



HOUSE OF LORDS

Liaison Committee

5th Report of Session 2019–21

**Review of investigative
and scrutiny committees:
strengthening the
thematic structure
through the appointment
of new committees**

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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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[Lord Low of Dalston](#)

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Declaration of interests

See Appendix 1.

A full list of Members' interests can be found in the Register of Lords' Interests:

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SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. **This report concludes the review of committees which we started in January 2018. It establishes a flexible and organic system allowing the committee structure of the House to adjust to future needs and demands. The new committees will have broad, cross-cutting remits, which will enable them to adjust flexibly and swiftly to the many challenges which the country will face in the years ahead, whilst complementing the work of House of Commons departmental select committees. We will consider any future adjustments to our committee structure as and when the need arises, particularly during our annual reviews. In this way we trust that the comprehensive review will provide committees with a firm foundation for many years to come. (Paragraph 16)**
2. ***We recommend the appointment of a European Affairs Committee, with effect from April 2021. (Paragraph 23)***
3. ***We recommend that the new European Affairs Committee should be authorised to appoint a sub-committee on the Protocol on Ireland/Northern Ireland. The Sub-Committee should be appointed on a temporary basis, and the appointment should be reviewed in or before November 2022. (Paragraph 27)***
4. ***We recommend the appointment of an International Agreements Committee in January 2021, for the remainder of the current Parliament. Upon that appointment the work of the current EU sub-committee on International Agreements should come to an end. (Paragraph 38)***
5. ***We recommend the appointment of a sessional committee on the built environment, to start work in April 2021. (Paragraph 49)***
6. ***We recommend the appointment of a sessional committee on the environment and climate change, to start work in April 2021. (Paragraph 54)***
7. ***We recommend the appointment of a sessional committee on industry and regulators, to start work in April 2021. (Paragraph 63)***
8. ***We recommend the appointment of a sessional committee on justice and home affairs, to start work in April 2021. (Paragraph 72)***

Review of investigative and scrutiny committees: strengthening the thematic structure through the appointment of new committees

CHAPTER 1: INTRODUCTION

Background and changes since October 2019

1. In July 2019 we published the report on our 18-month review of House of Lords committee activity, the most comprehensive review of the committee structure that had ever been undertaken.¹ The 2017–2019 review followed two distinct, but overlapping, phases. Firstly, between April and November 2018, the Committee held 23 oral evidence sessions with 52 witnesses. The Committee also received 79 pieces of written evidence (332 pages). All of this was published on the Committee’s website,² and some of the evidence thus published provoked further discussion and the submission of further written evidence. The Chair held around 90 meetings with individual Peers and meetings with individuals and staff teams across the Committee Office on a number of occasions. The Chair also attended meetings of each party group and the Crossbench Peers to discuss the review, and held regular drop-in sessions for members.
2. This report included a large number of recommendations, which were agreed to by the House when the report was debated in October 2019. The report proposed the start of a significant change in the positioning of our committees to begin to put in place a thematic approach designed to ensure more effective scrutiny of all the major areas of public policy.
3. This thematic approach has several benefits. It broadens the choice of subjects for committees, thereby minimising the potential for scrutiny gaps. It avoids the chance of duplicating the select committee work of the Commons, which is essentially departmental. It thereby encourages the potential for complementarity between the two Houses, which we warmly support.
4. Our 2017–2019 review concluded that scrutiny of Government, influencing policy, informing debate in the House and beyond, engaging with the public, and detailed investigation are key purposes to House of Lords committees.³
5. One of the key principles guiding our recommendations was that the committee structure should be cross-cutting and comprehensive. House of Lords committees had developed piecemeal over the previous five decades,

1 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398)

2 See the Liaison Committee, Review of investigative and scrutiny committees inquiry <https://old.parliament.uk/business/committees/committees-a-z/lords-select/liason-committee/inquiries/parliament-2017/hl-liason-review-of-committees/>

3 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398) para 28

and the lack of a guiding logic for the overall committee structure, along with the fact that many major policy areas fell substantially within EU competence, had resulted in significant scrutiny gaps. The principal domestic policy areas that had suffered from a lack of detailed scrutiny were social affairs and public services, including health and education. Our review therefore recommended a number of measures to fill these gaps, chief among them being the appointment of a new sessional committee on public services, with a remit covering areas including health and education. The Public Services Committee was duly appointed by the House in February 2020.⁴ To address scrutiny gaps further, we recommended a small number of changes to the existing titles and remits of some sessional committees. These came into effect on 22 and 29 October 2019.⁵

6. The recommendations in the review of committees report were designed to bring more flexibility and responsiveness to changing circumstances for committees, allowing them to engage with the emerging policy issues of the day, without losing any of the quality and depth of research for which Lords' committees are well-known. In response to the present pandemic the Liaison Committee recommended the appointment of a new cross-cutting COVID-19 committee,⁶ which first met in June 2020. Another illustration of the greater flexibility was the appointment, also recommended by the Liaison Committee, of a Common Frameworks committee.⁷
7. As noted above areas of public policy - including energy and the environment, and home affairs - have hitherto engaged EU competence, and are currently addressed principally through our European Union Committee and its sub-committees. Our 2019 report 'ring-fenced' the EU Committee and its sub-committees, leaving them unchanged, but acknowledged that further work in this respect would be required by the Liaison Committee in the months ahead. The first phase of this restructuring, following a report by the Procedure Committee⁸ which was agreed to by the House, took place at Easter 2020, and resulted in the reduction of the number of EU sub-committees from six to four, and the establishment of a new sub-committee on International Agreements.

European Union Committee

8. Since 1974 the European Union Committee⁹ and its sub-committees have been a fundamental element of our committee structure. The success of the EU Committee led to the establishment of a wide range of investigative and scrutiny committees, which today are seen as one of the great strengths of the House of Lords. The breadth of European Union influence upon and interaction with UK law and public policy has meant that the EU Committee family has offered potential scrutiny coverage of a wide expanse of policy areas. Some of these would notionally lie within the remits of our existing sessional committees, while others would not.

4 HL Deb, 13 February 2020, cols [2348–2349](#)

5 HL Deb, 22 October 2019, cols [492–495](#) and HL Deb, 29 October 2019, cols [872–883](#)

6 Liaison Committee, *A Covid-19 Committee* (1st Report, Session 2019–21, HL Paper 56)

7 Liaison Committee, *A Common Frameworks Scrutiny Committee* (4th Report, Session 2019–21, HL Paper 115)

8 Procedure Committee, *First Report* (Session 2019–21, HL Paper 29)

9 First established as the European Communities Committee.

9. Areas of EU Committee coverage that are not explicitly covered by other Lords committee remits include:
- Environment
 - Agriculture, fisheries and food
 - Energy and emissions trading
 - Policing (cross-border aspects)
 - Migration and asylum
 - Judicial cooperation, criminal and civil
 - Sanctions
 - The regulation of financial and other services
 - Trade
 - Product standards
 - Data protection
10. The loss of the coverage provided by the EU Committee to these policy areas could therefore result in gaps in our overall approach to committee scrutiny.

