# The development of scrutiny in the UK: A review of procedures and practice

**by Lucinda Maer and Mark Sandford**

**January 2004**

UCL

**The Constitution Unit**

# *Contents*

# *Introduction*

*"The action of looking searchingly at something; a searching gaze"*
*"Investigation, critical inquiry; an instance of this. Formerly often (now rarely) constitutional."*

(Definitions of 'scrutiny' from Oxford English Dictionary, 1989, from OED Online.)

What is scrutiny? The term has become almost ubiquitous in discussions of the conduct of UK government, and the practice of accountability, in the late 1990s and early 2000s. But explanations of its meaning, and discussions of how scrutiny is done and what its aims are, are less easily available. Any system of scrutiny taking place within a democratic government needs appropriate structures, resources, and practices: and it needs to fit clearly into the constitutional framework within which it works.

This report forms part of a wider on-going investigation into the *practice* of scrutiny at all four levels of government. Up till now there have been a number of guides produced (particularly for local authorities) on how to carry out scrutiny, plus a few reviews of practice in local government and the devolved nations. This publication is intended as an explanatory guide to the history and processes of committee scrutiny at the four different levels of government in the UK. It will be useful to officers and members of each level, to find out about how other layers of government deal with problems and decisions that are similar to their own; and it will be useful to members of the public and of other organisations which have to interact with the scrutiny process.

The word 'scrutiny' can cover a vast range of government and non-government activities. Not all are appropriate, or feasible, to be carried out by elected members of governmental bodies. This research will focus on the processes of scrutiny carried out by *committees* of parliaments, assemblies and local authorities. It will also omit the scrutiny of legislation by standing committees in the House of Commons and the House of Lords, and by subject committees in the Scottish Parliament and Northern Ireland Assembly (though the impact of that aspect of these latter committees' work on their overall achievements will be taken into account). Though this is an artificial boundary to draw, it has been adopted to keep the research programme within manageable bounds. A number of other potential forms of scrutiny are listed in Appendix 1.

Lucinda Maer
Mark Sandford

# Overview and Scrutiny in Local Government

## Introduction

The conduct of scrutiny by local councillors was an innovation in the manner in which local government business is conducted. It was conceived and introduced at the same time as the unique arrangements at the Greater London Authority. It also closely followed the creation of the devolved institutions, part of whose remit was to establish committees which have policy and scrutiny responsibilities.

The use of the concept of 'scrutiny' by the Government, in introducing their reforms of local government political management structures, testifies the extent to which scrutiny was a mainstream idea by 2000. But in local government reform it was the power of the executive, rather than the importance of scrutiny, which drove reform.

In considering local government within this project we are only looking at local government in England and Wales. The legislation which created the overview and scrutiny role for councillors did not apply to Scotland or Northern Ireland. It is also important to remember that each council established its own structures within the boundaries of the legislation, and hence each council's scrutiny structures are unique.

## A short history of Overview and Scrutiny

The introduction of a scrutiny role in local government was one of a number of measures in a comprehensive package of reform. The Government published a discussion paper in 1998, *Modernising Local Government: Local democracy and community leadership,*[1] and a White Paper, *Modern Local Government: In touch with the People,*[2] in 1999. The proposals covered a range of issues, reflecting a wide focus on 'modernisation', of which scrutiny was only one part:

- The separation of the executive and 'back-bench' functions of local authorities.
- reform of elections, including introduction of postal voting, early voting, and electronic voting;
- encouraging councils to take a 'community leadership' role, recognising their reduced role in service provision, and providing a power of general competence to assist in this;
- replacing compulsory competitive tendering with the Best Value regime;
- encouraging greater public participation in decision-making, including the introduction of area committees.

Local government before the Local Government Act 2000 was organised in a committee structure with most members sitting on powerful decision-making committees. Party membership of committees was proportional to party strength on the full council. This frequently led to parties which held a numerical majority on the council (and hence on each committee) agreeing a position on agenda items prior to the committee meeting, and using their majority to vote it through: hence political debate amongst members was frequently curtailed. Opposition party members would be unable to affect those decisions in meetings.

> *"The way local government currently operates with its traditional committee structure is inefficient and opaque. This committee system was designed over a century ago for a bygone age; it is no basis for modern local government."*[3]

The Local Government Act 2000 created an 'executive—backbench split' within the council. A small executive would be formed from the majority party, the rest of the members would have the opportunity to take part in 'overview and scrutiny'. The aim of this was to make executive decision-making faster and easier—"the electorate…need to be able to identify clearly who is holding the reins."[4] *Modern Local Government* proposed three forms of political

---

[1] DETR, *Modernising Local government: Local Democracy and Community Leadership,* HMSO, London, 1998.

[2] DETR, *Modern Local Government: In touch with the People,* Cm 4014, 1998.

[3] DETR, *Modernising Local Government: Local Democracy and Community Leadership,* HMSO, London, 1998, p.29.

[4] DETR, *Modernising Local Government: Local Democracy and Community Leadership,* HMSO, London, 1998, p.31.

management arrangements with a clear divide between executive and scrutiny functions. These were: an elected mayor and cabinet; an elected mayor and council manager; and a leader and cabinet. These options would accept the reality of majority-party rule on a council, but at the same time give opposition parties and majority party 'back-benchers' a clear role in policy-making and examination. The government guidance states:

> *"Splitting these two roles would mean that it would no longer be possible for councillors to disclaim responsibility for corporate decisions... Councillors who have played no direct part in the decisions taken will have a clear explicit responsibility to review and question those decisions, whether or not they belong to the same party as the executive".*[5]

## Legislative Framework

The Local Government Act 2000 provides the basic legislative framework for the committees. However, each council must have its own constitution which governs the details of their own structural arrangements. New council constitutions had to be in place by July 2002. New constitutions must define 'key decisions' and the workings of the 'call-in' procedure (see below). They are also likely to specify the structures of the authority's scrutiny committees. Most authorities have chosen one of the following kinds of structure:

- committees that match the executive members' portfolios;
- committees that match the authority's service directorates;
- cross-cutting/thematic committees which match neither portfolios or directorates;
- a single scrutiny management committee which establishes 'task and finish' or ad-hoc committees to carry out specific enquiries;
- in some local authorities, the restriction of their small size means that a single scrutiny committee carries out all scrutiny work.

## Structural Issues

### Committees, sub-committees and ad-hoc working groups

The Local Government Act 2000 stipulates that local authorities must set up at least one overview and scrutiny committee. The committee(s) can compel members and officers of the local authority to appear before them—but no-one else can be compelled.

Committees may set up one sub-committee each and may co-opt non-voting members on to either themselves or their sub-committee. Many councils have one Overview and Scrutiny Co-ordinating Committee that acts as a co-ordinating body, and then a number of sub-committees which mirror cabinet posts or council directorates, or look at cross cutting issues. The overarching committee may be a very large committee, with the sub-committees being smaller.

The overview and scrutiny committee can also set up time-limited ad hoc working groups to look at specific issues. Usually these are very small units—with up to eight members. These groups tend to do investigative work, hearing from stakeholders, taking evidence, and going on site visits.

### Membership and Chairs

The Local Government Act does not specify that committees must be chaired by members of a range of parties. It is a feature of House of Commons select committees that chairs are divided proportionately according to party representation, but this is a convention rather than being laid down by standing orders. In some local authorities this convention is also taking hold, but in others governing party members chair all committees.

Scrutiny committees dealing with education matters must co-opt between 2 and 5 parent government and Church representatives as voting members.

---

[5] DETR, *Modern Local Government: In Touch with the People,* HMSO, London, 1999, p.26.

## Resources

### Officers

As local authorities are bodies corporate, their officers serve all of their members. Under the 2000 Act, the executive is not a separately constituted body but results from an administrative division within the council. The Act does not oblige councils to distinguish between officers who work on executive and scrutiny issues. However, most guides suggest that some kind of distinction needs to be drawn: "officers who provide direct support and advice to the [scrutiny] committee must be independent of the management of the department".[6]

Where committees do have dedicated officer support, these officers provide all the support for the committees. Even the largest authorities have no more than ten officers working on scrutiny, and frequently these officers have other responsibilities. These individuals therefore need to be able to grapple with vast amounts of detailed knowledge. This is the reverse of the situation at Westminster where generalist MPs are supported by specialist committee staff whilst they themselves build up knowledge.

### Press and PR

The lack of resources available to committees severely limits the capacity of committees to manage their own media relations effectively. Few councils have tried to set up a media capacity for scrutiny as distinct from the council, often feeling that the distinction is of little interest to the electorate. However, committees often have the benefit of space awarded to them in the council newsletter.

