



House of Commons
Select Committee on
Modernisation of the House of
Commons

**Scrutiny of the Draft
Legislative Programme**

First Report of Session 2007–08

*Report, together with formal minutes, oral and
written evidence*

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The Select Committee on Modernisation of the House of Commons

The Select Committee on Modernisation of the House of Commons is appointed by the House of Commons to consider how the House operates and to make recommendations for modernisation.

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Liz Blackman (*Labour, Erewash*)
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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/modcom>. A list of Reports of the Committee in the present Parliament is at the back of this Report.

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Summary

In July 2007, the Government published a Draft Legislative Programme, providing a summary of its legislative intentions for the next Parliamentary session in advance of the Queen's Speech. The Programme was presented by the Government as part of a series of papers within the *Governance of Britain* agenda, which comprises proposals for constitutional reform including strengthening Parliamentary accountability. In October 2007, we announced our intention to look at four aspects of the *Governance of Britain* agenda and this Report is the result of our first inquiry. In it, we consider Parliament's role in scrutinising the proposed legislative programme, including arrangements for publication and debate as well as wider consultative strategies. We draw lessons from this year's experience and recommend improvements for the future.

The publication of a Draft Legislative Programme was welcomed by all those who gave evidence to this inquiry. We agree that it represents a positive addition to the Government's existing consultations on individual bills. In many cases, it will allow thematic linkages between different Bills to be elucidated and the question of balance within the programme to be addressed. In this context we recommend the inclusion of significant non-legislative proposals within the programme. On occasion, these can be as important as legislation and, as such, deserve a place within the administration's stated programme of government.

Select Committees, especially Departmental Select Committees, are well placed to play a valuable role in scrutinising the Draft Legislative Programme and we support their continued involvement. In many cases, scrutiny of proposals within the draft Queen's Speech will fall within the programme of work that the Committee had already planned to undertake, but where this is not the case, the exact nature of their engagement must remain a matter for the Committees themselves to determine. We strongly support the evolving and strengthening role of the Liaison Committee as the representative body of Select Committees in the House of Commons. The Liaison Committee will have a key role in co-ordinating the work of individual Select Committees on the Draft Legislative Programme and representing their interests to Ministers. The Government should continue to make time for an annual debate on the Programme in the Chamber so that individual Members can put forward their views.

The publication of a Draft Programme offers the opportunity to improve public understanding of and involvement in the legislative process. The Government has made use of 'National Workshops' as well as events organised by the new Regional Ministers to gather the views of members of the public, as well as businesses, charities and public sector organisations. We recommend that the Government should continue to issue annual reports setting out the public's observations on its Programme.

This year's Draft Legislative Programme was somewhat experimental in nature. It was also subject to a very tight timetable, leaving little time for scrutiny before the Queen's Speech was delivered in November. The Government has put forward some sensible revisions to the process of scrutiny and consultation for future years, including publishing the Programme before Easter. This should allow an appropriate time for views to be given and

amendments to be proposed which have a realistic chance of appearing in the final Queen's Speech.

There is clear potential for the process surrounding the Draft Legislative Programme to evolve in future years, particularly in the involvement of Regional Ministers and the use of events such as the recent National Workshop. We hope that the publication of a Draft Legislative Programme will lead to wider opportunities for pre-legislative scrutiny on a more systematic basis, but the realisation of this ambition will depend on the genuine commitment of all those involved, including and especially the Government itself. The impetus behind the programme this year, as a new project from an incoming Prime Minister, must be sustained in order for the process to be seen as a genuine occasion for input and dialogue.

1 Introduction

1. On 11 July 2007, the Government published its Draft Legislative Programme providing information about the main bills it was proposing to introduce in the 2007-08 Parliamentary session.¹ In previous years, the Government's legislative programme as a whole has not been revealed until the Queen's Speech at the State Opening of Parliament (although individual bills may have been subject to consultation in advance). The Government's stated aim in producing the Draft Legislative Programme was to provide advance information about its legislative intentions and to conduct a wider consultation so that, if necessary, the programme could be altered before its announcement in the Queen's Speech. The Draft Legislative Programme was debated in the Chamber of the House of Commons on 25 July 2007.²

2. The Draft Legislative Programme contained details of twenty-three proposed Bills as well as sections on the themes of the programme as a whole and the objectives of the consultation process. This 'draft Queen's Speech' was presented by the Government as part of a series of papers within the *Governance of Britain* agenda, which comprises proposals for constitutional reform including strengthening Parliamentary accountability in areas such as national security and public appointments, and moving aspects of the royal prerogative to Parliament.³ In their joint foreword to the Draft Legislative Programme, the Prime Minister and the Leader of the House presented the Draft Legislative Programme as a contribution towards these aims:

We want stronger accountability of the government to parliament, greater engagement between parliament and the people, greater engagement between the government and the people and strong Cabinet government. The change in the way that we plan our legislative programme will mark a step forward in all of these respects.⁴

3. In October 2007, we announced our intention to look at four aspects of the *Governance of Britain* agenda, namely, the Draft Legislative Programme, regional accountability, the arrangements for recall and dissolution of Parliament, and debate of departmental objectives and annual reports. This Report is the result of our first inquiry. In it, we consider Parliament's role in scrutinising the proposed legislative programme, including arrangements for publication and debate as well as wider consultative strategies. We draw lessons from this year's experience and recommend improvements for the future.

4. We held two oral evidence sessions during this inquiry. In the first, we took evidence from the Leader of the House, Rt Hon Harriet Harman QC MP, Rt Hon Nicholas Brown MP, Minister for the North East of England, Mr David Marlow, Chief Executive of the East of England Development Agency, and Mr Bobby Duffy, Research Director, Ipsos MORI. This was followed by a second session with Rt Hon Alan Williams MP, Chairman of the

1 *The Governance of Britain—The Government's Draft Legislative Programme*, Cm 7175.

2 HC Deb (2006-07) 463, cc 969-1010.

3 *The Governance of Britain*, Cm 7170.

4 *The Governance of Britain—The Government's Draft Legislative Programme*, Cm 7175, p.5.

Liaison Committee, Rt Hon Alan Beith MP, Chairman of the Justice Select Committee, Dr Tony Wright MP, Chairman of the Select Committee on Public Administration and Mr Robert Wilson, Clerk of the Liaison Committee. We also received written memoranda in connection with the inquiry.⁵ We are grateful to all those who gave evidence.

2 The Draft Legislative Programme

Format

5. Although the Draft Legislative Programme is, in a sense, an early draft of the Queen's Speech, it is not written in the same style. The language used is plainer and intended to be accessible to the public at large. The Leader of the House has expressed her view that more use should be made of 'plain English' in legislation and has also asked the Procedure Committee to consider taking forward work to review the language used in House publications, particularly the Standing Orders of the House and the Order Paper. During the debate in the Chamber on the Draft Legislative Programme, the Leader said:

I can announce today that following the publication of the draft Coroners Bill and its plain English translation, I have asked parliamentary counsel to produce alongside the draft Marine Bill a plain language version in time for its introduction. It is my intention that in publishing our draft programme, we should work towards publishing at least one plain language version per Session.⁶

6. The use of plain English in the Draft Legislative Programme is clearly appropriate to a document intended for public consultation. The Modernisation Committee has consistently called for greater clarity in Government and Parliament's communication with the public. In this context, we applaud efforts to make the sometimes complex business of legislation more easily understandable. We note that plain English parallel texts have been prepared for draft Bills, including the draft Coroners Bill and the forthcoming draft Marine Bill. Early responses have been positive and the Government could now consider extending this approach to programmed Bills on a trial basis, although resource and administrative implications should be monitored and kept under review. We would expect to be consulted on the use of 'plain English' in other Parliamentary proceedings, where precision is of vital importance.

Contents

7. The Draft Legislative Programme comprises details of each proposed bill's purpose, main elements, key benefits (as viewed by the Government) and territorial extent. The Programme also provides links to other related documents and existing legislation in each area. There are brief introductory sections on the programme as a whole, proposed draft bills and how to get involved in the consultation.

8. Chapter Two, 'The draft programme', aims to set out the "themes of the programme as it currently stands". The document notes that:

5 A list of written evidence appears at page 29.

6 HC Deb (2006-07) 463 c969. See also HC Deb (2006-07) 465, c423.

The Legislative Programme is just one way in which the Government operates and just one part of its overall programme. Much of the reform the Government delivers can be done without the need to legislate, so it is important to consider the proposed bills in that context, setting them alongside other changes taking place.⁷

The Chapter focuses on how individual bills fall into ten themes. **The Draft Legislative Programme does not give details of non-legislative proposals or of any secondary legislation planned for each area.**

9. During our inquiry, we asked witnesses whether they would welcome a wider annual ‘programme of Government’ that included policy proposals for which legislation was not required. This was generally thought to be a useful addition. Rt Hon Alan Beith MP, Chairman of the Justice Select Committee, said:

...at the very least the Draft Legislative Programme should be in a sense the draft Queen’s Speech. I do not mean necessarily in its forms of words, but if there is a major initiative to be in the Queen’s Speech that does not require legislation [...] then it is desirable that that should be flagged up so we can discuss whether that is an important priority for government.⁸

Non-legislative proposals for the regulation of party finance and expenditure and for improving work-life balance were included in this year’s Queen’s Speech.⁹ Mr Beith added that “sometimes pieces of secondary legislation, including for example a commencement order on a piece of legislation which has stood on the shelf for several years, may be as important as any bill which is in the programme”.¹⁰

10. Rt Hon Mr Nicholas Brown MP, Minister for the North East of England said that in reality, consultation on the Draft Legislative Programme already encompassed issues wider than legislative proposals: “I took the representations that you could argue were not specific to the legislative programme and made sure that they were conveyed to the departments and to the Cabinet Office as well.”¹¹

11. Whilst it would clearly be impractical to include all policy proposals, or all delegated legislation within the Draft Legislative Programme, we agree that, in many cases, non-legislative proposals can be as important as bills. We therefore recommend that the Government’s main non-legislative plans should be included in the Draft Legislative Programme, alongside the list of proposed bills, in order that the full programme of government is available for scrutiny. This could be achieved through the inclusion of an expanded thematic section within the document.

7 *The Governance of Britain—The Government’s Draft Legislative Programme*, Cm 7175, p.12.

8 Q 75

9 *Her Majesty’s Most Gracious Speech to Both Houses of Parliament*, 6 November 2007.

10 Q 75

11 Q 4

The Governance of Britain

12. As noted above, the Government presented its Draft Legislative Programme as part of a wider *Governance of Britain* agenda for constitutional reform. It has claimed that this process is aimed at promoting “stronger accountability of the government to parliament, greater engagement between parliament and the people, greater engagement between the government and the people and strong Cabinet government.”¹²

13. During the inquiry, Ministers argued that the publication of the Draft Legislative Programme represented greater transparency in law-making, which would lead to greater opportunities for engagement and accountability. The Leader of the House said:

...is it better for government to go about its business completely excluding everybody except government ministers and the Civil Service, where there is a whole range of activity working on developing a programme? By absolute custom and practice, nobody else is allowed to know about it until the moment at which the Queen’s Speech has been uttered from her lips. Or is it a good idea at an earlier stage in the process to say to people this is where we think we are going? It is a process of openness and transparency.¹³

14. Not all aspects of the Queen’s Speech have been entirely cloaked in secrecy. It is common practice for Government departments to consult on individual bills that are likely to be included in the next session’s programme. The Government does not intend that the publication of the Draft Legislative Programme should replace this process. The memorandum from the Leader of the House states:

Many of the comments this year focussed on specific bills—even though departments had in many cases already run separate consultation exercises on the detailed content of the bills. The publication of the draft programme was not intended to cut across the departmental consultation so in the future we are considering how we might use the publication of the draft programme to signpost the departmental consultations and to direct detailed comments to these in order for them to be considered by the departments as part of their consultation process.¹⁴

15. In oral evidence, the Leader of the House described the Draft Legislative Programme as a consolidation of existing, separate consultations on particular bills. She argued that this would be of benefit to those individuals and organisations who were interested in a single piece of legislation as well as drawing in those who were not ‘single issue’ campaigners:

...they will have a better view because they see things across the piece rather than engaging with the Department for Transport on their consultation on the Transport Bill, Defra on their consultation on climate change, BERR, DCLG on planning. So, actually, it allowed a joining up of a discussion which otherwise would be very segmented.¹⁵

12 Ev 1

13 Q 41

14 Ev 3

15 Q 12

16. We asked witnesses whether there was a value in consulting on the Draft Legislative Programme as a whole, over and above the consultation on individual bills that takes place every year. In general, there was a positive response. Mr David Marlow, Chief Executive of the East of England Development Agency, an organisation involved in the consultation, said, “What we particularly got out of this process: clearly we are consulted on individual bits of legislation, but the opportunity to draw links across the overall shape of the programme, I think, is quite new and in that sense is actually very, very welcome.”¹⁶ Written evidence submitted by Age Concern supported this view, but also underlined the need for consultation to lead to tangible results. They suggest that in future years the process could be improved by “A clear sense of the intended outcomes and timetable of the pre-Queen’s Speech consultation process. Answering the question—How will this information influence the Queen’s Speech legislation?”¹⁷

17. Witnesses from within the House also offered a cautious welcome. Dr Tony Wright, Chairman of the Select Committee on Public Administration, said:

I thought it wholly refreshing to have bills set out in the way that they are in this document. What are these bills for? What are their contents? What are the relevant documents? That involves Parliament far more in the process than simply this thing being announced in October. So it does increase accountability.¹⁸

Rt Hon Alan Williams MP, Chairman of the Liaison Committee, cautioned that the benefits of the programme may not ultimately be those that the Government had originally envisaged:

I think it is bound to lead to benefits, not necessarily the benefits which the Government originally intended, and I do not mean that in any disparaging sense. I think what is going to happen is that we will find benefits that we had not expected, we will find uses for it that we had not expected and it may well be we do not deliver what was expected.¹⁹

18. Our evidence suggests that there is a benefit to be derived from the presentation of the Government’s legislative programme as a whole, rather than through piecemeal consultations on individual bills. The value of this exercise is nevertheless difficult to assess without determining whether this greater transparency has had a real effect on the Government’s legislative plans. This assessment was made more difficult by a lack of clarity from the Government as to the extent to which this exercise was expected to improve presentation or engagement and genuine consultation. We return to this issue in Section 5 below.

16 Q 6

17 Ev 27

18 Q 55

19 Q 56

3 Timing and presentation

Timing

19. In order to be of most use both to the Government and to others, the Draft Legislative Programme needs to be published on a date when the Government is sufficiently advanced in its thinking to be able to set out its plans in some detail, but that leaves enough time for aspects of the programme to be modified in response to scrutiny. The timing of this year's Draft Legislative Programme, published on 11 July 2007, was clearly dictated by the change of Prime Minister in late June 2007. The Queen's Speech was delivered on 6 November, giving a period of a little under four months between publication of the draft and delivery of the programme in its final form, much of which fell during the summer recess.

20. There is general agreement that the amount of time allowed for consultation this year was insufficient. Our evidence has suggested that, in future years, more time should be allowed for consultation and scrutiny. The Government's memorandum supplied by the Leader of the House fully acknowledges this fact, noting that "the timing of the publication of the programme this year has meant that the scope to change specific proposals within bills has been limited."²⁰ This was also a key finding of the summary of consultation responses published by the Leader of the House,²¹ and is a view that was expressed to us in oral evidence from Members of the House of Commons. Rt Hon Alan Williams MP said:

I would also say that, if we are to get any benefit out of it in the long-term, it is important that we know regularly, we have a regular starting point, so that the committees can build that into their annual programme and so that it does not distort their programme.²²

21. When we asked the Leader of the House whether she had considered what would be a more appropriate timetable for consultation in future years, she suggested that the Programme might be published at Easter, providing "enough time that the Government has got a sensible thing to put forward but not so late that it is really too late for there to be substantial changes".²³ Rt Hon Alan Williams MP welcomed this suggestion from the perspective of Select Committees, saying "it would be of great assistance to us if we can have a regular date, and I think we have virtual agreement on that issue that it will be Easter. It will be helpful to our committees if we could keep to that".²⁴

22. The time allowed for scrutiny and consultation of the Government's Draft Legislative Programme was, understandably, truncated this year. We agree with the suggestion made by the Leader of the House that the draft programme should be published earlier in the year. We consider that publication before Easter, for a Queen's Speech delivered the following November, would provide enough time for select

20 Ev 2

21 *The Government's Draft Legislative Programme—Taking a wider view*, Cm. 7248, p.8.

22 Q 49

23 Q 47

24 Q 50

committees to integrate some scrutiny of the Government's legislative proposals into their programme, as well as for public consultation to be carried out effectively.

23. In the case of publication well in advance of the Queen's Speech, the Government should use the Draft Legislative Programme solely as a platform for policy announcements which are intended to form part of the next year's legislative agenda. To do otherwise would negate the purpose of the Draft Legislative Programme and the process of consultation and scrutiny. We therefore recommend that when drafting the Draft Legislative Programme, the Government should keep in mind the key objective of the document as a draft Queen's Speech.

Debate

24. The Draft Legislative Programme was debated in the House of Commons on 25 July on a motion for the adjournment of the House. The debate lasted for two and three-quarter hours and 17 Members participated. The debate was an opportunity for Members to comment on the legislative programme as a whole as well as individual bills in which they had an interest.

25. We recommend that the Draft Legislative Programme should be the subject of a separate debate, not subsumed into general end of term recess debates. It should, as far as possible, be the subject of a full day's debate. Time should be made for the Draft Programme to be debated well before the summer recess. The Government should be prepared to review arrangements in the light of further developments in this evolving process.

4 Scrutiny by the House of Commons

Members of Parliament

26. This year, individual Members of Parliament had the opportunity to engage with the Government's Draft Legislative Programme through the debate arranged shortly after publication. We have not heard any representations to the effect that Members are unhappy with this arrangement and have therefore recommended that it should continue.

27. It is important to remember that individual Members can make use of existing Parliamentary mechanisms to express their views on the Draft Legislative Programme, such as Parliamentary Questions, EDMs, adjournment debates and the relevant Departmental Select Committees (considered in detail below). Members may also contact the Minister or government department responsible for a particular bill directly.

28. We are confident that Members of Parliament have ample opportunity to inform the Government of their views on the Draft Legislative Programme. Given the short timetable for consultation this year, the scope for feedback from Members to have a real effect on the final form of the Queen's Speech remains to be seen.

Select Committees

29. The Draft Legislative Programme invites Parliament to consider the role of select committees in scrutinising the Government's proposals.²⁵ This year, a number of Select Committees have been involved in pre-legislative scrutiny of the proposed bills within the Draft Legislative Programme. In most cases, Committees' inquiries had been prompted by the relevant department's consultation on an individual bill, which was already underway when the draft programme was published (for example, the Communities and Local Government Committee had already reported on the proposed Planning Reform Bill and the Climate Change Bill was the subject of pre-legislative scrutiny by three Committees: the Environment, Food and Rural Affairs Committee, the Environmental Audit Committee and a dedicated Joint Committee on the draft Bill). In addition, both the Justice Select Committee and the Select Committee on Public Administration have indicated their intention of conducting further scrutiny of aspects of the *Governance of Britain* programme, of which the Draft Legislative Programme is a part.

