House of Lords

Liaison Committee

3rd Report of Session 2017–19

Review of Investigative Select Committee activity in 2017–18

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**Liaison Committee**
The Liaison Committee advises the House on the resources required for select committee work and allocates resources between select committees; reviews the select committee work of the House; considers requests for ad hoc committees and reports to the House with recommendations; ensures effective co-ordination between the two Houses; and considers the availability of Lords to serve on committees.

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CHAPTER 1: INTRODUCTION

Introduction

1. The House of Lords has a wide range of select committees. The 2010–15 Parliament saw a considerable expansion in select committee activity, with an increase of ad hoc committees (from one to four each session) and the introduction of post-legislative scrutiny committees. There was a further expansion in the 2016–17 session with the establishment of a new sessional committee on International Relations. During 2017–18 no new sessional committee was set up, but the Lord Speaker established a committee on the size of the House, with the aim of achieving a degree of consensus about the way in which the membership of the House might be reduced. The Committee Office expanded its business as usual activity over 2017–18. Twenty committees were active over the period from State Opening 2017 to 15 April 2018 (including two joint committees and seven sub-committees), and in total 109 select committee reports were published during the year. There was thus more committee activity in the House of Lords than ever before.

2. Whilst the extent of House of Lords committees is considerable, this activity has developed organically, over time. With this in mind, in October 2015 the Liaison Committee announced a full review of the structure of investigative committees in what was then expected to be the 2017–18 session: that review has now been extended with the view in mind that it will be completed before the end of the current two year session. The Liaison Committee has carried out regular smaller scale reviews, and in recent years has published a report focusing on the highlights of the previous session, with a longer report covering the impact of committees during the 2010–15 Parliament. As the present session is intended to last for two years, 2017–19, the present highlights report for the most part covers the period from the 2017 General Election to April 2018. This report includes the work of the four ad hoc committees which reported in March–April 2018.

3. Exceptionally high levels of committee activity continued throughout 2017–18, including engagement with the public by Twitter and other means. In the House of Commons there is typically a lull in Committee work following a General Election, and this was the case after the snap election in 2017. Several commentators noted with approval that Lords committees were quickly re-appointed, and were thus able to ensure that scrutiny continued.

The Lord Speaker’s committee on the Size of the House

4. As a point of interest the Lord Speaker’s committee on the size of the House reported in October 2017, and suggested that, over the next decade, the membership of the House of Lords should be reduced by around a quarter to 600. The size would then be capped at that number, with new members appointed in line with election results and serving fixed terms of 15 years. The House debated the proposals in December 2017, and the Prime Minister
set out her response in a letter to the Lord Speaker on 20 February 2018. *At the time of writing, the committee had reconvened at the Lord Speaker’s request, and discussions were taking place with the Usual Channels.*

**The Jellicoe Committee (1992) and subsequent developments**

5. The current review is the first overarching review since 1992. Following concerns about pressures on the committee resources of the House, which had briefly been considered by a working group in 1988, the Jellicoe Committee was established in 1991 to conduct the first comprehensive review of the use of committees in the House. It reported in 1992 and put forward proposals for a “more balanced and structured committee system”, including a recommendation that *ad hoc* committees should become a regular part of the House’s work and that limited experiments should also be conducted with the use of public bill committees, special standing committees and a Delegated Powers Scrutiny Committee, which was accordingly established in 1992.

6. When the Jellicoe Committee reported there were only two sessional investigative committees in the House of Lords. The European Communities Committee (now the European Union Committee) was established in 1974, and its success led to the establishment of the Science and Technology Committee in 1979. Following the establishment of the Delegated Powers Scrutiny Committee (which, with an expanded remit, is now the Delegated Powers and Regulatory Reform Committee) there was a pause in further new sessional committees until 2001, when the Select Committees on the Constitution and on Economic Affairs were first appointed. Since then further committees have been added to the structure: the Select Committee on the Merits of Statutory Instruments (now the Secondary Legislation Scrutiny Committee) in 2004 and the Communications Committee in 2007. As we have already seen, the 2010–15 Parliament saw further significant expansion, followed by the establishment of the International Relations Committee at the start of the 2016–17 session.

7. The impact of the EU referendum result on the scrutiny work of the House of Lords has given the review added importance and timeliness. The present report, like its predecessor on the 2016–17 session, provides useful background information for the review.

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CHAPTER 2: SESSIONAL COMMITTEE ACTIVITY AND IMPACT

8. This chapter highlights some of the achievements of all the sessional investigative committees during 2017–18.\(^2\) Although House of Lords committees have not generally adopted the practice pioneered by the Scottish Parliament and several Australian legislatures of publishing “legacy reports”,\(^3\) the European Union Committee and the Constitution Committee separately publish detailed reports about their activity during the previous session.

9. Following the decision in the June 2016 referendum that the UK should leave the EU, much committee activity has continued to focus on the possible impact of Brexit.

**Informal Brexit Liaison Group**

10. The surge in activity heightened the risk of duplication of effort by committees or, conversely, of matters ‘falling between the cracks’. The Informal Brexit Liaison Group, established by the Liaison Committee in November 2016, continued its work in helping co-ordinate and oversee committee activity in the House relating to Brexit and keeping in touch with Brexit scrutiny being carried out in House of Commons committees. It met a further 6 times, chaired by Liaison Committee Chairman and Senior Deputy Speaker Lord McFall of Alcluith, and bringing together other House of Lords Committee chairmen. Following each meeting of the informal group a minute of the discussions is posted on the parliamentary website.

**Communications Committee**

11. The Communications Committee began an inquiry into the advertising industry in September 2017. The committee investigated how the UK advertising industry, one of the most successful in the creative sector, could maintain access to global talent and nurture the skills of those already in the UK. It also considered how the industry could best adapt to the increase in digital advertising.

12. During the inquiry the committee heard from Sir Martin Sorrell, then chief executive officer of WPP, one of the world’s largest advertising and communications companies; representatives of Google and Facebook; and a range of agencies, advertisers, tech experts, broadcasters and publishers. The committee visited the offices of Saatchi & Saatchi and Framestore, an Oscar-winning visual effects specialist. It also travelled to the MediaCityUK offices of ITV in Salford and was hosted by Manchester Metropolitan University to take evidence from students, academics, and local businesses. The report UK advertising in a digital age\(^4\) was published in April 2018.

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\(^2\) Previous highlights reports have covered typical one-year sessions. Given the current two-year session, we have decided to report mid-way through the session, focusing on activity from the start of the session in June 2017 to spring 2018.

\(^3\) A legacy report looks back at the operation of a committee or committees at the end of a parliamentary session and makes observations and recommendations for the future.

\(^4\) Communications Committee, *UK advertising in a digital age* (1st Report, Session 2017–18, HL Paper 116)
13. The committee received the Government response to its report *A privatised future for Channel 4?* In the report the committee urged the Government not to pursue plans to sell Channel 4, concluding that the risks of privatisation outweighed the benefits. In its response the Government said that it had decided not to privatise the broadcaster.

14. In October 2017 the Government responded to the committee’s report *Growing up with the internet*, which concluded that responsibility for protecting children online was fragmented and ineffective. Following the report the Government published its green paper Internet Safety Strategy, a consultation on online safety.

15. Building on the work of its reports on children and the internet and advertising, the committee in March 2018 launched an inquiry to consider how regulation of the internet should be improved.

Constitution Committee

16. The Constitution Committee’s work focused on the constitutional implications of leaving the European Union. It published two reports on the European Union (Withdrawal) Bill, following its earlier report *The ‘Great Repeal Bill’ and delegated powers*. In its interim report the committee found that the bill raised “a series of profound, wide-ranging and interlocking constitutional concerns.” The final report made detailed recommendations to address the bill’s shortcomings and give effect to the Government’s aims in ways compatible with constitutional principles. Amendments were tabled at committee stage to the European Union (Withdrawal) Bill in line with the recommendations—both by committee members and other members of the House. In response, at report stage, the Government brought forward its own amendments, accepted by the House, on these key issues. These included amendments (nos 23–25) to provide greater clarity on how UK courts should treat CJEU case law; to define the status of retained EU law in relation to its future modification; and to impose greater requirements on ministers to justify and explain their use of the regulation-making powers in the bill (amendments 83C, 83F, 83H and 83).

17. The committee published the first of four reports as part of its inquiry on the legislative process. In *Preparing Legislation for Parliament* it concluded that better policy preparation would result in better legislation and a stronger and more accessible legal system. It recommended making legislation more accessible for practitioners and the public, consolidation in several areas of the law and more frequent pre-legislative scrutiny. The committee published a call for evidence for the next part of its inquiry, on the passage of legislation through Parliament.
18. The committee published a follow-up report on judicial appointments, examining progress since its 2012 report.\(^\text{11}\) It concluded that there were challenges threatening the attractiveness of judicial careers, including on pensions, working conditions, and the state of court buildings and IT systems. The committee called for renewed efforts to improve diversity in the judiciary and access for applicants from beyond the traditional barrister career path.