### Member training

Government guidance emphasises that members of scrutiny committees should be "given adequate training to adapt to their new roles".[7] Training is provided by a number of organisations such as the Improvement and Development Agency and the Office for Public Management. Councillors also make visits to watch select committees at Westminster at work. There are networks developing within each region through which scrutiny officers and members can share their experiences, although the strength of these networks is variable.

## The work of Overview and Scrutiny Committees

### Reviewing and questioning decisions

As well as reviewing and questioning past decisions taken by those with executive responsibilities, committees also consider the budget proposed by the executive, proposing amendments and voting on the final budget. The executive will often consult and involve the relevant overview and scrutiny committees in developing draft policies to proposed to the full council. As such, many committees find that reactive work can take up most of their time.

Government guidance suggests that scrutiny committees should examine cross-cutting issues "rather than a narrow service-based view of the conduct of the local authority's business".[8] The aim behind this recommendation is that scrutiny committees' choice of subjects should be related to the public's experience of council services, not solely on authority directorates or cabinet members' portfolios. This encourages a more pro-active approach. Guidance also suggests that the issue of whether 'policy development' and 'scrutiny' should be carried out by the same committee is a matter of choice. Some councils distinguish between the 'policy development' (overview) and 'scrutiny' functions to the extent that they have different committees to deal with each.

Committees are also tasked with reviewing "the policies and direction of the council, proposing changes and submitting policy proposals to the executive."[9] This suggests that the Government intended scrutiny committees to have a stronger involvement in policy formulation than is normally associated with the word 'scrutiny'. It is analogous to the role of forward planning and scoping of new policies, referred to as 'policy development' in the devolved bodies.

---

[6] Sue Charteris and Paul Corrigan, *Developing Your Council's Scrutiny Role*, LGIU/IDeA, London, 2000, p.36.

[7] See Transport, Local Government and the Regions Select Committee, *How the Local Government Act 2000 is Working,* HMSO, London, 2002, para. 37.

[8] Local Government Act 2000.

[9] DETR, *Modern Local Government, In touch with the people*, op. cit., p. 33.

### Call-in

Overview and scrutiny committees may demand that any executive decision with which they are unhappy be called in for consideration by scrutiny. This power is not available to the full council itself. A call-in would mean that the decision was suspended until it had been considered, and either passed or rejected by the full council.

### Key decisions

The Act also gave the full council the right to be informed in advance of 'key decisions'. These are defined in secondary legislation as executive decisions which are likely to: "(a) result in the local authority incurring expenditure which is, or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority."[10]

### Best Value Reviews

The scrutiny role is explicitly linked to the Government's Best Value regime on the fact of the 2000 Act. Best Value is a system of annual internal review of local authorities' service provision, to ensure good quality public services are provided by the most efficient means possible. Scrutiny committees are given the power (but are not obliged) to carry out best value reviews on behalf of the authority.

There are clear synergies between the overview and scrutiny process and the Best Value process. Both are concerned with improving performance through internal review. By the time of the passing of the 2000 Act and consequent guidance, the Government clearly expected councils to run both processes alongside one another: the Guidance suggests alternatives of giving responsibility for best value reviews to a scrutiny committee, or of constituting a joint committee of scrutiny and executive members. The involvement of the executive is valid because the statutory responsibility for Best Value rests with the Council as a whole.

### External Scrutiny

*Modernising Local Government* proposed a wider scrutiny role for local authorities:

> "The scrutiny role could also extend to other bodies operating in the authority's area. It might help ensure that the policies of quangos or bodies funded by the authority and those of the council and its executive were complementary and pulling in the same direction."[11]

The Health and Social Care Act 2001 (s7) allowed local authorities to constitute scrutiny committees to examine the work of health organisations in their area: to set up joint committees with neighbouring local authorities or joint committees between county and district authorities for the same purpose; and for county and unitary authorities to require persons and papers from health authorities. These powers became available from April 2003. However, some authorities had already begun to experiment with the new power in anticipation of its formal existence, with the co-operation of relevant health authorities.

## Procedure

### Work-plan

Government guidance emphasises that scrutiny committees should put together a forward work-plan. The work-plan must incorporate key decisions that it is known that the cabinet will be taking over the up-coming period. The variation between workplans (and indeed work) of committees in different authorities is huge. Some authorities give the responsibility for best value to their scrutiny committees, which may take up a considerable quantity of available time. Others incorporate scrutiny into the policy-making process. Still others permit scrutiny to range around cross-cutting issues and largely choose their own subjects.

### Setting the agenda

Section 21 of the Act provides that any member of the scrutiny committee may place an item on the agenda. In practice, the chair, vice-chair and

---

[10] S1 2000/3272 s.8.
[11] DETR, *Modernising Local Government: Local democracy and community leadership,* p.32.

the officer usually put the agenda together. The cabinet also often asks the committee to look at a particular decision or look into a specific area.

### Soliciting and taking evidence

In investigating subject areas, and in questioning and reviewing the decisions of the cabinet, committees, sub-committees and ad-hoc groups take evidence from officials, cabinet members, stakeholders and service users. Oral evidence is not transcribed. Officials take minutes but these are not verbatim. A lot of evidence is taken outside the council chamber with councillors interviewing service users. However, for some committees who do little pro-active work or policy development, their only witnesses are officials who much in the same way as the previous committee system, present reports which are nodded through by the committee.

### Reports

The emphasis for many committees is not on producing a final report, but on producing recommendations. Committees may spend a session interviewing officers over the budget. The session may produce recommendations to cabinet but not a report in the traditional sense of the word. Reports are more likely to be written by committees doing investigative work where evidence is presented along with structured recommendations. Reports are prepared by the clerk and are agreed by the committee before being presented to cabinet. Cabinet has no obligation to respond to reports and recommendations in the 2000 Act, however, there may be obligations written into individual authority constitutions.

### Inter-party co-operation

The Government's intention for scrutiny committees was that, as far as possible, party politics should take a back-seat to non-partisan examination of local authority policy. Government guidance states:

> "Although this is a matter for political parties to consider, both locally and nationally, the Secretary of State believes whipping is incompatible with overview and scrutiny and recommends that whipping should not take place".[12]

However, there are no actual sanctions against whipping and, as Snape states: "criticising colleagues from the same party goes against an innate party self-discipline and the whole tradition of party group behaviour".[13]

# Evaluation

### The Literature

The literature produced so far on local government scrutiny divides into two types. There is a range of practical guides which appeared shortly after the passing of the 2000 Act, produced by consultancy services keen to plug into a new market. The other type of literature analyses how local authorities have handled the scrutiny role, and provides examples of best practice.

### Frustrated Backbenchers

> "Common complaints from backbenchers centre on the lack of information about what is happening and the lack of 'things to do'."[14]

The literature indicates that non-executive members have been slow to adapt to the new scrutiny structures. But some aspects of the new system hinder their doing so. For instance, information about decisions and council plans is not always circulated to all councillors. A Select Committee report on the 2000 Act stated that "This loss of information and contact with officers makes it much harder for councillors to intervene on their constituents' behalf and to undertake their 'community leadership' role. All councillors should have equal rights to information from officers".[15] Clearly, it is hard for councillors to play the roles of representatives and community leaders, which the new arrangements were intended to aid, without access to information about what their own council is doing.

---

[12] DETR, *Guidance on New Council Constitutions*, 2000, para. 3.44.
[13] Snape, 2002, p.42.
[14] Snape, 2002, p.75.

## A new political culture in local government?

The new constitutional structures require politicians to suspend their party politics in pursuit of a higher goal. If executive members and scrutiny members choose to create an aggressive relationship, or continually divide committees along party lines, scrutiny will not work effectively. Scrutiny also relies on the executive being open to criticism. This adds up to a shift in the culture of local governance. Corrigan describes it thus:

> "If we want overview and scrutiny to really affect the way in which local authorities work, then it needs to become a part of its culture... The whole aim of scrutiny is to create, within the political management of each authority, a culture of public monitoring of all activities... [To this end] the leader of the council must demonstrate on a regular basis that she or he expected that the decisions and policy will be publicly questioned... [and] time and resources need to be given to the process of training and development."[16]

[15] Transport Local Government and the Regions Select Committee, *How the Local Government Act 2000 is Working,* 14th report, 2001–2002, para. 29.
[16] Paul Corrigan, *Overview and Scrutiny: A Practitioner's Guide,* IdeA, 2000, p.9.