30. We asked Chairmen of Select Committees how they viewed their role in scrutinising the Draft Legislative Programme. In general, they were ready to be involved, but cautious about the impact this task might have on their existing work. Rt Hon Alan Beith MP, Chairman of the Justice Select Committee, said:

If I could speak perhaps for some colleagues who would express this more strongly than I will, there is always a danger that committees are sent away in a corner only to be distracted with something that will prevent them doing things that are inconvenient to the Government, like conducting inquiries on failures of administration, rather than doing the Government's work for it and preparing its bills. In saying that I recognise that you can often have a very fruitful exchange between a select committee and the department to get a bill right, but if either the Liaison Committee itself or, even more, the individual committees become bogged down in the legislative programme and then find that their time has not been well spent because a key bill they have spent a lot of time on has been dropped or completely turned round by a new minister who has a completely different view about it, then again it will have served as a distraction from some of the other things they should be doing.²⁶

31. Mr Beith's Committee had been involved in pre-legislative scrutiny of the draft Coroners Bill, which was included in the Draft Legislative Programme, but dropped from the final Queen's Speech. We asked him whether his Committee had any input into this decision. He said:

...it was in the programme, and it disappeared between the programme and the Queen's Speech, but not, so far as I am aware, as a result of any pressure by MPs that there should not be a bill, still less any pressure from the public that there should not be a bill.²⁷

25 *The Governance of Britain—The Government's Draft Legislative Programme*, Cm 7175, p.20

26 Q 51

27 Q 60

He added:

...it came as a surprise to us that the bill did not survive from the draft Queen's Speech to the Queen's Speech itself, and although the department was in no doubt of our view that they should produce a substantially improved bill for the Queen's Speech, I do not recall that between July and September we went back to them and said, "You are not going to drop it, are you?" because we had no indication that that was likely to happen.²⁸

The example of the Coroners Bill illustrates the difficulty that Committees can experience if they are not privy to the Government's legislative plans.

32. Dr Tony Wright MP, Chairman of the Select Committee on Public Administration, described a fruitful relationship with the Government in respect of legislation concerning the Civil Service. In 2004, the Committee became the first in modern times to draft its own bill as a response to a perceived legislative gap in this area.²⁹ A section on Civil Service legislation has since been included in the draft Constitutional Renewal Bill. Dr Wright said that the Draft Legislative Programme "will not distort the rest of our work, but it will be a continuation of work that we have been doing over a number of years."³⁰ He agreed with Mr Beith that there was a danger of diversion, but thought that Committees were currently capable of resisting this:

As long as committees retain absolute control of their agenda and work programme, it is for them to decide what the balance of their work is, and I can assure you—you all know this—if a committee ever thought that that balance was being lost and the scrutiny function was suffering because it was in a sense being sucked into the Government's legislative programme, they will stop it, and I think that is the real safeguard.³¹

33. The summary of consultation responses to the Draft Legislative Programme, published by the Leader of the House, pointed to an appetite for greater Select Committee involvement in the legislative process. Responses collected at regional meetings included the comment that "Select Committees should be used more creatively to help develop future bills."³² We asked Dr Wright whether other Committees could follow the example of the Public Administration Committee by drafting their own bills. He answered:

...you cannot prescribe what select committees should do with their time, but I do think that it is something that we could think about them developing and giving them the resources to do it so that they are far more involved directly, and they can bring forward their own bills.³³

28 Q 74

29 *A Draft Civil Service Bill: Completing the Reform*, HC 128-1 (2003-04).

30 Q 60

31 Q 58

32 *The Government's Draft Legislative Programme—Taking a wider view*, Cm. 7248, p.12

33 Q 71

34. An alternative way of more “creatively” involving Select Committees in legislation might be for them to scrutinise sections of bills that are of particular interest, rather than taking on whole bills at a time. This suggestion, made by Rt Hon Alan Williams MP, could make it easier for Committees to integrate legislative work into the rest of their scrutiny programme. He said, “Sections could come forward for pre-legislative consideration and then the Leader and the ministers could work towards that timetable. It would be easier than guaranteeing a whole bill for a coming session”.³⁴

35. Select Committees, especially Departmental Select Committees, are well placed to play a valuable role in scrutinising the Draft Legislative Programme. In many cases, scrutiny of proposals within the draft Queen’s Speech will fall within the programme of work that the Committee had already planned to undertake. However, Committees must retain control over their own programmes and must be free to choose not to engage with the programme if they feel that their priorities lie elsewhere. We agree with Mr Beith that “It is not for the Government to decide the Committee’s agenda; it is for the Committee to do so.”³⁵

The Liaison Committee

36. Pre-legislative scrutiny is already an established function of Select Committees, but if Committees are to take a more innovative approach to their role in the legislative process over the coming years, the Liaison Committee will have a key role in managing and co-ordinating the distribution of work between Committees and representing collective views to Government. In oral evidence to the Committee, the Leader of the House supported “a very important new role”³⁶ for the Liaison Committee in the scrutiny of the Draft Legislative Programme:

...there has not been an opportunity in the past for the chairs of the select committees, who hold a very key role in Parliament, to say before the Queen’s Speech, “We think this programme does not fit together”, or, “We think there is a bit missing from this programme”, or “We think there is imbalance in this programme.” They have never been able to do that before because the first they officially hear about it is when the Queen has spoken and then, the following Monday, there is the debate on the Queen’s Speech.³⁷

37. The Chairman of the Liaison Committee welcomed this proposition, but viewed it more as “a recognition of a change of the role of the Liaison Committee”³⁸ than the creation of a new role. Since its inception, the Liaison Committee’s role has developed from a largely administrative function, dealing mainly with budgets, to a cross-party scrutiny role, including holding regular public evidence sessions with the Prime Minister.

34 Q 52

35 Q 58

36 Q 37

37 Q 37

38 Q 49

38. This year, the Liaison Committee held an informal discussion with the Leader of the House and the Justice Secretary on the *Governance of Britain* agenda, including the Draft Legislative Programme. We asked Mr Williams whether this session had been useful. He said:

It was useful in that it confirmed my suspicions, and also I have read your transcript. Looking at the Leader's comments to the Committee, she referred to whether the programme fits together, whether there is a bit missing and whether there is imbalance. Frankly, that is an interesting remit, but it is open to very variable interpretation.³⁹

39. Mr Williams's opinion was that the Liaison Committee was unlikely to come to a single view in the question of balance within the Draft Legislative Programme, as this was a fundamentally political question that did not sit well with the cross-party nature of the Committee:

Frankly, I would be amazed if we ended up making grand announcements that this is a beautifully balanced Queen's Speech or a terribly imbalanced Queen's Speech. There will be those who want more, there will be those who will be satisfied. I do not want my Committee to turn into a political committee. I think its great value is that up to now we have managed to keep our objectivity, and so I am back to my mantra: it is going to be slow progress but it is going to be progress.⁴⁰

40. Other witnesses supported this view. Dr Tony Wright said:

I think what the Liaison Committee can do is to ask general questions about the scrutiny function of Parliament in relation to this programme that has been offered—that is to say what is its balance like, what is its timing like, how much will come in draft—so that the scrutiny side of Parliament is better able to handle it.⁴¹

Mr Alan Beith was of a similar opinion:

I think the Liaison Committee's role in this is based on the members' experience of the parliamentary process, their awareness of the concerns of individual committees and their ability to pass some kind of judgment on whether aspects of the programme are manageable, whether the processes are being used, whether bills are being started at the right end of the building or the wrong end—all these sorts of issues.⁴²

Mr Robert Wilson, a Clerk of the Liaison Committee, agreed that these were the main issues that could be explored in informal sessions with the Leader of the House or other Ministers:

...the Liaison Committee has always seen its role as a champion of good scrutiny and making sure that the proper resources or information is available to individual

39 Q 62

40 Q 61

41 Q 63

42 Q 63

committees and, where that is not the case, then, with the authority of 31 members and the status that it has, it has a dialogue, either formal or informal, with the Leader of the House to ensure that the situation is more satisfactory, for example, on availability of documents more recently. So I would see the role of the Liaison Committee as that over-arching body to make sure that there is full co-operation between the Government and individual committees.⁴³

41. We strongly support the evolving and strengthening role of the Liaison Committee as the representative body of Select Committees in the House of Commons. We agree with the Chairman of the Committee, Rt Hon Alan Williams MP, that the Liaison Committee is unlikely to be in a position to adopt a unified policy in regard to the Government’s Draft Legislative Programme. It is probable, therefore, that the role of the Liaison Committee will be in co-ordinating the work of individual Select Committees and representing their interests to Ministers. However, how the Liaison Committee takes forward its role in relation to the Government’s Draft Legislative Programme is essentially a matter for the Committee itself.

5 Public engagement

42. As well as providing increased opportunities for those within the House to undertake scrutiny, the Government has also claimed that the publication of a Draft Legislative Programme will improve public engagement with the legislative process.⁴⁴ We preface our comments on the effectiveness of the Government’s strategies by noting that it is essentially for the Government to determine the extent to which it wishes to consult on its own policy proposals. Nevertheless, the Modernisation Committee has taken a long-standing interest in the public’s access to Parliament.⁴⁵ Greater involvement of members of the public in the legislative process could bring benefits in this respect.

43. The Government has presented engagement with the Draft Legislative Programme as a process that is open to both individual members of the public and public and private sector bodies, including voluntary organisations and charities. The Draft Legislative Programme states that “This strengthened engagement between Government, Parliament and the public will contribute to the public debate on the programme as a whole and will subsequently inform the consideration of individual bills that are scrutinised by Parliament”.⁴⁶ The document goes on to describe the ways in which individuals and organisations are invited to respond, namely, through an online consultation; meetings with Regional Ministers and written responses. On 14 November 2007, the Leader of the House published a summary of responses, *The Government’s Draft Legislative Programme—Taking a wider view*, which also included the findings of a National Workshop event run by Ipsos MORI, *Involving the public in making new laws*.⁴⁷

43 Q 69

44 Q 1

45 See, for example, First Report of Session 2003–04, *Connecting Parliament with the Public*, HC 368 (2003–04).

46 *The Governance of Britain—The Government’s Draft Legislative Programme*, Cm 7175, p.20.

47 Cm 7248

Organisations

44. In oral evidence, Mr David Marlow, Chief Executive of the East of England Development Agency, said that his organisation's involvement with the Draft Legislative Programme, through a meeting with the relevant Regional Minister, followed by a written submission, had been positive:

Knowing more about the overall shape of the programme, how these things interrelate and the opportunity then to feed in some views, which did evolve during the session, is important for us as we go away and go back to our business and receive the final legislation and try and implement it in the region. So, I think it is actually a valid process in its own right (a) to try and feed in some messages to government but (b) to get together people who will be charged with implementing some of this or reacting to the implementation of this and understanding it a lot better.⁴⁸

45. Written evidence submitted by Age Concern also welcomed the Draft Legislative Programme, but made some suggestions for improvements in future years. In common with other witnesses, they thought that not enough time had been available for consultation this year and that greater clarity was needed about the aims and objectives of their engagement. **Age Concern was cautious about the use of websites as the primary means of connecting with the public, stating that “The emphasis on online responses to the legislative programme was unhelpful as many of those who may have wanted to respond might not have had access to IT facilities or may not have confidently responded in this way.”⁴⁹ We have sympathy with this view.**

46. We also detected a view that those bodies who engaged with the Draft Legislative Programme were the ‘usual suspects’, i.e. organisations which have built up a good knowledge and understanding of the Government's consultative strategies and who have historically always responded to consultations in their area of interest. The evidence from Age Concern noted that in meetings with the Regional Minister for the North East of England “The invitees were probably drawn from people who had existing contact with the Government Office for the North East—this meant that the questioners were often familiar to the Minister”.⁵⁰

47. The organisations who gave evidence to this inquiry have welcomed the Draft Legislative Programme, seeing it as a helpful addition to, rather than a radical departure from previous, more fragmented consultations on individual legislative proposals. Issues of timing were clearly apparent this year and in future, the Government could be clearer about the aims and objectives of the process, including the provision of feedback on how responses have been taken into account in arriving at the final Queen's Speech.

48 Q 34

49 Ev 26

50 Ev 26

Members of the public and ‘Citizens’ juries’

48. We asked the Leader of the House whether she thought that the Draft Legislative Programme aimed to attract a new audience, including members of the public who might not have responded to other Government consultations. She said:

We feel when we are out and about in our constituencies knocking on doors, talking to people, we know the area, we feel obviously a sense of engagement. Looking at it from the other point of the telescope, a real sense that people do not know what their MP is doing, do not know how to contact their MP even if they want to—that was quite striking. So I think that we are doing this exercise in a context where we have got to never be under any illusion about the gap that ordinary citizens feel between Parliament and themselves, and the more work we can do to bridge that gap the better.⁵¹

49. Relatively few private individuals appear to have participated in the Government’s formal online consultation or to have sent in written submissions.⁵² Instead, one of the main ways in which the Government says that it has measured public response to its programme is through a National Workshop (commonly referred to as a ‘citizens’ jury’)⁵³ commissioned by the Cabinet Office/COI and run by Ipsos MORI. In the course of the event, a representative cross-section of the public was asked to discuss both the specific proposals within this year’s Draft Legislative Programme and ways in which they could get involved in the process of planning legislation more generally.

50. Mr Bobby Duffy, Research Director at Ipsos MORI, was responsible for the organisation of the National Workshop event and described the format:

The thing that distinguishes it from focus groups, and it is very distinctive from focus groups, is that the amount of time you have with people and the amount of information you are getting across to them—you are giving them things to react to, so you are looking to see how they change their views as the day goes on, and for something like this (which is, first of all, something that people have not thought about before and then something quite complex that has lots of information to it) deliberative fora are much more useful than the traditional focus groups where you have a short period of time and you have a few specific questions that you want to ask people.⁵⁴

We asked Mr Duffy whether he thought that the event had been successful. He said that it had been, “it was very clear from people’s responses to it that people did want to engage on it and they did engage and it was a really successful event that came up with useful information that people themselves found important and useful to do”. In conclusion, he was “very positive about the process”.⁵⁵

51 Q 24

52 Qq 21-24

53 Within the industry, the terms ‘focus groups’, ‘citizens’ juries’ and ‘national workshop’ refer to distinct types of event, described at Q 25.

54 Q 25

55 Q 7

51. We put it to Mr Duffy that this positive impression would fade if it appeared that the Workshop was no more than a ‘public relations exercise’ and that the views expressed during the session were not having an effect. He agreed that feedback was important: “We cannot just say it is going to have an impact, you have got to feed back to them what has happened as a result of it, and that is absolutely critical and it is shown time and time again, and we just need to be better at it”.⁵⁶ Clearly, it is for the Government to decide when and whether to act upon the public responses to its Draft Legislative Programme. We asked the Leader of the House what the Government intended to do with the information it had gathered from the Workshop. She said:

I think that, above all, this is an exercise in openness and deliberation. The citizens’ jury was about what sort of engagement people wanted and what would be the best form of going about it. We did learn from what they were saying, and the result, the fruits of it, is going to be in how we do the process next year. We acknowledged, when embarking on this in July, that so much work had already gone on within government, on a whole range of bills, some of which had already been published in draft by that time, that the reality this time round was being transparent and listening to their view of the process and giving an opportunity for people to raise issues that they thought should be in future Queen’s speeches.⁵⁷

52. The budget for this year’s National Workshop was £54,946.06. There were 76 participants who were paid expenses as well as a £75 honorarium for their time.⁵⁸ **Given the cost to the public purse involved in holding the National Workshop event, we hope that the Government will find a good use for the findings that resulted from it. As we and our predecessors have noted in earlier Reports, more effort is needed to facilitate public participation in Parliament. In order to achieve this, engagement must be sincere and the mechanisms of consultation must be responsive to the public’s needs. We hope that the Government will take note of these principles when considering how the public might best be asked to respond to the Draft Legislative Programme in future years and that it will adopt the practice of issuing a report describing the public’s observations on its Programme.**

Regional Ministers

53. On coming to power in June 2007, the new Prime Minister established nine regional Ministerial posts. Regional Ministers played an important part in consultations on the Draft Legislative Programme, both with members of the public and with organisations. The summary of consultation responses states:

The publication of the Draft Legislative Programme followed shortly after the appointment of Ministers to cover each of the nine government regions of England. As a result, Regional Ministers were asked to engage with stakeholders, such as Local Authorities, local businesses and District Councils, to consider the effect of the Draft Legislative Programme on their region [...] Around 250 individuals representing a

56 Q 32

57 Q 33

58 Ev 16 and Q 24

wide variety of organisations and stakeholders attended a number of events around the country. The events were well received. In all cases, attendees commented that they were pleased that they were being engaged, and some had comments on what future engagement exercises might look like.⁵⁹

54. Our evidence confirms that meetings with Regional Ministers were generally successful. Mr David Marlow of the East of England Development Agency spoke of the importance of holding events at a regional level where, in many cases, legislation would be implemented.⁶⁰ Age Concern agreed that a regional focus was helpful and put forward the suggestion that events such as the ‘citizens’ jury’ described above could in future years be held at a regional level, in addition to the national event.⁶¹

55. The consultation was also perceived as beneficial from the point of view of the Regional Ministers, who are assuming newly created roles. Rt Hon Nicholas Brown MP, Minister for the North East of England, told us:

This is all very new. The regional minister post is new, the consultation on the Queen’s Speech was a new exercise in draft form, so there was some leeway for each minister to shape the events in order to best suit the region. I think we all know the English regions are very different.⁶² [...]

The meetings that I attended all expressed the hope that this would be a continuing exercise. What was welcomed I think more than any other single point was the engagement with a government minister on the broad overview of public policy and the chance to say specific things that would get back to the relevant government department and be listened to and responded to.⁶³

56. The use of Regional Ministers as one of the main channels for consultation has allowed consideration of the Draft Legislative Programme by the public to be locally tailored. Although the extent of consultation has varied between the regions, this appears to have been a generally successful strategy. As we have already announced, regional accountability is to be the subject of our next inquiry, during which we will look in more detail at the development of the role of Regional Ministers.

6 Impact on the Queen’s Speech

57. We turn finally to the relationship between the Government’s Draft Legislative Programme and the Queen’s Speech in its final form. The publication of a draft in itself implies that there is some possibility for amendment or alteration before the final version is agreed. This intention was confirmed by the Leader of the House in oral evidence:

59 *The Government’s Draft Legislative Programme—Taking a wider view*, Cm. 7248, p.10.