19. The committee reported on six Government bills in 2017–18 and corresponded with the Government on one other.\(^\text{12}\) Points raised in the committee’s report on the Sanctions and Anti-Money Laundering Bill prompted Government amendments on delegated powers. Those amendments provided a model for the committee’s subsequent consideration of powers in the European Union (Withdrawal) Bill.

20. The committee held annual evidence sessions with the Minister for the Constitution\(^\text{13}\) and the President and Deputy President of the Supreme Court.\(^\text{14}\) A debate\(^\text{15}\) was held in the chamber on the committee’s reports on The Union and devolution\(^\text{16}\) and Inter-governmental relations in the United Kingdom.\(^\text{17}\)

**Economic Affairs Committee**

21. The Economic Affairs Committee’s report on Brexit and the Labour Market was published in July 2017.\(^\text{18}\) The committee recommended that:

(a) The Government take urgent action to improve the collection of immigration data. The committee considered that “long-standing and widely identified” problems with the International Passenger Survey (used to calculate net migration) meant that it “cannot be relied upon to provide accurate estimates of net migration”.\(^\text{19}\) In their response the Government stated that the IPS “continues to be the best sources of information to measure long-term international migration”.\(^\text{20}\)


\(^\text{13}\) Oral evidence taken before the Constitution Committee, 14 March 2018 (Session 2017–19), QQ 1–9 (Chloe Smith MP, Parliamentary Secretary (Minister for the Constitution), Cabinet Office)

\(^\text{14}\) Oral evidence taken before the Constitution Committee, 21 March 2018 (Session 2017–19), QQ 1–13 (Rt Hon Baroness Hale of Richmond, President, and Lord Mance, Deputy President, Supreme Court)

\(^\text{15}\) HL Deb, 9 October 2017, cols 25–44 and cols 68–100

\(^\text{16}\) Constitution Committee, *The Union and devolution* (10th Report, Session 2015–16, HL Paper 149)


\(^\text{19}\) *Ibid.*

(b) A transition period was required for businesses to adapt to a new post-Brexit immigration policy.

(c) Strict numerical targets for net migration were potentially unhelpful for the labour market and the economy.

22. The committee launched an inquiry into the Economics of Higher, Further and Technical Education in July 2017, covering university funding, further education funding and apprenticeships. To hear the views of those directly affected the committee held focus-group discussions with university students, further-education students and apprentices. These discussions were held in Westminster but in a more informal setting than the committee taking oral evidence. The committee also hosted a roundtable with small businesses, and visited Birmingham to meet local students and employers. Feedback from participants in these events was positive. One student said “It was an amazing experience … I believe it is of high value to have encounters between people of so contrasting generations as this can help improve or sustain the conditions of the matters discussed.” In addition the committee’s Twitter account was used to publicise the inquiry and evidence. A tweet containing a clip of Martin Lewis (the founder of Money Saving Expert) explaining the student loan system was viewed over 68,000 times. The committee expects to report in June 2018.

23. The committee also held annual evidence sessions with the Chancellor of the Exchequer and the Governor of the Bank of England.23

Finance Bill Sub-Committee

24. The moving of the Budget from spring to autumn has changed the sub-committee’s timetable. From 2018 it will meet from September and report in early November.

25. The sub-committee’s 2017 report was debated in November 2017. It examined the Government’s proposals for a mandatory digital tax regime. This would replace annual income-tax returns with digital tax accounts and require quarterly digital reporting by most businesses and private landlords. The sub-committee concluded:

- The Government should revise and improve its assessment of the benefits and costs of the policy to HMRC and businesses.
- The scheme should be optional for businesses below the VAT threshold of £83,000.
- The scheme’s launch, originally planned for April 2017, should be delayed to allow development and testing of software, apps and HMRC’s systems.

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21 Feedback provided by students to the Education and Participation team
22 Economic Affairs Committee (@LordsEconComm), 9 January 2018, Student Loans or a graduate contribution system? https://twitter.com/LordsEconCom/status/950686487879847937 [accessed March 2018]
23 Oral evidence taken before the Economic Affairs Committee, 14 September 2017 (Session 2017–19), QQ 1–11 (Rt Hon Philip Hammond MP); and oral evidence taken before the Economic Affairs Committee, 30 January 2018, (Session 2017–19), QQ 1–17 (Dr Mark Carney)
26. Following the report the Government announced changes to the policy. The sub-committee’s report was debated alongside the second reading of the Finance (No. 2) Bill 2017, which implemented the revised policy. In the debate the minister said:

“The sub-committee asked that making tax digital should be implemented from 2020. We saw the benefits of allowing businesses more time to adjust and have pushed back any mandatory implementation until 2019. Even then, it will be only on VAT and only for larger businesses … The sub-committee recommended that businesses trading below the VAT threshold could not be expected to be ready to implement only a year after larger businesses and that it was unfair to subject them to an untested system. We heard that and we saw that it was right … The sub-committee raised a number of points about the scope and timetable for the programme and we have responded. It also had concerns about having time to test making tax digital … We will ensure that making tax digital is shown to work before we introduce it for taxes other than VAT.”

27. The minister concluded: “The scrutiny of the Bill that comes both from the Finance Bill Sub-Committee and in this debate is invaluable to making our tax system stronger.”

European Union Committee

28. The European Union Committee and its six sub-committees published a total of 13 reports from the start of the 2017–19 session to the end of March 2018. This sustained the rapid work-rate of the previous session, and brought the total of Brexit-themed reports published since the 2016 referendum to 28. At the same time, the EU Committees increasingly responded to the speed of developments in the UK-EU Brexit negotiations by adopting less formal and more agile ways of engaging with Government and stakeholders. These included sending several substantial letters to the Government instead of publishing formal reports, on issues as diverse as the need for a transition deal for financial services, and the resolution of issues affecting Ireland and Northern Ireland, and conducting short inquiries, sometimes involving a single seminar-style meeting with a range of witnesses rather than a series of formal hearings spread out over a period of weeks.

29. The staff of the EU Committee and its sub-committees have used Twitter in new ways to promote the committee’s work, using threads, tweeting captioned clips of evidence sessions, incorporating animated gifs in tweets, and adding descriptions to images to improve accessibility. The EU Committee’s Twitter following almost doubled over the year, to just under 11,000.

EU Select Committee

30. The EU Select Committee continued to focus on the withdrawal negotiations. It held regular evidence sessions with the Secretary of State for Exiting the

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26 HL Deb, 15 November 2017, col 2096

27 HL Deb, 15 November 2017, col 2095
EU, Rt Hon David Davis MP, and corresponded with him on issues such as the publication of the Government’s sectoral analyses, the December UK–EU Joint Agreement, and the draft withdrawal agreement published in February 2018.

31. In July 2017 and February 2018 the Committee also visited Brussels for a series of high-level meetings, taking evidence on-the-record from Michel Barnier, the EU’s Chief Negotiator on Brexit, and Guy Verhofstadt MEP, the European Parliament’s Coordinator on Brexit. The publication of such evidence contributed to the transparency of the Brexit process. The Committee also continued its dialogue with other National Parliaments, both welcoming visiting delegations to Westminster and travelling to other Member States.

32. In addition, the EU Select Committee published two full reports. The first, published in July 2017, was on Brexit: devolution. The report drew on an inquiry largely conducted during the 2016–17 session, including visits to Edinburgh and Cardiff, and meetings with the devolved institutions, though publication was delayed by the 2017 general election. The report focused in particular on the need to enhance interparliamentary dialogue between Westminster and the devolved legislatures in the context of the Brexit negotiations.

33. As a direct result of recommendations contained in this report, a new Interparliamentary Forum on Brexit met for the first time in October 2017, enabling representatives of committees scrutinising Brexit in the House of Lords, House of Commons and the devolved legislatures, to discuss issues of mutual interest and concern. The Forum met three times during the period covered by this report, twice hosted by the House of Lords under the chairmanship of the Senior Deputy Speaker, and once by the Scottish Parliament. It is expected to continue to meet.

34. In December 2017, the Committee published a report entitled Brexit: deal or no deal. The report examined the consequences of a failure to reach a deal in the Brexit negotiations, and analysed the case for a transition period to follow March 2019.