# Scrutiny Committees in the Greater London Assembly

## Introduction

In comparison with Scotland, Wales and Northern Ireland, the GLA's powers, budget and influence over policy-making in London are very thin indeed. Vast areas of competence remain with central government: the GLA accounts for some 7 per cent of government expenditure in London.

Moreover, the design of the Authority is a unique experiment in UK governance, Covering a territory whose status has long been contested—a city or region or both?—the GLA is divided between a mayor—a single person executive—and a 25-member Assembly with the specific task of scrutinising the mayor. In the GLA, scrutiny is not just one function of the Assembly but *the* function. It is inevitable, then, that 'scrutiny' has taken a very different form in the GLA to the other institutions in this study.

This is not to say that 'scrutiny' was any better approached or thought through with regard to the GLA. Little clarity existed as to how a scrutinising Assembly with very little sanction over the Mayor (other than defeating his budget on a super-majority) would work. It is perhaps unsurprising that the GLA has gone through three committee structures in its first three years. This is clearly a symptom of an authority created to carry out a function to which its members and officers had had little opportunity, or means, to give sustained prior thought.

This chapter contains a fuller 'history' section than the other chapters because the learning process that the Greater London Assembly went through enables other bodies in the UK to learn from their experiences.

## A history of the committees in the GLA

### The first committee structure—May 2000

The Assembly began with the following six scrutiny committees (and memberships):

- Transport and Spatial Development (9)

- Transport Operations Scrutiny Committee (6)
- Environment and Sustainability Committee (6)
- Economic Development Committee (9)
- Planning Committee (an advisory committee) (6)
- Budget Committee (and Audit Panel) (6)

There were also three business committees: an Appointments Committee, and Standards Committee, and the Standing Orders Committee itself (which was short term only). A Bureau of Leaders was also created which had regular meetings. This consisted of the Chair and Deputy Chair of the Assembly with the four Group Leaders.

The Assembly shaped its own organisation largely around the Mayor's strategies. Despite the emphasis throughout the development of the London Assembly on cross-cutting scrutiny, the committee structure meant that its work closely mirrored that of the Mayor. For instance, the Transport and Spatial Planning Committee focused on the relevant strategies and monitored their implementation. The lack of committees with responsibilities for public services, culture and sport, and poverty and social exclusion was clearly problematic. In order to deal with this, the Assembly set up a number of ad hoc working groups to deal with issues as they arose and to carry out cross-cutting work.

Many members of the Assembly were serving on one or more functional body, and some had been appointed by the Mayor to be part of his advisory cabinet. All meetings of these groups took place during the daytime, with Monday and Friday reserved for constituency business. Together with the proliferation of ad hoc groups, the result was severe diary congestion. Provisions to have substitute committee members did not enhance the scrutiny function as it disrupted the continuity of scrutiny investigations.

A Working Group on Structure and Organisation was established by the Assembly on 10 January 2001. The report did not propose any radical changes to the number of committees or type of committee. The main change which followed this

review was the creation of a scrutiny management committee. The committee would consult committee chairs regularly and monitor the totality of the Assembly's scrutiny work. It would develop the budget bid and allocate the resources. This new committee would be aligned with the Bureau of Leaders in order to minimise the extra demand on members' time. The Working Group produced a set of guidelines which detailed what the Management Committee should be looking to the other committees to produce. However, although these guidelines are useful, the Management Committee was only going to meet quarterly so the capability for the committee to be able to take real control over the scrutiny committees, to get to the proposed mix of outcomes and objectives, was always going to be limited.

The failure to tackle the fundamental problems with the committee process meant that by December 2001 the Assembly had five standing scrutiny committees, the scrutiny management committee, an appointments committee and eleven ad hoc committees. There was no statement agreed by the Assembly of the respective functions of standing and investigative committees. The latter were often created with almost identical memberships of the relevant standing committee as investigative committees had a smaller quorum. This created problems of comprehensibility. There were, from an outsider's perspective, a vast number of committees which appeared to have overlapping responsibilities. These ad hoc committees were created following meetings of the Scrutiny Management Committee, but as this committee met only quarterly they were not able to follow the news agenda at an appropriate pace, or set the news agenda. With no standing committee to follow up investigative reports in these areas, vital parts of the scrutiny process were lacking. Also, the reliance on ad hoc committees meant that members could not plan their diaries for the year as there was no way of knowing when such committees would be needed.

In 2002 the Assembly commissioned a review of the changes introduced in 2001. The result was a far more comprehensive shake-up of the committee system. A system of standing committees was created to cover all subject areas which came within the scrutiny remit of the Assembly should be established. The committees would all have a slot available to them for a meeting every other week to ensure that "flexibility, responsiveness and momentum" would be given to scrutiny work.[17] The committees would be cross-cutting in that they would not all monitor one functional body, but they would still be comprehensive enough for ad hoc committees only to be required in the "most exceptional of circumstances."[18]

## Constitutional Framework

The GLA was established by the Greater London Authority Act 1999. The GLA is made up of a directly elected Mayor and a separately elected Assembly. The Mayor has an executive role, making decisions on behalf of the GLA. The Mayor appoints the boards and sets the budgets of four functional bodies: the Metropolitan Police Authority; the London Fire and Emergency Planning Authority; the London Development Agency; and, Transport for London. The Assembly scrutinises the Mayor's activities and questions the Mayor's decisions. The Assembly can overturn the Mayor's budget with an overall majority vote.

The Standing Orders of the London Assembly govern the operation of its committees, although the number and size of committees is left to the Assembly itself to decide.

> *"The number of committees which the Assembly decides to establish, and the number of members of those committees and sub-committees, subject area and terms of reference and the members' terms of office, shall be decided by the Assembly."[19]*

The Standing Orders identify the documents that Assembly committees can request, and people who can be required to attend meetings. These are outlined in sections 61 to 64 of the Greater London Authority Act 1999 and include staff of the authority and it functional bodies, and members of its functional bodies.

[17] Greater London Authority, *Report of the Structure and Organisation of the London Assembly Working Group*, April 2002, s3.1.1.
[18] Ibid., s3.1.2.
[19] Standing Orders of the London Assembly, 8.1.

# Structural Issues

## Number and size of committees

The structure currently used by the London Assembly is:

- Budget Committee—(8 members)
- Public Services Committee—(6 members)
- Culture, Sport and Tourism Committee—(6 members)
- Environment Committee (6)
- Health Committee—(6)
- Planning and Spatial Development Committee—(6)
- Transport Committee—(9)

The following committees (which are not scrutiny bodies as such) also exist:

- Business Management and Appointments Committee (9)[20]
- Audit Panel (4)
- Standards Committee (6 + Mayor + 3 independents)

## Membership

Every member of the Assembly is entitled to sit on at least one committee. All of the 25 members sit on between two and four committees. The membership of the committees is politically balanced according to the seats in the Assembly. There is provision for substitute members, whose names are agreed by the assembly. Up to two substitutes per group per meeting are allowed.

Because many members of the Assembly also sit on the functional bodies of the Greater London Authority, the Standing Orders also stipulate that "A member shall not be the Chair of a committee with a remit to scrutinise a function of power of the Mayor, or; a function or power of a functional body, which that Assembly Member either directly or as a member of a functional body or as a member of another body exercises or assists in the exercise of the function or power". However, it does not prohibit membership of the committee of people who may have such potential conflicts of interest.

## Attendance

The quorum of the committees of the London Assembly is half of the members of the committee. If a quorum is not present within 15 minutes of the time when the meeting was due to commence, the meeting is abandoned.

## Subcommittees and ad hoc working groups

Subject to the agreement of the full Assembly, every committee appointed by the Assembly may appoint working groups or sub-committees to carry out their remit as may be specified by the committee. The appointment of the Chair and Deputy Chair of a sub-committee shall be by the committee or may be delegated to the sub-committee.

From April 2002, ad hoc working groups were no longer appointed. The Structure and Organisation of the London Assembly Working Group (SOLA) 2002 stated that "There would be no ad hoc investigative committees established except in the most exceptional of circumstances." The Assembly had been able to establish small ad hoc working groups to carry out investigative work. These groups had around four members. Work done by such groups included 'Future Major Events in London' which considered the cancellation of the New Year's Eve events in 2000. However, as mentioned above, the reliance on these small groups caused diary log-jam and confusion as they proliferated greatly. This problem was compounded by the small size of the Assembly and the various other commitments of the members on functional body boards and at other levels of government.