60 Qq 6 and 34

61 Ev 27

62 Q 8

63 Q 9

...if there is clearly a strongly held, well-argued view out there that there is something that ought to be in the Queen's Speech that is not, then there is an opportunity at an earlier stage for something to go into the legislative programme. Once the Queen has spoken, all the machinery is geared, the bills are drafted and everything is actually ready for the process to really get underway and, even with the best will in the world, if there wanted to be a change, it would be very difficult to make it at that point. There is emergency legislation drafted very quickly by drafts-people, but mostly it is quite a long process. So it allows people to see what is going on and, if they want it, to have an input at an earlier stage.⁶⁴

58. *The Government's Draft Legislative Programme—Taking a wider view* summarises the differences between the draft programme and the final Queen's Speech this year:

Since July, a number of aspects of the legislative programme have changed including:

- A Constitutional Renewal Bill will be published in draft in order to allow for a detailed consultation on the proposed content;
- Following engagement with stakeholders, the Planning Gain Supplement Bill will not be included in the programme as alternative proposals are now being brought forward;
- Proposals will be brought forward to help people achieve a better balance between work and family life;
- Proposals will be brought forward to reform apprenticeships;
- The content of Human Tissue and Embryo Bill (now called the Human Fertilisation and Embryology Bill) has changed to reflect comments received during the pre-legislative scrutiny.⁶⁵

In addition, plans for a Coroners Bill, published in draft last session, were dropped. New legislation was announced to increase confidence in the banking system. Non-legislative proposals were announced in the area of political party funding and expenditure. A number of new draft Bills were also announced, including a draft Citizenship and Immigration Bill, a draft Cultural Property (Armed Conflicts) Bill, and a draft Heritage Protection Bill.

59. This year, the legislative programme remained largely unaltered between the publication of the draft and the final Queen's Speech. The compressed timetable during which the consultation took place may have been partly responsible for this. If, in future years, the Draft Legislative Programme is published earlier, there may be a more realistic prospect for responses to the consultation to have an effect on the final form of the programme.

60. The Leader of the House has supplied written evidence setting out an indicative timeline for a Government Bill. The example of the Legal Services Act 2007, used in that

64 Q 1

65 Cm 7175, pp.7–8.

memorandum, shows that the gestation period for a Bill can be lengthy.⁶⁶ In that case, however, the period between the publication of a draft Bill, scrutinised by a Joint Committee in May 2006 and the introduction of the Bill in the new Parliamentary session in the autumn was sufficient for alterations to be made reflecting the pre-legislative scrutiny that had taken place. If in future the Draft Legislative Programme is to be published at Easter, a similar period would be available for the Bills included in it.

61. Written evidence submitted by the Leader of the House to this inquiry stated that the publication of the Queen’s Speech in draft was not intended to diminish the State Opening Ceremony in any way.⁶⁷ Although in oral evidence the Leader acknowledged that there might be some loss of impact, she thought that this was outweighed by the increase in transparency, saying “I do not think there is any excuse in a democracy for taking the public by surprise”.⁶⁸ Other witnesses admitted to a loss of “mystique” as the result of the publication of an advance draft, but were generally pragmatic about this. Rt Hon Nicholas Brown MP thought that the future of the Queen’s Speech was secure,⁶⁹ and Dr Tony Wright MP thought that the publication of a Draft Legislative Programme was “a far more grown up way of doing government”.⁷⁰

62. The long term effect on the Queen’s Speech of habitually producing an advance Draft Legislative Programme remains to be seen. In the time available this year, the consultation process had no realistic prospect of producing unexpected amendments or alterations to the programme that could successfully be reflected in the Queen’s Speech. Changes were the result of earlier consultations, for example with Select Committees. The experience of future years will demonstrate more clearly whether the Government is prepared to alter its plans in response to views that emerge as a result of consultation. In our view, it would be logical for the publication of a draft to indicate a genuine willingness to vary plans for the final Queen’s Speech. If this does not occur, it is likely that the process will quickly lose credibility in the eyes of the public and other stakeholders.

7 Conclusions

63. There is general agreement that this year’s Draft Legislative Programme was somewhat experimental in nature. Elements such as the compressed timetable make it difficult to treat as a pattern for future years. We agree with the words of the Rt Hon Alan Williams MP, Chairman of the Liaison Committee: “This time it was very much a trial run at short notice and collectively, frankly, we have not been able, and would not have been able, to arrive at a conclusion, so we cannot draw any long-term lessons from this year”.⁷¹ Nevertheless, the publication of a Draft Programme does offer the

66 Ev 15–16

67 Ev 1

68 Q 15

69 Q 16

70 Q 52

71 Q 49

opportunity to improve public understanding of and involvement in the legislative process and represents a welcome increase in transparency.

64. The Government has put forward some sensible revisions to the process of scrutiny and consultation for future years. We support the proposal to publish the Programme at Easter. This should allow an appropriate time for views to be given and amendments to be proposed which have a realistic chance of appearing in the final Queen's Speech. We also support the continued involvement of the Liaison Committee and of individual Select Committees, although the exact nature of their engagement must remain a matter for the Committees themselves to determine.

65. The publication of a Draft Legislative Programme was welcomed by all those who gave evidence to this inquiry. We agree that it represents a positive addition to the Government's existing consultations on individual bills. In many cases, it will allow thematic linkages between different Bills to be elucidated and the question of balance within the programme to be addressed. In this context, we support the inclusion of significant non-legislative proposals within the programme. On occasion, these can be as important as legislation and, as such, deserve a place within the administration's stated programme of government.

66. There is clear potential for the process surrounding the Draft Legislative Programme to evolve in future years, particularly as regards Regional Ministers and the use of events such as the recent National Workshop, which are both relatively recent innovations. We hope that the publication of a Draft Legislative Programme will lead to wider opportunities for pre-legislative scrutiny on a more systematic basis, but the realisation of this ambition will depend on the genuine commitment of all those involved, including and especially the Government itself. The impetus behind the programme this year, as a new project from an incoming Prime Minister, must be sustained in order for the process to be seen as a genuine occasion for input and dialogue.

Conclusions and recommendations

Format

1. The use of plain English in the Draft Legislative Programme is clearly appropriate to a document intended for public consultation. The Modernisation Committee has consistently called for greater clarity in Government and Parliament's communication with the public. In this context, we applaud efforts to make the sometimes complex business of legislation more easily understandable. We note that plain English parallel texts have been prepared for draft Bills, including the draft Coroners Bill and the forthcoming draft Marine Bill. Early responses have been positive and the Government could now consider extending this approach to programmed Bills on a trial basis, although resource and administrative implications should be monitored and kept under review. We would expect to be consulted on the use of 'plain English' in other Parliamentary proceedings, where precision is of vital importance. (Paragraph 6)

Contents

2. The Draft Legislative Programme does not give details of non-legislative proposals or of any secondary legislation planned for each area. (Paragraph 8)
3. Whilst it would clearly be impractical to include all policy proposals, or all delegated legislation within the Draft Legislative Programme, we agree that, in many cases, non-legislative proposals can be as important as bills. We therefore recommend that the Government's main non-legislative plans should be included in the Draft Legislative Programme, alongside the list of proposed bills, in order that the full programme of government is available for scrutiny. This could be achieved through the inclusion of an expanded thematic section within the document. (Paragraph 11)

The Governance of Britain

4. Our evidence suggests that there is a benefit to be derived from the presentation of the Government's legislative programme as a whole, rather than through piecemeal consultations on individual bills. The value of this exercise is nevertheless difficult to assess without determining whether this greater transparency has had a real effect on the Government's legislative plans. This assessment was made more difficult by a lack of clarity from the Government as to the extent to which this exercise was expected to improve presentation or engagement and genuine consultation. (Paragraph 18)

Timing

5. The time allowed for scrutiny and consultation of the Government's Draft Legislative Programme was, understandably, truncated this year. We agree with the suggestion made by the Leader of the House that the draft programme should be published earlier in the year. We consider that publication before Easter, for a Queen's Speech delivered the following November, would provide enough time for select committees to integrate some scrutiny of the Government's legislative proposals into their programme, as well as for public consultation to be carried out effectively. (Paragraph 22)
6. In the case of publication well in advance of the Queen's Speech, the Government should use the Draft Legislative Programme solely as a platform for policy announcements which are intended to form part of the next year's legislative agenda. To do otherwise would negate the purpose of the Draft Legislative Programme and the process of consultation and scrutiny. We therefore recommend that when drafting the Draft Legislative Programme, the Government should keep in mind the key objective of the document as a draft Queen's Speech. (Paragraph 23)

Debate

7. We recommend that the Draft Legislative Programme should be the subject of a separate debate, not subsumed into general end of term recess debates. It should, as far as possible, be the subject of a full day's debate. Time should be made for the Draft Programme to be debated well before the summer recess. The Government

should be prepared to review arrangements in the light of further developments in this evolving process. (Paragraph 25)

Members of Parliament

8. We are confident that Members of Parliament have ample opportunity to inform the Government of their views on the Draft Legislative Programme. Given the short timetable for consultation this year, the scope for feedback from Members to have a real effect on the final form of the Queen's Speech remains to be seen. (Paragraph 28)

Select Committees

9. Select Committees, especially Departmental Select Committees, are well placed to play a valuable role in scrutinising the Draft Legislative Programme. In many cases, scrutiny of proposals within the draft Queen's Speech will fall within the programme of work that the Committee had already planned to undertake. However, Committees must retain control over their own programmes and must be free to choose not to engage with the programme if they feel that their priorities lie elsewhere. We agree with Mr Beith that "It is not for the Government to decide the Committee's agenda; it is for the Committee to do so." (Paragraph 35)

The Liaison Committee

10. We strongly support the evolving and strengthening role of the Liaison Committee as the representative body of Select Committees in the House of Commons. We agree with the Chairman of the Committee, Rt Hon Alan Williams MP, that the Liaison Committee is unlikely to be in a position to adopt a unified policy in regard to the Government's Draft Legislative Programme. It is probable, therefore, that the role of the Liaison Committee will be in co-ordinating the work of individual Select Committees and representing their interests to Ministers. However, how the Liaison Committee takes forward its role in relation to the Government's Draft Legislative Programme is essentially a matter for the Committee itself. (Paragraph 41)

Organisations

11. Age Concern was cautious about the use of websites as the primary means of connecting with the public, stating that "The emphasis on online responses to the legislative programme was unhelpful as many of those who may have wanted to respond might not have had access to IT facilities or may not have confidently responded in this way." We have sympathy with this view. (Paragraph 45)
12. The organisations who gave evidence to this inquiry have welcomed the Draft Legislative Programme, seeing it as a helpful addition to, rather than a radical departure from previous, more fragmented consultations on individual legislative proposals. Issues of timing were clearly apparent this year and in future, the Government could be clearer about the aims and objectives of the process, including the provision of feedback on how responses have been taken into account in arriving at the final Queen's Speech. (Paragraph 47)

Members of the public and ‘Citizens’ juries’

13. Given the cost to the public purse involved in holding the National Workshop event, we hope that the Government will find a good use for the findings that resulted from it. As we and our predecessors have noted in earlier Reports, more effort is needed to facilitate public participation in Parliament. In order to achieve this, engagement must be sincere and the mechanisms of consultation must be responsive to the public’s needs. We hope that the Government will take note of these principles when considering how the public might best be asked to respond to the Draft Legislative Programme in future years and that it will adopt the practice of issuing a report describing the public’s observations on its Programme. (Paragraph 52)

Regional Ministers

14. The use of Regional Ministers as one of the main channels for consultation has allowed consideration of the Draft Legislative Programme by the public to be locally tailored. Although the extent of consultation has varied between the regions, this appears to have been a generally successful strategy. (Paragraph 56)

Impact on the Queen’s Speech

15. The long term effect on the Queen’s Speech of habitually producing an advance Draft Legislative Programme remains to be seen. In the time available this year, the consultation process had no realistic prospect of producing unexpected amendments or alterations to the programme that could successfully be reflected in the Queen’s Speech. Changes were the result of earlier consultations, for example with Select Committees. The experience of future years will demonstrate more clearly whether the Government is prepared to alter its plans in response to views that emerge as a result of consultation. In our view, it would be logical for the publication of a draft to indicate a genuine willingness to vary plans for the final Queen’s Speech. If this does not occur, it is likely that the process will quickly lose credibility in the eyes of the public and other stakeholders. (Paragraph 62)

Conclusions

16. There is general agreement that this year’s Draft Legislative Programme was somewhat experimental in nature. Elements such as the compressed timetable make it difficult to treat as a pattern for future years. We agree with the words of the Rt Hon Alan Williams MP, Chairman of the Liaison Committee: “This time it was very much a trial run at short notice and collectively, frankly, we have not been able, and would not have been able, to arrive at a conclusion, so we cannot draw any long-term lessons from this year”. Nevertheless, the publication of a Draft Programme does offer the opportunity to improve public understanding of and involvement in the legislative process and represents a welcome increase in transparency. (Paragraph 63)
17. The Government has put forward some sensible revisions to the process of scrutiny and consultation for future years. We support the proposal to publish the Programme at Easter. This should allow an appropriate time for views to be given and amendments to be proposed which have a realistic chance of appearing in the

final Queen's Speech. We also support the continued involvement of the Liaison Committee and of individual Select Committees, although the exact nature of their engagement must remain a matter for the Committees themselves to determine. (Paragraph 64)

18. The publication of a Draft Legislative Programme was welcomed by all those who gave evidence to this inquiry. We agree that it represents a positive addition to the Government's existing consultations on individual bills. In many cases, it will allow thematic linkages between different Bills to be elucidated and the question of balance within the programme to be addressed. In this context, we support the inclusion of significant non-legislative proposals within the programme. On occasion, these can be as important as legislation and, as such, deserve a place within the administration's stated programme of government. (Paragraph 65)
19. There is clear potential for the process surrounding the Draft Legislative Programme to evolve in future years, particularly as regards Regional Ministers and the use of events such as the recent National Workshop, which are both relatively recent innovations. We hope that the publication of a Draft Legislative Programme will lead to wider opportunities for pre-legislative scrutiny on a more systematic basis, but the realisation of this ambition will depend on the genuine commitment of all those involved, including and especially the Government itself. The impetus behind the programme this year, as a new project from an incoming Prime Minister, must be sustained in order for the process to be seen as a genuine occasion for input and dialogue. (Paragraph 66)

Formal Minutes

Wednesday 16 January 2008

Members present:

Sir Nicholas Winterton, in the Chair

Chris Bryant	Mr Greg Knight
Mr Philip Davies	Mrs Theresa May
Ms Harriet Harman	Mr Adrian Sanders
Mr George Howarth	Sir Peter Soulsby

Scrutiny of the Draft Legislative Programme

The Committee considered this matter. Draft Report (*Scrutiny of the Draft Legislative Programme*), proposed by Sir Nicholas Winterton, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 66 read and agreed to.

Summary agreed to.

Resolved, That the Report be the First Report of the Committee to the House

Ordered, That the Chairman do make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Wednesday 30 January at 9.30am]

Witnesses

Wednesday 14 November 2007

Page

Rt Hon Harriet Harman QC MP, Leader of the House of Commons, **Rt Hon Nicholas Brown MP**, Minister for the North East of England, **Mr David Marlow**, Chief Executive, East of England Development Agency and **Mr Bobby Duffy**, Research Director, Ipsos MORI

Ev 3

Wednesday 28 November 2007

Rt Hon Alan Williams MP, Chairman, Liaison Committee, **Rt Hon Alan Beith MP**, Chairman, Justice Select Committee, **Dr Tony Wright MP**, Chairman, Select Committee on Public Administration and **Mr Robert Wilson**, Clerk, Liaison Committee

Ev 18

List of written evidence

1	Rt Hon Harriet Harman QC MP, Leader of the House of Commons (M9)	Ev 1
2	Rt Hon Harriet Harman QC MP, Leader of the House of Commons (M42)	Ev 14
3	Rt Hon Harriet Harman QC MP, Leader of the House of Commons (M43)	Ev 16
4	Ipsos MORI (M45)	Ev 17
5	Age Concern England and Age Concern North East Region	Ev 26

Reports from the Committee since the beginning of the 2005 Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2006–07

First Report	Revitalising the Chamber: the role of the back bench Member	HC 337 (<i>Reply: Cm 7231</i>)
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Session 2005–06

First Report	The Legislative Process	HC 1097
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Oral evidence

Taken before the Select Committee on Modernisation of the House of Commons on Wednesday 14 November 2007

Members present:

Sir Nicholas Winterton, in the Chair

Philip Davies
Mr George Howarth
Mr Greg Knight
Mark Lazarowicz

Mrs Theresa May
Mr Adrian Sanders
Mr Richard Shepherd
Sir Peter Soulsby

Memorandum from Rt Hon Harriet Harman QC MP, Leader of the House of Commons (M9)

INTRODUCTION

1. The Committee has invited written submissions on evidence into its inquiry into the draft legislative programme. The Government welcomes the opportunity to contribute to the discussion, following the publication of a Draft Legislative Programme from the first time this year.

BACKGROUND

2. On 3 July 2007 the Government published in *The Governance of Britain*¹ its proposals for constitutional reform. These included wanting to have stronger accountability of the Government to Parliament, greater engagement between Parliament and the people, greater engagement between the Government and the people and strong Cabinet government.

3. One of the proposals in *The Governance of Britain* paper was to “introduce a pre-Queen’s Speech consultative process on its legislative programme”;² that is to present Parliament in the summer with a draft legislative programme—an early version of the list of laws the Government was planning to introduce the following year and not normally announced until the Queen’s Speech in the autumn.

4. By opening up what has been up until now a previously closed process, the proposals aimed to improve the opportunity for Parliament and the public to have a say in the process of setting the Government’s priorities for what will become new laws.

5. The Leader of the House has today [13 November] published a summary of responses to the consultation on the Draft Legislative Programme.³

THE PUBLICATION OF THE FIRST DRAFT LEGISLATIVE PROGRAMME

6. *The Governance of Britain—The Government’s Draft Legislative Programme*⁴ was published by the Leader of the House of Commons on 11 July 2007 and the Prime Minister made a statement to the House of Commons. In his statement the Prime Minister outlined the reasons for publishing the programme and also the content of the bills listed within it. The Prime Minister also gave a commitment to region by region deliberation and response.

7. The publication of the draft programme does not undermine the role of the Queen’s Speech as this remains the centrepiece of the parliamentary year. The Government has been careful to ensure that all of its constitutional obligations to the Crown continue to be fulfilled.

8. In order to meet the Prime Minister’s commitments about the Draft Legislative Programme, a number of different strands of parliamentary and public engagement have taken place since the announcement in July. The key messages received from the consultation are included in the *Summary of Consultation Responses*, and are summarised below.

9. Given this is the first year in which Government adopted this new approach, and the short time between July and Queen’s speech, throughout the consultation we have asked people to tell us not only what they think of the programme, but also how they would like to be involved in the whole legislative process in the future.

¹ The Governance of Britain CM 7170 July 2007.

² The Governance of Britain, Executive Summary, Page 7.

³ *The Government’s Draft Legislative Programme—Taking a wider view*, Cm 7248, November 2007.

⁴ The Governance of Britain—The Government’s Draft Legislative Programme, CM 7175, July 2007.

Parliamentary engagement

10. Firstly, shortly after publication the Draft Legislative Programme was sent to every Member of the House of Commons and House of Lords. This was to ensure that Members had the opportunity to review the proposals in advance of the debates in each House which took place on 25 and 26 July.

11. In addition the Leader of the House of Commons gave evidence in an informal hearing to the Liaison Committee. This was part of a wider meeting looking at the proposals included in the Governance of Britain Green Paper.

