and it should not be a full time job. I have learned a huge amount from those colleagues with experience from their working lives, both from past and current employment.

To draw on a personal example, I found my experience serving on the boards of two public companies has given me insights on much parliamentary work – not just with respect to FSMA, but also in broader discussions of, for example, corporate governance when on the Treasury Committee, or offshore financial centres when on the Justice Committee.

I am concerned that the trend to professionalisation of politics could reduce the number coming to Parliament with that experience. I am equally concerned that well-meaning but ill thought out guidelines on outside interests may deter some of the most knowledgeable MPs from making a contribution on the select committee corridor. Declarations of interest should not have the effect of becoming a bar on interests, but they are threatening to do so. Parliament would be the weaker.

Eighth, setting the agenda

For the most part, committees in previous Parliaments have responded to executive action. Since the election the Treasury Select Committee has been coming forward with some initiatives of its own, inviting the Government to react. For example, we fought, I think with some success, to influence the legislation creating the OBR by producing a detailed report on its structure and role, well before the Government finalized the shape of the Bill. Similarly, we are already engaging, before the budget, on the tax principles that should underlie fiscal reform and on how the Bank of England should be made more accountable for its greater powers, before the Government finalizes its ideas.

The Committee is starting to produce two distinct strands of work. One will force the Government to explain itself. The second will force the Government to consider and respond to proposals from the Committee itself. I don't expect that the Government will immediately adopt all our recommendations. I do hope that we can play a significant role in shaping the debate.

Ninth and last, election for all

Most Members of Parliament agree that election of select committee chairmen by secret ballot has been a success, so far. Sooner or later there will be a case for revisiting whether parties should continue to elect committee members. It might be a bit administratively cumbersome but there is a good case for electing all members by secret ballot of the whole House. Parties are already coping with by-elections. Robin Cook proposed something in a similar spirit as long ago as 2001. This appealing idea was defeated by the scarcely disguised cooperation of government and opposition whips. The rules setting out eligibility may need to be revisited further to demarcate membership of committees from the executive.

A beguiling idea

Lastly, it is worth commenting briefly on an idea, one among many, that flatters to deceive. It is often proposed that committees should, as their bread and butter business, focus on departmental spending and estimates. Public expenditure does indeed need to be better scrutinised and the Treasury Committee has created a sub group to monitor the spending of the Treasury and its sub-departments. I am, however, wary of proposals that would give committees the authority to restrict or delay supply. It is important to think through the consequences of such powers, and the scope for pork barrel politics that could eventually develop. The American experience here is not a happy one.

Conclusion: government by explanation, not government by Parliament

None of what I have said, nor the ideas in *Mr Blair's Poodle* represent a fundamental shift in balance of power between executive and legislature. Parliamentary democracy does not need to be government by Parliament. Governments should generally be allowed to get on with the job, once they have secured a mandate. A weak government, hamstrung and harassed, whose legislative programme lay ever vulnerable to an assertive Parliament, has little appeal for me. What I have tried to set out is a level of parliamentary scrutiny calculated to increase the quality of government, the rigour of arguments behind its decisions and the scope to secure consent for them by explaining its actions. It is by concentrating on this task that select committees can best make their contribution to British constitutional life.

In Westminster, we are surrounded by the dignified parts of our constitution, made famous by memoirs and diaries over centuries. Even before the moth and rodents got to work, the public had turned away from it some time ago. Alongside the relics of that dignified past, however, the energy of our democratic culture is generating revival, incremental but cumulatively significant. How far it will go I cannot tell. Perhaps, in time, election of chairmen and power over appointments will be seen as a very British Parliamentary coup. What is certain is that, almost without realising it, we are creating a new part of the efficient constitution. The measures I have proposed here are designed to entrench it.







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2 Carlton Gardens
London
SW1Y 5AA

Tel: +44 (0) 20 7747 0400

Fax: +44 (0) 20 7766 0700

Email: enquiries@instituteforgovernment.org.uk

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