In the second phase of the scrutiny structures, guidance was given on the circumstances where a scrutiny should be conducted by a rapporteur. One such scrutiny has been carried out: John Biggs, a Labour assembly member, carried out a piece of work on access to the Thames foreshore, which was published in July 2003. The review instead suggested that a scrutiny committee could resolve that the Deputy Chair, or another member, could take the chair for all proceedings relating to a particular scrutiny,

---

[20] The Business Management and Appointments Committee is a result of merging the Scrutiny Management Committee and the Appointments Committee. As the GLA is now established, most posts are filled, and hence there is less work for an Appointments Committee to do.

including the planning of the scrutiny, evidence sessions, and the discussion of the report.[21]

### *Business Management and Appointments Committee*

The Business Management and Appointments Committee decides on issues of principle and process in scrutiny, to be followed by all standing committees as they arise. Previously there had been a separate Scrutiny Management Committee that had decided on the work programmes of the committees, but under the 2002 re-organisation the committees were given the authority to decide on their own work programme. A delegated budget is available to committees up to an agreed limit of £25,000 per piece of work. Frequently this is used to commission research by consultants. The Business Management and Appointments Committee keeps a watching brief on committees' spending, and may step in if a committee is spending an excessive amount. The Business Management and Appointments Committee is the nearest equivalent in the Assembly to a liaison committee, co-ordinating the work of subject committees.

## Resources

### *Committee staff*

Each committee has between one and three dedicated scrutiny managers. This is a particularly high level of resource, comparable to the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly. However, the London Assembly has only recently begun to build up a significant library capacity.

### *Specialist Researchers*

The Business Management and Appointments Committee also suggested the introduction of an Experts Advisory Group which would comprise Londoners known and respected in their field, and willing to provide their expert knowledge to the Assembly in order to strengthen the quality of the outcomes from Assembly scrutiny work. This idea was not implemented. Special advisers are used by committees, but normally on the basis of tendering for a small research contract. It is less

common to hire an individual expert on a per diem basis, as is done in Parliament. Discussions are under way around the possibility of setting up ongoing relationships with specialists.

### *Press staff*

The London Assembly has tried to build up a separate profile for itself to that of the Mayor of London. On the Greater London Authority website there is a clear division between the Mayor and the Assembly. The Assembly has a press staff of four, with one senior officer and three others taking on issue-based portfolios.

### *Time*

The SOLA Working Group 2002 stated that:

> *"Scrutiny must be able to respond promptly to events and issues as they emerge. This may well mean organising evidence sessions with only a week or two's notice followed by the swift production of a report. This is vital both to capture media interest and to convince Londoners of the relevance of the Assembly's activity. The Assembly's scrutiny work appears to be following rather than making the news agenda."* [22]

In order to rectify this SOLA's recommendation is for each standing committee to have a regular 'slot' in the Assembly's work programme, every two weeks, to ensure flexibility, responsiveness and momentum to its scrutiny work. It would be up to the committee to decide how many of such slots to fill with meetings. In practice, committees tend to meet around once a month.

### *Training*

The SOLA Working Group 2002 makes reference to "demand from Members for training in various skills relating to the scrutiny function". As well as promoting training for members, the working group pointed to the importance of briefing members in advance of evidence sessions.

---

[21] Standing Orders of the London Assembly, Appendix 1.2.
[22] SOLA Working Group 2002, 3.11.

## The work of committees

The Report of the 2001 working group provides a very useful definition of scrutiny. It states that it will be used "as a general term to cover reviews of the Mayor's strategies, pre- and post-implementation reviews of matters addressed by the Mayor's strategies, the work of the investigative committees, and ad hoc investigations of matters of concern to Londoners."[23] It also established Principles of Scrutiny, which were adopted by the Assembly. These are:

- *"An aim for action—An Assembly scrutiny is not an end in itself. It aims for action to achieve improvement.*
- *Independence—An Assembly scrutiny is conducted with objectivity; nothing should be done that could impair the independence of the process.*
- *Holding the Mayor to Account—The Assembly rigorously examines all aspects of the Mayor's strategies.*
- *Inclusiveness—An Assembly scrutiny consults widely, having regard to issues of timeliness and cost.*
- *Constructiveness—The Assembly conducts its scrutinies and investigations in a positive manner, recognising the need to work with stakeholders and the Mayor to achieve improvement.*
- *Value for Money—When conducting a scrutiny the Assembly is conscious of the need to spend public money effectively."[24]*

The work of the committees divides into scrutiny of Mayoral strategies such as congestion charging; responses to events such as the Chancery Lane derailment in 2003; and investigations into issues which are of particular interest to Londoners but fall outside the direct remit of the GLA, such as infant immunisation.

### Holding the Mayor to Account

The Mayor of London is not a member of the London Assembly. Mayor's Question Time provides a special procedure to ensure that the Mayor has to account for his actions and decisions to the Assembly. There are ten Mayor's Question Times a year. The London Assembly website gives the public an opportunity to submit questions for members to ask the Mayor. The Mayor also produces a written report to present at each of these meetings. There is also an opportunity for the public the quiz the Mayor at 'People's Question Time'. People's Question Time takes place twice a year and gives Londoners the chance to ask the Mayor of London, and the London Assembly, about their plans, priorities and policies.

## Procedure

### Soliciting and taking evidence

Oral and written evidence are obtained by similar means to those used in Parliament. Committee clerks write to all the relevant organisations that they are aware of, and advertise the enquiry that is underway in GLA publications. Oral evidence is invited from a subset of those who reply, at the discretion of Committee members. The GLA's statutory responsibility to promote equal opportunities has obliged the Assembly to try to find ways of obtaining a more inclusive and rounded response to committee enquiries. For instance, research for an enquiry into graffiti identified young people as being particularly concerned with the problem, and a targeted consultation of young people was therefore carried out. The Assembly is still developing methods of inclusion for its committee work.

Briefing papers are written by scrutiny managers and then circulated to all committee members at least five days before the meeting they relate to. These are accompanied by an informal meeting "where all Members of the Committee and the scrutiny manager/consultant can discuss the brief, explain questions, agree a strategy for the evidence session, and suggest further questions and supplementaries."[25]

### Events

The SOLA 2002 Group stated that:

---

[23] Greater London Authority, *Structure and Organisation of the London Assembly—Report of the Working Group*, April 2001, s3.5.
[24] Ibid., s7.1.
[25] SOLA Working Group 2002, 5.1.5.

*"Events should also be encouraged as part of the scrutiny process. These might include seminars, committee meetings away from City Hall, discussions with local residents' groups or pressure groups etc. Such events are a vital component of the Assembly's task to represent Londoners, and in particular those too often unheard or ignored in the past. Any such event should be able to demonstrate how it could provide important evidence for the scrutiny process."[26]*

Events have played a key part in the work of the committees and have had a variety of purposes and have taken a many different forms. For instance, in September 2002 the Assembly's Culture Sport and Tourism Committee hosted a forum to discuss its report on London Stadiums with key stakeholders including supporters, and the Environment Committee held an Environmental Youth Conference for London.

### Writing reports

Final reports of committees will not automatically need to go to the Assembly for formal approval. However, a member of a Committee may refer the report to the Assembly, either for specific endorsement or to bring it to the attention of other members. This has only been done once so far, with the report into the derailment at Chancery Lane underground station.

### Minority reports

Voting at a meeting of a committee is by show of hands. In the case of an equality of votes, the Chair of the meeting shall have the casting vote. It states in the standing orders that "Minority views must be recorded in any report on in a separate minority report".[27]

## Impact of the committees

The Greater London Assembly is a scrutinising body which has no sanctions over the Mayor. Although committees in other UK bodies also, as stand alone bodies, hold no real power, their members' position as part of the same institution—the Parliament, Assembly or Council—means that the power of persuasion rests more strongly with them. In the London Assembly, members have more power sitting on functional bodies than sitting within their committees. 21 of the 25 Assembly members sit on functional body boards, some on more than one. Additionally six members sit on the Mayor's Advisory Cabinet, a position which carries no direct power but which provides access to executive discussions. This has led some commentators to refer to the Assembly as "an elected think-tank".[28]

In order to increase the impact of the committee reports, it is recognised that the follow-up of committee reports is vital. The Transport Committee states that this involves:

- *"ensuring that bodies accountable to the Assembly (Mayor, Functional Bodies) respond to the Assembly's recommendations;*
- *giving an opportunity to other interested bodies (e.g. boroughs, government departments, civil society) to respond, particularly on recommendations which affect them;*
- *monitoring implementation of recommendations and developments relevant to the original scrutiny report."[29]*

For instance, on 16 January 2003 the Transport Committee held a follow-up session on four reports produced in 2001 and 2002. Transport for London, as the organisation to which most of the recommendations were directed, updated the committee on progress being made.