Public engagement

12. The Draft Legislative Programme was published on the Cabinet Office and Leader of the House of Commons website. Both sites invited comments on the content either by email or letter. These ranged from individual members of the public commenting on a specific bill(s) to organisations responding on a wide range of bills in the programme. In addition some individuals and organisations highlighted legislation they would have liked to have seen in the draft programme but which was not contained within it.

13. Departments with bills in the programme also wrote to their key stakeholders to alert them to the publication of the programme. In many cases their stakeholders were already aware of the intention to introduce legislation, through the publication of Green and White Papers, but inclusion in the programme obviously gave a firmer indication of the timing of likely legislation and also allowed those stakeholders to see how specific proposals fitted into the wider Government programme.

14. Stakeholders were invited to provide comments either directly back to individual departments or via the websites mentioned above and were also encouraged to pass on the opportunity to comment within their own networks.

15. In addition to this departmental activity the Leader of the House of Commons and the Minister for the Cabinet Office wrote to a number of cross-government stakeholders inviting comment.

16. Where comments were received on the content of individual bills these have been passed back to the lead department although as was recognised in the Parliamentary debates in July, the timing of the publication of the programme this year has meant that the scope to change specific proposals within bills has been limited.

17. In addition Ipsos MORI were commissioned to host a deliberative event asking people to consider this year's draft programme, and how they can best input into the whole process of making laws and drafting legislation. 76 members of the public, selected from around the United Kingdom, with the aim of being reflective of the population in relation to factors such as age, gender, socio-economic group and ethnicity attended this event.

18. The event provided a valuable opportunity to ask members of the public to do three specific things which were:

- consider this year's draft programme and what their priorities would be for next year's legislative programme;
- say how and when they would like to be consulted on the Draft Legislative Programme in the future; and
- offer specific recommendations as to how they could most effectively be consulted on individual bills within the Draft Legislative Programme.

19. The report from the workshop is appended to the *Summary of Consultation Responses*. The key messages from the workshop were that members of the public wanted Government to take a leadership role in terms of setting priorities but they did want the right people also to have an opportunity to have a say in decisions about new laws. Attendees thought that the best time to be involved in the process was at the early stages when policy was being decided as they felt they could really influence decisions and also in reviewing the impact of legislation once it had been introduced.

20. A participant's summary will be sent to all those who attended the national workshop, as well as a copy of the summary of responses.

Regional Minister Activity

21. *The Governance of Britain* also contained proposals for the appointment of regional ministers for each of the Government regions within England. The Leader of the House of Commons therefore invited them to take a role in delivering the "region by region deliberation and response" that the Prime Minister committed to when he announced the publication of the programme.

22. The regional ministers have written to, and held consultation events with, key stakeholders in their regions. In total around 250 organisations were represented at these events, including local authorities, business leaders and third sector organisations. The publication of the programme and the opportunity to engage on a regional basis with the Regional Minister was welcomed at all of these events. The main message

was that in the future people wanted to be engaged earlier and that they wanted feedback from the Regional Minister on what had happened as a result of the discussions with them. A copy of the summary of consultation responses will be sent to all those who attended these events.

The Devolved Administrations

23. In advance of 11 July 2007 the Leader of the House spoke personally to the First Ministers of the devolved administrations to alert them to the publication of the draft programme for which they were grateful.

24. Territorial Secretaries of State have also carried out engagement activity in Wales, Northern Ireland and Scotland which has included information on their respective websites and articles in national and regional media.

25. As referred to above the National Workshop included people from around the UK including Scotland, Wales and Northern Ireland.

FUTURE PROPOSALS

26. The key messages from the different strands of consultation that have taken place since the Draft Legislative Programme was published on 11 July 2007 are that people welcome the opportunity to have a greater knowledge of and involvement in the Draft Legislative Programme. In order to do and for any consultation to provide a real opportunity to influence the outcome, people have proposed that details on the draft programme should be published earlier next year.

27. The Government recognised that the timeframe was constrained. In the debate in the House of Commons the Leader of the House of Commons said “*Next year, one of the things we should do is start this process earlier, but it started under the new Prime Minister, so there is not as much time for people to consider the draft legislative programme as there will be next year. This is a truncated version of the process.*”

28. Having reflected on the feedback from the consultation, proposals for next year are currently being considered.

29. Many of the comments this year focussed on specific bills—even though departments had in many cases already run separate consultation exercises on the detailed content of the bills. The publication of the draft programme was not intended to cut across the departmental consultation so in the future we are considering how we might use the publication of the draft programme to signpost the departmental consultations and to direct detailed comments to these in order for them to be considered by the departments as part of their consultation process.

30. Proposals are likely to include the following elements:

- Publication of a Green Paper earlier in the year—which will set out outline proposals and signpost upcoming and ongoing departmental consultations on specific bills;
- Debates in both Houses;
- Evidence to the Liaison Committee; and
- Public consultation (including activity by regional ministers) to get views on the programme as a whole to run until end June.

31. These proposals would then allow Government to consider the results of the consultation over the summer and early Autumn ahead of the programme being announced as usual in the Queen’s Speech.

32. The views of the Modernisation Committee on the Parliamentary elements of these outline proposals would be welcomed as well as further suggestions on how the process could be improved in the future.

33. Specifically views on the timing of Parliamentary debates and the nature of any Select Committee involvement including who might give evidence on this subject to the Liaison Committee would be most welcome.

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Witnesses: Rt Hon Harriet Harman QC MP, Leader of the House of Commons, Rt Hon Nicholas Brown MP, Minister for the North East of England, Mr David Marlow, Chief Executive, East of England Development Agency and Mr Bobby Duffy, Research Director, Ipsos MORI, gave evidence.

Q1 Chairman: Can I welcome our witnesses to this sitting of the Modernisation Committee. Can I particularly welcome the Leader of the House, the Right Honourable Harriet Harman QC, can I also mention another minister, the Right Honourable Nick Brown, Minister for the North East of England—he is very welcome—can I also welcome from another area of the United Kingdom, David Marlow, Chief Executive of the East of England Development Agency, and, finally, somebody whose activities are closely watched by Members of Parliament, Mr Bobby Duffy, Research Director of

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Ipsos MORI polling organisation. I apologise to everyone, the public included as well as our witnesses, for the delay, the Committee has been having an important discussion, but we can now proceed with this first session into scrutiny of the draft Queen's Speech. Can I address this question, firstly, to the Leader of the House but perhaps also the other witnesses can give a brief response? What has been your experience of the consultation on the Draft Legislative Programme? It is a new idea, it is a new process, what has been your experience?

Ms Harman: Thank you. I look at it from the vantage point having spent many years listening to Queen's Speeches as an opposition backbencher, having no idea what was going to be in the Queen's Speech until, literally, you all processed through to the House of Lords and heard it. When I contrast that experience with what the situation is now, I would imagine that it is just much more information—it is more open, people have got a sense of what is going on—and certainly I think that the divide between those people who know what is going to be in the Queen's Speech, which is ministers, and everybody else in the House (Government backbenchers and opposition) who do not know what is going to be in the Queen's Speech, I think is not a justifiable division. I think that it is right that the Government should be prepared to be clear about what is going on in government, work that is going on and the preparation that is underway, for two reasons: firstly, for the sake of transparency—we are doing this work in the public interest, there is no national security, commercial confidentiality or personal privacy involved; we might as well be prepared to let people know what we are doing—but, secondly, if there is clearly a strongly held, well-argued view out there which is that there is something that ought to be in the Queen's Speech that is not, then there is an opportunity at an earlier stage for something to go into the legislative programme. Once the Queen has spoken, all the machinery is geared, the bills are drafted and everything is actually ready for the process to really get underway and, even with the best will in the world, if there wanted to be a change, it would be very difficult to make it at that point. There is emergency legislation drafted very quickly by draftspeople, but mostly it is quite a long process. So it allows people to see what is going on and, if they want it, to have an input at an earlier stage. I think it is a thoroughly good thing.

Q2 Chairman: Thank you. Perhaps a Government Whip in the past, Mr Brown, now Minister for the North East, might give his opinion.

Mr Brown: I am a recycled minister!

Q3 Chairman: All right. Nick Brown.

Mr Brown: Very much in my capacity as Minister for the North East, I had charge of the consultation exercise in the north eastern region, and I can tell the Committee that the exercise was positively received by everyone who participated in it. Perhaps it would help the Committee if I said a few words on how I

organised it. It is not unusual for governments to consult before legislating and all the normal processes continued as before. It was possible to make representations through the Internet, through trade associations, through individual representations, so this exercise was on top of everything else that is done normally. I split my consultees into three groups: local government (and in practice that meant the leaders of the 12 strategic authorities in the region, the ten Mets and the two counties) and the attendees would be either the leader or the deputy leader of the local authority, with one senior official, either the chief executive or the head of the local authority's policy division. They all met together, and exactly with me, and, as you would expect, their contributions concentrated very much on matters that concern local authorities. The third group that I consulted was the business community. There are reasons pertaining, I guess, more to the north east of England than across the piece as to why I did this. The economy of the northern north east of England is still going through a period of transition. If we are to achieve our ambitions for the region, further development will be private sector led. So, I was very keen to engage with the private sector business community. You cannot invite every business into the meeting, but you can invite all the organisations who represent businesses—the CBI, the Chamber of Commerce, the Small Business Association, Northern Defence Industries—and we went through the Queen's Speech with them and they focused very much, as you would expect, on matters of concern to the private sector. The second meeting—this is in order of time—that I held was with the Civic Society, where we invited and used the Government Office Regions list. We invited in all the organisations that represent those in the voluntary sector—the churches, Age Concern, community organisations of that kind—and although the three meetings had very different characters, everybody welcomed the chance to be engaged, to make their views known to government, as you would expect, on specific bits of legislation that they felt most strongly about. There was a clear welcoming of the chance just to say things to ministers and to have it heard within government. Great emphasis was laid on the point that what they said would get back to the relevant department, would be considered and acted on by those who have responsibility for the conduct of public policy.

Q4 Chairman: Could you perhaps deal with this, Nick? Some aspects of the Government policy programme do not require legislation. Is there a way to include these elements alongside the legislative proposals in a wider annual programme of government?

Mr Brown: In practice, Sir Nicholas, in my consultations, I did. I took the representations that you could argue were not specific to the legislative programme and made sure that they were conveyed to the departments and to the Cabinet Office as well.

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Q5 Chairman: Could we then ask Mr David Marlow to give a brief response to that question?

Mr Marlow: To the first question.

Q6 Chairman: To the first question.

Mr Marlow: Thank you very much. I think, along with Nick and other colleagues, clearly we did welcome the opportunity to be consulted on the legislative programme. As the chief executive of an RDA in this process, our role is as a consultee. So, we received the letter in September. We obviously were doing soundings with our various stakeholders ourselves. We attended a meeting at the Government Office in mid October, which was something of a synthesis of the meeting that Nick spoke about, so all three groups were there—local authority leaders and chief executives, leaders of the business community and business representative organisations and, indeed, a number of third sector players. The meeting was held under the aegis of the regional minister, so again it was very welcomed as an event for consultation, and then, as a consultee we as EEDA felt enthused enough to put in a separate written submission thereafter actually summarising some of the discussions that we had had at the Government Office but also some points that we had reflected on further. What we particularly got out of this process: clearly we are consulted on individual bits of legislation, but the opportunity to draw links across the overall shape of the programme, I think, is quite new and in that sense is actually very, very welcome. To give you one example, a very live issue in the east of England, and I am sure in other regions, is the speed of the implementation of the Sub-national Economic Development and Regeneration Review and we particularly felt, and I think the regional stakeholders particularly felt, that there were real opportunities for government looking across housing, planning, transport, climate change bills in terms of the overall shape of the programme to draw some common threads together and to actually also send some real signals about the speed of implementation of what is quite an overarching programme. I think the consultation on individual bills does not allow you to do that in such a coherent and joined up way. We did particularly welcome it and we thought that there was real value added from doing this exercise.

Q7 Chairman: Our polling expert, Bobby Duffy.

Mr Duffy: I was responsible for the national workshop, which was with a cross-section, certainly six members, of the general public. To be honest we have done a number of these on different subjects, and this was one I was slightly nervous about in some senses because it is quite a technical and abstract subject, but it was very clear from people's responses to it that people did want to engage on it and they did engage and it was a really successful event that came up with useful information that people themselves found important and useful to do. They were not issues that they had considered before, but it was something that they could engage

with and, importantly, they did think they should have a role in engaging with that in the future. They do want to have a say of the shape of the programme, but they are largely unaware of the existing mechanisms that there are for people to feed into that; so communicating that better to them is going to be a key aspect of it but it is not going to be the whole answer for them. There are a number of other barriers to consultation and getting people to engage that are going to have to be overcome around their feelings of confidence in the process and in themselves to be able to understand these issues, and there are some practical steps that can be taken about presenting that in plain English to people and having the right mix of channels and mechanisms for them to have an input. They are also quite realistic about when they should have input and the fact that not all stages of the legislative process are going to be right for public consultation. There are going to be bits that are too technical or bits that are too strategic and too big a picture for them. They may not have all the information (and they are looking for political leadership, in a sense, on those types of aspects), but in terms of the process, the deliberative forum, as we would call it, they were supportive of that as an approach because they recognise that these are complex issues and we need to give people information and time in order to consider the issues because they have not thought about them before. So, very positive about the process.

Chairman: Thank you. Two or three colleagues have caught my eye: Sir Peter, Mark, Greg and Theresa, could you indicate which witness you would like to deal with the question and could the question be brief. Sir Peter first.

Q8 Sir Peter Soulsby: My question is probably for Nick and Harriet. It is about the role of regional ministers that Nick touched on, and really just to explore whether the model of consultation you adopted was one that was adopted by other regional ministers or whether each did their own thing. Was there a template for consultation that was applied across the regions?

Mr Brown: This is all very new. The regional minister post is new, the consultation on the Queen's Speech was a new exercise in draft form, so there was some leeway for each minister to shape the events in order to best suit the region. I think we all know the English regions are very different. Because of the specific situation in the North East, I decided to do it in the way in which I have set out to Committee. All the other ministers, I think with the exception of the South West, held one consultation exercise rather than separate ones, and that was their choice.

Q9 Sir Peter Soulsby: Is it intended to be a process of actually learning from what worked and what did not work in the regions?

Mr Brown: Yes, I think we were all—. It is the first time for everyone. The meetings that I attended all expressed the hope that this would be a continuing exercise. What was welcomed I think more than any

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other single point was the engagement with a government minister on the broad overview of public policy and the chance to say specific things that would get back to the relevant government department and be listened to and responded to.

Q10 Sir Peter Soulsby: I recognise that that is clearly something that is likely to be worthwhile, but the role of regional ministers was billed as being something that would engage with members of the public rather more generally than I think you described even in your three meetings in the North East. Is there not a danger of talking with the usual suspects about the usual things you talk to them about?

Mr Brown: That is true, and that is always going to be true, but there are capacity constraints on this. I think, as the job develops, we will try and find ways of engaging with those that the public life of our country does not always easily get to. I think it is a good point.

Ms Harman: Can I follow that up by saying that my sense from the other regional ministers is that they will approach next year's exercise with more confidence, because they did not actually know how the interaction would work and they all felt that it was a worthwhile activity; but the other point is that engaging with the usual suspects in a region is an advance from what would have previously been done in the legislative programme, because previously there would not have been any engagement with anybody. Could it go wider? Yes, I am sure it could, but actually one of the things that the MORI citizens' juries showed us is that, reassuringly, people do want government to formulate what the legislative programme is. They do not think they should be formulating it in the High Street, they think it is our job to do that, they think it is Parliament's job to scrutinise it, but they actually want to know what is going on and they want, if they choose, to have an avenue to feed in. So to that extent it was reassuring, because we are just putting in another bit of the jigsaw that they think is there. There is not a massive critique of the rest of the process, but I think there was a sense from the MORI citizens' juries that people do not know what Parliament is doing and why, and what this helps them understand is the process by which we end up on a Monday, or a Tuesday, or a Wednesday doing second readings of bills. It gives them a sense of continuity, the chain of process in the development of public policy which ends up with an Act of Parliament. They are also keen that we should report back or that there should be some question of how it has worked. Basically, they got themselves onto the post legislative scrutiny question. So they were saying: "It is interesting that you are discussing with us what you are thinking of doing by a way of legislation, but we actually want to have an opportunity to tell you, after you have done it, whether we think it has worked and we want to hear from you whether you think it has worked". Just engaging them in the beginning of the process led to

a request from them to engage in the end of the process, which we have not yet formulated, but we are on to it.

Q11 Mark Lazarowicz: Before I ask my main question, can I follow Peter's point briefly? Did the territorial secretaries of state carry out any engagement in their own areas? I am certainly not aware that, for example, in Scotland there was any, so it must have been fairly discreet?

Ms Harman: There was engagement in Wales, Northern Ireland and Scotland. I think the first thing, when we published this we actually made sure that each bill had a bid which said what the territorial extent was. We wanted to make it absolutely transparent so that when it was looked at by people in Scotland, Wales and Northern Ireland they could work out how it applied to them. So there was a process and, again, it is the first time. No doubt it will be much more widely done and better next year, but it was done. They were not left out.

Q12 Mark Lazarowicz: More generally, the process of consultation described by Nick and Mr Marlow and Mr Duffy sounds to be a worthwhile exercise in all the various ways in which it was undertaken, but how far was there consultation on the Draft Administrative Programme as opposed to a consultation on the Government's on-going overall programme? It sounds as if it was perhaps more of the latter, than consultation on the Draft Legislative Programme. Maybe the type of consultation should be actually recast.

Mr Brown: My experience of it was that it focused very much on the Draft Legislative Programme as a starting point but then people did range wider on the broader points they wanted to make. Because I carried out my meetings as three separate meetings, two of them very specific interests, they did focus on matters of concern to strategic level government authorities and matters of concern to the business community. I did that because of the way the economy and public life of the North East region specifically is developing, and I accept it might not be an appropriate structure or so necessary for other regions, but engaging with the strategic authorities and engaging with the private sector business community is a priority in the north east of England.

Ms Harman: Can I add a point to that. You may be interested in green things. There were some people in the citizens' jury who were interested in green things. They were interested in the Transport Bill, as David said, the Climate Change Bill, the Planning Bill, the Energy Bill, and those bills, and their consultation, are looked after by different departments. The point about consulting and presenting to people the programme is that they could be interested in it and have a view even if they are not a single issue person. But if they are a single issue person they will have a better view because they see things across the piece rather than engaging with the Department for Transport on their consultation on the Transport Bill, Defra on their consultation on climate change,

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BERR, DCLG on planning. So, it allowed a joining up of a discussion which otherwise would be very segmented.

Q13 Mark Lazarowicz: Can you not actually point to something which was different as a result of consultation (ie something that was in the Queen's Speech but was not in the draft programme), which in some way has emerged as a result of the consultation process?

Ms Harman: What we found is that, broadly, people thought that the issues that were being addressed by legislation were the issues that they wanted to see being addressed by legislation. So we did not come across a pocket of feeling where people said, "But you have missed out X. Why is there this big gap? You have not addressed X." Broadly speaking, they felt that the legislative programme addressed the things that they thought the legislative programme should be addressing. Had it been the case that we happened upon a big gap, then no doubt we would have responded to that, but it was not like that. It was not as if we met a clamour and suddenly said, "This is what we are planning to do", and people said, "Oh, but you have missed something out." Actually I think it is partly an issue about people getting used to the idea that they can, at a stage where it might make a difference, propose something so that there is learning on our side about how to consult people but also there are people getting used to the idea that they might be able to have a say. So the answer is, no.