The current review

11. The purpose of the current review was to identify the emerging scrutiny gaps and make recommendations to the House as to how they might be addressed from 2021 onwards. The Committee adopted the following key principles for this part of the committee restructuring exercise:

“The overall structure of House of Lords committees must be consistent with and build on the Liaison Committee review, which said that committees should be ‘cross-cutting, comprehensive, flexible, open and outward-looking, and effective’.

The process should seek to identify the main scrutiny gaps, avoiding duplication of existing sessional committee remits, whilst building on existing strengths, knowledge and experience, avoiding unnecessary disruption and ensuring the remits of any new committees are sufficiently wide to adapt to changing circumstances. This exercise is driven in part by the need to adjust our committee structure to reflect the new relationship with the EU. In developing our proposals, we will be required to take account of the wider needs and interests of the House and ensure that we are equipped to meet new and emerging strategic challenges.”

12. The comprehensive approach of the 2017–19 review provided an abundance of material which we have drawn on in the present review. In order to ensure the participation of members of the House in the present review, all members were invited to provide their further comments on two occasions in autumn 2020. We are grateful to all those members who responded to these invitations. In order to ensure the broader participation of members of the House in this process, and to explain some of our emerging conclusions,

the Senior Deputy Speaker held a seminar for members of the House on 3 December.¹⁰ This was attended by nearly 60 members and received very positive feedback.

Member proposals for new committee activity

13. During the 2017–2019 review of committees over 50 proposals for new committee activity were received. These are presented thematically in the list below. Further proposals were received in autumn 2020.

Parliamentary issues

- (1) *Ad hoc* committee follow-up (various suggestions),
- (2) Inter-Parliamentary Relations in the EU, Review of differences between rules governing House of Commons procedure and House of Lords procedure, Petitions Committee.

Data issues

- (3) Big data and Digital Environment

Constitutional issues

- (4) Constitution and local government, Civic engagement/citizenship, Devolution, Human Rights, Children’s rights

Climate Change

- (5) Climate change

Future thinking

- (6) Committee of the Future/Future Forum (e.g. policy/horizon-scanning)/ Future Trends
- (7) Committee and Committee for Future Generations (considering impact of Bills on future generations)

Defence issues

- (8) Defence, intelligence and security (including cyber security)

Demographics

- (9) Demographic trends
- (10) Equality
- (11) Disability

Economy

- (12) Economy, Industrial strategy/Industry Committee, Financial issues and Taxation, the ‘levelling up’ agenda.

Education

- (13) Education/Education and Training

¹⁰ See appendix 3 for a note on the seminar.

Legislation

- (14) Effects of legislation (possibly as a joint committee), Legislative Standards Committee,
- (15) Policy and Legislative review committee, Pre- and post-legislative scrutiny, including a Post-Legislative Scrutiny Committee, (Enhanced) Secondary Legislation Scrutiny Committee, Technical policy changes to financial delegated legislation

Energy

- (16) Energy

EU issues

- (17) EU Committee (using the same model as current International Relations Committee)

Foreign affairs

- (18) Foreign, Commonwealth and Soft Power Committee, Foreign Affairs (including Brexit and post-Brexit issues), Multilateral and international institutions, Diplomacy function/EU-UK relations post-Brexit, Treaties, Trade agreements, Relationships with bodies such as the WTO post-Brexit, Indo-Pacific and Asia-Pacific regions and to Central Asia UK-Atlantic-USA Committee, UK-Middle East-Africa relations, Institutions and their overseas parliaments whose membership include UK delegations of Peers and MPs

Regulatory issues

- (19) Regulators and regulation, Global internet companies (e.g. Google, Facebook and Amazon)–regulation

Health issues

- (20) Health, Health and Welfare, Health, Welfare and Wellbeing, Mental health

Home affairs

- (21) Home Affairs, ID cards, drug policy

Housing

- (22) Housing, the ‘Planning for the Future’ White Paper

*Justice**Public services*

- (23) Public services and public expenditure, Children in Care

Science

- (24) Science and Technology

Social affairs

- (25) Social Affairs

Transport

(26) Transport

14. Many of these proposals and thematic areas enjoy good coverage within our existing (non-EU) sessional committee structure. Furthermore, the changes we made during our earlier work have increased our capacity for scrutiny on defence, digital, health and education matters. There are, however, other major elements of public policy which have no dedicated place within our current sessional approach. Many of them are of fundamental importance to the everyday lives of people and communities. The current absence of a House of Lords committee on the environment and climate change is a striking example of a current scrutiny gap. The path to net zero, the use and deployment of technologies, the roles of public and private stakeholders in mitigation and behaviour change, international co-operation and developments are amongst the issues calling for detailed investigation.

Strengthening the thematic committee structure

15. There are currently five units of EU committee activity (the EU committee itself and its four sub-committees), together with the sub-committee on International Agreements appointed in 2020. Whilst not proposing an increase in the total number of committees, this report makes recommendations to strengthen further the thematic structure of House of Lords committees by recommending the appointment of new thematic committees when the current EU Committee and its sub-committees cease to exist at the end of March 2021. Our recommendations are intended to ensure that the new committees complement the work of House of Commons departmental select committees. Chapter 2 of this report considers the ongoing need for scrutiny of matters relating to European Affairs from 2021 onwards. Chapter 3 reviews the work to date of the International Agreements Sub-Committee, and makes recommendations for future scrutiny. Chapter 4 considers the emerging scrutiny gaps and makes recommendations for four new committees to be established in early 2021.
16. **This report concludes the review of committees which we started in January 2018. It establishes a flexible and organic system allowing the committee structure of the House to adjust to future needs and demands. The new committees will have broad, cross-cutting remits, which will enable them to adjust flexibly and swiftly to the many challenges which the country will face in the years ahead, whilst complementing the work of House of Commons departmental select committees. We will consider any future adjustments to our committee structure as and when the need arises, particularly during our annual reviews. In this way we trust that the comprehensive review will provide committees with a firm foundation for many years to come.**

CHAPTER 2: EUROPEAN AFFAIRS SCRUTINY

Background

17. The EU Committee structure, which since the 1970s has involved a Select Committee and up to seven sub-committees (more recently six), was designed to undertake three core tasks:
- (i) Scrutiny of EU documents, including policy proposals and draft legislation that would in due course apply in the United Kingdom, and on which UK Ministers, as members of the Council of the EU until 31 January 2020, had a vote. This scrutiny was supported by long-standing agreements with the Government, which deposited up to 900 documents annually, alongside Explanatory Memoranda, for consideration by the scrutiny committees of both Houses.
 - (ii) Thematic inquiries into policy areas with an EU dimension. Although the focus of EUC inquiry work since 2016 has been almost entirely on Brexit, it is worth recalling that in the 12 months leading up to the referendum the committee published substantial reports on issues as diverse as the resilience of the agricultural sector, regulation of online platforms, and the treatment of unaccompanied child migrants.
 - (iii) Development of interparliamentary dialogue within the EU. As well as attending formal interparliamentary conferences organised at EU level (up to 12 each year), the EUC has also actively developed close bilateral relationships with the European Parliament and with parliaments of other key Member States, such as France and Germany. These relationships have if anything intensified in the years since the referendum.
18. In March 2020 the EU Committee’s remit was updated, to reflect the reality both of the UK’s withdrawal from the EU on 31 January, and of the continuing negotiations on the UK–EU relationship. The second core task (inquiry into matters relating to the EU), was given a more specific focus, reflecting the current state of the evolving UK–EU relationship:

“To consider other matters relating to the UK’s relationship with the European Union, including the implementation of the UK/ EU Withdrawal Agreement, and the Government’s conduct of negotiations on the United Kingdom’s future relationship with the European Union.”¹¹

A possible future model

19. It seems likely that the UK–EU relationship will be fluid for years to come: a ‘thin’ agreement on trade in goods would leave many areas (e.g. mobility, security, regulatory cooperation) for further negotiation. If the agreement takes the form (in EU law) of an ‘Association Agreement’, there will be an over-arching institutional structure, with appropriate governance, within which those negotiations will be conducted.
20. Association Agreements also typically include provision for interparliamentary dialogue, and the EU has proposed the establishment of a ‘Parliamentary

11 Procedure Committee, *First Report* (1st Report, Session 2019–21, HL Paper 29) para 23

Partnership Assembly’. While the shape of such an Assembly remains uncertain, the Chancellor of the Duchy of Lancaster confirmed in August, in a letter to the Speaker of the House of Commons,¹² that the Government supported the inclusion of provisions on interparliamentary dialogue in any agreement.

21. We also know that the Withdrawal Agreement, ratified in January 2020, will have long-lasting legal effects (e.g. the citizens’ rights and financial settlement provisions). More specifically, we know that under the Protocol on Ireland/Northern Ireland, which comes into effect on 1 January 2021 regardless of whether agreement is reached on the UK–EU future relationship, Northern Ireland will remain within the EU Single Market for at least four years following the end of the transition period; extension of this arrangement will be subject to a democratic consent mechanism. Large parts of EU internal market legislation, including new or amended laws, will thus continue to apply in Northern Ireland, even though UK Ministers will no longer have any role in negotiating or agreeing those laws.
22. This overview suggests that a ‘European Affairs Committee’ could have a substantial remit, including:
 - Consideration of matters relating to the UK–EU relationship;
 - Scrutiny of ongoing UK–EU negotiations (thereby maintaining the current division of responsibility, whereby the EU Committee is responsible for scrutinising UK–EU negotiations, and the International Agreements Sub-Committee scrutinises negotiations and agreements with all other countries and organisations);
 - Scrutiny of the implementation of agreements between the UK and the EU, including the Withdrawal Agreement and any future relationship agreement concluded before the end of 2020;
 - Scrutiny of the operation of the Protocol on Ireland/Northern Ireland, and of new EU laws applying in Northern Ireland.
23. ***We recommend the appointment of a European Affairs Committee, with effect from April 2021.***

A sub-committee for the new European Affairs Committee

24. The new European Affairs Committee is likely to have a very large remit, at least in the early years. We thus suggest that this Committee should have a sub-committee. The element of the remit that is likely to require a stand-alone sub-committee is scrutiny of the Protocol on Ireland/Northern Ireland. It is worth noting that since the 2016 referendum scrutiny of matters relating to Ireland and Northern Ireland has been a particularly demanding workstream for the EU Select Committee, taking up around half of the Committee’s time in the year since the Protocol itself was agreed. Because this work has been undertaken through an EU-directed lens, it has not cut across the more domestic-focused work of the Commons Northern Ireland Affairs Committee.

12 Letter from Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, to Sir Lindsay Hoyle MP, Speaker of the House of Commons, ref interparliamentary relations between the UK Parliament and the European Parliament (14 August 2020): <https://committees.parliament.uk/publications/2476/documents/24633/default/>

25. It is also significant that scrutiny of the Protocol is the only element of the proposed remit that would require continuing legislative scrutiny, and it makes sense to separate out this particular set of processes from the inter-linked strands of ‘big picture’ work that would fall to the parent Committee. The issues affecting Ireland and Northern Ireland also have a natural geopolitical limitation, albeit one that extends more widely than the remit of the Northern Ireland Affairs Committee.
26. There has been extensive internal discussion, involving officials of both Houses, regarding possible models for scrutiny. The Government has yet to engage in these discussions, given the continuing uncertainty over the future relationship negotiations, and its read-across to the implementation of the Withdrawal Agreement, including the Protocol. But at this early stage, it appears that a Protocol Sub-Committee would probably focus on the following broad areas:
- (a) Document-based scrutiny of new or amended EU legislation within the scope of the Protocol. More than 300 EU directives or regulations will automatically continue to apply to Northern Ireland on a dynamic basis after the end of the transition period, and analysis by the Institute for Government suggests that an average of around 12 new legislative acts in areas covered by the Protocol, or amendments to existing acts, are likely each year.¹³ Such scrutiny would need to be coordinated with that of relevant committees of the Northern Ireland Assembly, given the overlap between reserved and devolved competences in this area.
 - (b) Scrutiny of the implications of relevant domestic UK legislation and policy for Northern Ireland. There is an inherent tension within the Protocol, between the continuing application of EU rules in Northern Ireland and the requirement that Northern Ireland should enjoy ‘unfettered access’ to the UK’s internal market. Domestic developments such as the development of common frameworks could have unpredictable consequences, and will need careful monitoring.
 - (c) Scrutiny of the Northern-Ireland related work of the governance bodies established under the UK–EU Withdrawal Agreement, including the Joint Committee, the Ireland–Northern Ireland Specialised Committee, and the Joint Consultative Working Group.
 - (d) Monitoring the Protocol’s political and socio-economic impact on Northern Ireland.
 - (e) Reviewing the ongoing impact of the Protocol (and of UK withdrawal from the EU more broadly) on the UK–Irish bilateral relationship.
 - (f) Developing interparliamentary dialogue in relation to the Protocol, including with the Northern Ireland Assembly, House of Commons, Irish Oireachtas and (where relevant to the Protocol) the Scottish Parliament, Welsh Parliament and the European Parliament.
27. ***We recommend that the new European Affairs Committee should be authorised to appoint a sub-committee on the Protocol on Ireland/Northern Ireland. The Sub-Committee should be appointed on a***

13 Institute for Government, *Implementing Brexit: The Northern Ireland protocol* (May 2020): <https://www.instituteforgovernment.org.uk/sites/default/files/publications/implementing-brexit-northern-ireland-protocol.pdf> [accessed 8 December 2020]

temporary basis, and the appointment should be reviewed in or before November 2022.