The Budget Committee produces a report on the Mayor's budget proposals. This is meant to provide Assembly members with an analysis of the Mayor's draft budget proposals, highlighting key areas for further discussion, and including conclusions and recommendations. This report bears a different purpose and therefore impact to others, because the only actual power that the Assembly has is to overturn the Mayor's budget.

---

[26] Ibid., 5.3.3.
[27] Standing Orders of the Greater London Assembly 8.7.
[28] Scott Greer and Mark Sandford, *Fixing London*, Constitution Unit, London, 2003.
[29] London Assembly, *Scrutiny Bulletin*, Issue 2, March 2003.

## *Evaluation*

The impact of the London Assembly on the policies of the GLA has been hard to trace so far. It has to contend with very unusual circumstances: as the Mayor is an independent (and famously independent-minded), he has no incentive to bring the Assembly on board either as a policy-making organ or as a critical friend. Instead he has appointed a large number of political allies on the Assembly to other posts of varying significance. Some are members of his Advisory Cabinet: some are (and some must be) members of the functional body boards: and some take part in partnership forums.

However, the Assembly as a corporate body has had little influence on Mayoral policy. Its scrutiny programme certainly appears to have run largely at cross-purposes to the Mayor's policy programme. Appropriately, it has scrutinised the statutory strategies. But it has also chosen some odd subjects: the fate of asylum seekers and refugees, for instance, is completely outwith the hands of the GLA, and this is reflected in the recommendations of that report, almost all of which urge central government to act in a certain way. It remains an open question whether a 'voice for London' can overcome this gulf of power and influence.

# Scrutiny in the English Regions

## Introduction

The newly-created Regional Chambers/ Regional Assemblies claim to be the regional expression of the democratic voice in England. The eight Regional Chambers in England are voluntary bodies, the membership of which consists of 70% local authority councillors and 30% regional 'social and economic partners' (SEPs) such as business, voluntary organisations and environmental groups. Regional Chambers' only statutory role, as defined by the Regional Development Agencies Act 1998, is to scrutinise the Regional Development Agency (RDA). RDAs are centrally appointed bodies with responsibility for strategic economic planning in the regions. The final part of the regional machinery is the Government Office for the Region, which co-ordinates the regional operations of a number of central government departments. The Chambers have also taken on responsibility for Regional Planning Guidance. They have now all restyled themselves as 'Regional Assemblies' and will be referred to as such for the rest of the chapter.

Regional Assemblies have no executive functions. As such, their entire scrutiny role consists of 'external scrutiny', of organisations which they cannot control. This affects its character: much of what is called 'scrutiny' is in fact joint working, the creation of joint committees, and discussion over regional strategies. In this, the definition of the term 'scrutiny' is being severely stretched: most of the activities of Regional Chambers do not at all resemble scrutiny as described in previous chapters. But, as suggested in the final section of the previous chapter, this may give impetus to innovation around scrutiny.

## Legislative Framework

The Regional Chambers have each been set up under section 14 of the Regional Development Agencies Act 1998. They are voluntary: the Act does not oblige them to be set up. Once they have been, they can be 'designated' by the Secretary of State (a deliberately ambiguous form of recognition).

The Chambers are permitted, by the Act, to monitor the work of their Regional Development Agency. Most were set up as part of the regional local government association, surviving entirely on local authority subscriptions and support in kind. However, in 2001 the DETR launched a consultation paper *Strengthening Regional Accountability*. In return for giving RDAs greater resources and more flexibility to use these resources, the government made £5m available to the regional assemblies to scrutinise the work of the Agencies.[30]

The Government also indicated early on that it envisaged a wider role for Regional Chambers: in Planning Policy Guidance note 11, it suggested Chambers would be the most appropriate group to take charge of Regional Planning Guidance, as they represented a wider cross-section of the region than purely local authorities. This state of affairs will become statutory in 2004 through the Planning and Compulsory Purchase Bill.

## Structural Matters

### Scrutiny structures

As each Assembly contains a different number and mix of members, and can operate in a variety of ways, each Assembly also varies in the scrutiny structures they have established. Some have adopted a time limited select committee approach, others have created permanent committees which carry out scrutiny. Most mix and match these two types of structure. In most regions there is a Scrutiny Protocol which contains guidance on procedures. Snape sees these as a critical part of the successful scrutiny in the regions "to both formalise and firmly underpin the scrutiny relationship between Assemblies and RDAs".[31]

### East Midlands

The East Midlands focuses its scrutiny on Economic Review. The Economic Review Group

---

[30] Each Assembly received £500,000, with £1m being allocated to their umbrella body, the English Regions Network, for 'joint projects'.
[31] Snape et al, 2003, p.50.

was established in October 2001 which meets approximately every eight weeks. The Group has fifteen members with equal numbers of local authority representatives, business representatives and partners. There are also nine Group Advisors which include a member from the Government Office and members from East Midlands Development Agency. Again, there is a balance of local authority members and social and economic partner members.

### North East

The North East operates 'rounds' of "Scrutiny and Policy development". Each 'round' comprises four Panels. In the first round, the four panels were on small and medium enterprise creation support services, inward investment and marketing, job creation in deprived communities and ICT and commerce. The second round of panels are looking at: skills and training; business survival; tourism and business sites and premises. All four panels publish their findings in one document. Each panel is also required to consider relevant cross-cutting themes. Each panel has between six and eleven members with representation for the SEPs.

### North West

The North West Regional Assembly has appointed a Regional Review group with a brief to oversee progress by the NWDA in developing and implementing the Regional Strategy, The Regional Review group also encompasses within its terms of reference scrutiny of other regional government, public and publicly funded bodies as well as the Assembly itself.

In the North West, 12 Panel Members have been appointed consisting of 6 local authority, 6 business and other sectors. The proportions are not rigidly set and can be varied to ensure the right experience is available to each panel. The Chair is an additional member from the SEP sector and the Vice-Chair is a member of the majority political party of the Assembly.

### South East

In the South East, time limited Select Committees scrutinise aspects of the South East England Development Agency's work. Each committee has ten Assembly members, on a proportionate template, at least four of whom should be Executive or Regional Planning Committee members. As each Select Committee is created, its chair is nominated by the Executive Committee, to ensure that chairships rotate between party and partner groups, and so that officers can develop the work preceding the Select Committee sitting in consultation with a lead member. Each committee meets for a full day of evidence taking, with the possibility of reconvening further if necessary and agree conclusions. The committee then dissolves. The South East Scrutiny Committees comprise ten Assembly members, at least one of whom should be an Executive Committee member and no more than four of whom should be Executive or Regional Planning Committee members.

### South West

The South West Regional Assembly carries out its scrutinies through a Scrutiny Panel which holds select committee hearings to examine issues in detail. Select committee hearings held so far have looked at Urban Renaissance, the Rural Economy, Skills and Learning and the RDA's Corporate Plan.

### West Midlands

The West Midlands conduct four Scrutiny Panel Reviews at a time which investigate a key theme by outlining a broad task for the inquiry which is then supplemented with specific core themes. The four panels are: Creating Conditions for Growth; Promoting a Learning and Skilful Region; Developing a Diverse and Dynamic Business; Regenerating Communities.

### Yorkshire and Humber

Yorkshire and Humber Assembly sets up new panels for each scrutiny it carries out. A programme of scrutiny activity has been agreed for the coming year. It is: 'can do—will do': the region's business birth-rate strategy; the impact of economic interventions on social inclusions; public sector investment; five cities; drivers of economic growth; renaissance market towns initiative. Scrutiny is carried out by panels made up of Assembly and Policy Commission members. A new panel undertakes each review. Panel members are selected from their 'approved list of scrutineers'.

### Resources

#### Training for Members

The North East Regional Assembly and the Yorkshire and Humber Regional Assembly both mention the training of committee members. In Yorkshire and Humber members of scrutiny panels must have undergone a one-day training course conducted by the Office for Public Management. They are then put on an 'approved list'. The training consists of simulated scrutinies (with members of Yorkshire Forward) and discussions about what scrutiny is for. It is available to members of the Assembly's Commissions as well as full Assembly members. In the North East, panel members undergo background preparation in their subject areas. This contrasts with the West Midlands which takes care to ensure that panel members are appointed to reflect the expertise required to address the subject matter. Achieving continuity and developing the experience of Panel Members will be an additional aim.