Q14 Mr Knight: My question is to one or both of the members of the Executive. You have described this process as being a popular one, a widening, a continuing exercise, and now the public are expecting a greater involvement. All of this will, in effect, mean that in future the Queen's Speech is not so much an announcement of bills but a confirmation of what everyone is already expecting. Do you therefore see the event of the annual Queen's Speech as an occasion which is going to have less value in future, and can you envisage a time perhaps when it does not take place at all—that the Queen comes at the beginning of a Parliament to open a new Parliament following an election but thereafter there is a government annual statement of purpose in the absence of the Queen?

Ms Harman: Is that one for me?

Q15 Mr Knight: Either of you. Do you envisage that ever being the case as a result of this process?

Ms Harman: The Queen's Speech is a very important ceremonial occasion, and it changes from giving people information for the first time to confirming what the actual final position is about the legislative programme. So, yes, it does change the role of the Queen's Speech, but I do not think there is any excuse in a democracy for taking the public by surprise. I do not think that the Government should be taking the public by surprise. I think there should be no surprises and that people should be involved in seeing our work. So, it might mean that there is less

newsworthiness on it, but that is because people know about what the Government is doing and what the plan is for what Parliament should be doing.

Q16 Mr Knight: My question was do you envisage a day coming when we do not need the Queen's Speech that it is done by government announcement instead?

Mr Brown: I think the answer to that is, no. At least I do not envisage such a thing. The fact that the consultation, which takes place on individual items of the legislative programme anyway, is being made more transparent by the publication, drafting of what is potentially the Queen's Speech and the holding of a consultation on that draft is just an extension on what government does now, and I do not think it logically follows that therefore you would not have the formal Queen's Speech or that you would do away with the ceremonial part of the occasion, which I think many people like. I certainly like it very much just for its own sake.

Q17 Mrs May: You look very good in a top hat!

Mr Brown: It is very kind of you to say so.

Q18 Chairman: Would you not agree though, Mr Brown, that the Queen's Speech does get international publicity, whereas merely the publication of a Draft Legislative Programme would not, so that there is a role?

Mr Brown: I am a traditionalist, Sir Nicholas. I think all of that is true. I think the occasion itself is of great value.

Chairman: Thank you very much.

Q19 Mr Howarth: Most of what I was going to ask has helpfully already been answered, so I will be very brief. Aside from the citizens' juries, where the role is fairly obvious and has been explained to us, is there any evidence that people who represent no-one but themselves, just ordinary members of the public, have engaged in the process, or has it very much been organisations of one kind or another?

Mr Brown: There is an opportunity for individual citizens to make representations. They can either write to government departments; they can write to their MPs; they can take part in the website consultation.

Q20 Mr Howarth: The question is: have they?

Mr Brown: I do not know the answer to that. Harriet will perhaps be better informed than I am. The consultations that I am responsible for, the ones that I organised as Regional Minister, were of necessity with individuals who were acting as representatives of broader civic society, whether that is good corporate citizens in the private sector, business organisations or as leaders or senior public officials of local authorities or as representatives of organisations that were being consulted in the civic society exercise. So they were all there as representatives, and I think, given that it was a regional consultation with a regional flavour, given the capacity constraints, that is the only way to do it.

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Q21 Mr Howarth: Can I ask a supplementary to that. Is it really unrealistic to expect Mr and Mrs Jones of Pears Park Drive to engage in this process?

Mr Brown: No, it is not unrealistic. I think the best way of—I had the opportunity to attend a different exercise organised by the Government, organised on behalf of the Department of Health, which the Prime Minister and Lord Darzi took part in. They were in Birmingham but their participation was televised to other centres and I was taking part in the one in Newcastle, and that was a mixture of healthcare professionals, some people from public life and individual citizens who had been selected to take part in a citizens' jury type exercise. I thought that was of enormous value. The event was very well organised, it was a good mixture of specialist expertise and representative, ordinary citizens chosen to get a good cross-section and no doubt to be statistically balanced but otherwise just because they were ordinary citizens, and so I think it is fair to say the Government is striving to get the views of ordinary citizens through these exercises as well and it may be possible in the future to do such a thing around the Draft Queen's Speech, but I thought it was a very successful exercise.

Q22 Mr Howarth: Would it be possible for somebody to provide the Committee with an analysis of those people who responded that were not part of some other organisation?

Mr Brown: I do not know. I have not got control of it.

Ms Harman: I am sure we can. The other thing is that the people who came to the citizens' jury were selected randomly, representing no-one but themselves, and it was very interesting to meet them and chat to them. They found themselves quite surprised to be invited to London and asked to comment on what Parliament is going to be doing.

Q23 Mr Shepherd: Were they paid?

Ms Harman: They were given expenses.

Q24 Mr Shepherd: Only expenses?

Ms Harman: I think it was £75.00.

Mr Duffy: Yes, they were paid expenses of £75.00.

Ms Harman: But I asked them why they did it and some of them said, "It was a good opportunity to come to London", others said that they were interested. They were just curious, a lot of them were very curious, and it was very impressive seeing people from the North West, North East and South West, but one of the things that I was quite struck by is that they felt excluded from understanding what Parliament was doing, or government was doing, because they did not trust the press. They felt different bits of the press had an axe to grind; and so they could see pro Government reporting, they could see anti Government reporting but they felt they could not see straightforward reporting and, therefore, that screened them out. I thought that was quite interesting, the concern that there was on that, and, therefore, people saying there should be much more direct information—that was one quite

striking point. The other was that the MP feels much nearer than Parliament, and government, and therefore people were wanting their own MP to give them information. I was very struck by how that chimes in with the communication allowance and that the communication allowance that MPs have is an opportunity for getting information that people want to have about the legislative programme out and also a salutary reminder. We feel when we are out and about in our constituencies knocking on doors, talking to people, we know the area, we feel obviously a sense of engagement. Looking at it from the other point of the telescope, a real sense that people do not know what their MP is doing, do not know how to contact their MP even if they want to—that was quite striking. So I think that we are doing this exercise in a context where we have got to never be under any illusion about the gap that ordinary citizens feel between Parliament and themselves, and the more work we can do to bridge that gap the better.

Chairman: I am going to ask Mr Duffy to come in in just a moment but first I know that Theresa May wants to ask a question or two about citizens' juries.

Q25 Mrs May: I was going to ask Mr Duffy specifically on this. First of all, I wonder if you could explain to us the difference between a citizens' jury and other forms of consultation, such as focus groups, and which type of consultation you think has most value?

Mr Duffy: There is a proper technical definition of a citizens' jury, which is that this is not really a citizens' jury in that sense, this is what we call a deliberative forum and a deliberative workshop. A citizens' jury, if you look at the literature, is small numbers of people where they get evidence from experts. They have a long period of time, three or four days usually, and they have one particular question they are being asked, that they have to come to a decision on and then there is some commitment from the body who has commissioned the work to take account of that decision. This is more of a deliberative forum. The thing that distinguishes it from focus groups, and it is very distinctive from focus groups, is that the amount of time you have with people and the amount of information you are getting across to them—you are giving them things to react to, so you are looking to see how they change their views as the day goes on, and for something like this (which is, first of all, something that people have not thought about before and then something quite complex that has lots of information to it) deliberative fora are much more useful than the traditional focus groups where you have a short period of time and you have a few specific questions that you want to ask people.

Q26 Mrs May: A very technical point: how long do you think a citizens' jury needs to have in order to be able to do that proper process of deliberation?

Mr Duffy: It depends on the subject, but we tend to do them in a day. We have done them over a couple of days or over three or four days, depending on the

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nature and how many questions you have to ask, but a day feels good for people because also the other thing you have got to balance is that representativeness point, because you do not want to put too many people off by taking up too much of their time. One day at the weekend is a commitment that a lot of people are willing to make; a weekend away may not be easy for other people.

Ms Harman: Can I add one point about the difference between focus groups and citizens' juries which is important as far as I am concerned. I think it is important that these exercises that are undertaken at public expense are open. I apologise for the very short notice of inviting members of the Modernisation Committee, but one of the things that I think is important is, without MPs actually influencing what people say, which is quite important, it is an opportunity for parliamentarians to listen to what is going on, whereas focus groups tend to be regarded as an internal, private thing. I think the important thing about this is it has got to be accessible, not just to government to see what people are saying, but actually for parliamentarians to see that.

Q27 Mrs May: That neatly comes on to the next question I was going to ask. It seems to me there are two types of process you can engage in: one is for an opportunity for parliamentarians to engage with people who are being asked their views, to hear what those views are. The Leader of the House herself said that at a citizens' jury that took place in London you were talking to people there. That is one possible process. The other process is a genuine, if you like, off-the-cuff view from people (not entirely off-the-cuff) as to what they want to see the Government doing. My understanding of one of the points about focus groups is that best practice is that the people who are wanting to know the information are not present, because their very presence, even if they do not participate in the discussion, can skew the comments that are being made by the people whose views you are trying to ascertain, and that is why I had some difficulty with the concept of ministers always being available there at the citizens' jury. If I could ask the citizens' jury expert—

Ms Harman: Forgive me, when I said I talked to them, I talked to them at the coffee break. I tried not to say anything in the actual group sessions, but it was a struggle and I did not always succeed. Actually I tried not to say anything, I tried to look inconspicuous, and that did not work either, but I did not talk in the sessions, I was just saying, "Why are you here? What have you got out of it?"

Q28 Mrs May: I have attended a focus group, but not to be part of it, to be not seen at the focus group: because if you are there, just being there or talking to them in the coffee break can skew the views that they give?

Mr Duffy: That is not the distinction really between focus groups and deliberative workshops, because people are present, you do have clients present and interested parties present at focus groups sometimes,

but there is a methodological debate about having people present who are going to influence the discussion or not, and I think from our perspective it is pros and cons. There was benefit from having Harriet there in emphasising the seriousness of this and how government was really listening to people on these types of things. Her presence would affect the discussions to a degree, but bear in mind that we had nine different groups going on and Harriet was only there for one of the sessions, so it is the impact of having people present, but you do have to balance, because of the type of information you are getting out, and I think we got the balance pretty good on this.

Q29 Mr Sanders: I am still getting my head round this concept of regional ministers. Are regional ministers there to represent the Government of the region, or are they there to represent the regions of government?

Mr Brown: The most important role of a regional minister is to be the regions advocate within the Government. We are not substitutes for departmental ministers, nor can we take their decisions for them, and a government would not work very well if we were able to do that. Our function is to have access to ministers and to be able to emphasise what is of priority to the individual regions for which we have ministerial responsibility, and that means the job will have a very different characteristic in the north east of England than it will in the South West, for example.

Q30 Mr Sanders: One of the priorities in the South West, as expressed by the Regional Assembly, by a number of the local authorities, by a number of wildlife trusts, after a great deal of consultation, was to have a Marine Bill, and what we had in the Queen's Speech was a draft Marine Bill. Since the publication of the Queen's Speech, there has been a lot of controversy in the South West about the fact that it is only a draft bill, after we have had a lot of consultation, and so people are questioning what is the point of a regional minister. "All our regional minister does is to defend the fact that there is not a Marine Bill, and only a draft Marine Bill." So how do we assess the performance of a regional minister as an advocate and, if we are not happy with that performance, how do we, within a region, remove that person?

Chairman: Can I suggest a fairly brief response, Mr Brown, because I can tell our colleagues on the Committee, or remind them, and also say to our witnesses, we are going to do a future inquiry into regional accountability; so this is a subject that will be coming back to. I think Mr Sanders has asked a relevant question, so perhaps a brief response.

Mr Brown: The brief answer is that regional ministers are, of course, part of the UK Government and are responsible to the whole of the United Kingdom and Parliament in the same way as other ministers are. Indeed, we have also other ministerial responsibilities. The second point is that I think it is

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a triumph to get a bill through the consultation process, through the scrutiny process within government to draft form and to be in the queue for first reading and parliamentary consideration. I would not regard that as a failure.

Q31 Mr Sanders: In terms of accountability to the region and in terms of the region's ability to influence decision-making, is there not lacking from the process the ability of MPs from the region, perhaps in a Grand Committee format, to be able to hold to account decisions that impact on that region? Is that perhaps the missing link in terms of regional accountability, rather than having somebody appointed by government to represent government in the region but, you say, to be an advocate for the region?

Mr Brown: This is a key question, Sir Nicholas, and it is rather wider than today's inquiry, and I accept you are coming back to it. Briefly though, I think it is right that there is some Parliamentary counterpoint to the regional ministerial role, and there needs to be an inquiry into what that should be. I put my own cards on the table: I personally favour the regional select committee approach, but I accept there are other ways of doing it and I understand that you are about to consider that, Sir Nicholas.

Chairman: Indeed, I think I say to Adrian Sanders, he has made a bid with the Leader of the House here for a Marine Bill, and I am sure it has been heard by the Leader of the House. He could do it on Thursday, but he has done it in the Modernisation Committee.

Q32 Philip Davies: Could I ask perhaps Mr Duffy and Harriet to comment as well. I sometimes feel, certainly in my local community, that consultation has got a bad name, that lots of people think that decisions have already been taken and people go through the sort of statutory period of consultation, but the public feel, and unusually rightly, that the decision has already been made and they are just going through the motions. Is that something that the people on the citizens' jury felt, that their views would be taken into consideration or that it was just an exercise that looks good?

Mr Duffy: People definitely come to those types of exercises with that view, that cynicism about whether it is going to have any impact, but by the end of the process they are hopeful that it is going to have an impact, and I think things like having representations from ministers at these types of events, holding it in a central location like the Cabinet Office, so it is people coming to government to give their views, did give that sense of importance to it, but we need to prove that it is having an impact on people. We cannot just say it is going to have an impact, you have got to feed back to them what has happened as a result of it, and that is absolutely critical and it is shown time and time again, and we just need to be better at it.

Mr Shepherd: But you are not in a position to do that, of course.

Q33 Philip Davies: That is where Harriet perhaps comes in.

Ms Harman: I think that, above all, this is an exercise in openness and deliberation. The citizens' jury was about what sort of engagement people wanted and what would be the best form of going about it. We did learn from what they were saying, and the result, the fruits of it, is going to be in how we do the process next year. We acknowledged, when embarking on this in July, that so much work had already gone on within government, on a whole range of bills, some of which had already been published in draft by that time, that the reality this time round was being transparent and listening to their view of the process and giving an opportunity for people to raise issues that they thought should be in future Queen's speeches.

Q34 Chairman: Can you make one other comment and then Philip Davies can come back.

Mr Marlow: All I was going to say is that I think there are two sides to the process. The actual meeting that we had in the Government Office, people might have come with a single bill issue in their mind but actually there was a learning process. We may or may not be the usual suspects but (a) the consultation was in the region—that is important—(b) even where people came with a one-issue agenda or one bill agenda the deliberation was a great learning process for all of us. Knowing more about the overall shape of the programme, how these things interrelate and the opportunity then to feed in some views, which did evolve during the session, is important for us as we go away and go back to our business and receive the final legislation and try and implement it in the region. So, I think it is actually a valid process in its own right (a) to try and feed in some messages to government but (b) to get together people who will be charged with implementing some of this or reacting to the implementation of this and understanding it a lot better.

Q35 Philip Davies: It strikes me that there are three ways of feeling that your inputs have some effect. The first is that what is proposed is a change, based on what you have said—that there is a material difference in what is proposed; the second is that some feedback is given that, "Yes, we know that was your opinion but actually the majority of people that we also considered was different to what you felt", and the third way is by openly saying, "Yes, we understand that that was your view, but we were not persuaded of your case and this is why we were not persuaded of your case." It would be interesting to know perhaps from Nick Brown, in particular, given the meetings that he held: will that kind of feedback be given to the people who took part in this process so that they do feel as if their input had some impact?

Mr Brown: The brief answer to that is, yes, all the more so because I regard my relationship as the Regional Minister with each of the three groups that I took as consultees to be crucial, and that means it has to be a continuing relationship and it would be absolutely hopeless if people were saying things to

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me and they were not getting a response and then we had another meeting and did the same thing. I want there to be a dialogue, an exchange of views, and I accept your definition of the three possible replies. Sometimes you have to say as a minister, “No, I cannot do that because government has decided to do something else. We have heard your reasons but there are countervailing reasons and this is what they are.”

Q36 Philip Davies: The results of all the consultation, therefore, and the Government’s response to it will be public?

Mr Brown: It is public. Certainly for the north east region consultations are not public. I am quite happy to make them public.

Q37 Chairman: Can I put a direct question to the Leader of the House relating to one of the memoranda that she has submitted to this Committee. She is obviously interested in the views of this Committee and, if I may quote from para 33 of SQS M9, “Specifically views on the timing of parliamentary debates and the nature of any select committee involvement, including who might give evidence on this subject to the Liaison Committee, would be most welcome.” That is a quote directly from the memorandum. The real question that I would put is: what role do you envisage for the Liaison Committee in this whole process. Clearly the Liaison Committee is a very powerful and very important committee of the House of Commons, comprising, as it does, the Chairmen of all the Select Committees, currently chaired, of course, by a very distinguished and respected Member, the Father of the House. What role in this whole process do you consider should be the role of the Liaison Committee? How do you see it operating? How do you see it contributing?

Ms Harman: I would hope that the publication of the Government’s Draft Legislative Programme would give the Liaison Committee a very important new role. The Liaison Committee is the chairs of the different departmental Committees, and they would be doing their own inquiries on particular bits of legislation that were in the pipeline or that had gone through, but it gives them an opportunity, as a whole, to look at the overall programme. Again, we gave them the opportunity very late in the formulation of the process, because we had a change of leadership in July, but there has not been an opportunity in the past for the chairs of the select committees, who hold a very key role in Parliament, to say before the Queen’s Speech, “We think this programme does not fit together”, or, “We think there is a bit missing from this programme”, or “We think there is imbalance in this programme.” They have never been able to do that before because the first they officially hear about it is when the Queen has spoken and then, the following Monday, there is the debate on the Queen’s Speech. You will hear from the Liaison Committee Chair, will you not, in this inquiry, in which case he will be able to tell you whether he thinks that my hopes for the opportunity

of the role of the Liaison Committee in this are shared by him, but I think it gives the Liaison Committee a very important role which otherwise they are excluded from.

Q38 Mr Shepherd: I am very interested in this process. I do not want to mislead you, but if we look at the genesis of bills, departmental and otherwise, they often have a long period of gestation in departments. In particular let us take the Identity Card Bill. This is not a political point. I know certainly that Douglas Hurd had looked at it, we know that Howard had looked at it and we now know that it is government policy; so there is a gestation period. I do not know many people within the representative class (those elected to represent) that were unaware that there were such proposals of different degrees lying in department. Then, I think, a government is elected on a manifesto, and that, therefore, prioritises in a sense for the whole of Whitehall, for the system. The whole citizenry of the country has been involved in that. What are the priorities that are advocated by the parties as they come into a general election? All of these must have a profound effect, after all, in the principle of accountability. I elected, or I think I contributed to the election of a party, and it had told me quite clearly what its priorities were. So there is an instance. Some of the bills that we see coming forward have been fortified for a long time and many people do know about them, because the list of consultees here, in many instances, the department already does; they are seeking the advice of these people, et cetera. So, I do not know what this process is quite about—that is what I am trying to say. “Engage the people” is a very big slogan type word. Here we have, on the one hand, the priorities of government set out in an election and some of those are even discarded. As we know, we were all promised a referendum. We are not going to have a referendum now, we are told by the Government. It has reflected on the matter having given an assertion to the people. I look at the list of consultees here. All of them, or the majority of them, are what we would call public sector consultees. That is even so for the North East, is it not? There were some outside and charitable organisations.