35. The Committee has also followed up earlier reports. In the first quarter of 2018 the Committee conducted a follow-up inquiry on Brexit: UK-Irish relations, hearing evidence in London, Dublin, Belfast and Derry/Londonderry. During a three-day visit to Ireland and Northern Ireland, Members visited the Irish land border and talked to local businesses and service providers. The Committee also met the Irish Tánaiste (Deputy Prime Minister), Simon Coveney TD; representatives of the DUP and Sinn Féin; Irish parliamentarians; the Chief Constable of the Police Service of Northern Ireland; representatives of the farming, energy and healthcare sectors; academic and economic experts; and local authority representatives. Given the pace at which events were unfolding, at the end of its inquiry in February the Committee decided not to publish a formal report, but sent a

29 European Union Committee, Brexit: deal or no deal (7th Report, Session 2017–19, HL Paper 46)
30 Provision for a transition period, lasting until the end of 2020, was subsequently included in the draft Withdrawal Agreement, published by the European Commission on 28 February 2018.
detailed letter to the Secretary of State for Northern Ireland, setting out its continuing concerns about the impact of Brexit on Ireland/Northern Ireland.

36. The Committee also visited Gibraltar in March 2018, by way of follow-up to its March 2017 report on Brexit: Gibraltar, and in July 2017 took evidence from a number of Premiers and Chief Ministers of the British Overseas Territories.

EU Energy and Environment Sub-Committee

37. The Energy and Environment Sub-Committee published two reports, on Brexit: farm animal welfare and Brexit: energy security. A third, looking at the potential impact of Brexit on the price and availability of food for UK consumers, was published in May 2018.

38. The Sub-Committee adopted a new approach to evidence during the farm animal welfare inquiry. The sub-committee discussed the issues with 14 experts in the field during one roundtable discussion, with stakeholders and Members participating jointly, rather than taking formal evidence from a series of witness panels. This was not only time efficient, but stimulated greater debate between Members and witnesses. The Sub-Committee has adopted the same approach for its inquiry on food, and in conducting a one-off session looking at the impact of Brexit on the UK’s trade in waste.

39. The Sub-Committee sought to develop lines of communication with committees in the House of Commons and in the devolved legislatures with an interest in the impact of Brexit on energy and the environment. The Chair met the Convener of the Scottish Parliament’s Environment, Climate Change and Land Reform Committee and attended meetings of the House of Commons Environment, Food and Rural Affairs and Environmental Audit committees, while Chairs of the latter two committees also attended Sub-Committee meetings. Further engagement of this kind is planned.

40. The Sub-Committee’s report on Brexit: environment and climate change, published in February 2017, focused on the need to fill the environmental ‘governance gap’ that will be created when the UK leaves the EU’s regulatory regime. The Secretary of State, Rt Hon Michael Gove MP, addressed this issue when he appeared before the Sub-Committee on 1 November 2017, signalling the Government’s acceptance of this key long-term recommendation. Tweets of the session, including video clips, achieved exceptionally high levels of engagement.

EU External Affairs Sub-Committee

41. In July 2017, the External Affairs Sub-Committee published a report on Operation Sophia, the EU’s naval mission to tackle irregular migration across the Mediterranean, revisiting its 2016 report on Operation Sophia, and

33 European Union Committee, Brexit: food prices and availability (14th Report, Session 2017–19, HL Paper 129)
concluding that the operation had failed.\textsuperscript{34} The report received significant media coverage, including on the front page of The Times.

42. The Sub-Committee also undertook an inquiry into sanctions policy co-operation with the EU after Brexit. The report, published in December 2017,\textsuperscript{35} concluded that the effectiveness of UK sanctions would be undermined unless the UK can quickly agree arrangements for future sanctions policy co-operation with the EU. The Government responded to the report on 8 February, and agreed with many of the conclusions, including the Committee’s central recommendation that the Government should propose a UK-EU political forum, for regular discussion and co-ordination of sanctions policy. On 24 May the Government duly proposed the establishment of a UK-EU sanctions dialogue, in a technical note on consultation and cooperation on external security.

43. The Sub-Committee launched an inquiry into co-operation on Common Security and Defence Policy (CSDP) missions after Brexit in early 2018. The inquiry considered the importance of CSDP missions to the UK’s foreign policy goals, and the frameworks through which the UK might participate after Brexit. The report was published in May.

44. The Chair of the External Affairs Sub-Committee, with two members of the International Relations Committee, represented the House at the Joint meeting of the parliamentary committees on the Lancaster House Treaties in Paris in February 2018. The meeting was hosted by the Assemblée Nationale, and also attended by the Sénat and the House of Commons.

\textit{EU Financial Affairs Sub-Committee}

45. The EU Financial Affairs Sub-Committee published a report on Brexit: the future of financial regulation and supervision\textsuperscript{36} on 27 January 2018. The Sub-Committee called for both sides in the negotiations to recognise the risks involved in fragmenting financial markets post-Brexit and for an agreement allowing mutual market access. The Government response was received on 26 March.

46. As well as producing a report, the Sub-Committee wrote to the Chancellor partway through the inquiry, on 8 November 2017, emphasising the need urgently to secure a transition period, to safeguard the UK’s financial services sector. The Sub-Committee subsequently arranged a series of private meetings with industry and regulators, to explore further how firms are planning for Brexit.

\textit{EU Home Affairs Sub-Committee}

47. The EU Home Affairs Sub-Committee has published three reports since the General Election, on Brexit: the EU data protection package, Brexit: judicial oversight of the European Arrest Warrant and Brexit: reciprocal healthcare.\textsuperscript{37} The data protection report was debated in the House alongside

\textsuperscript{34} European Union Committee, \textit{Operation Sophia: a failed mission} (2nd Report, Session 2017–19, HL Paper 5)
\textsuperscript{35} European Union Committee, \textit{Brexit: sanctions policy} (8th Report, Session 2017–19, HL Paper 50)
the second reading of the Data Protection Bill. This debate highlighted a potential gap in the House’s procedures whereby the EU Committee has no remit to consider domestic legislation, notwithstanding the fact that several speakers in the debate invited the Sub-Committee to contribute further to scrutiny of the Data Protection Bill. The arrangements for the scrutiny of legislation implementing EU obligations remain a live concern, particularly in the context of the delegated powers created by the European Union (Withdrawal) Bill.

48. The Sub-Committee recently finished taking evidence on the impact of Brexit on the movement of people in the fields of sport and culture, following up on its March 2017 report on Brexit: UK-EU movement of people.

EU Internal Market Sub-Committee

49. The EU Internal Market Sub-Committee published its report, Brexit: competition and State aid, on 2 February 2018. The Sub-Committee concluded that Brexit would not necessitate a fundamental revision of the UK’s well-established domestic competition framework, but that the UK would have significant decisions to make over future State aid policy.

50. The Sub-Committee also held a series of evidence sessions following up its March 2017 report on Brexit: trade in non-financial services. The Sub-Committee met witnesses from the aviation, professional business services, digital, education and tourism-related travel, and creative sectors. The evidence received will be summarised in a portmanteau update letter to the Government.

51. Like other Sub-Committees, the Internal Market Sub-Committee has sought to adopt a more flexible approach to taking evidence by holding roundtable-style discussions. On 15 March 2018 the Sub-Committee held such a session with 10 stakeholders, including academic researchers and business leaders, to discuss the implications of Brexit for the UK’s space industry. This was followed by a visit to the UK’s ‘space cluster’ at Harwell, Oxfordshire on 29 March. A central theme in the Sub-Committee’s work was the EU-funded satellite system, Galileo, to which the UK has been a leading contributor, with British companies having built all existing Galileo spacecraft. As the Sub-Committee was undertaking its short inquiry, the European Commission’s decision to restrict UK access to EU space projects with security implications (including Galileo) was made public, and continues to receive considerable media attention.

EU Justice Sub-Committee

52. The EU Justice Sub-Committee’s report on Brexit: Will consumers be protected? promoted the need for continued engagement with EU level consumer protection cooperation. However, most of the Sub-Committee’s time was devoted to follow-up inquiries. For instance, the Sub-Committee continued to pursue issues raised in its 2017 report on the legality of the EU sanctions listing process, in particular re-listing (the process whereby the Council of the European Union, in cases where a sanctions listing has

39 European Union Committee, Brexit: will consumers be protected? (9th Report, Session 2017–19, HL Paper 51)
been struck down by the General Court of the EU, frequently re-lists the individual or organisation, on the basis of amended reasons). This prompted the Government to publish statistics about the scale of re-listing.

