

If Parliament is to be truly effective, committees must become more powerful and independent

By Democratic Audit UK

*The House of Commons has long come under criticism for its fiery, partisan nature, but not many people realise that this point-scoring approach is not limited to the House of Commons chamber, and actually characterises much of its committee work, even when legislative scrutiny is involved. **Camilla Hagelund** and **Jonathan Goddard** present research from a [new report](#) which shows that select committees should be empowered to carry out bill scrutiny, and that their independence should be increased to improve their effectiveness, and bring about more consensual law-making.*



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The function of a legislature, plainly, is to legislate; a parliament, however, is something more than this. It is the origin of the executive, which is responsible to it under ‘parliamentary government’. Government sets out its programme of work, and is entitled to pass the legislation necessary to pursue its policies. Parliament’s responsibility is to ensure that government bills put before it are passed in a form that enables effective implementation, and more widely to hold the executive to account.

As such, Parliament’s key functions of legislating and holding government accountable are strongly linked. Nevertheless, in the UK these tasks have been separated between permanent select committees, tasked with general oversight, and *ad hoc* bill committees, appointed for each bill and dissolved following the consideration of the particular bill.

A well-developed committee system can facilitate strong scrutiny of the executive, including of its proposed legislation. Committees are at their most effective when they are relatively small, characterised by permanence and specialisation, and have access to expert support staff. They should also enjoy independence from the executive. Since 2010 Commons select committees have largely embodied such characteristics.

Members and chairs are elected through secret ballot to serve for the duration of a Parliament. Bill committees, conversely, exhibit none. Unsurprisingly then, they have long been subject to pervasive criticism. [A 2013 report](#) by the UCL Constitution Unit claimed that “[p]arliamentary scrutiny of bills is arguably where the House of Commons is at its weakest – and the committee stage is central to that weakness.”

Inadequate parliamentary scrutiny of government bills threatens the quality of legislation, and may therefore

contribute to implementation problems and ultimately poor and unintended outcomes. Wholesale reform of the House of Commons' procedures for bill scrutiny is therefore essential.

Bill committees lack expertise because their *ad hoc* nature disallows members to build up knowledge of a policy area. Moreover, the cross-over between membership of bill committees and relevant departmental select committees, which embody the policy expertise, is tiny. In a recent report by the independent think tank [Reform](#) we found that a mere eight per cent of seats on public bill committees are allocated to MPs who sat on the relevant departmental select committee. The deficit of expertise is further exacerbated by transient staffing.

The *ad hoc* nature also prevents the development of collaborative working relationships between committee members which could ensure a constructive approach aimed at improving the bill. Indeed, the partisan approach taken encourages the exact opposite to the deliberative and constructive approach seen in other Western parliaments. In 1997 the [Modernisation Committee](#) reported that “[t]he Committee stage of a Bill...has often tended to be devoted to politically partisan debate rather than constructive and systematic scrutiny.”

The obstructionist, party-political approach to lawmaking in the House of Commons arises from the excessive control over bill committees enjoyed by the whips which extends to both the selection of members and timetabling of committee sittings. Government and opposition MPs are equally expected to toe party lines, rather than improve the quality of the bill in the national interest. Paul Flynn, in his book ‘How to be an MP’ [suggested 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”.

To address these inadequacies our report recommends that departmental select committees are empowered to conduct legislative scrutiny alongside their existing functions of general oversight. Not only would this allow bill scrutiny to benefit from the permanence, specialisation and independence of select committees but also bring together two of Parliament's key functions, namely, legislating and holding the executive to account.

Reducing the executive's dominance of Parliament is essential to ensuring that bill scrutiny is not merely a test of executive strength but designed to enact the best possible law to deliver government policy. As Graham Brady MP writes in a foreword to [the report](#):

“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.”

However, while select committees are lauded for their cross-party approach to constructive scrutiny, they currently suffer from high turnover and sporadic attendance. Adding further responsibilities to the work of select committees would likely increase their status and therefore MP engagement, but we believe additional recognition of the importance of this role is needed. [Our report](#) recommends the introduction of a function-related salary increment for select committee members to reflect their extra responsibilities, but that such a salary increment should be subject to an attendance-related clawback.

This would signal that the work is integral to the role of an MP, not an optional extra. Similarly, we recommend raising the salary increment currently paid to select committee chairs. These changes could create an alternative career path to the ministerial ambitions of most MPs. We also recommend reducing the size of the payroll vote – further reducing the power of patronage currently enjoyed by party leaders.

The recommendations could be made cost neutral by reducing the number of MPs. There have long been calls for a smaller lower chamber. Indeed, the House of Commons is comparably large both when considering the absolute number of MPs (650), and the number of constituents represented by each Member.

Our report shows that for British MPs to represent roughly as many constituents each as do German MPs, their numbers could be reduced to 500. In 2013 the Boundary Commission recommended a reduction to 600 MPs; this alone would be sufficient to pay for our recommended reforms, increase the staffing levels of select committees and still leave an overall saving in the cost of Parliament.

As Paul Flynn MP writes in his foreword to [Reform's report](#):

“The great wealth of talent, intelligence and creativity in Parliament is largely wasted.” These changes offer a chance to capture and utilise it effectively, allowing MPs to do what they were elected to do.

[How to run a country. A Parliament of lawmakers](#) was published on 20 March 2015 by the independent think tank Reform.

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