Mr Brown: If I can respond to the point about the North East, I very specifically divided the consultees into three separate groups, private sector business, not public sector business or state owned businesses or enterprises that are not private sector, just for private sector business organisations, to make sure that I was dealing with the very point you are putting, that they would have a chance to have their say directly to me as the Minister on the Queen’s Speech but to make broader points if they wanted to, and they took the opportunity to do so. At the civic society meeting some of the organisations had public sector characteristics and some of them are very much for enthusiasts. The one on transport for example was a collection of people who have views on transport policy and they wanted to come along and, as you would expect, talk about the Transport

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Bill. It was only really the first meeting, the one which was with the leaders of the local authorities and their professional advisers, that was a public sector meeting. I think it is essential to have a meeting of that character as the Regional Minister because of course they are the governance of the region, the elected representatives of the community for which I have ministerial responsibility.

Q39 Mr Shepherd: I appreciate that this is a dialogue. I would entirely sympathise with your point of view because of course it is commonsense government and intelligent government but where does the Member of Parliament fit in in all this? After all, the 63,000 electorate has a representative who sits here. Most of us live in our constituencies and we attend all the functions. It is very different from the Parliament of maybe 40 or 50 years ago. What about the regional whipping system? That was what I was familiar with when I first came in and presumably the Labour Party still does a regional whipping system. All of these should be channels into government that actually relate very directly to the needs as perceived by individual constituents and individual constituencies. The difficulty for government in all the management of government is to pull together these various themes. Are we being used, in Lenin's words, as "useful idiots" to try and sanction something that requires greater caution on our part, me as a Member of Parliament, and wait to see how this plays out? None of the proposals that have come in front of us actually requires legislation at all. This is a process in the hands of the executive; is that not right.

Ms Harman: What does not require legislation?

Q40 Mr Shepherd: Any of these proposals for what the Government is doing now. The fact that you have these groups, regional ministers—

Ms Harman: You mean the process?

Q41 Mr Shepherd: The process.

Ms Harman: All the things you say I would not disagree with, but I would simply put back to you is it better for government to go about its business completely excluding everybody except government ministers and the Civil Service, where there is a whole range of activity working on developing a programme? By absolute custom and practice, nobody else is allowed to know about it until the moment at which the Queen's Speech has been uttered from her lips. Or is it a good idea at an earlier stage in the process to say to people this is where we think we are going? It is a process of openness and transparency. If people want to engage in a transparent process, they can, but if they want to engage in a process which is secret, they cannot. We do not require people to engage in this process, we just give them the option. Prior to publication they did not have that option because by the time the Queen's Speech said it, it was all done and dusted. I think people who are in favour of openness and the Government showing what it is doing behind closed doors would welcome this. It is not requiring people

to endorse it. The endorsement of the legislative programme comes by the votes of Members of Parliament as the programme goes through. I think it is right to give people the opportunity and I think people do welcome the opportunity to just see what we are doing and if they want to have a say about it, they can.

Mr Brown: I said publicly at the three meetings that I held—I made the same point at each of them and I have said it on other occasions in the region—that I think in carrying out my ministerial duties as the Minister for the Region I should do it in as non-political partisan way as I can. In other words, one should step back from being a party political advocate and try and be more consensual and draw the region together rather than do it in the adversarial way that some of my other ministerial responsibilities require, and I think that is in part the answer to what Mr Shepherd is asking.

Chairman: Are you happy?

Q42 Mr Shepherd: No, never! I would not want to disabuse you. I go back to the useful idiot notion. This seems to me like a publicity round. No one could disagree with what Ms Harman says or Mr Brown says or the methodology—and I would not go into that area—but what is the substantive nature of this? Is this a PR exercise to say, "Hey, we are a new government, we love you dearly and we are going to set up these (in some cases) only expenses of £75 a day events," because the processes are already there, the means of the Government doing that are already there, and we are in a sense a jury, and the question is out as to whether it amounts to a row of beans?

Mr Brown: The answer is that there is a hunger for it. I felt that if I had had six meetings rather than three I would have got attendees and other people would have wanted to come and would have had things to say. The district councils in the areas where it is two-tier local government are complaining that they were not there, that it was only the strategic authorities. There are other business interests that would have liked to have come along rather than just the organisations that have an umbrella membership base. There are other civic society groups that would have liked to come and maybe in the future they can be included. Everybody thought it was a good idea. Everybody appreciated the opportunity to see what was being said and to have a chance to have their say.

Ms Harman: You say that the processes are already there. Until this change, the processes were not there because actually you had to be entirely secretive about the Queen's Speech, so this is a new process. Secondly, is it a press exercise and a PR thing? I do not think it has been a question of "Hold the front page; the draft Queen's Speech is being published". We have not sought to spin it or hype it for anything that it is not. We have simply been putting out information and trying to create structures for people to have the opportunity to engage if they want to.

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Q43 Mrs May: Can I make a comment on that because this is a different process but there has always been a process for people to input to government what they think should be in the legislative programme. A lot of organisations that were consulted by the regional ministers would have had an opportunity to do that and would have been doing that. Regional development agencies and so forth knew that they could input to departments that they thought there should be a change to planning legislation and such forth, so there has been a process, what people have not known previously is the list of bills that the Government was thinking of doing and therefore what they wanted was on that list. I am not saying that doing that is not a good thing, but I think we must not say that there has never been a process before by which people could input to the legislative programme because there has; it has just been a somewhat different one.

Ms Harman: I would agree with that, but you can, as a minister, have an odd conversation with somebody where they are discussing what they would want by way of something in a bill and you know what they do not know, which is that it is not in the Draft Legislative Programme. So it enables people to know whether what they are doing is discussing something that is already in and they are therefore discussing the substance of it or whether it is a discussion about whether it is in. It just makes the process more open and allows a more genuine discussion to be had, otherwise people can feed in what they would like to see in the Draft Legislative Programme, the minister under the previous process was not able to answer, “Actually, it is already in the Draft Legislative Programme.”

Q44 Mr Shepherd: As a former Chief Whip you well know the pressure of time on business. There is nothing new about that and every departmental minister has a little list that he would like to see fulfilled, and in the end it is an auction bidding things and the Government has to assert its priorities in this matter and decide what is necessary to take up the allocated time. That will remain and I do not see any way round that. So are we creating expectations, and here on the Marine Bill, which Mr Sanders was keen to have for instance, the priorities clearly, in this instance, did not enable that to be included or maybe the process of consultation was not completed so did not enable it to be included in this particular session. That is what I find is the disjuncture. I am going to set off the optimism that Mr and Mrs Brown in my constituency, say for instance, have a lifelong interest in the subject which I listen humanely to—and it is one of the possibilities of course for Government and I accept that the transparency of the process may be more agreeable—but it does not alter what is the real fact of life which the Government ultimately has to assert on its own canvassing between its colleagues, the representatives here, its commitments given in the manifesto, as to what it will be doing, how it is prioritising, and that must be so. It has been so since we have had democratic government almost. All of

this will not make a difference to that is what I am feeling. I know how bills have popped up—the Dangerous Dogs Bill for example—and I think I was the only opponent of that Bill and I had the mechanism of a guillotine motion that I could debate for three minutes. That was the way in which Governments sometimes jump, so I am not sure how this process alters anything in the end of the basic realism.

Mr Brown: I honestly think the implementation of Government policy is the better for consultation.

Q45 Mr Shepherd: I agree with that.

Mr Brown: And for engagement with the outside world, with specialists who are familiar with the area but also with those who have a general interest. The exercise—and I would not want to claim too much for it—that we conducted at regional level was an extension, and I think Theresa May is absolutely right when she says the Government consulted before, particularly at Green Paper stage and White Paper stage and all of that is well understood, of the exercise. What is new is the fact that the Queen’s Speech is published in draft form and so it is available in general terms for people to see before the actual Speech. I think that is a good thing.

Q46 Mr Shepherd: Mr Brown, I am very happy with that response because I think it is a modest response and a true response and a fair response. It is the hype that always worries me in these things.

Ms Harman: I plead not guilty to hyping that. We have been very matter of fact about this. We have not overclaimed for this. We have just said here is what we are offering people, and of course it does not change any of those other things, it does not exclude any of those other things that you mentioned which are obviously very important.

Q47 Chairman: From the chair can I say I was looking at the *Taking a Wider View* document that has been submitted to us and I know under the North West that neither Cheshire nor Macclesfield Borough Council feature as one of those that have been consulted, and as they are very important to me, and I am sure to the Government, I am surprised. Can I put a final question to the Leader of the House: Harriet, you acknowledged a little earlier that the Draft Programme—this was the initial Draft Programme—was published very late this year ie in July, when do you hope to publish the next one?

Ms Harman: I think that we would be interested in the views of this Committee as to if you think it should be published earlier and when you think it should be published by. I would say possibly Easter, enough time that the Government has got a sensible thing to put forward but not so late that it is really too late for there to be substantial changes.

Q48 Philip Davies: I have a very quick question which I think will go to the nub of the issue. Could you tell us exactly what differed in the Queen’s Speech from having the Draft Legislative Programme published early than otherwise would

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have been in the Queen's Speech because I think that goes to the nub of the point that Richard was making.

Ms Harman: No it does not because we have not said it is an exercise in inviting people to draft the Queen's Speech. We have not held it out as that. We have not said we are a blank canvas and therefore you tell us what should be in the Queen's Speech. What was clear from the Ipsos MORI exercise was that people expect us to do that, they think that is our job as government, and that was very reassuring. They think that we should be deciding the list of bills but they think it is right, us having made that initial decision, that we should open it up to them to have a say so that they can then see the process going through. I think that as people get used to this process they will become more ambitious in the proposals that they make and they will become more confident about the idea that they can comment, not just on individual measures, but also comment on our priorities. We were clear that we were putting this out for consultation. We acknowledged it was late in the day. The answer to your question is that

there are not new bills that are in the Queen's Speech which have been proposed by members of the public, but we certainly have a clearer idea of those bills where there is a lot of feeling out there that they should be in this particular bit of the legislative programme.

Philip Davies: Nothing is different to what it would have been.

Chairman: Can I say if you press this I can certainly ask the staff of the Committee to look at what was in the Draft Legislative Programme and what was in the Queen's Speech so we can have a factual idea of precisely what was in it and what was not in it, ie how it compared with the Draft Legislative Programme. It is very close to the sitting of the House. Can I thank all our witnesses. I am sorry we started late but the Committee wanted to debate and discuss a number of important matters. Can I say to the Leader of the House particularly thank you very much indeed and also to somebody with two jobs—well you have both got two jobs—Nick Brown, and David Marlow and Bobby Duffy for the contribution that you have made and the very helpful information that you have provided.

**Supplementary memorandum from Rt Hon Harriet Harman QC MP,
Leader of the House of Commons (M42)**

1. This memorandum provides the further information the Committee has requested regarding the timeline for a Government bill, from its inception to Royal Assent.

2. No two bills are alike, in terms of their policy development and their passage through Parliament, both of which are driven by a variety of factors. In particular, the amount of time allocated to different stages of a bill will depend on its length and level of controversy, while the amount of time between each stage will depend, amongst other things, upon the knitting together of the programme as a whole.

3. The Government has set out the procedures to be followed in preparing primary legislation and taking it through Parliament in *The Guide to Legislative Procedures*, last published by the Cabinet Office in October 2004 and currently under revision which is available on the Cabinet Office website.⁵ Chapter Four of the Guide includes an indicative timetable for the process within Government for agreeing the legislative programme.

4. Consideration of the programme as a whole, including which bills should be considered in draft, is considered by the Cabinet Committee on Legislation and Cabinet at meetings at different points in the year in advance of the start of the session. The Committee on Legislation also meets in advance of the timetabled week of introduction for a bill to consider its state of readiness. Government amendments to bills and how it is proposed to respond to Government defeats are agreed through ministerial correspondence amongst members of Legislation Committee and, if necessary, the relevant Cabinet policy committee. The Government has also committed to publish an annual draft legislative programme in advance of the Queen's Speech.

5. The passage of the Legal Services Act 2007, which reforms the way in which legal services in England and Wales are regulated, provides example of a number of the channels through which a Bill is passed. Its policy development was informed by substantive inquiries and reports—chiefly the Clementi Report of 2004—it was subject to pre-legislative scrutiny by a Joint Committee of both Houses and was subject to extensive scrutiny, including ping pong, in both Houses of Parliament.

6. The timeline at Annex A sets out key dates for the development of policy, consideration of the draft Bill and scrutiny of the Bill itself. Some of these dates overlap, but nonetheless form distinctive parts of the Bill's development and passage.

December 2007

⁵ http://www.cabinetoffice.gov.uk/secretariats/economic_and_domestic/legislative—programme/guide.doc

LEGAL SERVICES ACT 2007 TIMELINE

POLICY DEVELOPMENT

March 2001	<i>Competition in the Professions</i> , Office of Fair Trading
July 2002	<i>In the Public Interest</i> , Lord Chancellor's Department Consultation paper
July 2003	<i>Competition and Regulation in the Legal Services Market</i> , Lord Chancellor's Department
24 July 2003	Sir David Clementi appointed to carry out independent review of the regulatory framework for legal services in England and Wales
March 2004	<i>Consultation Paper on the Review of the Regulatory Framework for Legal Services in England and Wales</i> , Sir David Clementi
December 2004	<i>Review of the Regulatory Framework for Legal Services in England and Wales: Final Report</i> , December 2004
July 2005	<i>Academic Analysis of Clementi Main Recommendations</i> , Department for Constitutional Affairs
October 2005	White paper, <i>The Future of Legal Services: Putting Consumers First</i> (Cm 6679), Department for Constitutional Affairs

DRAFT LEGAL SERVICES BILL

May 2005	Consideration of legislative programme for the 2005-06 (First) Session, including bills to be published in draft, considered by Cabinet and the Cabinet Committee on Legislation
November 2005 to February 2006	Main instructions to Parliamentary Counsel
23 May 2006	Joint Committee established
24 May 2006	Draft Legal Services Bill (Cm 6839), together with explanatory notes and regulatory impact assessment
May 2006	Financial Analyses of Draft Bill and Compensation Fund for Legal Services Sector by PriceWaterHouseCoopers, commissioned by Department for Constitutional Affairs
25 July 2006	Report of the Joint Committee on the Legal Services Bill (HC 154; HL 232 2005–06)
25 September 2006	Government Response to the Joint Committee (Cm 6909)

LEGAL SERVICES BILL

Autumn 2006	Further instructions to Parliamentary Counsel, following pre-legislative scrutiny, to take into account policy and drafting changes
23 November 2006	Bill introduced in the House of Lords
6 December 2006	Second Reading (minimum of two weekends between first and second readings)
7 December 2006	Memorandum to the Lords Delegated Powers and Regulatory Reform Committee
11 December 2006	Letter from the Chair of the Lords Constitution Committee to the Lord Chancellor on constitutional aspects of the Bill
14 December 2006	Third Report of the Lords Delegated Powers and Regulatory Reform Committee, including on the Legal Services Bill (HL 19 2006–07)

9 January to 6 March 2007	Committee (Whole House) (At least 14 days between second reading and the start of committee)
24 January 2007	Response from the Lord Chancellor to the Chair, Lords Constitution Committee
7 February 2007	Report of the Joint Committee on Human Rights, including on the Legal Services Bill (preceded by correspondence between the Chair and ministers)
28 March 2007	First Supplementary Memorandum to the Lords Delegated Powers and Regulatory Reform Committee
April to May 2007	Lords Report (on bills of considerable length and complexity, 14 days between the end of committee and report)
20 April 2007	Second Supplementary Memorandum to the Lords Delegated Powers and Regulatory Reform Committee
4 May 2007	Ninth Report of the Lords Delegated Powers and Regulatory Reform Committee, including on the Legal Services Bill (HL 100 2006–07)
15 May 2007	Third Reading (at least three sitting days between the end of report and third reading)
2 May 2007	Third Supplementary Memorandum to the Lords Delegated Powers and Regulatory Reform Committee
16 May 2007	First Reading in the House of Commons
4 June 2007	Second Reading (at least two weekends since first reading)
12 June to 26 June	Public Bill Committee (including brief explanatory statements on amendments)
15 October 2007	Commons Report and Third Reading
17, 24, 25 October 2007	Ping Pong
30 October 2007	Royal Assent

**Further supplementary memorandum from Rt Hon Harriet Harman QC MP,
Leader of the House of Commons (M43)**

1. This memorandum provides the further information the Committee has requested about the national workshop organised by Ipsos MORI on behalf of the Cabinet Office as part of the public engagement with the Draft Legislative Programme.

2. The event was attended by 76 members of the general public drawn from England, Wales, Scotland and Northern Ireland. The attendees were recruited with the aim of being reflective of the population of the United Kingdom in terms of factors such as age, gender, socio economic group and political activism.

3. The cost of the event was £54,946.06 which can be broken down as follows:

MORI costs including Project Development and Management, fieldwork, analysis and reporting	48,479.25
COI Research Costs	2,000
Ecovert Catering and facility costs	2,213.70
Security	2,253.11
Venue Hire (22 Whitehall)	Free

4. The event provided a valuable opportunity to ask members of the public to do three specific things which were:

- consider this year’s draft programme and what their priorities would be for next year’s legislative programme;
- say how and when they would like to be consulted on the Draft Legislative Programme in the future; and

- offer specific recommendations as to how they could most effectively be consulted on individual bills within the Draft Legislative Programme.

5. The report from the workshop was appended to the document published on 14 November entitled *The Government's Legislative Programme—Taking a wider view* which was sent to all those who attended.

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Memorandum from Ipsos MORI (M45)

**WORKSHOP ON INVOLVING THE PUBLIC IN MAKING NEW LAWS,
20 OCTOBER 2007**

COMMENTS FROM FEEDBACK FORMS: OPINIONS ON THE EVENT

Feedback forms were in all participants' packs and could be completed on the day or posted back after the event. Forms included spaces for "additional comments about the event". The comments below bring together those that focused on the organisation of the event and experience of participants of the workshop process, rather than further discussion of the subjects covered during the day.