53. In the course of a short follow-up inquiry on Brexit: acquired rights the Sub-Committee secured important commitments from the then Immigration Minister about EU nationals applying to remain in the UK, including that they would be able to register for settled status via a simple app, and that the process would begin in late 2018, ahead of the UK’s withdrawal in March 2019. The Sub-Committee’s work on citizens’ rights was welcomed, including on social media, by groups representing UK citizens living in other EU countries (e.g. British in Europe) and citizens from other EU countries living in the UK (e.g. the3million). However, a lack of progress in recent months has led the Sub-Committee to convene a meeting with the Home Secretary, which will take place in June 2018, at which Members will seek an update on the status of EU citizens resident in the UK.

54. The Sub-Committee has also engaged fully in scrutiny, challenging the Government’s opposition to requiring political parties to publish data about the number of female candidates at European Parliament elections. Although the Government has maintained its opposition (and the UK will not now participate in the 2019 European Parliament elections), the Sub-Committee continues to work with other parliamentary committees (including the Commons Women and Equalities Committee) to promote the issue of gender representation.

International Relations Committee

55. The International Relations Committee published its report The Middle East: Time for New Realism in May 2017. The report called for the Government to ensure its approach to the region was sustained, consistent and based on updated understanding of the region. One conclusion that drew substantial press attention was that the UK might need to rely less on US leadership in the region and form closer working relationships with other third countries, such as China. Events in the region since the report was published, not least the US’s decision to move its embassy in Israel, have arguably demonstrated the validity of the committee’s conclusion. The committee continued to pursue this point in a one-off session with the Minister for the Middle East and as part of its current inquiry (please see below). The committee hosted a seminar with academics, diplomats and other interested guests to discuss the report’s conclusions. The committee has had ongoing correspondence with the Foreign and Commonwealth Office on topics raised in the report—for example urging the Foreign Secretary to continue firmly to support the Iran nuclear deal and to put pressure on Saudi Arabia to relieve the blockade to humanitarian aid in Yemen.

56. In January 2018 the committee reported on The UK and the future of the Western Balkans. It concluded that the UK had a responsibility to remain engaged in the Western Balkans and that it was in the national interest to do so. The committee said the Government should continue to support the integration of Western Balkan countries with the EU as their most reliable path towards stability and prosperity. Engagement in the Western Balkans would be an opportunity for the UK to demonstrate that although the UK was leaving the EU, it was not leaving Europe. During the inquiry, as with its Middle East inquiry, the committee held a private roundtable session with
young people from the region, which allowed the committee to hear valuable different perspectives. The report received substantial press attention in the region; to facilitate this, translations of parts of the report were provided. The committee also promoted the report with a roundtable with invited guests and a seminar hosted by the Global Strategy Forum.

57. In January 2018 the committee launched a substantial inquiry into UK foreign policy in changed world conditions. This inquiry is covering radical changes in international relations, including the transformative effect of digital technologies, potentially significant changes in the US’s approach to global affairs, the rise of China as a global power and the disruptive effect of Russia’s foreign activity.

58. In February 2018 the committee held a one-off evidence session in advance of the Commonwealth Heads of Government meeting held in London in April 2018. Following this the committee published a short report on priorities for the summit, which was debated in the House in March 2018. The summit’s priorities were: enhancing trade and investment within the Commonwealth; focusing on climate change and improving resilience to natural disasters; addressing the threats of organised crime, cyber crime, violent extremism and human trafficking; and promoting the Commonwealth Charter principles of democracy, good governance, human rights and the rule of law. This was the committee’s first such session on significant forthcoming international meetings. The committee plans to hold sessions ahead of the NATO summit in July 2018 and the UN General Assembly in September 2018.

Science and Technology Committee

59. The Science and Technology Committee continues to engage a wider audience through Twitter, with 58,200 followers as at 5 June 2018. The Committee spent most of the year inquiring into Life Sciences and the Industrial Strategy. This comprised a report by Sir John Bell on the Life Sciences Industrial Strategy and the Life Sciences Sector Deal—together they formed the first sector strategy published as part of the Government’s Industrial Strategy. The strategy proposes continuing support for science in the UK; encouraging the growth and competitiveness of the life sciences sector; enabling better collaboration between the sector, research institutions and the NHS; making best use of healthcare data; and improving the skills base of the sector. The committee received over 130 pieces of written evidence and took oral evidence from October 2017 to March 2018, including at the Francis Crick Institute (where new facilities were successfully trialled for live webcasting of evidence heard away from Westminster). The committee’s main focus was on implementation and oversight of the Government’s Life Sciences Industrial Strategy; the role the NHS should play in delivering it; and the action needed to improve the UK’s performance at growing small and medium-sized life sciences firms into larger companies. The report was published on 26 April 2018 with a press conference launching it at the Science Media Centre.

60. The Government response to the committee’s report, Nuclear research and technology: Breaking the cycle of indecision41 was received in September 2017. The report recommended that “for the UK to be active across the

41 Science and Technology Committee, Nuclear research and technology: Breaking the cycle of indecision (3rd Report, Session 2016–17, HL Paper 160)
main areas of nuclear R&D … it needs to make significant investments”.

Following this, in its Clean Growth Strategy (October 2017) the Government announced £460 million to support work in areas including future nuclear manufacturing techniques, recycling and reprocessing, and advanced reactor design. The committee also recommended that the UK should rejoin the Generation IV International Forum as a full member, which the minister responding to the debate on the report announced would happen in 2018.

The committee also received the Government response to the report Connected and Autonomous Vehicles: The future? in October 2017.

42 Ibid., para 37
44 HL Deb, 17 October 2017, col 606
CHAPTER 3: *AD HOC COMMITTEES*

**Introduction**

62. The State Opening of Parliament on 21 June 2017 resulted in the four new *ad hoc* committees being appointed later in the year than is usually the case. Although they were appointed swiftly, only a few days after the State Opening, the committees inevitably had slightly less time available for their inquiries than in previous years. Nevertheless, they all managed to agree their reports by the deadline set by the House, and the reports were published in March and April 2018.

63. Since the expansion of *ad hoc* activity in the 2010–15 Parliament most *ad hoc* committees have been appointed for a session. In the light of the anticipated two-year session the 2017–18 committees were ordered to report by 31 March 2018, creating a calendar deadline rather than the end of the session.

**Select Committee on Artificial Intelligence**

64. The Artificial Intelligence (AI) Committee was established “to consider the economic, ethical and social implications of advances in artificial intelligence” on 29 June 2017.\(^47\) The Committee received 223 pieces of written evidence, and took oral evidence from 57 witnesses during 22 public sessions. The Committee undertook visits to businesses working with AI (including to DeepMind and Microsoft Research) and, with techUK, convened a roundtable discussion with UK-based companies developing artificial intelligence.

65. The Committee also took the unusual but welcome step as an *ad hoc* committee of setting up its own Twitter account for the duration of the inquiry (@LordsAICom). The account rapidly gained attention, ending with 3316 followers. A presence on social media helped to encourage more written submissions, and the account was used to provide guidance on how to prepare and submit evidence to Parliament. By having its own account, the Committee was able to engage with the AI development sector, and those interested in technology, in a more direct way than would have been possible using the main corporate account. For example, the AI Committee directed the staff to adopt a light-hearted tone in its use of Twitter.

66. On 16 April 2018, the Committee published its report, *AI in the UK: ready, willing and able?*\(^48\) The report noted that the UK contains leading AI companies, a dynamic academic research culture, and a vigorous start-up ecosystem as well as a host of legal, ethical, financial and linguistic strengths. It concluded that the UK is therefore in a strong position to be among the world leaders in the development of artificial intelligence. The Committee also concluded that ethics must be at the centre of the development and use of AI, and the report recommended the development of a cross-sector AI Code. The Committee’s recommendations focused on realising the potential of AI for society, the UK economy, and to protect society from potential threats and risks.

67. On the day of publication, the Committee held an event at the Royal Society with policymakers, industry and academia to discuss the findings of the

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47 HL Deb, 29 June 2017, col 562
48 Select Committee on Artificial Intelligence, *AI in the UK: ready, willing and able?* (Report of Session 2017–19, HL Paper 100)
report, and to ensure that the AI community in the UK could take forward the Committee’s recommendations to Government and beyond. The report received widespread attention in the media, with coverage in every major domestic newspaper, the technology sector press, as well as from media abroad. The report’s hashtag, #LordsAIreport, trended on Twitter nationally for much of the morning of the report’s publication day.

68. The Secretary of State for Digital, Culture, Media and Sport said in the chamber of the House of Commons that the report “was one of the best reports by a Lords Select Committee I have ever read, so we [the Government] are taking it extremely seriously.”

Select Committee on Citizenship and Civic Engagement

69. The Committee was appointed on 29 June 2017 with the broad remit “to consider citizenship and civic engagement.” The Call for Evidence was distributed by the Parliament Education and Engagement Service to some 17,000 people. In reply the Committee received over 250 submissions. It heard oral evidence from 58 witnesses, 22 of them women. The Committee held an informal seminar and a session to hear the views of young people. The Committee also undertook three visits: to Clacton-on-Sea, to Sheffield and to watch a Citizenship Ceremony in Westminster City Hall.