#### Staff

Some of the Assemblies outline the need for additional staff to assist in the expanded scrutiny role of the chamber in their bids to the regional chambers fund. For instance, the East of England said that they would appoint dedicated staff to 'support EERA in its scrutiny function; monitor, report on and otherwise work closely with EEDA; and provide appropriate briefing and training to Assembly members'.[32] The North West have established five new posts including a Senior Scrutiny Officer who will 'assist the Assembly's scrutiny role of the North West Development Agency and other public bodies in the region and to map the activity of those bodies against the appropriate performance indicators'[33].

#### Regional Observatories

In order to scrutinise effectively, the *Strengthening Regional Accountability* bids state that the Assemblies need an independent and accurate source of information about the region. In some of the regions, such as the South East, there was a feeling that there was no adequate region wide information available to the Assembly. Therefore, Yorkshire and Humber, South East and the South West all mention the establishment of regional observatories in their bids to provide the assemblies with relevant information. This is in line with the consultation document which, although it is not prescriptive, suggests that the assemblies could establish "a stronger analytical or research capacity to monitor and evaluate the RDAs' plans in relation to the region's performance and to the wider strategic context within the region."[34]

## The work of committees

### Representation

*Strengthening Regional Accountability* states that "Although the RDAs outside London remain accountable to Ministers and to Parliament, it is crucial that they also respect the views and needs of the regions they serve... the chambers will thus have a critical role to play in ensuring that the RDAs' plans for meeting their new targets and using their flexibilities are consistent with the needs of the region."[35] The Regional Assemblies are thus asked to approximate themselves to representative and regionally accountable bodies for the purpose of carrying out effective scrutiny.

As the Assemblies are unelected and therefore ultimately unaccountable, the bids show that they feel that in order to be effective at scrutiny they must somehow become more representative of the needs of the people of the region. The South East bid states that "with greater confidence in the representational legitimacy of the views and priorities expressed by the Assembly…[the Assembly will be] better placed to ensure that SEEDA's activities and plans reflect the region's aspirations".[36] The consultation paper itself states that the Regional Assemblies are the vehicle for ensuring the RDAs respect the views and needs of the regions they serve, and providing an effective regional input to the process. The bids provide a great deal of detail on how they can do this: by having sub-regional meetings, more effective and interactive

---

[32] *The East of England Regional Assembly's scrutiny function with EEDA,* s3.1.

[33] *North West Regional Assembly, Challenging Imbalance, Championing Inclusion,* Appendix 10.

[34] DETR, *Strengthening Regional Accountability Consultation Paper,* s4.4.

[35] DETR, *Strengthening Regional Accountability, Consultation Paper,* s1.3.

websites with discussion boards, youth forums, and opinion polling.

### Joint Working

Another theme of the Consultation Document is that of joint working. The North East, South West, North West and East Midlands all make explicit reference to collaborative or joint working with the RDA. As the Assemblies lack real effective remedy (i.e. they cannot enforce their will on the RDA or any other regional body) they must rely to some extent on influencing policy as it is made as well as scrutinising the effects of policy. The North West defines this approach as 'about influencing rather than blaming'.[37] The South West states that they aim to "further develop a collaborative approach to the scrutiny process which ensures the Regional Assembly is fully engaged in the process of developing plans which meet national targets and region's needs".[38] The East Midlands show that they recognise that there are different kinds of scrutiny: "scrutiny should not solely be comprise an single end of year cross-examination of EMDA when it is too late to influence the outcome".[39] This is also evident in the North East's bid: "Scrutiny will be a positive activity and the output should be specific recommendations for change in policy, resource allocation, implementation, monitoring or organisational arrangements".[40]

As already drawn out in reference to the *Strengthening Regional Accountability* consultation, due to the limited powers of the Regional Assemblies, they gain their powers by influence rather than executive control. Regional Development Agencies are ultimately accountable to central government, as they are centrally appointed, but are held responsible by regional assemblies at the regional level. Therefore the process of influence and of joint working plays a major part in the scrutiny process. Interestingly, one of the West Midlands' Principles of Conduct for panel members is that "Panel Members should ensure that a non-confrontational approach is taken while the Strategic Review process is undertaken."[41]

Also, as regional assemblies have no real statutory duties other than that of scrutiny, they can wider their own working remit by scrutiny panels doing things which they call scrutiny but are not. For instance, influencing the writing of Corporate Plans, Frameworks for Regional Employment and Skills Action and Regional Economic Strategies can be viewed more as joint working than scrutiny. The Assemblies want to input into strategy writing as they are the closest things there are to regional representative bodies. But although joint working is about accountability, it is not necessarily scrutiny.

### Corporate Plans

RDAs produce internal corporate plans which outline how the RDA will work to meet its own objectives. These corporate plans are an obvious focus for scrutiny; regional assemblies can check the RDAs are working efficiently and to the needs of the region by monitoring the working of the RDA against the plan. But they can also influence the work the RDA does by influencing the writing of the plan and scrutinising draft documents.

In the South West the assessment of the RDA's corporate plan is the central focus of their select committee which has two formal meetings a year, concentrating on themes from the plan itself. In the West Midlands the panel reviews input into the Advantage West Midlands Corporate Plan. In the East of England the EERA and EEDA Liaison Panel has met to comment of the second draft of the EEDA Corporate Plan. The emphasis is on joint working rather than retrospective scrutiny.

---

[36] *South East England—Building Confidence—The Regional Assembly's Proposals to strengthen regional accountability,* s3.

[37] North West Regional Assembly, *Challenging Imbalance, Championing Inclusion—Strengthening Regional Accountability, North West Regional Assembly Bidding Proposal,* p.2.

[38] *Proposals to draw down funds to strengthen regional accountability—Bidding Proposal July 2001,* s3.1.

[39] *The East Midlands response to "Strengthening Regional Accountability" consultation paper by DTER March 2001,* s3.3

[40] North East Assembly, *Strengthening Regional Accountability—Bidding Proposal July 2001,* s3.1.

[41] The West Midlands Regional Assembly and Advantage West Midlands, *Strategic Review Protocol,* Annex One.

### Regional Economic Strategies

Each RDA produces a Regional Economic Strategy which outlines its plans for economic development within the region as a whole. In the West Midlands, the East of England and the East Midlands scrutinising the Regional Economic Strategy is clearly a central task of the various panels and committees which tackle the scrutiny agenda in the region. In the West Midlands the 'key scrutiny activity' consists of four panel hearings on a selected theme from each of the 4 pillars of the Regional Economic Strategy.

Although Regional Assemblies do not have to agree to the RDAs' strategies, there has been central government intervention in one case when the Assembly was not happy with the RDA's plan. In May 2001 the East of England Regional Assembly rejected the East of England Development Agency's Economic Strategy on the ground that it took too little account of factors other than economic development. It appeared that EEDA had intended to ignore the Assembly's view, but was persuaded into dialogue by interventions from government ministers. Perhaps this is why RDAs as well as Assemblies favour joint working as it avoids embarrassing impasses and central government interventions by ensuring all parties are happy before a final document is produced. The East Midlands Economic Review Group has defined scrutiny as "seeking to ensure through constructive engagement that the region's economic strategy and various delivery plans respond appropriately to regional needs and priorities".[42]

### Framework for Regional Employment and Skills Action

Under this government initiative, RDAs have been charged with drawing together the different agencies involved (including Learning and Skills Councils and the Employment Service) and producing an Action Plan. Some regional assemblies have seen this process as a focus for their scrutiny panels or committees. This can be seen as the Assemblies wanting to get involved in drawing up the framework, but realising the only way they can do it is by saying that their input is a form of scrutiny, as this is their only statutory duty. For example, the South West Regional Assembly Scrutiny Panel decided to have input into the Action Plan by asking to see the draft plan being produced.

## Procedure

### Preparations for evidence taking

The West Midlands Regional Assembly and Advantage West Midlands have produced a Strategic Review Protocol which details the hearing process in the region. Background papers are prepared to support the areas of questioning and are circulated ten days prior to the Panel Briefing. Panel Briefings occur the morning before the Panel Hearings and background information, a consultation report, prepared questions an terms of reference are provided to Panel Members. The panel questions are developed jointly with the Regional Assembly, Advantage West Midlands and regional partners. Regional Assembly Members will be given the opportunity to contribute questions for consideration.

### Taking evidence outside the Assembly

A common theme in for evidence taking is that meetings and hearings should take place in more than one location within the region. For instance the East of England Regional Assembly holds one regional and six sub-regional scrutiny meetings each year. The Job Creation scrutiny panel in the North East had monthly meetings and four away-days, one in each sub-region. The Assemblies suggest that doing this allows a greater representation of the needs of the whole region.