Positive feedback

"Extremely interesting and thought provoking"

"Very good for debate in room areas"

"Stimulating and interesting"

"I thought the group discussions were extremely helpful, detailed and very informative. Most of the topics that were important to me were covered and others that I hadn't thought of made me look from a different view point"

"I would be very interested in attending another workshop. I found it very interesting, being a law student doing my final year of studies"

"This event has actually made me want to get more involved because it looks as though I can—thank you"

"Illuminating, most of us were in agreement about how to move forward"

"Brilliant—providing someone listens and acts. Very thought provoking"

"Very professionally conducted. V. interesting"

"Very interesting day, good opportunity to hear other people's views and give your own views"

"This is a very good exercises to do and very interesting"

"I think the leadership of the groups was well managed and kept focused on the core subjects—so well done! I also think that more time overall would have given more opportunity for a better outcome"

"Extremely thought provoking"

"I hope people's views/feedback will help to make changes actually happen"

"More such events are required. A big thank you to all concerned"

Some suggested improvements/criticisms

"It would have been better, I think, to get points of view from a range of ages in each group instead of keeping young and old separate—at least for half the day"

"The security measures and queuing/delay was foreseeable and could have been better managed"

"I think a 'meet and greet' the night before may be a good idea to break the ice"

"My only criticism is that whilst I appreciate there was a large amount to discuss it was a long and tiring day with everyone concerned feeling very tired by the last session. If it had been possible, the event should have finished, say, one hour earlier"

December 2007

Wednesday 28 November 2007

Members present

Sir Nicholas Winterton, in the Chair

Chris Bryant
Ms Dawn Butler
Ann Coffey
Philip Davies
Mr Greg Knight

Mark Lazarowicz
Mrs Theresa May
Mr Adrian Sanders
Mr Richard Shepherd
Sir Peter Soulsby

Witnesses: **Rt Hon Alan Williams MP**, Chairman, Liaison Committee, **Rt Hon Alan Beith MP**, Chairman, Justice Select Committee, **Dr Tony Wright MP**, Chairman, Public Administration Select Committee and **Mr Robert Wilson**, Clerk, Liaison Committee, gave evidence.

Q49 Chairman: Can I welcome our distinguished colleagues from the House of Commons particularly, and I do not say this with any disrespect to the clerk and the other two Members, but obviously we are delighted to have the Father of the House, the Chairman of the Liaison Committee, Alan Williams, with us this morning, also Alan Beith, who is the Chairman of the Justice Select Committee, and Tony Wright, Chairman of the Public Administration Select Committee, and, if I can use the word distinguished and learned again, the distinguished learned clerk Mr Robert Wilson. We are very pleased to have you. This is the second oral evidence session we have taken as part of the short inquiry into the draft Queen's Speech. Perhaps it would be appropriate for me to put the first question to the Father of the House, the Chairman of the Liaison Committee. Can I ask you, Alan—this was the first time it has happened—how was this year's Draft Legislative Programme received within the House through your eyes as Chairman of the Liaison Committee, which of course is the Committee representative of all the select committees of the House?

Mr Williams: First of all, Chairman, may I thank you for the invitation. It has been a rather sad preparation because it has forced me to think, a discomfort I normally prefer to avoid. This time it was very much a trial run at short notice and collectively, frankly, we have not been able, and would not have been able, to arrive at a conclusion, so we cannot draw any long-term lessons from this year, but may I say that personally, and I think on behalf of the Committee I can say I very much welcome the proposition (but I will qualify in a moment) mainly because it is a recognition of a change of the role of the Liaison Committee. It has, as you will recollect from your long service on it, increasingly become a collaborative group. I think we have to view this positively but questioningly. I take a pragmatic view that we should not be negative about any proposition that can be developed, and I am a great believer in the evolution of procedures, as we have done in the Liaison Committee, and that, I think, is what we are going to see here. I suspect we may end up in a very different position from where we start. The remit, as you have seen—I have read your transcript—is somewhat lacking in precision and I think it is an indication that what has been

offered was offered with good intent, but no-one has really sat down and thought it through, and that is what the Committee is going to have to do. I would also say that, if we are to get any benefit out of it in the long-term, it is important that we know regularly, we have a regular starting point, so that the committees can build that into their annual programme and so that it does not distort their programme. The second point, which I think the chairmen are in a better position to put to you than me, is that in no way must this put at risk their main scrutiny role. In other words, it must not take up so much time it diverts them from their main role. Those would be my initial comments on it. I think it will end up, as I say, very differently from how it starts.

Q50 Chairman: Can I put a supplementary to that first question. Although, as you say, it is very new and therefore it is difficult to comment in detail, from what you know of it, Mr Williams, do you think there is anything that could be done better next year in respect of the publication of the draft Queen's Speech?

Mr Williams: In fairness, we had the assurance from the Leader. We all recognised the reality a bit late in the session the change of the Prime Minister, and that meant it was very late that they were able to introduce this initiative. So, in fairness, it has been accepted by the Leader of the House, if she will excuse me speaking for her, that last year's experience is to be used as a lesson for us on how to do it in future, and we have already written to her suggesting what I have already put to you, that it would be of great assistance to us if we can have a regular date, and I think we have virtual agreement on that issue that it will be Easter. It will be helpful to our committees if we could keep to that.

Q51 Chairman: Thank you very much. Alan Beith, could you give your answer to those same two questions.

Mr Beith: Yes. Particularly to your last question, I would want to say that when you come to consider the Draft Legislative Programme you have to bear in mind that the legislative programme includes a lot of things which are not in that draft, that is to say secondary legislation, and some of that may be as important as primary bills. Secondly, that the

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Queen's Speech will include a number of things which are not legislation at all, and, therefore, if a committee is planning its work and deciding what it has got to give priority to, it has got to consider the programme of governance as a whole and not simply the bills that are flagged up in the Draft Legislative Programme. I do not think that the process yet takes that into account and, as I say, the Draft Legislative Programme, is, as it were, less than the Queen's Speech and less than the real legislative programme. If I could speak perhaps for some colleagues who would express this more strongly than I will, there is always a danger that committees are sent away in a corner only to be distracted with something that will prevent them doing things that are inconvenient to the Government, like conducting inquiries on failures of administration, rather than doing the Government's work for it and preparing its bills. In saying that I recognise that you can often have a very fruitful exchange between a select committee and the department to get a bill right, but if either the Liaison Committee itself or, even more, the individual committees become bogged down in the legislative programme and then find that their time has not been well spent because a key bill they have spent a lot of time on has been dropped or completely turned round by a new minister who has a completely different view about it, then again it will have served as a distraction from some of the other things they should be doing.

Q52 Chairman: Dr Tony Wright?

Dr Wright: Thank you very much, Sir Nicholas. I think I would like to be more welcoming of this development and not be in any way churlish about it. I think it is an important innovation for Parliament as well as for government. In a way, I suppose it diminishes a certain mystique from the Queen's Speech, where rabbits come out of hats and so on, but it is a far more grown up way of doing government for us to know early on what the Government is thinking about and for Parliament to be able to be involved in the conversation about it. It is true, as the Chairman says, that certainly my experience of the Liaison Committee has been that we have developed a more collective sense over the years, we do not just divvy up the travel funds like we used to when I started doing it, and that has been a very welcome development, but select committees, and therefore the Liaison Committee, do not speak for Parliament on this, they only speak for the bit of Parliament that is concerned with scrutiny through the select committee system. So it is extremely helpful, I think, generally, to have a draft programme. I agree with Alan when he says that there are things beyond legislation that we need to know about too. We need to know, I think, how many bills are intended to come in draft at an early stage as well, because that is very important to the plan, but it clearly does help the select committee side of Parliament to see what it might be doing in the year ahead. It does not compel it to do anything, but it enables it to share in the process far better. I think it is welcomed but I think any future government would adopt it.

Mr Williams: Can I interrupt for a moment before we move on. Inevitably we are asking the Leader and she has agreed that it be earlier, which means that whatever bills we now get that are put before the committees are going to be pretty skeletal, the meat is not on the bones, and a demonstration of how far we are from that is that even now, despite promises from the Government of increasing the number of draft bills for our select committees, we only have seven draft bills scheduled by December for consideration by my committees. It would seem to me that one of the things that might evolve from this (and this is why I say I have a sort of evolutionary approach to try and find something positive) is that it will give us an early chance to flag up not just bills, because we will not have time to have pre-leg on every bill, but to flag up those bills which need closer attention, but even more possibly give the select committees—and I have not discussed this with them, they may tell me it would not work—opportunities to pinpoint sections of the proposals rather than whole bills. Sections could come forward for pre-legislative consideration and then the Leader and the ministers could work towards that timetable. It would be easier than guaranteeing a whole bill for a coming session.

Q53 Chairman: Robert Wilson?

Mr Wilson: Chairman, I do not have anything to add. I would just point out that one of the other developments that you yourself will know from your time on the Liaison Committee has been the so-called core tasks that were established in 2002, and it is worth noting that there are ten there and one of them, of course, is to conduct scrutiny of any published draft bill within the committee's responsibility; so the work on draft bills is firmly within the framework of their tasks, but it is only one task among very many.

Q54 Chairman: Before I call Theresa May, who has caught my eye, can I put to each of you this question. The Government has suggested that the Draft Legislative Programme will result in "stronger accountability of the Government to Parliament". In one sentence each, do you agree? Let us start with Alan Beith.

Mr Beith: Yes, and it can take the form, in part, of the Leader of the House appearing before the Liaison Committee and being questioned about whether particular bills deserve the level of priority they have got, how the programme is going to be managed and whether, as a whole, it is a digestible programme.

Q55 Chairman: A long sentence but a very good response. Tony Wright.

Dr Wright: A long sentence: I thought it wholly refreshing to have bills set out in the way that they are in this document. What are these bills for? What are their contents? What are the relevant documents? That involves Parliament far more in the process than simply this thing being announced in October. So it does increase accountability.

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Q56 Chairman: Alan Williams.

Mr Williams: Back to my initial point, yes, I think it is bound to lead to benefits, not necessarily the benefits which the Government originally intended, and I do not mean that in any disparaging sense. I think what is going to happen is that we will find benefits that we had not expected, we will find uses for it that we had not expected and it may well be we do not deliver what was expected.

Q57 Chairman: Robert Wilson.

Mr Wilson: I just say that really greater dialogue between government and particularly the select committees must be an improvement. We have seen it developing and I think if we can get that stronger, it must be a huge benefit.

Q58 Mrs May: I was very taken with the answers that we had earlier, particularly the comment that Alan Beith made about the timing problem for the select committees. Really underlying this is the question of what should the role of select committees be in relation to this Draft Legislative Programme? The more that select committees are looking at draft bills, the more they have to pay attention to the Draft Legislative Programme and comment on that and perhaps identify sections that can be brought forward for pre-leg scrutiny and so forth, the more they are being taken away from what has been their role in the House. It may be valid to do that, but that may raise also issues about numbers of people on select committees and the resources available to them. I just wondered if our witnesses could say (a) what they ideally think the role of select committees should be in this process and (b) what implications that has for the select committee structure.

Mr Beith: Certainly. I think the Committee does have a role in the process, but it has to be balanced with the scrutiny role, and if the scrutiny role is to be seriously downgraded, then the committees will not be doing one of the most important parts of their jobs and one of the ones that I think the public recognise as most valuable, and it can be difficult, particularly in those departments where there is a very high rate of legislation. Take Home Affairs, for example, and related departments. I think the Chairman made quite a valuable suggestion about picking up parts of bills which may lend themselves to work by the Committee while leaving others to be dealt with in other ways. It is a balancing act and the Committee itself must keep control if it. It is not for the Government to decide the Committee's agenda; it is for the Committee to do so.

Dr Wright: The last point is the crucial one. As long as committees retain absolute control of their agenda and work programme, it is for them to decide what the balance of their work is, and I can assure you—you all know this—if a committee ever thought that that balance was being lost and the scrutiny function was suffering because it was in a sense being sucked into the Government's legislative programme, they will stop it, and I think that is the real safeguard.

Mr Williams: I am back to my original point. I mislead you if I say that I can see where it is going to end, I honestly cannot, but I am sure that there will be a net accretion of benefit to scrutiny and we will make sure it does not in any way detract from the effectiveness of the existing scrutiny exercised by our member committees.

Q59 Chairman: Robert Wilson.

Mr Wilson: I was just going to take up the point about resources, because, as the Committee probably knows, we have in the Committee Office, which your clerk and I run, a Scrutiny Unit that supplements the teams that support select committees. I was just looking up to see in the 2005–06 session, for example, the percentage of their work on draft bills was 18 per cent of their time compared to the other work they did on expenditure or supporting teams generally, and clearly, if there was an increased amount of work on draft bills, then that would have implications for our resources. We are at the moment reviewing the resources in the Committee Office anyway, but that would need watching and, of course, the other development that you will be very aware of is the public bill committees, which is adding to our challenge.

Mr Shepherd: It is a general question. I am not sure you can answer it, Mr Wilson, but the other three I look to. In a memorandum submitted by the Leader of the House, she says, "By opening up what has been until now a previously closed process, proposals aimed to improve the opportunity for Parliament and the public to have a say in the process of setting the Government's priorities for what will become new laws"—that is how the Leader of the House presents it. I am asking you really as Members of Parliament and from your own experience, particularly Dr Wright, who actually drafted a bill for the Government, I think the Civil Service Bill (and we know he did), what opportunities for notifying the Government do we as Members of Parliament lack for ascribing priorities to legislation? What I am really concerned about is, is this just an exercise (and I share Mr Alan Williams' comments on this) public relations style for government? What does it actually mean? How is the public going to notify government of what its priorities are? Where is the role of the Member of Parliament in this? Whilst I also welcome the generality of having available a list of bills that the Government may or may not proceed with and in ignorance of what they may do, who is the judge of the priorities for government? Is it not ultimately the Government itself? Does it not use its Members of Parliament as the representatives of defined constituencies to ascertain where the pressure points for legislative demand come? It is the general fuzziness of these proposals that really concerns me. I do not want this to be just a public relations exercise. The details that you have given I absolutely accept about select committees—I have served on select committees—but there is a very good instance in Dr Tony Wright's Committee's own work on a subject that, I guess, most of us around this table

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would support and Members of Parliament as a generality would support, a Civil Service Bill, and what happened to that?

Q60 Chairman: I think Dr Tony Wright has been mentioned twice; so he should respond first.

Dr Wright: The example is quite a nice one, I think, in a way, because it gets below the general talk about all this, which I do not think, by the way, is just a symbolic act, I think it is something which opens up the black box and tries to involve people more generally in the process of law-making, and I think that is a good thing. The example that you give, I think, shows how this works. Here is a Committee in this case that has been arguing the case for some years for Civil Service legislation, and we have been frustrated over the years in not making progress—despite governments making general commitments nothing is happening—frustrated so much that when we draft our own bill, as it were, we embarrass the Government into taking action, political circumstances change and the commitment finally is delivered on and we are told it is going to happen. To actually have that nailed down in a draft legislative programme so that, first of all, we know we have got it and, secondly, we have got some opportunity to be involved in the development of that process, and we know in terms of the work programme for the coming year that is part of this Constitutional Reform Bill, there will be a section on Civil Service legislation that we shall want to examine. That will not distort the rest of our work, but it will be a continuation of work that we have been doing over a number of years.

Mr Beith: I could give a different example of the Coroners Bill. Two years ago my Committee looked at the Draft Coroners Bill and decided that it could not achieve the good purposes for which it was intended. Part of the consequence of that is that it did not appear in the next Queen's Speech. There was, however, expressed during the year, and I suspect even during government's consultations, a clear desire that there should be an improved Coroners Bill in this year's Queen's Speech and we expected one from the Draft Legislative Programme because it was in the programme, and it disappeared between the programme and the Queen's Speech, but not, so far as I am aware, as a result of any pressure by MPs that there should not be a bill, still less any pressure from the public that there should not be a bill. So there is another process there which it would be rather nice to open to the kind of scrutiny which your original question envisaged, but it also illustrates the problem we may have if, halfway through the session, the Government then produce a still not sufficiently improved Coroners Bill and we are back to square one.

Mr Williams: First of all, the point on the public we cannot answer, but I think the Leader did give a very discursive explanation of how she saw the system working and their experience with it. You are absolutely right, the Queen's Speech is a political structure and it is for the Government at the end of the day to decide what its priorities are, it is not for the Liaison Committee. We have to recognise that

and be presumptuous, first, to think otherwise. On the other hand, it is in the fuzziness of the proposal that you referred to, as I indicated at the beginning, that our opportunity lies. It will end up, I can promise you that, at the Liaison Committee and, therefore, Parliament will derive benefits from this. They may not be the benefits that rather vaguely and pleasantly, as you rightly say, have been suggested, but there will be a net gain but, back to my original comment, it is going to look different from what was originally envisaged.

Q61 Ms Butler: On that point, do you envisage in the future that the Liaison Committee takes in more evidence from the public and do you think that, as a result of that, that would engage the press more? I think there are lots of good things in the Queen's Speech that were not reported on because of the pre-*leg*. Do you think that if it would be engaged more it will balance itself out in the future?

Mr Williams: Heaven forbid the suggestion that we would take notice of the press, and it would be presumptuous of us to say that we could in any way have the resources to try to assess public opinion—that we just cannot do. All we can do is put the meat on the bone, and that is how I think I see it. We are getting a chance to get into legislation far earlier, when you are still possibly even dealing with Parliamentary draftsmen's instructions—that is the sort of information you might be getting—but at that stage we can start feeding in ideas about how we, and you, get involved in it at a later stage. This is where I see us going. Frankly, I would be amazed if we ended up making grand announcements that this is a beautifully balanced Queen's Speech or a terribly imbalanced Queen's Speech. There will be those who want more, there will be those who will be satisfied. I do not want my Committee to turn into a political committee. I think its great value is that up to now we have managed to keep our objectivity, and so I am back to my mantra: it is going to be slow progress but it is going to be progress.

Q62 Chairman: Staying with you Alan, the Liaison Committee, I understand, held an informal hearing into the Draft Legislative Programme. Could you indicate to this Committee whether that was useful?

Mr Williams: It was useful in that it confirmed my suspicions, and also I have read your transcript. Looking at the Leader's comments to the Committee, she referred to whether the programme fits together, whether there is a bit missing and whether there is imbalance. Frankly, that is an interesting remit, but it is open to very variable interpretation. So, at the end of the day, we still do not know what was in the— I would love to get together with the person who first thought this up, if we can find out who it is, have him sit in front of us in an off-record meeting with my Committee and see if we can inure something of this form and say, "Look, we do not know where you are wanting us to go. You tell us what you had in mind when you put these proposals forward. We will tell you whether we

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can or cannot do them and we will tell you what we do intend to do.” It is that way, I think, we will get the benefit.

Q63 Chairman: A very quick response from those members of the Liaison Committee, Dr Tony Wright and Alan Beith.

Dr Wright: On Dawn’s point—it is a very, very good point—this is not something that is for the convenience of Members of Parliament or the inconvenience of Members of Parliament. If this innovation is to be successful, it requires it to be an outward facing process. One can imagine a world very different from the world in which we now live where there is real public involvement with thinking about the unfolding of legislation, where the media has intelligent discussion about these options. We are a million miles from that. Maybe the committees could help with that process. One further point: there is a difference between the contribution that individual select committees will make to this and the contribution that the Liaison Committee will make to it. Individual select committees will have reflections on what the Government has said about its area of business, about whether this looks like a good thing to legislate on, whether there are obvious omissions, whether we should be doing something else. We will ask detailed questions about that, and that is good. I think what the Liaison Committee can do is to ask general questions about the scrutiny function of Parliament in relation to this programme that has been offered—that is to say what is its balance like, what is its timing like, how much will come in draft—so that the scrutiny side of Parliament is better able to handle it.