70. An important topic was integration. In December 2016 Dame Louise Casey published a major Review into Opportunity and Integration. The Government initially promised a response in Spring 2017. It was hoped that the Committee would be able to take evidence on the Government’s proposals. However, none had been published by the time the Committee took evidence from Dame Louise a year after the publication of her report. The Government’s Integrated Communities Strategy green paper was published in March 2018 as the Committee met to consider its draft report for the third time. Two further meetings were therefore needed to draft the necessary amendments, which were incorporated into the report on 28 March 2018, just within the Committee’s reporting deadline.

71. The Committee also took the novel step of including on its website a web forum allowing interested persons to exchange views on the Committee’s work without submitting formal evidence, which resulted in considerable interest.

72. The Committee concluded that the Government needed to adopt a more holistic, cross-departmental approach to citizenship matters. The Committee regretted that the Government’s consultations on integration had been running since 2015, and concluded that the time for action had arrived. The report was published on 18 April, when the Chairman gave interviews on BBC local radio, and the report is continuing to generate interest in the national and specialist press.
Select Committee on the Natural Environment and Rural Communities Act 2006 (post-legislative scrutiny)

73. The Select Committee on the Natural Environment and Rural Communities Act 2006 published its report on 22 March 2018. The report was the culmination of an extensive post-legislative scrutiny inquiry during which the Committee heard from 41 witnesses and received 95 submissions of written evidence. Submissions to the Committee were made by a range of non-governmental organisations, campaigning groups, interested individuals, and public sector bodies.

74. The inquiry considered the work of Natural England (which was established by the 2006 Act), the measures taken by the Government to support rural communities, and the operation of the Section 40 biodiversity duty. Two Specialist Advisers were appointed, given the wide range of themes contained within the original Act. The Committee sought to take account of a number of changes that had taken place since enactment of the legislation, including the EU referendum result, changes to the structures used to deliver support to rural communities, the development of new methods of approaching and valuing biodiversity, and the publication of the Government’s 25-year environmental plan.

75. The Committee made a total of 45 recommendations and conclusions, with the majority of these focusing upon the operation of Natural England and the Government’s approach towards rural communities. On the day of report publication the Chairman of the Committee was interviewed on the BBC Today programme; there was also extensive coverage of the report on the BBC regional radio network and on Farming Today. The Chairman was also interviewed for BBC television, with footage subsequently used on BBC Breakfast and national and regional news programmes. These pieces featured comment from organisations which had given evidence to the Committee, including the Ramblers’ Association. The Times, the Daily Telegraph, the Independent and a number of regional print publications also ran stories on the report.

76. Responses to the report were positive. The Rural Services Network stated: “We welcome such a thoughtful, detailed and hard-hitting report – and we agree that closure of the Commission for Rural Communities was to the detriment of rural communities.” 51

77. Action with Communities in Rural England also welcomed the report, as follows: “ACRE welcomes the publication of a new report released today by the House of Lords Select Committee on the Natural Environment and Rural Communities Act 2006. The report provides an important opportunity to discuss the issues most pertinent to those living and working in rural England and to consider the most effective way to support rural communities through times of change.” 52

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78. Reflecting upon the natural environment aspects of the report, the President of the Chartered Institute for Ecology and Environmental Management stated:

“I read with great pleasure their Lordships’ recommendations. It is clear that they have listened to, and acted upon, the evidence of CIEEM and other environmental bodies. We particularly welcome their recommendations regarding the need for a new and powerful environmental watchdog, restoring both the independence and funding of Natural England, devoting appropriate funding to the Nature Recovery Network, delivering biodiversity net gain, and strengthening the ‘biodiversity duty’ on public bodies.”53

Select Committee on Political Polling and Digital Media

79. The Committee was appointed on 29 June 2017 “to consider the effects of political polling and digital media on politics.”54 The Committee took oral evidence from 40 witnesses over 23 evidence sessions, including polling companies, the British Polling Council, the BBC and Sky News, the Electoral Commission, Impress and IPSO, and a number of academic experts. The Committee also received 31 submissions of written evidence and held a number of informal briefings in order to delve in detail into some of the topics raised.

80. During the inquiry, the Committee examined the challenges facing polling companies and highlighted some of the issues which currently make polling hard to do, including the difficulty of persuading a representative range of members of the public to take part in polls, shifting demographic predictors of the vote, and an increasingly volatile electorate. The Committee also considered how polls were reported on by the media and others, and the ways in which such reporting could affect the political narrative surrounding elections and referendums.

81. One of the major themes identified by the Committee was the lack of oversight of the polling industry. The Committee concluded that the role of the British Polling Council should be widened to take on a more substantial oversight function, and that in future it should work more closely with the Electoral Commission, the Market Research Society and media regulators such as IPSO and IMPRESS to ensure that the best methodologies are used, that sources of poll funding are declared, that polls are better reported and that polling performance is openly reviewed after each general election.

82. As for digital media, when recommending the establishment of the Political Polling and Digital Media (PPDM) Committee, the Liaison Committee suggested that the inquiry might include consideration of the influence of social and digital media on political debate. As the inquiry progressed, however, it soon became clear to the PPDM Committee that this was simply too large and complex a topic to cover as part of its inquiry. The Chairman of the PPDM Committee, Lord Lipsey, therefore wrote to the Liaison Committee to suggest that another ad hoc committee should be established in the future to consider this matter in more depth. The Liaison Committee

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54 HL Deb, 29 June 2017, col 563
did not recommend the establishment of such a committee in 2018, and in its report the PPDM Committee strongly urged the Liaison Committee to consider the establishment of such a committee in the future, and suggested that it should be considered as part of the ongoing review into the House’s select committee structure.

83. The PPDM Committee’s report was published on 17 April and was welcomed by the British Polling Council. Professor Sir John Curtice, President of the British Polling Council, said:

“Today’s report is a welcome contribution to a considered, informed discussion of the conduct and reporting of opinion polls in Britain. The Council welcomes the fact that the Committee recognised the weight of evidence put before it that a ban on the publication of polls would neither be desirable nor effective. At the same time, the Council accepts that the polling industry has a duty to promote high standards in the conduct and reporting of polls and will now consider how it, in collaboration with other bodies, can enhance the considerable efforts that it already makes to achieve that objective.”

84. On the day of publication, the Chairman and another Member of the Committee spoke at a UCL Constitution Unit seminar held in Parliament. The event enabled Members of the Committee to discuss the report with others in the sector and the general public, and provided a useful opportunity to build momentum for change within the industry.

CHAPTER 4: DELEGATED LEGISLATION COMMITTEES

Delegated Powers and Regulatory Reform Committee

85. From the beginning of Session 2017–19 to the end of April 2018, the Delegated Powers and Regulatory Reform Committee (DPRRC) met 14 times and published 24 reports. It considered 32 bills (23 Government bills and nine Private Members’ bills). In addition, the Committee reported on two Legislative Reform Orders and a Regulatory Reform Order.

86. Towards the end of the last Parliament, the Committee made a written submission to the House of Commons Science and Technology Committee inquiry on the draft Spaceflight Bill. This was the first time that the Committee had made a submission to a pre-legislative scrutiny inquiry conducted by a Commons committee only, rather than a joint committee of both Houses. When reporting on the resulting Space Industry Bill [HL] in July 2017, the DPRRC was able to welcome the fact that the Government had incorporated so many of its recommendations in the Bill, and more generally expressed its support for participating in pre-legislative scrutiny.56 During the current session, the Committee was invited to make a submission to the House of Commons Housing, Communities and Local Government Committee inquiry into the draft Tenant Fees Bill. That Committee published its report in March 2018, in which it cited the DPRRC’s memorandum on several occasions and endorsed a recommendation by the DPRRC.57

87. Inevitably, the European Union (Withdrawal) Bill (EUWB) has been a principal focus of the Committee’s work this session. So far,58 the Committee has published six reports on the EUWB and associated Government amendments. Exceptionally, the first of these was published whilst the Bill was still in the House of Commons.59 The Committee published a further report on the Bill after second reading in the House of Lords, in which it made recommendations and offered in an appendix some suggested amendments to give effect to the Committee’s recommendations.60 Some of these amendments were agreed by the House at Report Stage: for example, an amendment to change the appropriateness test in respect of regulation-making powers under the Bill to a test of necessity, and an amendment to introduce a sifting mechanism for proposed negative instruments laid under certain provisions of the Bill so that the recommendation to upgrade the instrument to an affirmative by a committee of either House would be binding on the Government. Other reports on the Bill set out