## Impact

Output by Assembly scrutiny committees is hard to quantify, as the emphasis on influencing plans as they are being written does not necessarily produce written reports. So far, the Region that seems to have produced the most 'output' in terms of reports is the North East. They have finished the first four of their panel investigations on SME Creation Support Services, Inward Investment and Marketing, Job Creation in Deprived Communities and ICT and e-Commerce. They are establishing four new panels to look at Business Survival, Tourism, Business Sites and Skills.

---

[42] East Midlands Regional Assembly website: www.eastmidlandsassembly.org.uk.

## *Evaluation*

The progress made by the Regional Assemblies with scrutiny must be viewed in the context of these bodies establishing a role and organisational structure for themselves generally. They are still evolving: some are anticipating their own replacement by elected assemblies in a few years, others see themselves as longer-term institutions. Their progress with scrutiny will need to be reassessed in the next few years: at present many are still experimenting, setting up structures to carry out scrutiny and to influence regional policy, and to build links with regional stakeholders, local authorities and to some extent with the public.

Because of their strange, para-governmental character, there is only a limited relationship between scrutiny in Regional Assemblies and scrutiny in other institutions. All Assembly scrutiny is external scrutiny, and there is a tendency for the Assemblies to call everything they do 'scrutiny', partly to fit within their own remit. Although their own democratic accountability is limited, it is stronger than that of the organisations they scrutinise, many of which are keen to use a process of 'scrutiny' to enhance their own sense of being democratically accountable. The use of the word 'scrutiny' may also, perhaps, reflect current governmental fashion.

Moreover, even compared to the Greater London Authority, Regional Assemblies have very small resources: typically 25–30 staff in total, and a turnover of £1–2 million. This scale of organisation can only cover a little of the available ground. However, as suggested in the chapter on the GLA, this smallness may stimulate innovation: there does appear to have been more interesting work done by Regional Assemblies in, for instance, training and use of ICT. Also, the mere fact that there are 8 regional assemblies inevitably means that, collectively, they will exhibit diversity. They have been remarkably free so far from government prescriptiveness.

Snape makes clear the limits of the Assemblies' achievements:

*"many regional assemblies have made good progress in developing their scrutiny structures and processes. In every region it is possible to point to aspects of good practice in regional scrutiny. This picture of general good progress is a particular achievement, given the inherent difficulties in undertaking such external scrutiny in the context of mutual and complex accountability arrangements. However, progress and innovation has largely been confined to the design, structure and processes of scrutiny; less has been achieved in terms of Assemblies being able to point to concrete impact and added value."[43]*

But it remains an open question whether joint working and influencing can properly be called 'scrutiny' at all. It is also questionable how much sense a 'scrutiny role' makes in the total absence of executive power from these institutions. There does appear to be a tendency, perhaps from some parts of the Government, to conflate 'scrutiny' and democratic accountability: in other words, that executive control should be kept away from democratically-accountable bodies and allowed to manage, whilst being required only to explain itself to the political, democratically-accountable body.

---

[43] Snape et al, 2003, p.106

# *Committees in the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly*

## *Introduction*

The creation of the three devolved national institutions—the Scottish Parliament, Northern Ireland Assembly, and National Assembly for Wales—represented a step-change in British constitutional politics. As Burrows says, in all three "it was anticipated that the bulk of the work... would be conducted through committees. It is in their operation that the devolved institutions are self-consciously 'modern'".[44] Committees in each institution are involved in policy making, reflecting the desire to make the new institutions inclusive, and legislative scrutiny (secondary legislation only in Wales) as well as the traditional scrutiny role that subject committees have in the Westminster Parliament.

The most movement in the operation of committees has taken place in Wales where there have been three periods of government: May 1999–October 2000, under a Labour minority government; October 2000–May 2003, with a Labour-Liberal Democrat coalition with a working majority; and May 2003 onwards, with a Labour majority. Under the minority government there were examples of the Subject Committees being able to frustrate the policy direction of the Executive. This was due both to the lack of an Executive majority and other parties' discontent with Alun Michael's style of leadership, which tended towards not releasing information early to subject committees.

Committee structures in Northern Ireland are subject to a number of special circumstances which make direct comparison difficult. The Assembly has only sat for some 50% of the duration of its first term, from 1998–2003. The remainder of the term has been lost to repeated suspensions of the institution. Secondly, the complex model through which the Northern Ireland executive is selected in order to represent each party in proportion to its share of the seats in the Assembly. Thus the Cabinet contains representatives from four different parties. The precarious nature of the political settlement has meant that it is difficult to oppose or censure a Minister and as such, has affected the behaviour of committees.[45]

## *Constitutional and Legislative framework*

### *Northern Ireland*

The Northern Ireland Assembly was shaped by the text of the Belfast Agreement (the Good Friday Agreement). This was a short document allowing for plenty of flexibility of interpretation. All of the structures of the Northern Ireland Assembly are overlaid with the need to prevent misuse of power or domination by one of the two 'communities'; the committee system is covered by this provision. There are a number of joint-purpose committees which correspond to ministerial departments. These are referred to as 'Statutory Committees'. The Belfast Agreement specified their functions in the following way:

> *"The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation."*[46]

The Standing Orders of the Assembly further emphasise the policy development role stating that Statutory Committees "advise and assist each Minister in the formulation of policy with respect to matters within his/her responsibilities as a minister".[47]

In order to carry out this work committees have been given powers to require any person to attend its proceedings for the purpose of giving

---

[44] Noreen Burrows, *Devolution*, Sweet and Maxwell, London, 2000, p46.
[45] This was written before the Northern Ireland elections of 26 November 2003.
[46] See http://www.nio.gov.uk/issues/agreelinks/agreement.htm : the text occurs in Strand One, section 9 of the Belfast Agreement.
[47] Standing Orders of the Northern Ireland Assembly, 46.1.

evidence, or to produce documents in his or her custody or under his or her control relating to any of the matters for which the Northern Ireland Assembly has control. Those who fail to attend proceedings or produce documents when required to by a committee can be fined or imprisoned.

### Scotland

The subject committees of the Scottish Parliament are not statutory. The Parliament can choose to set up departmental committees, to give committees cross-cutting responsibilities, or both. A number of mandatory committees are referred to in the Standing Orders (see table 1), but these are distinct from the 'subject committees'.

The 'subject committees' have a wide formal remit, allowing them great scope within their particular area of public policy, but not obliging them to carry out a specified work programme or produce specific outputs. Their remit is described in the Parliament's Standing Orders as follows:

> *"Committees will conduct enquiries and carry out the following functions in relation to competent matters:*

> - *Consider and report on the policy and the administration of the Scottish Administration;*
> - *consider proposals for legislation (primary or secondary) whether before the Scottish or United Kingdom Parliament, including pre-legislative scrutiny;*
> - *consider European Communities legislation and international conventions referred to it by the European Committee;*
> - *consider and report on any petitions referred to it by the Petitions Committee;*
> - *consider the need for reform of the law;*
> - *initiate legislation; and,*

> - *consider financial proposals and the financial administration of the Scottish Administration."[48]*

### Wales

Unlike the Scotland Act, the Government of Wales Act states specifically that a subject committee must be formed for the subject portfolio of an Assembly Secretary (Assembly Secretaries were renamed 'Ministers' at the time of the formation of the Labour-Liberal Democrat coalition in 2000).

The Standing Orders of the National Assembly for Wales stipulate the duties of a subject committee as:

> *"Each subject committee shall*

> 1. *contribute to the development of the Assembly's policies within the fields for which the relevant Minister is accountable to the Assembly;*
> 2. *keep under review the expenditure and administration connected with their implementation; and*
> 3. *keep under review the discharge of public functions in those fields by public and private bodies."[49]*

The Standing Orders also require that the Finance Minister invite subject committees to submit each financial year, their views on priorities for the Assembly's expenditure in the following three financial years, or for a period which the Finance Minister considers appropriate.[50]

## Structural matters

### Size

### Northern Ireland

The statutory committees of the Northern Ireland Assembly have their size fixed at eleven members. However, the Committee of the Centre is not classified as a statutory committee although it basically shadows the Office of the First Minister and Deputy First Minister. This committee has 17 members to better ensure

---

[48] Standing Orders of the Scottish Parliament, 6.2.
[49] Standing Orders of the National Assembly for Wales, 9.7.
[50] Standing Orders of the National Assembly for Wales, 19.1.

proportionality for such a crucial committee. In Northern Ireland the lack of majority government means that committees must be large enough to represent all parties.