CHAPTER 3: SCRUTINY OF INTERNATIONAL AGREEMENTS

Introduction

28. In January the Liaison Committee agreed to the establishment of an International Agreements Sub-Committee (IAC), until the end of 2020 as a sub-committee of the European Union Committee. As it was clear that the scope of the IAC's work would extend beyond the EU Committee's existing terms of reference, these were then amended to include a requirement "To consider matters relating to the negotiation and conclusion of international agreements".¹⁴ The IAC was duly established in April.
29. The IAC has quickly established itself as a very active sub-committee. By 17 November 2020 it had:
- Published three reports on treaties laid under the Constitutional Reform and Governance Act 2010 (CRAG), on a total of seven agreements, on subjects as diverse as the Channel Fixed Link, space launches, and the reciprocal voting rights of UK and Polish citizens. Further reports are pending (two imminently), and a total of 15 treaties have been laid under CRAG since the IAC was appointed.
 - Launched four trade-focused inquiries, into the UK's trade negotiations with the United States, Japan, Australia and New Zealand respectively. A substantial report on the UK–Japan deal (now concluded and awaiting ratification) will be published shortly;¹⁵ there has also been extensive contact with the Department for International Trade on the other active trade negotiations, on which reports will follow in due course;
 - Conducted an inquiry into and reported on *Treaty scrutiny: working practices*.
 - Continued to engage with Government and with Commons committees to firm up the processes for treaty scrutiny. This has involved close informal contact at official and ministerial level (which has contributed to a total of eight private briefings), as well as published correspondence.
30. The IAC has engaged extensively with stakeholders, conducting 10 public evidence sessions, with 24 witnesses. It has also received and considered large volumes of written evidence, in response to its various calls for evidence:

Inquiry topic	Number of written submissions
Working practices	15
UK–US trade negotiations	72
UK–Japan trade negotiations	42
New Zealand trade negotiations	19
Australia trade negotiations	23
UK–Norway fisheries negotiations	7
Total	178

¹⁴ Procedure Committee, *First Report* (Session 2019–21, HL Paper 29)

¹⁵ Published on 20 November 2020. European Union Committee, *Scrutiny of international agreements: UK–Japan Comprehensive Economic Partnership Agreement* (16th Report, Session 2019–21, HL Paper 175)

Key themes of the IAC's work

31. Thematically, the Committee's work can be broken down into three key, interrelated areas, which are likely to remain priorities over the next six to nine months:
 - Establishing clear and robust working practices with Government departments;
 - Up-stream scrutiny of trade negotiations;
 - Scrutiny of all treaties (other than those with the EU) laid under the Constitutional Reform and Governance Act 2010 (CRAG), which cover diverse areas.
32. Under the first of these headings, the IAC has taken up the work done in the previous Parliament by the Constitution and EU Select Committees, gradually developing and confirming new working practices with the Foreign, Commonwealth & Development Office. These address issues such as the publication of amendments to treaties (to which the Government made a commitment in its response to the IAC's report on working practices);¹⁶ and the level of scrutiny of agreements that fall outside CRAG, like Memoranda of Understanding.
33. Members of the IAC have also been engaged in consideration of the Trade Bill, and this raises the prospect of further involvement in both primary and secondary legislation in future. In particular, the IAC could add significant value in informing debates about the implementation of treaties, whether they be trade deals or other agreements.
34. The IAC has continued the previous practice of the EU Committee (which scrutinised Brexit-related 'rollover' agreements up until March 2020), in either drawing agreements to the special attention of the House or reporting them for information. Over time it is hoped that this 'sifting' function, which is comparable to that of the Secondary Legislation Scrutiny Committee, will help Members to focus attention on those agreements that are most important or controversial, contributing to better quality debates, and enhancing the House's reputation for informed, expert scrutiny of international agreements.
35. The IAC is already adding value to the House's work in a number of areas:
 - It is progressively clarifying the principles underpinning parliamentary scrutiny of international agreements, for instance engaging in dialogue with the Government on the types of agreement that have to be deposited, including those that have hitherto fallen into grey areas such as amendments to agreements, and memoranda of understanding.
 - In support of this, the IAC has established generally good working relationships across Whitehall, and the Government appears to have embraced the IAC's role as the House's appointed forum for consideration of international agreements.
 - It has established a distinctive, cross-cutting role. This marks it out from the Commons International Trade Committee, which focuses

¹⁶ Government response to the European Union International Agreements Sub-Committee report: Treaty Scrutiny, working practices: <https://committees.parliament.uk/publications/2742/documents/27116/default/>

only on DIT-led trade negotiations, whereas the IAC has also shone a light on important, sometimes controversial non-trade agreements.

36. In so doing, it has drawn on a growing expertise in the process of treaty scrutiny, allowing it to identify examples of good practice across departments, and helping Government collectively to ‘raise its game’.
37. It has also provided a valuable forum for stakeholders, including the devolved bodies and businesses across the UK, to ask questions and raise concerns about ongoing treaty negotiations. It is hoped that this will in turn feed into better informed, more engaged debates in the House—at the time of writing three motions relating to treaties were awaiting debate.
38. ***We recommend the appointment of an International Agreements Committee in January 2021, for the remainder of the current Parliament. Upon that appointment the work of the current EU sub-committee on International Agreements should come to an end.***
39. As a sessional committee, the new International Agreements Committee will need its own terms of reference. In keeping with the thematic approach to House of Lords committees we suggest that these should be broad:

“To consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010.”
40. It may also be necessary to update the terms of reference of the European Union Committee, by removing the limb that refers to international agreements with effect from January 2021.

CHAPTER 4: FILLING THE SCRUTINY GAPS WITH NEW THEMATIC COMMITTEES

Built environment committee

41. Several members of the House highlighted the need for scrutiny of the built or lived environment and the ways in which this shapes the places and communities in which we live. These terms encompass a wide range of matters such as access to transport, land-use, open spaces, affordable and sustainable homes, the location of education and health provision, and planning policy for the built environment more generally.
42. In 2020 the following special inquiry submissions were amongst those we received on subjects related to the lived and built environment:
 - Future of the high street (Lord Puttnam)
 - Protecting the wellbeing of future generations (Lord Bird)
 - Land use framework in England—the case for it (Earl of Caithness)
 - New home communal assets and rent charges (Earl of Lytton)
 - Reversing Beeching—the case for reopening closed railway lines and stations (Lord Faulkner of Worcester)
 - Wellbeing in public policy (Lord Layard and Lord O’Donnell)¹⁷
43. In response to the recent call for any further proposals for new committee activity we also received submissions regarding the Planning for the Future white paper (Lord Marlesford)¹⁸ and transport (Lord Haselhurst)¹⁹ which read across to this area.
44. Despite these proposals and the abundance of specialist expertise amongst members of the House of Lords, the absence of a sessional committee in these areas has meant that committee scrutiny has tended to be sporadic. In January 2020 the Economic Affairs Committee held follow-up sessions on its report on HS2²⁰ and on its 2016 report, *Building more homes*,²¹ whilst inquiries by the Science and Technology Committee have considered autonomous vehicles and, in the more distant past, energy efficiency.²² Special inquiry committees have included the 2015–16 committee on National Policy for the Built Environment, the scope of which included planning, governance issues, heritage, sustainability, health and wellbeing, capacity and training.²³

17 Liaison Committee, ‘Special Inquiry Committee proposals 2021’ (November 2020): <https://committees.parliament.uk/publications/3467/documents/33585/default/>

18 Email to the Senior Deputy Speaker from Lord Marlesford, 17 November 2020

19 Email to the Senior Deputy Speaker from Lord Haselhurst, 18 November 2020

20 Economic Affairs Committee, ‘Stakeholders give evidence on the future of HS2 to Committee’: <https://committees.parliament.uk/committee/175/economic-affairs-committee/news/106384/stakeholders-give-evidence-on-the-future-of-hs2-to-committee/>