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57 Housing, Communities and Local Government Committee, Pre-legislative scrutiny of the draft Tenant Fees Bill (Third Report, Session 2017–19, HC 583) para 14
58 To the end of April 2018.
59 Delegated Powers and Regulatory Reform Committee, European Union (Withdrawal) Bill (3rd Report, Session 2017–19, HL Paper 22). The Committee’s invariable practice previously has been to report after a bill has been introduced into the House of Lords. The DPRRC, in January 2018, agreed that its practice should now be described as reporting on the provisions of any public bill (other than consolidation and, save in exceptional circumstances, supply bills)
60 Delegated Powers and Regulatory Reform Committee, European Union (Withdrawal) Bill (12th Report, Session 2017–19, HL Paper 73)
the Committee’s response to Government amendments,\textsuperscript{61} reported the Government Response to the Committee’s report on the Bill,\textsuperscript{62} and included an exchange of correspondence with Ministers.\textsuperscript{63}

88. In January 2018, the Committee reported on another Brexit-related bill, the Taxation (Cross-Border Trade) Bill. This was, again, exceptional because the Bill was still in the House of Commons at the time. It was also exceptional because it is a supply bill and cannot therefore be amended by the House of Lords and, for this reason, it has been the practice of the Committee not to report on supply bills. The House of Lords Companion to the Standing Orders states that the DPRRC considers all public bills except consolidation and supply bills.\textsuperscript{64} With regard to the Taxation (Cross-Border Trade) Bill, however, the Committee concluded that, given the significance of the Bill and the powers contained in it and that it would not be amendable in the House of Lords, it should draw its concerns to the attention of the House of Commons and the Government.\textsuperscript{65} Significant reference was made to the Committee’s report during committee stage debate on the Bill in the House of Commons.\textsuperscript{66}

**Joint Committee on Statutory Instruments**

89. The Joint Committee on Statutory Instruments (JCSI) involves seven members from each House and seeks to ensure that the legal drafting of the Statutory Instruments (SIs) laid before Parliament is complete, appropriate and does not exceed the powers set out in the Act under which the instrument is made. Following the election there were extended discussions in the Commons over how committees should be constructed and this meant that the JCSI did not have its first meeting until 1 November 2017. The delay caused particular difficulties in this House as, under Standing Order 72, “No motion for a resolution of the House to approve an Affirmative Instrument shall be moved until … there has been laid before the House a report thereon by the Joint Committee on Statutory Instruments”. The delay led to a considerable backlog and the Standing Order was suspended twice to allow particularly urgent affirmative orders to be debated [on the second occasion the House of Lords made it clear that it had reached the limit of its tolerance on the matter].\textsuperscript{67}


\textsuperscript{63} Delegated Powers and Regulatory Reform Committee, *Civil Liability Bill [HL]: Family Relationships (Impact Assessment and Targets) Bill [HL]; Home Education (Duty of Local Authorities) Bill [HL]* (22nd Report, Session 2017–19, HL Paper 123)

\textsuperscript{64} Companion (2017), p 195. The DPRRC, in January 2018, agreed that its practice should now be described as reporting on the provisions of any public bill (other than consolidation and, save in exceptional circumstances, supply bills)


\textsuperscript{66} See for example HC Deb, 23 January 2018, col 108 (Public Bill Committees: Taxation (Cross-border Trade) Bill (Third sitting)) and HC Deb, 30 January 2018, cols 155–6 (Public Bill Committees: Taxation (Cross-border Trade) Bill (Fifth sitting))

\textsuperscript{67} Suspension motions on 13 July 2017 to allow the draft Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2017 to be moved and on 19 October 2017 to allow the draft Misuse of Drugs Act 1971 (Amendment) (No. 2) Order 2017 to be moved.
90. From the State Opening to 18 April 2018 the JCSI considered 112 Affirmative SIs and 486 negative SIs, a total of 598 instruments subject to procedure. The Committee also examines instruments that are simply laid, for example Commencement Orders. Over the same period the JCSI issued 19 Reports drawing 61 SIs to the special attention of the House.

Secondary Legislation Scrutiny Committee

91. During the period from the beginning of Session 2017–19 to the end of April 2018, the Secondary Legislation Scrutiny Committee (SLSC) met 26 times and published 26 reports. It considered 663 instruments, of which 132 were affirmative and 531 negative instruments. It drew to the special attention of the House 24 affirmative and 27 negative instruments, an overall reporting rate of 7.7% (18.2% for affirmatives and 5.1% for negative instruments). Most instruments (42) were reported on the ground of political importance or public policy interest. Of the remaining instruments, seven were reported on the ground that there appeared to be inadequacies in the consultation process, two on the ground of imperfectly achieving its policy objective and two on the ground that the explanatory material laid in support of the instrument provided insufficient information.

92. In addition to reporting instruments formally to the House, the Committee includes in its reports information paragraphs where an instrument is of interest, is topical or follows an unusual process. Since the start of the Session, 120 information paragraphs have been published. The Committee also publishes, as appendices to its reports, correspondence with Ministers and additional information provided by departments to supplement Explanatory Memoranda. At the end of each session, the Committee publishes an end of term report. Since this is a two-year session, the Committee published an interim report in April 2018, setting out the principal themes of the year’s work.68

93. The Committee continued its monitoring activity in relation to long-standing concerns with the Government’s preparation and presentation of secondary legislation:

- in September 2017, the Committee heard oral evidence from the Rt Hon. Nick Hurd MP, Minister at the Home Office, in relation to a Home Office instrument for which the Committee had not received a timely response to queries regarding the instrument;
- also in September 2017, the Committee heard oral evidence from three Permanent Secretaries about the progress the civil service has made in improving the quality of the supporting information provided with Statutory Instruments. Sir Chris Wormald said that the seven actions which he and his colleagues had identified in 2016 could be grouped under three main headings: improving awareness of Parliament’s needs, particularly among senior civil servants; improving capacity, particularly training and guidance, both centrally and at departmental level; and improving process, both centrally and at departmental level, for checking the material that eventually came to Parliament. He said

68 Secondary Legislation Scrutiny Committee, Draft Dorset (Structural Changes) Regulations 2018; Draft Somerset West and Taunton (Local Government Changes) Order 2018; Interim report on the work of the Committee in Session 2017–19; Correspondence: Education (Student Support) Regulation (26th Report, Session 2017–19, HL Paper 125)
that although there had been a considerable amount of progress, there was still much more to do before these initiatives resulted in the kind of consistent improvement to the information supporting statutory instruments which both the Committee and the leaders of the Civil Service wished to see. The Committee will keep these issues under review, and expects to take evidence again in 2018; and

- in March 2018, the Committee heard oral evidence from Oliver Dowden CBE MP, Parliamentary Secretary in the Cabinet Office, as a follow up to the Committee’s previous work on the Government’s approach to consultation.

94. In March 2018, during the committee stage debate on the European Union (Withdrawal) Bill, the Leader of the House of Lords, referred to the Government’s proposal, agreed by the Procedure Committee, that the terms of reference of the SLSC should be extended to enable it to carry out a sifting function with regard to certain instruments to be laid under the European Union (Withdrawal) Act whereby the Committee would have power to recommend that instruments proposed to be subject to the negative resolution procedure should be upgraded to the affirmative procedure.69 Preparations have been made to ensure that the Committee has the resources to deal with the challenge of this new function and the anticipated additional 800 to 1,000 instruments to be laid as a result of Brexit-related legislation. As part of that preparatory work, on 23 April 2018, the Committee launched an inquiry into the criteria it should apply in deciding whether to recommend upgrading an instrument to the affirmative procedure. The Committee hopes to report in June 2018. In addition, the Committee has had an exchange of correspondence with the Leader asking for further information and, amongst other things, urging the Government to ensure a steady flow of instruments rather than a series of peaks and troughs.70

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69  HL Deb, 19 March 2018, cols 152–153
CHAPTER 5: JOINT COMMITTEES

Introduction

95. The work of the Joint Committee on Statutory Instruments is discussed above in the chapter on delegated legislation committees. In the House of Lords pre-legislative scrutiny (the scrutiny of draft bills) is typically undertaken by a Joint Committee on a draft bill. There were no such Joint Committees during 2017–18.

Joint Committee on Human Rights

96. As is often the case with House of Commons or Joint Committees, and as was the case with the Joint Committee on Statutory Instruments [see paragraph 89–90 above], there was a hiatus in the work of the Joint Committee on Human Rights (JCHR) following the general election. The committee was reappointed in October 2017 and began work in November, focusing on its inquiry into Freedom of Speech in Universities. This report was published in March 2018, including a simple guide to the duties of universities and students regarding free speech. The report received significant (and mostly positive) responses from major media outlets, universities, and student groups, and its recommendation to simplify the regulatory landscape was reflected in the Government’s decision to convene a summit of key sector organisations.