Mr Beith: As Mr Shepherd pointed out, Parliament itself is a perfectly normal and accepted way in which we articulate what laws the Government ought to be passing, what areas they ought to be legislating in, or not, as the case may be. There is plenty of public engagement with MPs on that very subject, whether we all support bills to change this or put that right, so I do not think the Liaison Committee itself can add much value to that process which the Government has, in any case, decided to supplement by a consultative process alongside what we have been talking about, on which you took evidence last week. The individual committees will, of course, be talking to affected groups among the public about the particular issues. I think the Liaison Committee’s role in this is based on the members’ experience of the parliamentary process, their awareness of the concerns of individual committees and their ability to pass some kind of judgment on whether aspects of the programme are manageable, whether the processes are being used, whether bills are being started at the right end of the building or the wrong end—all these sorts of issues. Public views about what we should be passing laws about have perhaps never had good routes to come through anyway.

Q64 Mr Sanders: I am not sure whether this question actually ought to be asked of the Government rather than yourselves. Is there enough time between when the draft legislative programme is published and

when the Queen’s Speech is finalised to actually influence it? That might require a straight yes or no answer. The second point I wanted to make is: what is going to happen if, and I hope when, we get regional select committees, and the pressure that that could then put on everybody, looking at a draft programme from a regional point of view?

Mr Williams: First of all, most of the gains are going to come via the individual select committees and via their activities and their identification within the content of what the bills intend to do, where Parliament should have particular opportunities in the future. As for the regional committees, frankly, this is ignorance on my part, you may have more up-to-date information, but I am not very clear whether we are going to have regional select committees or not. I must avoid that trap at the moment, but if you just think of nine regional select committees and all the other individual select committees, all wanting to have a say, the department is going to run out of civil servants to provide evidence to each of the groups. It is just not realistic but, hopefully, that is not the format we will eventually end with.

Q65 Chairman: Would you agree—perhaps this is where Robert Wilson can come in—the Clerk’s Department might have run out of clerks? There are clearly very substantial resource implications. Perhaps you might like to comment on that briefly.

Mr Wilson: To follow on from what the Chairman has said, it depends what kind of end result we have to support. We are obviously watching that very closely. At the moment the existing 20-plus select committees have support from the Committee Office, something under 200 people. Nobody is expecting a further nine committees on the scale of a typical departmental committee that may have a support team of six or seven people, nobody is presumably talking about that kind of scale, but we will just wait and see. We are obviously making some contingency plans and listening to what advice we get.

Mr Williams: I think the greater likelihood if you had these select committees is that the Government would run out of ministers. You would have all the committees wanting the key minister. You do not want a substitute surrogate minister, you want the man who knows about it, and you are not going to be able to run nine regional committees and the individual select committees.

Q66 Chairman: This is slightly off at tangent. I would like Dr Tony Wright to come in.

Dr Wright: On the first point, obviously if we get the programme earlier in the year, April time, it helps to make it a richer process than if we get it later on, and I think the Government is intending that should be the case. Can I offer just one comment on the second question? Although it is not what we are talking about, I think it is worth saying. We do not know what the structure of these regional committees is going to be, it is an unknown, as we say, but the fact is, since devolution, England is now the most centralised country in Europe and the challenge for all of us is what do we do about that? In some form

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we have to get our heads around that. I am not saying that regional committees is the answer, it may be that we need a substitute for an answer, but the problem is there.

Q67 Chairman: I will merely help our witnesses. It is not that our Committee is not aware of it, we are of course going to deal with regional accountability as a future inquiry, but, Alan Beith, I know you wanted to come in briefly on this.

Mr Beith: My Committee is in fact embarking on an inquiry into devolution for the United Kingdom as a whole, including issues surrounding England. Mr Sanders produced an example, actually, at a previous meeting of this Committee of a bill in the legislative programme which had a regional dimension to which, therefore, this question does relate, which is the Marine Conservation Bill, but my reaction to reading that was that for most of the time, whatever regional structure was set up to deal with the very real accountability gap which exists around regional institutions and regional ministers, I do not think legislation is going to be their main concern. It is much more likely to be expenditure and the implications of policies. There will be some cases, but, frankly, in answer to the question, I do not see it as problematic from the point of view of how we organise the process of reviewing the Government's Draft Legislative Programme.

Q68 Mr Sanders: I would be very interested in knowing, possibly from somebody in the mechanics of government, what would be the last date by which the programme could be changed so that you could then work back to just how much time do you need in order to be able to actually influence the process?

Mr Williams: Of course, our way of legislation is a rolling process itself, but the draft eventually appears, the Government just has to give a commitment, but it will not be the final, and they will introduce amendments to take on board the points. So it may not be that it will be drafted in the form that, say, an individual select committee would like by the time of the Queen's Speech, but that does not stop it being done throughout the whole of the legislative process.

Mr Wilson: Could I just add, Chairman, that of course it has been the experience of individual select committees, hunting a bill as it is going through, doing an inquiry while an actual bill is going through, following on from pre-leg, and then putting down amendments and getting those carried either in our House or in the Lords.

Chairman: Could I ask the Chairman of the Procedure Committee, who is also a member of this Committee and, therefore, is concerned about the way that the House deals with legislation, i.e. the procedures, if he would like to come in on this.

Q69 Mr Knight: Would not this process have greater value if the Liaison Committee was able to call at will any minister to come before it to give evidence on the draft programme and that this was accepted by the Executive?

Mr Williams: We can, there is nothing to stop us calling any witness we want, but I would envisage that the detailed work would be the minister going to the individual select committees to explain what his bill is intended to do. Were we in some oversight wanting to talk to an individual minister, I have no doubt that they would appear before us.

Mr Wilson: Could I just add that the Liaison Committee has always seen its role as a champion of good scrutiny and making sure that the proper resources or information is available to individual committees and, where that is not the case, then, with the authority of 31 members and the status that it has, it has a dialogue, either formal or informal, with the Leader of the House to ensure that the situation is more satisfactory, for example, on availability of documents more recently. So I would see the role of the Liaison Committee as that overarching body to make sure that there is full co-operation between the Government and individual committees.

Q70 Chairman: Could I put a specific question to Dr Tony Wright? It has been touched on by my colleague Richard Shepherd. The Government has recently published its summary of consultation responses and one response was that "select committees should be used more creatively to help develop future bills". We know that Dr Tony Wright has been used to draft bills. Do you think that that is—

Dr Wright: I do not want to over state my role in the legislative process.

Q71 Chairman: This is a statement as a result of the responses. Could you perhaps just indicate to the Modernisation Committee how this could happen?

Dr Wright: That statement sounds like a kind of warm aspiration, but we all write statements that are warm aspirations. I think it is quite a challenge, and we have not talked about this, for the select committees as to how they might develop their role, and it is certainly the case that committees in other countries, more routinely, are involved directly in the legislative process than our committees here. It is not something here that traditionally we have done. I think we were the first one in the modern period to get into the business of dirtying our hands with actually producing a bill. Again, you cannot prescribe what select committees should do with their time, but I do think that it is something that we could think about them developing and giving them the resources to do it so that they are far more involved directly, and they can bring forward their own bills. There is already talk in the House about how we can have more select committee time, how the chairs of select committees can answer on reports and so on, and I think it would be consistent with the development of this side of Parliament's work so that it is not just government. The fact in our system is that it is just government that brings forward legislation. I think in a vigorous Parliament you would expect Parliament to be a source of legislative proposals too.

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Mr Williams: All I can say is I have become increasingly relieved as my turn of duty ends after eight years!

Q72 Mrs May: Picking up what Tony Wright has said, there are two options. Are you suggesting that we introduce a further category of bills aside from bills introduced by the Government and Private Members' Bills which would be select committee bills?

Dr Wright: It may seem shocking here to say that, but it would not be shocking in most other systems to say that, where the committees are very much the source of legislative proposals and not just simply scrutinising proposals that other people bring forward. It is part of this evolution of Parliament that we have talked about, and I think we should be open to it.

Q73 Mr Shepherd: I have always been interested in this subject but, as we know, the Government, through Standing Order 14 (2), I think it is, has precedence over all parliamentary business, say for Private Members' Bills and opposition days. How could this remotely be achieved within the context of this when that is the block and it is in the gift, therefore, of the Executive?

Dr Wright: I do not want to take this too far afield, but I would recommend strongly to the Committee a report that was recently produced by the Constitution Unit,¹ which you know about—perhaps you are on the board of as I am. They have produced an excellent report on basically the control of Parliamentary time, and it is a far more realistic report than many previous ones which have advocated that Parliament itself takes control of its own business. What it says is Parliament should take control of business that is not the Government's business and it should allocate time. That would be a huge breakthrough. If you did that, then you could start to insert a role for committees in the time that is not controlled by the Government.

Q74 Mr Shepherd: To Alan Beith again. You have mentioned the Coroners Bill and the fact that it was in and then did not appear. Two brief questions to you. How will your Committee, Mr Beith, be involved in continuing scrutiny of the *Governance of Britain* agenda, point one, and did the Constitutional Affairs Select Committee have any input into the Queen's Speech in respect of the Coroners Bill, which you have mentioned is not in the Queen's Speech, and, of course, the Constitutional Reform Bill in draft?

Mr Beith: We see it as our role because the bill is primarily one emanating from the Justice Department, with the Secretary of State for Justice (the Lord Chancellor) taking primary responsibility for it. We see, therefore, that we have a primary role within the committee system in the overall aspects of the bill and in much of its content, but, as you all know, the bill is so diverse that many other committees will be involved in parts of it. War

powers, for example, may be an issue the Foreign Affairs Committee wants to deal with, Civil Service legislation will be very much a matter for my colleague, Tony Wright, but we want to try and pull this process together. We are, therefore, suggesting that, as well as overseeing it, we should try to achieve a single document at the end of the process in which the views of several committees on the different elements in that very broad bill are brought together. It is unlike most other bills in this respect in its very broad involvement of several committees. Human Rights would be another example, although we tend to have some oversight of that. On the Coroners Bill it came as a surprise to us that the bill did not survive from the draft Queen's Speech to the Queen's Speech itself, and although the department was in no doubt of our view that they should produce a substantially improved bill for the Queen's Speech, I do not recall that between July and September we went back to them and said, "You are not going to drop it, are you?" because we had no indication that that was likely to happen.

Q75 Chairman: Are there any other questions from members of the Committee? If not, I would like to put a last one, I think picking up your point, Mr Beith (or was it yours, Alan). Some aspects of the Government's policy programme do not require legislation. I think it was you, Alan Beith. Would you welcome, therefore (and again this refers to I think all of our witnesses), a wider annual programme of government that included policy proposals for which legislation was not required?

Mr Beith: My answer is, yes, and that at the very least the Draft Legislative Programme should be in a sense the draft Queen's Speech. I do not mean necessarily in its forms of words, but if there is a major initiative to be in the Queen's Speech that does not require legislation, unless the Prime Minister cannot break his own Chancellor's habit of enjoying pulling rabbits out of hats, then it is desirable that that should be flagged up so we can discuss whether that is an important priority for government. If they are prepared to do that with their legislation, it makes sense to do it with other major policy initiatives as well. So I think the programme of government context is important and I would add into it, as I did in my initial comment, that sometimes pieces of secondary legislation, including for example a commencement order on a piece of legislation which has stood on the shelf for several years, may be as important as any bill which is in the programme.

Dr Wright: Can I give you an example on this which makes the point about the need to see what the Government is proposing to do in a general sense or to propose in a general sense. One of the components of *The Governance of Britain* paper is that we should develop something akin to confirmation hearings for certain public appointments. As I understand it, that does not require legislation, but it is an important proposal and it is certainly one which some of us will want to give attention to. So, knowing about that,

¹ *The House Rules? International lessons for enhancing the autonomy of the House of Commons.*

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even though it is not a legislative proposal, is important to inform the public and to inform Parliament in the structure of its work.

Q76 Chairman: Can I ask a question of you. Whose responsibility would that be? Which select committee?

Mr Beith: Judges are my Committee.

Q77 Chairman: Who would put that proposal forward?

Dr Wright: I think the answer is it would be a number of committees. This is one of the points that Alan has made. We have looked at the whole appointments process in the past, we have recently in the United States looked at confirmation hearings, we are interested in how it might develop, but it would clearly affect the Procedure Committee, it would affect the committees concerned with the appointment in a particular area, so it would be a challenge to a number of us together.

Mr Beith: My Committee has already spoken on the issue by expressing strong opposition to confirmation hearings for senior judicial appointments.

Q78 Chairman: Who was opposed?

Mr Beith: The Justice Committee has expressed strong opposition to confirmation hearings for judges.

Q79 Chairman: Did they say why?

Mr Beith: Because we appoint judges on the basis of their ability to apply independent and objective judgment, not on the basis of the views that they hold.

Q80 Chairman: A very good response. Alan Williams.

Mr Williams: I have nothing much to add. Like my colleagues, I am in favour of anything that adds to greater accountability, and in areas where there is non accountability at the moment, obviously it is something that we should be looking at to see if we can find some ways of intruding into the process.

Q81 Chairman: If I may finally come to Robert Wilson.

Mr Wilson: I was going to add that this is a classic example of where the Liaison Committee has had a role; in other words the different chairmen of the committees potentially affected by appointment or post-appointment hearings have discussed this within the privacy of the Liaison Committee to have a combined approach; so that kind of issue is something for the Liaison Committee but then taken forward by an individual committee.

Q82 Chairman: Can I ask our witnesses, before I thank them very much for coming and giving valuable evidence to us this morning, is there anything else that any of you would like to add in respect of this matter?

Mr Williams: I think I have said all I want to, and repeated it about 15 times!

Q83 Chairman: Sometimes then it registers, Alan Williams. On behalf of the Committee can I thank Alan Beith, Dr Tony Wright, the Father of the House and Chairman of the Liaison Committee and Robert Wilson, Clerk to the Liaison Committee, very much indeed for giving up their time and, I think, giving us some excellent evidence in respect of this short inquiry. Thank you very much indeed.

Mr Williams: Our thanks to you.

Written evidence

Memorandum from Age Concern England and North East Region (M26)

EXPERIENCE OF THE PRE-QUEEN'S SPEECH STAKEHOLDER ENGAGEMENT PROCESS

INTRODUCTION

Karen Evans, the Regional Development Officer (Policy & Communications) for Age Concern North East was invited to attend the pre-legislative scrutiny day prior to this year's Queen's Speech. The information in this document is drawn from Karen's experience of the day and also the experience of Age Concern England's Parliamentary Unit whose staff coordinate Age Concern England's response to the Queen's Speech nationally.

PRACTICALITIES OF THE NORTH EAST MEETING

- The invitation letter was issued at short notice, it was sent on 19 September for the event on 2 October.
- The invitation did not include a paper copy of *The Governance of Britain* and gave the impression that the event was an information dissemination session—this meant that participants may not have read the document prior to attending the event.
- The event was two hours long and the balance of a 20 minute presentation followed by a longer question and answer session of over an hour was about right. However, it would have been useful if the session timing could have been laid out in the invitation letter, this would have allowed participants to prepare questions more fully for this long question and answer session.
- It would have been useful to have a copy of the Minister's 20 minute powerpoint presentation—this would have allowed participants to feedback their experience of the day to their colleagues more easily.
- The invitees were probably drawn from people who had existing contact with the Government Office for the North East—this meant that the questioners were often familiar to the Minister.
- The format of the event in which questions were asked in front of the whole assembled group (between 30–40 people) meant that it may have been intimidating for some people to raise questions. A smaller group format may have been more suitable if the event were to have a deliberative function.

EXPECTATIONS AND DELIVERY ON THE DAY

NORTH EAST MEETING

- The invitation letter created the expectation that the event would be an information dissemination session, rather than a question and answer session.
- The presentation that the Minister delivered on the draft Bills and the legislative process was very well laid out and delivered. It helped to facilitate discussion because the participants better understood the role of stakeholder organisations in the legislative process.
- The two questions the Minister posed:
 1. Does the draft programme address issues facing the UK?
 2. What more would you like Government to do?were good ways to open debate and helped to draw people away from only commenting on their own areas of interest. There were a very good range of questions asked of the Minister on the day.
- On the day the Minister fielded questions well and the participants felt that they had been listened to, but it was unclear how the information would be fed back into the national pre-legislative process. It was not clear how their comments and questions would affect the legislative programme or the pre-legislative scrutiny process.
- The emphasis on online responses to the legislative programme was unhelpful as many of those who may have wanted to respond might not have had access to IT facilities or may not have confidently responded in this way.

NATIONAL PRE-QUEEN'S SPEECH SCRUTINY

Age Concern England warmly welcomes the Government's intention to be more open in its planned legislative programme and thinks it offers stakeholders the opportunity to respond in a constructive and planned way to the Queen's Speech announcement.

- The publication of the draft Queen's Speech programme was very useful in helping Age Concern England to plan its response to the Queen's Speech and the information that was sent to parliamentarians.
- Age Concern England responded briefly to the programme as a whole when it was published by issuing a media statement and feeding into an Epolitix stakeholder response. In the future, we may wish to respond more formally to the consultation process but it was unclear this year that this opportunity would be available and it was unclear what the intended outcome of consultation responses would be.
- More information about next year's pre-Queen's Speech consultation process would be very welcome—it would allow us to better support our regional offices to engage with the Government and to be pro-active in involving individual older people in the scrutiny process.

FOLLOW-UP ACTIONS FROM THE NORTH EAST REGIONAL MEETING

Karen Evans felt that the North East meeting was a worthwhile and interesting event and looks forward to future opportunities to engage in this process.

- Following the event, at the Minister's request, Karen Evans sent further information about the need for legislation to outlaw discrimination in goods, facilities and services to the Minister. She was delighted to receive a formal letter in response addressing the question she had raised.
- There has been no other follow-up communication as a result of the meeting and we feel that it would have been useful to gather feedback on how the views of those attending the meeting had contributed to the pre-Queen's Speech process.

CONCLUSIONS

Age Concern England and Age Concern North East were pleased to have been involved in the pre-Queen's Speech consultation process and we hope that the Government will continue to publish their intentions in this way. The regional meetings were a good idea but could be strengthened by:

- A commitment to involve individuals from every region in a deliberative meeting (in the style of a citizens' jury—we are aware that MORI facilitated such meetings elsewhere in the country during this year's process).
- A commitment to diversity which ensured that people representing all equality strands were present—particularly aiming to represent the ethnic diversity of the region in those consulted.
- A clear sense the programme of the day and all documents for consideration in advance, in hard copy—allowing participants to prepare for the meeting properly.
- As much notice as possible for the meeting allowing participants time to gather the views of their colleagues and the individuals they represent.

The experience of national stakeholders could be improved by:

- A clear sense of the intended outcomes and timetable of the pre-Queen's Speech consultation process. Answering the question—How will this information influence the Queen's Speech legislation?
- The opportunity to receive information and respond in a variety of formats allowing individuals without internet access to be drawn into the consultation process.
- Feedback on what effect stakeholder involvement had at a regional and national level in order to allow us to tailor our response the following year.

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