21 Economic Affairs Committee, ‘Building more homes - follow-up’ inquiry: <https://committees.parliament.uk/work/4/building-more-homes-follow-up/>

22 Science and Technology Committee, *Connected and Autonomous Vehicles: The future?*; (2nd Report 2016–17, HL Paper 115), Science and Technology Committee, *Energy Efficiency* (2nd Report, Session 2005–06, HL Paper 21)

23 Select Committee on National Policy for the Built Environment, *Building better places* (Report of Session 2015–16, HL Paper 100)

The conclusions of that committee set out the cross-cutting nature of these issues:

“Policy towards the built environment... is not the sole preserve of any one Government department; this both accounts for the diverse range of elements which comprise the ‘built environment’ and reflects the diverse range of impacts which it has upon people and communities. There is an urgent need to co-ordinate and reconcile policy across numerous different areas and priorities.”²⁴

45. The extent of the evidence received for that inquiry is an indication of the considerable interest in this area, both inside and outwith the House of Lords. The Committee received 192 written submissions and heard oral evidence from 58 witnesses during 25 evidence sessions. The combined volume of all the written and oral evidence that the Committee received amounted to 1,964 pages.²⁵ The time limitations of a special inquiry meant that some elements of potential scrutiny, such as the role and impact of transport, could only receive limited consideration from the Committee. The Intergenerational Fairness and Provision Special Inquiry Committee (2018–19) also made several recommendations related to housing and planning in their report on *Tackling intergenerational unfairness*.²⁶
46. The cross-cutting nature of the lived and built environment means that a House of Lords committee would reduce the likelihood of duplication of the work of the House of Commons departmental select committees. For example, the Housing, Communities and Local Government (HCLG) Committee has a current inquiry, launched in October 2020, to investigate Government proposals on planning reform. This inquiry builds upon the HCLG Committee’s 2018 report on land capture value,²⁷ and will examine how well new plans will support the Government’s wider building strategy, including its target to build 300,000 new homes a year, as well as ensuring high quality construction that is fit for purpose.²⁸ The HCLG Committee also has a current inquiry on ‘Supporting our high streets after COVID-19’,²⁹ a matter which we consider likely to need ongoing review. Similarly, the House of Commons Transport Select Committee is undertaking an inquiry into reforming public transport after the pandemic.³⁰ In contrast to this sectoral approach, a House of Lords Committee could consider the broader implications of all these issues on individual and national wellbeing.

24 Select Committee on National Policy for the Built Environment, *Building better places* (Report of Session 2015–16, HL Paper 100).

25 Select Committee on National Policy for the Built Environment, *Building better places* (Report of Session 2015–16, HL Paper 100).

26 Select Committee on Intergenerational Fairness and Provision, *Tackling intergenerational unfairness* (Report of Session 2017–19, HL Paper 329)

27 Housing, Communities and Local Government Committee, *Land Value Capture* (Tenth Report, Session 2017–19, HC 766)

28 Housing, Communities and Local Government Committee, ‘The future of the planning system in England’ inquiry: <https://committees.parliament.uk/work/634/the-future-of-the-planning-system-in-england/>

29 Housing, Communities and Local Government Committee, ‘Supporting our high streets after COVID-19’ inquiry: <https://committees.parliament.uk/work/446/supporting-our-high-streets-after-covid19/>

30 Transport Committee, ‘Reforming public transport after the pandemic’ inquiry: <https://committees.parliament.uk/work/470/reforming-public-transport-after-the-pandemic/>

47. The need for a longer-term approach was advocated by Baroness Andrews in introducing the debate on the built environment report, when she said:

“There have been foresight studies, housing reviews and endless partial reviews of planning, which are still going on, but there has been a complete failure to think in the long term about how to improve our urban and rural environments, make them more resilient, balance the use of scarce resources and future-proof housing and planning so they serve people of all ages and get the best for the future. At the same time, unlike the majority of countries in Europe, we have no national spatial strategy, and regional planning was abandoned in recent years.”³¹

48. This long-term analysis is something for which our committees enjoy a deserved good reputation; a new committee on the built environment would offer the potential to deliver a long-term approach to vital issues that cut across the areas of housing, planning, transport, infrastructure, and quality of life more generally.
49. ***We recommend the appointment of a sessional committee on the built environment, to start work in April 2021.***

Environment and climate change committee

50. Hitherto, scrutiny of the policy areas of energy and the environment have principally been undertaken by the EU sub-committee, with substantial inquiries on specific areas being conducted from time to time by the Science and Technology Committee. As the EU Committee observed in its report on Brexit: environment and climate change:

“The EU environmental *acquis* is a patchwork quilt of laws, some relating to the rules of the internal market, others to issues of trans-national environmental significance, such as species conservation or clean air. Some sectoral policies, such as the EU’s agricultural and fisheries policies, also have substantial environmental elements and regulate significant flows of expenditure in this field. These laws are implemented and enforced by well-developed and powerful EU institutions, both regulatory and judicial.

“The repatriation of environmental policy as a result of Brexit presents opportunities and risks, which we explore in the remainder of this report. But what must not be underestimated is the scale and complexity of the task of repatriating environmental policy, and its profound implications for domestic governance as well as for domestic law.”³²

51. It is thus unsurprising that several submissions to the 2017–19 review of committees advocated the establishment of a sessional committee on the environment.
52. In June 2019 Parliament passed legislation requiring the government to reduce the UK’s net emissions of greenhouse gases by 100% relative to 1990 levels by 2050. The agreement of this net zero 2050 emissions target has been accompanied by increasing public concern about global biodiversity loss and ecological crisis. Baroness Hayman, supported by 13 colleagues and other

31 HL Deb, 24 January 2017, [cols 97GC–102GC](#)

32 European Union Committee, *Brexit: environment and climate change* (12th Report, Session 2016–17, HL Paper 109)

members of the Peers for the Planet Group, made a detailed submission for a permanent Lords committee on climate change,³³ citing the following reasons in support of this:

“Accountability: Parliament and the public need to be satisfied on the adequacy and resilience of the Government’s response to these crises and its ability to deliver the action required. They need to be assured that decisions are based on firm evidence; that associated (and dynamic) risks are considered; that solutions are adequately funded (including, where necessary, over a period of years), and that the costs will be fairly distributed. There is also a need to examine UK planning and preparedness for climate change, including emergencies like flooding and drought.

“Leadership: The House of Lords has an unprecedented opportunity to play—and be seen to play—a critical leadership role on these defining issues of our time. Historically the UK has led global efforts in this field and a permanent committee would build on this. Its work would benefit the UK but could also attract significant global stakeholders and offer blueprints for other countries to emulate in their own net zero/nature policies and roadmaps prior to, and in the years following, COP 26 (and other key international moments such as the CBD,³⁴ G20, G7 etc).