97. In part due to the delay in its re-appointment, the JCHR had less time to report on legislation, but it published a report on the Sanctions and Anti-Money Laundering Bill on 1 March 2018. The report raised concerns about changes to the threshold of proof for imposing sanctions and changes to the appeals process, and made a case for the proposed “Magnitsky clause” (for imposing sanctions in cases of gross human rights violations) which was adopted by the House of Commons, without opposition, on 1 May 2018.


Joint Committee on the National Security Strategy

99. At its first public meeting after being established in the 2017–19 session the Joint Committee on the National Security Strategy heard evidence from the new National Security Adviser, Sir Mark Sedwill. This was Sir Mark’s first appearance before a parliamentary committee since his appointment.

100. The joint committee’s first report was on the cross-government National Security Capability Review. The review, launched in July 2017, aimed to refresh and update the 2015 National Security Strategy in the light of developments since its publication (such as the UK’s decision to leave the EU and terrorist attacks in London and Manchester). In its report on the first of a two-part inquiry, the joint committee concluded that while it was necessary to revisit the previous strategy in the light of the above threats:
• The narrow focus of the review on ‘capabilities’ did not “do justice to the wider changes in the security environment” and risked decisions on capability driving strategy.

• The decision to treat defence separately risked “undermining the purpose and coherence of the review.”

• The process of the review was unsatisfactory and “shrouded in unnecessary secrecy”. The joint committee called for clarity on the process of future substantive reviews and their links to spending reviews.71

101. The second part of the joint committee’s inquiry will look at the outcome of the review.72

102. Alongside this the joint committee is continuing an inquiry into cyber security begun in the 2015–17 parliament. The inquiry’s focus is now on cyber threats to critical national infrastructure. The joint committee continues to hear evidence, and witnesses in April and May 2018 included Steve Unger, Chief Technology Officer, Ofcom and Ruth Davis, Head of Commercial Strategy and Public Policy, BT Security.


CHAPTER 6: COMMUNICATING MORE WIDELY

Introduction

103. Lords Committees have increasingly been taking advantage of the pace of technological changes and opportunities to enhance their ways of communicating. While reports continue to be the main “product” of committee work, the use of social media and innovations such as infographics to encapsulate the main thrust of a report’s conclusions and recommendations in a more visual and engaging format have been trialled successfully. It is hoped that these will become a more regular and routine feature of committee work, while noting that for some more technical committees, there may be less emphasis on such engagement.

104. As noted earlier in this report, a review of the investigative and legislative committee system is currently underway in the House of Lords - an important feature of its work will be to consider how and with whom committees can best engage outwith Parliament, to compliment some of the more established spheres of influence in relation to committee work. Such efforts are important to ensure that the House is, and is seen to be, more relevant to society and people’s lives. As this report demonstrates, there is a wide range of important and influential work being undertaken in the House; we need to ensure that people are aware of that where it affects them and have the opportunity to have input into that process if they wish to.

Media coverage

105. The period between the State Opening of Parliament on 21 June 2017–30 April 2018 (a timeframe that included the publication of reports from the 2017–18 ad hoc committees) saw 3,114 items of media coverage about Lords Select Committees. Of these 2,913 were positive in tone, 181 were neutral and 20 were critical.

106. That coverage consisted of 1,509 broadcast features, 550 pieces in national print media, 541 in regional print media, 277 in specialist trade media, 185 pieces of online coverage and 52 in consumer titles. It should be noted that broadcast coverage will include some repeat broadcasts, for example when a committee session is broadcast on BBC Parliament it is often repeated later in the week.
Figure 1: Committee coverage by media type

107. The leading committees for coverage in the period were the EU Select Committee, the EU Energy and Environment Sub-Committee, the Constitution Committee, the Committee on the Licensing Act and the Economic Affairs Committee.

108. The high level of coverage for EU Select and the EU Sub-Committees (five of the top 10 Committees in terms of incidence of coverage are EU Committees) reflects the continued domination of the political agenda by Brexit. The EU Energy and Environment Sub-Committee had a particularly strong year with reports on Animal Welfare and Energy Security attracting significant coverage.

109. The continued high level of media coverage for the Licensing Act 2003 Committee (a committee from the 2016–17 session) suggests that _ad hoc_ committee reports can continue to attract attention once the committee has disbanded. In this case the Committee’s recommendations on the sale of alcohol at airports is almost universally referenced when the media reports on drunkenness on flights or proposals to restrict alcohol sales to passengers. This reflects the high level of media coverage the report received on publication, resulting in its entering journalists’ consciousness as a key text on the issue.

110. These figures only include coverage picked-up by the cuttings service used by the House of Lords, and is thus likely to underestimate the full level of coverage.
111. Twitter accounts enable committees to communicate with interested stakeholders on a much more regular basis than other channels. When such interested users retweet committees’ content, it can be seen and engaged with by large numbers of people. Committee Twitter accounts can enable interested members of the public to follow current Committee meetings quickly and easily, simply by clicking on an attached link. They can also be a means whereby committees can make best use of some of the innovative report content discussed below.

112. Five committees had Twitter accounts during this period, and they have reported the benefits in their sections above. In particular, the number of people following the EU Committee’s Twitter account continued to increase markedly in 2017-18, and the Artificial Intelligence Committee reported that its account was useful for engaging stakeholders and encouraging submissions.\footnote{Para 66}

**Innovative report content**

113. While House of Lords select committee reports are by their nature formal documents and made “to the House”, committees have sought to communicate their conclusions more widely and in more accessible formats.
114. Some committees have used graphics in their reports in order to convey complex points in a way that can easily be understood.\textsuperscript{74} Some reuse such graphics on Twitter, serving as an attractive entry point to the main content of the report.

115. Some committees have published separate highly visual material alongside the report itself, generally based on the conclusions and recommendations. Unlike the formal report, these are designed especially to be read on-screen on all devices, including mobile phones, and to be published and shared on social media.\textsuperscript{75} The post-legislative scrutiny committee on the Natural Environment and Rural Communities Act 2006, for example, produced one of these “enhanced report summaries” alongside its formal report, thereby demonstrating the relevance of its findings to a wider audience.

Other outreach activities

116. Committee Office staff have continued to be engaged in a variety of outreach activities, including the bicameral Parliamentary Studies programme. An innovation in 2018 was another bicameral project, an online course on select committees, which was open to a self-selecting group of students, not only those currently studying at university. 1,379 students enrolled for this course, to select committees were accessed by these students, at least three of whom proceeded to make submissions to select committees.

Conclusion

117. This “highlights” report has been written in the context of the current review of committees. It contains much to celebrate, and by its nature only skims the surface of the full range of House of Lords investigative and scrutiny committees. The Committee hopes that it will spark further suggestions for how the committee work of the House can be further developed, bearing in mind the pace and extent of technological and other changes over the 25 years since the last over-arching review of committees. Twenty-five years ago the widespread use of the internet was in its infancy, and there was no parliamentary website.\textsuperscript{76} This report provides some examples of current best practice amongst Lords committees in embracing new communication tools to carry out their work. We encourage all committees to build on this best practice and look forward to being able to report on further progress in our report for 2018–19.

\textsuperscript{74} For example, European Union Committee, \textit{Brexit: deal or no deal} (7th Report, Session 2017–19, HL Paper 46), Figure 1, p 19

\textsuperscript{75} For example Artificial Intelligence Committee, \textit{AI in the UK: ready, willing and able;} \url{https://social.shorthand.com/LordsAICom/32KXplhQLi/ai-in-the-uk} [accessed 8 June 2018]

\textsuperscript{76} In 1996 the House of Lords Science and Technology Committee's report, \textit{Information Superhighway: Agenda for action in the UK}, became the first Select Committee report from either House of the United Kingdom Parliament to be published electronically on the new \url{www.parliament.uk} website.
## APPENDIX 1: ACTIVITY INDICATOR DATA BY FINANCIAL YEAR