“Policy coherence and the scrutiny gap: Achieving net zero and biodiversity targets requires consideration of systems-level issues, policy synergies and trade-offs. Yet there is incoherence in how these issues are being prioritised within departments, by public bodies, regionally and between UK nations. Policy discussion is siloed within ‘traditional climate fields’ (i.e. energy and environment) and/or sector-specific fields (e.g. finance, transport, housing) and the Parliamentary system reflects this problem: While ad hoc topic inquiries are possible in the Lords, there is no committee able to take the systems architecture view required. In the Commons, committees are, by definition, focused on specific Departmental responsibilities. A cross-departmental climate/ecology focus would complement rather than compete with the House of Commons. The Institute of Government recently concluded that “Parliamentary scrutiny of government performance on climate change is weak” and recommended a dedicated net zero committee to hold government to account.

“House strengths; expertise and continuity: Peers have extraordinary breadth and depth of knowledge and experience in areas where a climate/ecology lens is essential to prevent climate and ecological crises, including physical/behavioural science, technology, business, innovation, health, education, finance, defence and security, diplomacy, public service and politics itself. Members’ diversity, longevity and convening power are valuable for these urgent, cross-cutting, long-term, challenges, that range from local to global in nature. A permanent committee would provide continuity and expertise across the next critical decade and could focus at different times on particular aspects of what is, as we know, a very broad set of issues.

33 Letter to the Senior Deputy Speaker from Baroness Hayman supported by 13 colleagues and other members of the Peers for the Planet Group, 28 October 2020: <https://committees.parliament.uk/publications/3963/documents/39852/default/>

34 The Convention on Biological Diversity.

“Reputation: A climate change and biodiversity committee would resonate strongly beyond the Westminster bubble and demonstrate the value and relevance of the House to citizens. The subject matter needs to invite diverse opinions, including from all parts of the UK, from underrepresented groups and younger generations. Conversely, a perceived failure to address these issues could attract public criticism given their importance to voters.

“Political, cross-party cooperation: The UK has, to date, avoided the worst of partisan division characteristic of climate policy in other countries, but this cannot be taken for granted: As the challenge to meet net zero becomes harder, Parliamentarians need to ensure there are cross-party, collaborative scrutiny mechanisms/fora in place. Where changes to policy are difficult but necessary, political support and external validation for government will be valuable.

“Engaging a wide group of Peers: Engagement on the floor of the House in recent months shows that this is a topic which many Peers care deeply about and wish to participate in.”³⁵

53. We agree with Baroness Hayman and others that the case for the establishment of a sessional committee to scrutinise these matters is compelling. In keeping with the broad remits of thematic House of Lords committees, and conscious that the current remit of the EU Environment Sub-Committee is not limited to climate change, we consider that this committee should undertake scrutiny of the environment and climate change. This remit includes biodiversity.
54. *We recommend the appointment of a sessional committee on the environment and climate change, to start work in April 2021.*

Industry and regulators committee

55. Another major consequence of the UK leaving the EU is the change in the regulatory framework. The question of parliamentary accountability over the “regulatory state”, including the number and scope of regulatory bodies, has been repeatedly raised in the House of Lords, including by the Constitution Committee in its report, *The Regulatory State: Ensuring its Accountability*.³⁶ The Constitution Committee highlighted several issues including: scrutiny of statutory powers conferred on new regulators; potential duplication or overlap; promotion of good practice; and conformity with OECD guidelines and Nolan principles.
56. The House of Lords Select Committee on Regulators was appointed on 23 November 2006 with a broad remit to “consider the regulatory process”. Confined to a single parliamentary session, that committee was able to look only at the economic regulatory work of the major UK economic regulators. One of its recommendations was that there was “a crucial need for greater parliamentary oversight over regulatory bodies”,³⁷ and the recommendation that if it proved impossible to set up a Joint Committee to scrutinise these,

35 *Ibid.*

36 Constitution Committee, *The Regulatory State: Ensuring its Accountability* (6th Report, Session 2003–2004, HL Paper 68-I)

37 Select Committee on Regulators, *UK economic regulators* (Report of Session 2006–07, HL Paper 189-I)

“we recommend that a sessional Select Committee be established in the House of Lords.”³⁸

57. In the light of the changed circumstances of Brexit, the case for committee scrutiny of regulators is now even stronger. Such scrutiny would not overlap with the work of the Delegated Powers and Regulatory Reform Committee of this House nor any departmental committee of the Commons. Several witnesses to our 2017–19 review highlighted the need for enhanced scrutiny of regulators. Lord Rooker sent us a detailed note advocating a select committee on regulators, arguing that whilst “the conduct and delivery of policy issues is rightly for the Commons ... the scrutiny of the regulator is ideal for the Lords.” He added: “When I was appointed to Chair the Food Standards Agency I enquired about select committee scrutiny and discovered there had been none.”³⁹ The Earl of Kinnoull wrote that scrutiny of UK regulators has “been rather haphazard to date but with the departure from the EU some of the regulators have become very powerful and are quite vital. Examples would be the FCA and the PRA,⁴⁰ but there are many.”⁴¹
58. As well as scrutinising the regulators, however, it is important to scrutinise the areas which they are regulating. This links to a proposal Lord Hollick made in April 2018 to the 2017–19 review of committees for a sessional industrial strategy committee. He argued that a committee
- “... which monitors progress across a broad range of sectors through the lens of skills, investment, infrastructure, innovation and productivity will provide Parliament with an informed analysis of the progress of implementation and the continuing merits of policies being pursued...”⁴²
59. An Industry Committee would play to the acknowledged strengths of the House of Lords which can muster Peers from government, academia and business with deep experience of industry and the formulation and implementation of industrial policy. Many of the Peers who spoke in the debate⁴³ are enthusiastic in their support for an Industry Committee which will place the House of Lords at the forefront of one of the most crucial questions facing the country as we look to improve our industrial performance, growth and productivity.
60. Members responding to the recent invitation to make proposals for new sessional committees also supported the appointment of a committee in this area. Lord Aberdare advocated a committee “to look at the wide range of issues relating to skills, productivity and competitiveness, which are so vital to ‘Building Team UK’ for the post-Brexit, post-COVID future.”⁴⁴ He suggested that this was “an area which gets less attention than it deserves in the House, despite its fundamental importance to the wellbeing of the UK and its individual citizens.”⁴⁵ He wrote:

38 Select Committee on Regulators, *UK economic regulators* (Report of Session 2006–07, HL Paper 189-I)

39 Written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from Lord Rooker ([RIS0010](#))

40 The Financial Conduct Authority and the Prudential Regulation Authority.

41 Written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from the Earl of Kinnoull ([RIS0029](#))

42 Written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from Lord Hollick ([RIS0049](#))

43 HL Deb, 8 January 2020, [cols 12–31](#)

44 Email to the Senior Deputy Speaker, 25 November 2020

45 Email to the Senior Deputy Speaker, 25 November 2020

“These issues are essential for our future success, but have traditionally enjoyed less focus than they deserve and need in government and parliament. They relate to policies on education (at all levels), careers guidance, training, workforce development, lifelong learning, digital skills, industrial strategy, business resilience, and social mobility; and are critical to realising UK opportunities in sectors such as environmental services, cybersecurity and other digital technologies, the creative industries, pharmaceuticals, financial services and others. They are thus relevant to the work of several government departments, as well as to regional and local bodies, including the devolved administrations and local government.”⁴⁶

61. Lord Mountevans made a similar proposal:

“I would like to suggest the formation of a Committee to look at Business, with a particular emphasis on driving growth in the post Brexit and hopefully post Covid era. Growth will be critical if we are to service and at some point pay down debt, to address unemployment and wider our societal problems, to address the challenges and opportunities posed by climate change, to educate and train our young, to defend our nation and play our part in NATO and the world, and no doubt more. A key goal in addressing the above will be to make Britain a great place to base and to transact business.”⁴⁷

62. Other members, including Lord Sharkey, emphasised the need to scrutinise the regulation of the financial services sector as well as industry.⁴⁸ We consider that the case for committee scrutiny of the new regulatory framework and regulators is well made, and that ongoing scrutiny of the UK’s industrial strategy and growth potential is also needed. These areas are closely linked, and would fit in well with the broad remits of thematic House of Lords committees.

63. ***We recommend the appointment of a sessional committee on industry and regulators, to start work in April 2021.***

Justice and home affairs committee

64. Following the appointments in recent years of the sessional committees on International Affairs and Defence and on Public Services, the gap in House of Lords committee coverage in the area of justice and home affairs has become more noticeable. During the 2017–2019 review of committees several members highlighted the case for a sessional committee in this area as part of the thematic structure, including Baroness Kidron,⁴⁹ Baroness Tyler of Enfield⁵⁰ and Lord Stern of Brentford and Alun Evans.⁵¹

46 Email to the Senior Deputy Speaker, 25 November 2020

47 Email to the Senior Deputy Speaker, 26 November 2020

48 See appendix 3.

49 Written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from Baroness Kidron ([RIS0040](#))

50 Written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from Baroness Tyler of Enfield ([RIS0044](#)) and written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from Baroness Tyler of Enfield ([RIS0077](#))

51 Written evidence to the Liaison Committee inquiry ‘Review of investigative and scrutiny committees’ (Session 2017–19) from Lord Stern of Brentford and Alun Evans ([RIS0039](#))

65. Apart from the EU Security and Justice Sub-Committee, which is discussed below, the only sessional committee that addresses some part of this wide field of policy is the Constitution Committee. The Constitution Committee has a clear and long-standing interest in the constitutional aspects of justice policy, in particular the operation of the courts and judicial appointments, and it is expected that these areas would be ‘ring-fenced’ to the Constitution Committee in the event of the appointment of a sessional committee on justice and home affairs. The Constitution Committee has not, though, published major reports on issues such as sentencing, prisons, or probation.
66. The gap in committee coverage is still more apparent in the field of home affairs. The House’s sessional committees do not, other than through legislative scrutiny, address issues such as policing, border controls, migration and asylum policy.
67. Hitherto the bulk of committee coverage of these issues has been provided through an EU-focused lens, by the EU Security and Justice Sub-Committee, which was established in April 2020, bringing together elements of the remits of the former EU Justice Sub-Committee and the EU Home Affairs Sub-Committee.
68. The Security and Justice Sub-Committee’s remit covers the following issues, in which the EU has hitherto had either exclusive or shared competence with the UK Government:
- Criminal justice
 - Judicial co-operation and mutual recognition of judgments
 - Family law
 - Asylum
 - Border controls
 - Police cooperation and data sharing (data protection *per se* was formerly the responsibility of the EU Home Affairs Sub-Committee, but now falls to the Services Sub-Committee)
 - Extradition
 - Foreign policy
 - International development
 - Defence
 - Space
 - Sanctions
 - Intellectual property
69. Even when limited to EU-related scrutiny, this is a very broad remit. Inquiries over recent years have led to detailed reports on issues such as migrant smuggling, the treatment of unaccompanied migrant children, the legality of the EU sanctions regime, data-sharing by EU police and security forces,

mobility of persons, extradition and the General Data Protection Regulation (GDPR).

70. Some elements of the Sub-Committee's remit will fall to existing committees. In particular, the foreign policy, international development, sanctions and defence elements will, once the UK is no longer bound by EU rules, fall naturally to the International Relations and Defence Committee. A number of committees (including the Science and Technology and Economic Affairs Committees, as well as the new International Agreements Committee) would be able to consider intellectual property. Space might be considered by the Science and Technology Committee. That still leaves a substantial range of issues without any significant Lords coverage.
71. There are of course relevant departmental committees in the Commons, notably the Home Affairs and Justice Committees. The predominantly domestic and departmental focus of the House of Commons committees could, however, leave significant space for a more cross-cutting Lords committee, particularly if it sought to retain an international focus. It is therefore suggested that a 'Justice and Home Affairs Committee' would focus on the following issues:
- Policing and the criminal justice system, including sentencing policy and prisons
 - International cooperation in the criminal justice sphere, including extradition and data-sharing
 - Civil justice cooperation and family law
 - Migration, asylum and border control policies
72. ***We recommend the appointment of a sessional committee on justice and home affairs, to start work in April 2021.***