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>2013/14 (Joint Committees)</th>
<th>2014/15 (Joint Committees)</th>
<th>2015/16 (Joint Committees)</th>
<th>2016/17 (Joint Committees)</th>
<th>2017/18 (Joint Committees)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Committees/Sub-Committees</strong></td>
<td>21&lt;sup&gt;77&lt;/sup&gt; (4)</td>
<td>18&lt;sup&gt;78&lt;/sup&gt; (3)</td>
<td>20&lt;sup&gt;79&lt;/sup&gt; (3)</td>
<td>20&lt;sup&gt;80&lt;/sup&gt; (2)</td>
<td>19&lt;sup&gt;81&lt;/sup&gt; (2)</td>
</tr>
<tr>
<td><strong>Number of Committee Meetings</strong></td>
<td>552 (96)</td>
<td>423 (40)</td>
<td>406 (29)</td>
<td>533 (39)</td>
<td>430 (26)</td>
</tr>
<tr>
<td><strong>Number of Committee Members</strong></td>
<td>240 (25)</td>
<td>211 (19)</td>
<td>238 (23)</td>
<td>295 (16)</td>
<td>229 (16)</td>
</tr>
<tr>
<td><strong>Number of Witnesses Giving Oral Evidence</strong></td>
<td>948 (192)</td>
<td>641 (70)</td>
<td>857 (77)</td>
<td>1,120 (95)</td>
<td>778 (77)</td>
</tr>
<tr>
<td><strong>Number of Written Submissions Received</strong></td>
<td>1,649 (673)</td>
<td>863 (106)</td>
<td>1,270 (208)</td>
<td>1,791 (284)</td>
<td>917 (327)</td>
</tr>
<tr>
<td><strong>Number of Reports Published</strong></td>
<td>53 (15)</td>
<td>53 (12)</td>
<td>27 (2)</td>
<td>59 (11)</td>
<td>44 (7)</td>
</tr>
<tr>
<td><strong>Number of Printed Pages of Reports</strong></td>
<td>2,994 (912)</td>
<td>3,460 (725)</td>
<td>1,394 (220)</td>
<td>3,957 (551)</td>
<td>2,395 (298)</td>
</tr>
</tbody>
</table>


<sup>78</sup> Including JCHR, Joint Committee on the Draft Charities Bill. Excluding JCNSS and Parliamentary Commission on Banking Standards.

<sup>79</sup> Including JCHR, Joint Committee on the Draft Investigatory Powers Bill and JCNSS. Excluding Joint Committee on the Palace of Westminster.

<sup>80</sup> Including JCHR and JCNSS. Excluding Joint Committee on the Palace of Westminster and the Select Committee on the High Speed Rail (London - West Midlands) Bill.

<sup>81</sup> Including JCHR and JCNSS.
### APPENDIX 2: LIST OF INVESTIGATIVE SELECT COMMITTEE REPORTS PUBLISHED IN 2017–18, Including Dates of Government Response

<table>
<thead>
<tr>
<th>Committee</th>
<th>Title</th>
<th>Publication date</th>
<th>Government response received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artificial Intelligence</td>
<td>AI in the UK: ready, willing and able?</td>
<td>16 April 2018</td>
<td>15 June 2018</td>
</tr>
<tr>
<td>Communications</td>
<td>UK advertising in a digital age</td>
<td>11 April 2018</td>
<td>16 July 2018</td>
</tr>
<tr>
<td>Constitution</td>
<td>Sessional report 2016–17</td>
<td>10 July 2017</td>
<td>None required</td>
</tr>
<tr>
<td>Constitution</td>
<td>European Union (Withdrawal) Bill: interim report</td>
<td>7 September 2017</td>
<td>None required</td>
</tr>
<tr>
<td>Constitution</td>
<td>Space Industry Bill [HL]</td>
<td>8 September 2017</td>
<td>23 October 2017</td>
</tr>
<tr>
<td>Constitution</td>
<td>The Salisbury-Addison Convention</td>
<td>20 October 2017</td>
<td>None required</td>
</tr>
<tr>
<td>Constitution</td>
<td>Data Protection Bill [HL]</td>
<td>26 October 2017</td>
<td>4 December 2017</td>
</tr>
<tr>
<td>Constitution</td>
<td>Judicial Appointments: follow-up</td>
<td>2 November 2017</td>
<td>1 December 2017</td>
</tr>
<tr>
<td>Constitution</td>
<td>Sanctions and Anti-Money Laundering Bill [HL]</td>
<td>17 November 2017</td>
<td>11 April 2018</td>
</tr>
<tr>
<td>Constitution</td>
<td>European Union (Withdrawal) Bill</td>
<td>29 January 2018</td>
<td>11 April 2018</td>
</tr>
<tr>
<td>Constitution</td>
<td>Taxation (Cross-border Trade) Bill</td>
<td>23 February 2018</td>
<td>None required</td>
</tr>
<tr>
<td>Constitution</td>
<td>Haulage Permits and Trailer Registration Bill [HL]</td>
<td>8 March 2018</td>
<td>11 April 2018</td>
</tr>
<tr>
<td>Economic Affairs</td>
<td>Brexit and the Labour Market</td>
<td>21 July 2017</td>
<td>1 November 2017</td>
</tr>
</tbody>
</table>

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82 21 June 2017–18 April 2018.
<table>
<thead>
<tr>
<th>Committee</th>
<th>Title</th>
<th>Publication date</th>
<th>Government response received</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU Energy and Environment</td>
<td>Brexit: farm animal welfare</td>
<td>25 July 2017</td>
<td>29 September 2017</td>
</tr>
<tr>
<td>EU Energy and Environment</td>
<td>Brexit: energy security</td>
<td>29 January 2018</td>
<td>29 March 2018</td>
</tr>
<tr>
<td>EU External Affairs</td>
<td>Operation Sophia: a failed mission</td>
<td>12 July 2017</td>
<td>13 September 2017</td>
</tr>
<tr>
<td>EU External Affairs</td>
<td>Brexit: sanctions policy</td>
<td>17 December 2017</td>
<td>8 February 2018</td>
</tr>
<tr>
<td>EU Home Affairs</td>
<td>Brexit: the EU data protection package</td>
<td>18 July 2017</td>
<td>26 October 2017</td>
</tr>
<tr>
<td>EU Home Affairs</td>
<td>Brexit: judicial oversight of the European Arrest Warrant</td>
<td>27 July 2017</td>
<td>7 December 2017</td>
</tr>
<tr>
<td>EU Home Affairs</td>
<td>Brexit: reciprocal healthcare</td>
<td>28 March 2018</td>
<td>13 June 2018</td>
</tr>
<tr>
<td>EU Internal Market</td>
<td>Brexit: competition and State aid</td>
<td>2 February 2018</td>
<td>29 March 2018</td>
</tr>
<tr>
<td>EU Justice</td>
<td>Brexit: will consumers be protected?</td>
<td>19 December 2017</td>
<td>12 February 2018</td>
</tr>
<tr>
<td>EU Select</td>
<td>Report on 2016–17</td>
<td>4 July 2017</td>
<td>None required</td>
</tr>
<tr>
<td>EU Select</td>
<td>Brexit: devolution</td>
<td>19 July 2017</td>
<td>14 September 2017</td>
</tr>
<tr>
<td>EU Select</td>
<td>Brexit: deal or no deal</td>
<td>7 December 2017</td>
<td>26 February 2018</td>
</tr>
<tr>
<td>International Relations</td>
<td>The UK and the future of the Western Balkans</td>
<td>10 January 2018</td>
<td>12 March 2018</td>
</tr>
<tr>
<td>International Relations</td>
<td>Commonwealth Heads of Government Meeting 2018</td>
<td>7 February 2018</td>
<td>None required</td>
</tr>
<tr>
<td>JCHR</td>
<td>Legislative Scrutiny: The EU (Withdrawal) Bill: A Right by Right Analysis</td>
<td>26 January 2018</td>
<td>None required</td>
</tr>
<tr>
<td>JCHR</td>
<td>Legislative Scrutiny: The Sanctions and Anti-Money Laundering Bill</td>
<td>1 March 2018</td>
<td>25 April 2018</td>
</tr>
<tr>
<td>JCHR</td>
<td>Proposal for a Draft Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018</td>
<td>2 March 2018</td>
<td>None required</td>
</tr>
<tr>
<td>Committee</td>
<td>Title</td>
<td>Publication date</td>
<td>Government response received</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------------------------------</td>
<td>------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>JCHR</td>
<td>Freedom of Speech in Universities</td>
<td>27 March 2018</td>
<td>24 May 2018</td>
</tr>
<tr>
<td>JCNSS</td>
<td>National Security Capability Review: A changing security environment</td>
<td>23 March 2018</td>
<td>18 July 2018</td>
</tr>
<tr>
<td>Natural Environment and Rural Communities Act 2006</td>
<td>The countryside at a crossroads: Is the Natural Environment and Rural Communities Act 2006 still fit for purpose?</td>
<td>22 March 2018</td>
<td>21 May 2018</td>
</tr>
<tr>
<td>Political Polling and Digital Media</td>
<td>The politics of polling</td>
<td>17 April 2018</td>
<td>15 June 2018</td>
</tr>
</tbody>
</table>