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

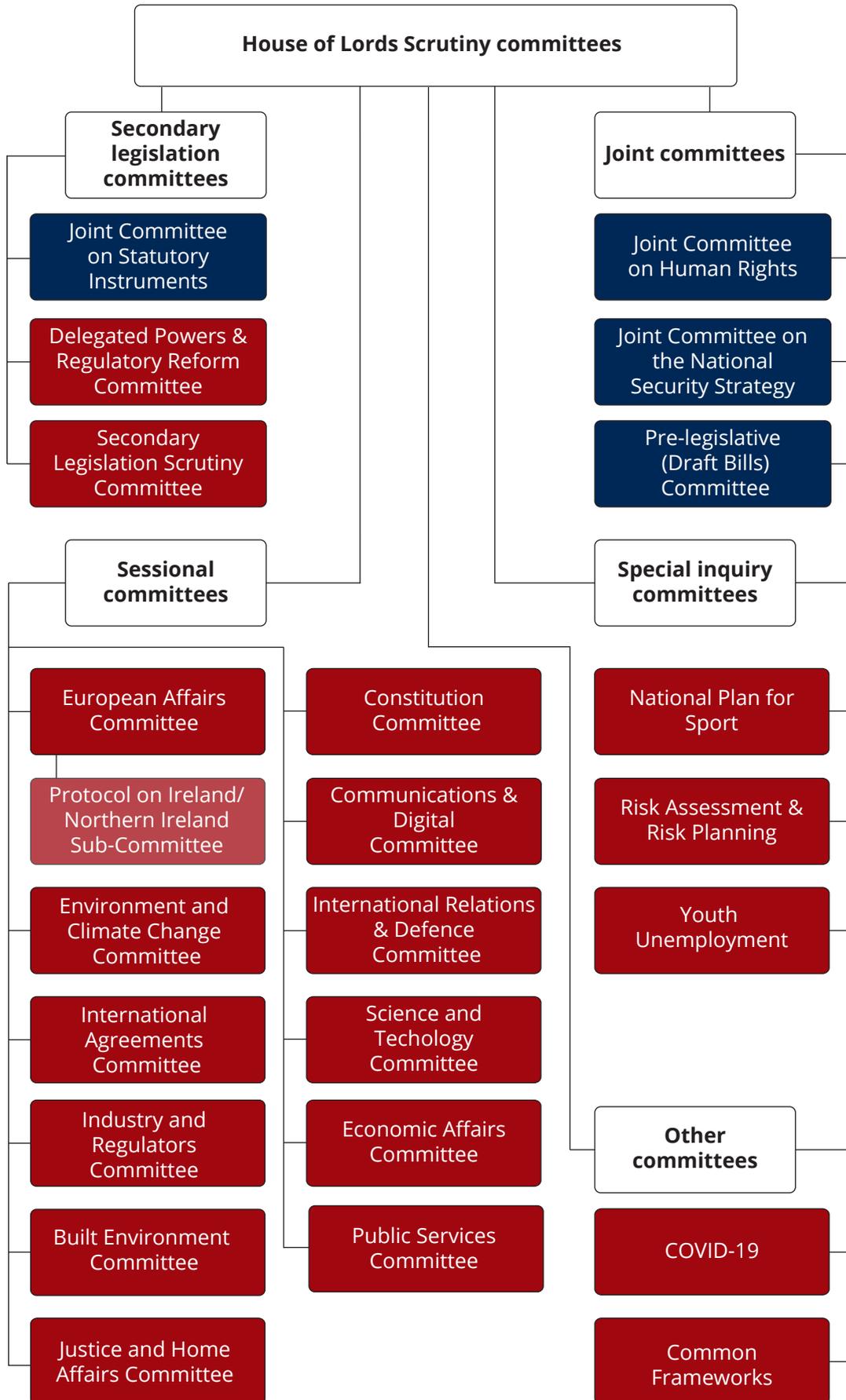
Lord Bradley
 Lord Davies of Oldham
 Baroness Hayter of Kentish Town
 Earl Howe
 Lord Lang of Monkton
 Lord Low of Dalston
 Lord Judge
 Lord McFall of Alcluith (Chair)
 Lord Smith of Hindhead
 Lord Tyler
 Baroness Walmsley

Declarations of interest

Lord Bradley
I refer to my interests in the register
 Lord Davies of Oldham
No relevant interests to declare
 Baroness Hayter of Kentish Town
No relevant interests to declare
 Earl Howe
No relevant interests to declare
 Lord Judge
No relevant interests to declare
 Lord Lang of Monkton
No relevant interests to declare
 Lord Low of Dalston
No relevant interests to declare
 Lord McFall of Alcluith
No interests declared
 Lord Smith of Hindhead
CEO of the Association of Conservative Clubs
 Lord Tyler
No relevant interests to declare
 Baroness Walmsley
Member of Peers for the Planet

A full list of members' interests can be found in the Register of Lords' Interests: <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests>

APPENDIX 2: PROPOSED NEW COMMITTEE STRUCTURE



APPENDIX 3: NOTE FROM THE LIAISON COMMITTEE SEMINAR, 3 DECEMBER 2020

Background to the seminar

The seminar was designed to enable members of the House to feed into the decision-making process surrounding the re-structure and to complement the extensive consultation that took place during the review of committees which reported last year.⁵² Speakers at the seminar were invited to consider ‘*the future of the Lords committee structure post-Brexit and post-COVID-19.*’

The seminar was only for members of the House and was held via MS Teams. Lord McFall chaired the meeting. Panel members were invited to speak on their area of expertise for 5 minutes. Then the floor was opened up for a Q&A discussion.

Panel members and running order

- (1) Lord McFall–Introduction
- (2) Lord Hennessy–General overview of the political landscape
- (3) Baroness Morgan–the post-COVID future
- (4) Baroness Taylor–Response to 2 & 3, and the perspective of a current Committee Chair
- (5) Earl of Kinnoull–the role of a European Affairs Committee
- (6) Baroness Hayman–Environment and Climate Change
- (7) Lord Sharkey–Growth, Industrial Strategy, Regulation
- (8) Lord McFall–Q&A

Summary of discussion

The emerging themes from the panel members’ presentations and subsequent question and answer session are outlined below.

COVID-19 and associated challenges: The social contract, the profound economic and societal shock, national resilience, devolution, national and local powers, trust in Government (low trust in national Government, higher trust in local Government), a desire for change (views on this are divergent), communities and the importance of volunteering, inequalities, wellbeing, changes to working lives and working patterns, employment rights, fake news & misinformation.

The value of the work of Lords select committees: holding the Government to account, the success of virtual committee work, the need to take a long-term view of the role of committees, problem solving, using the expertise of the House, cross-cutting approaches, complementing the work of the Commons by taking a distinctive approach, widening reach amongst the public and worldwide, blue sky thinking and taking a broad overview of future challenges.

European Affairs: documentary and institutional scrutiny, interparliamentary relationships/Parliamentary diplomacy, the Northern Ireland protocol, the withdrawal agreement.

52 Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure* (6th Report, Session 2017–19, HL Paper 398)

Environment and Climate Change: cross-party and cross-cutting global issue, scrutiny of governance in relation to this area, engagement with expertise internally and externally, opportunity to engage meaningfully with young people, the net zero carbon emissions target, strong political will to engage with the issues, biodiversity.

Industrial Strategy and Regulators⁵³: government industrial strategy, productivity, Financial services post-Brexit and associated scrutiny, regulators and their influence on growth & productivity, STEM, regulators post-Brexit, holding regulators to account and monitoring enforcement.

Additional policy areas:

Devolution: the relationships between the devolved nations and mayors and the Government and the handling of these politically sensitive matters,⁵⁴ the UK internal market.

Communities, health and wellbeing: Outsourcing public services and accountability mechanisms, the care sector, wellbeing of future generations, inequality.

International affairs: the global economy and developments in the Asian economy, cyberattacks.

Economic affairs: education and skills gaps, acceleration of AI and the impact on the jobs market, regional disparities of opportunity and ‘levelling up’, the future of the creative industries⁵⁵.

Internal matters that came up

- **External communications**—this was widely commented on by members and strong views were expressed that additional resources, focus and expertise were needed in this area moving forward.⁵⁶
- **Follow up work** - being able to hold the Government to account in regards to the implementation of recommendations and the ability to follow-up on existing work was discussed by a number of attendees.
- **Staff resources** - this was widely commented on by members and strong views were expressed that additional staffing resources were needed.
- **Dialogue between Lords Committee Chairs**⁵⁷: being forward looking and working collaboratively.

53 Lord Sharkey suggested that the terms of reference for such a Committee could be: ‘to consider industry, including financial services and regulatory affairs’.

54 Lady Taylor mentioned that devolution fell into the remit of the Constitution Committee and that they were trying to juggle this alongside the rest of their remit.

55 Creative industries falls within the remit of the Communications and Digital Committee: Some members expressed the view that the creative industries might ‘fall through the gaps’ and felt that consideration of this area was important, not least because of the income that this industry generated for the country.

56 Lord McFall referred to the work of the working group on communications.

57 Lord McFall mentioned the work of the Chairs’ Forum in relation to this.