### Scotland

The Standing Orders of the Scottish Parliament state that committees of the Parliament should have at least 5 but no more than 15 members. In March 2002 a number of committees in the Scottish Parliament saw a reduction in their memberships, typically from 11 to 7 or 13 to 9, members with the aim of reducing the workload of MSPs (many of whom were sitting on more than one committee).

### Wales

The Standing Orders of the National Assembly for Wales state that subject committees should have at least seven and no more than eleven members, including the chair and the Minister. During the first term there have usually been nine members of subject committees, rising to ten in the second term.

### Membership

### Northern Ireland

All members that do not hold Ministerial or non-Ministerial Office must be offered at least one Statutory Committee place. The division of committee chairmanships and places on committees to which each party is entitled is decided by the d'Hondt system (normally used in proportional electoral systems). The committee chair cannot be of the same party as the relevant minister, in order to ensure that no single party can dominate any department.

### Scotland

In the Scottish Parliament, the Parliamentary Bureau (which consists of the Presiding Officer and representatives of the political parties with more than five members) puts forward a motion to the Parliament on the membership of committees. The Standing Orders state that "in proposing a member to be a committee member,

the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament and where that member has expressed an interest in serving on that committee, to his or her qualifications and experience as indicated by him or her."[51] Political balance on committees was required to be contained in the Standing Orders in the Scotland Act 1998.

The Parliament not only decides the membership of each committee but the party or parties from which the chair and the deputy chair will be chosen. At the first meeting of the committee, the chair is taken by the oldest member of the committee. The first agenda item is to choose a convener. Any member from the party chosen to hold the chair, who wishes to be convener makes it known to the rest of the committee. They may then be asked to make a presentation to the committee or to take questions from the committee. The selection can be made through acclamation or by election as the committee wishes.

### Wales

One of the most unusual aspects of the subject Committees in the National Assembly for Wales is that the Minister from the relevant department sits on the subject committee. Both opposition parties have expressed discontent with the Minister's position, arguing that Ministers should not be able to influence Committee business and should be formally exempted from having to agree to committee reports.[52]

Both the allocation of chairs and the membership of subject committees is meant to reflect the political balance of the Assembly as a whole.[53] This is complicated by the position of the Minister on the Committees because although normally the coalition has a majority on each committee, during the first term, the coalition was often dependent on a minister for that majority. This did not, however, become a pressing political issue. A related problem arose occasionally where the Liberal Democrats were only represented on a committee by the Minister, making it difficult for the member to both represent their party and carry out their ministerial portfolio.[54]

---

[51] Standing Orders of the Scottish Parliament 6.3.4.
[52] See John Osmond and Barry Jones, *Devolution Monitoring Report: Wales,* Constitution Unit, London, 2001, p36–37.
[53] Standing Orders of the National Assembly for Wales, 9.2 and 8.3.

*Table 1: Committees in the devolved institutions*

| | Northern Ireland Assembly | National Assembly for Wales | Scottish Parliament |
|---|---|---|---|
| **No. Members** | 108 | 60 | 129 |
| **No. Ministers (Deputy Ministers)** | 12 (10) | 9 (5) | 12 (10) |
| **Size of Committees as specified by Standing Orders** | 11 | 7-11 | 5-15 |
| **Typical size of Committee 1998-2003** | 11 | 9 | 9/7 |
| **Typical party balance in committees** | UUP: 2/3<br>SDLP: 2/3<br>SF: 2<br>DUP: 2/3<br>Others: 1/2 | Lab: 4<br>PC: 3<br>Con: 1<br>LD: 1 | Lab: 5/3<br>SNP: 3/2<br>Con: 1/ ½<br>LD: 1/ ½ |
| **List of 'subject' committees (2003-)** | | Culture, Welsh Language and Sport<br>Economic Development and Transport<br>Education and Lifelong Learning<br>Environment, Planning and Countryside<br>Health and Social Services<br>Local Government and Public Services<br>Social Justice and Regeneration | Communities<br>Education<br>Enterprise & Culture<br>Environment and Rural Development<br>European & External Relations<br>Health<br>Justice 1<br>Justice 2<br>Local Government & Transport |

| | | | |
|---|---|---|---|
| **List of 'subject' committees (1999-2003)** | Agriculture & Rural Development | Agriculture & Rural Development | Education, Culture & Sport |
| | Culture, Arts & Leisure | Culture | Enterprise and Lifelong Learning |
| | Education | Economic Development | Health & Community Care |
| | Employment & Learning | Education & Lifelong Learning | Justice 1 |
| | Enterprise, Trade & Investment | Environment, Planning & Transport | Justice 2 |
| | Environment | Health and Social Services | Local Government |
| | Finance & Personnel | Local Government and Housing | Rural Development |
| | Health, Social Services and Public Safety | | Social Justice |
| | | | Transport & the Environment |
| **List of other committees** | Regional Development | Audit | Audit |
| | Social Development | Business | Equal Opportunities |
| | Audit | Equality of Opportunity | European |
| | Business | European Affairs | Finance |
| | Centre | Legislation | Procedures |
| | Procedures | Standards of Conduct | Public Petitions |
| | Public Accounts | Mid Wales (Regional Committee) | Standards |
| | Standards and Privileges | North Wales (RC) | Subordinate Legislation |
| | | South East Wales (RC) | |
| | | South West Wales (RC) | |

This table refers to the period 1999–2003 only (except the list of subject committees in the second session)

Chairs of subject committees are selected from a panel of Members elected by the Assembly so as to assure that, as far as is practicable, the balance of parties in the Assembly is reflected in the membership of the panel. The Business Minister then tables motions for the selection of chairs of particular subject committees following consultation in the Business Committee with the political groupings. There is provision in the Standing Orders for higher levels of salary to be made payable to Chairs of subject committees.

## Attendance

### Northern Ireland

The quorum of a committee in the Northern Ireland Assembly is 5. Attendance at committee meetings is varied. Paradoxically, one of the committees that has had the most trouble securing a quorum is the largest committee—the Committee of the Centre.

### Scotland

The quorum for all individual committees and sub-committees is three (including the convener). In March 2002 a provision was made that substitute members could be admitted to committees in the event of members being ill or absent. The substitutes hold full voting rights. (This was an unusual development in relation to 'traditional' Westminster practice.)

### Wales

The quorum of subject committees is laid down in the Standing Orders as either two Members or one-third of the number of its members, whichever is higher. A meeting of the committee will also be declared inquorate if, at the beginning of the meeting, the members present represent only one political group.

The Standing Orders also state that:

> "If a Member fails to attend in person four consecutive meetings of a committee of which he or she is a member, and cannot show good cause to the satisfaction of the Presiding Officer, he or she shall cease to be a member of that committee."[55]

### Liaison Groups

In the Scottish Parliament there is a Convener's Liaison Group which provides an informal forum where Committee conveners can meet to discuss matters such as the schedule of Committee meetings, endorsing and approving requests for Committee travel, research and civic participation, and consideration of working practices. The Presiding Officer convenes and chairs the meetings. Standing Orders state that the meetings should normally take place in private.[56] In the National Assembly for Wales, the equivalent body is the Panel of Chairs. This contains all the subject committee chairs. The panel is currently chaired by the Presiding Officer. In the first Assembly, the Deputy Presiding Officer was the chair.

## Resources

### Committee Staff

In all three institutions committees have one to three dedicated clerks who perform duties for the committee. Clerks would normally work with the committee chair to produce a work programme of the committee. The clerks will normally meet the chairs some time before a committee meeting to discuss the business of the committee and compose the agenda. They will also be involved with drawing up lists of potential witnesses, briefing members before evidence sessions, and producing drafts of the committee reports.

### Specialist researchers

In all three bodies, the committees have access to specialist researchers within the research units of the body. The committees of the Scottish Parliament has access to researchers from the Scottish Parliament Information Centre (SPICe), and the National Assembly for Wales and the Northern Ireland Assembly both have equivalent

---

[54] The May 2003 election left Labour with 30 out of 60 seats in the National Assembly. Labour formed a single-party administration, abandoning their previous coalition partners, the Liberal Democrats. However, the subject committees now contain 5 Labour members and 5 from other parties, which promises interesting dynamics within the committees in the forthcoming session.

[55] Standing Orders of the National Assembly for Wales, 8.7.

[56] Standing Orders of the Scottish Parliament, Chapter 6A.

bodies. The Guidance of Operation of Committees of the Scottish Parliament states that "the Information Centre can provide both substantive advice and guidance as to the sources of further, more specialised advice, whether that be from commissioned research or from advisers appointed to the committee".[57] This is precisely the kind of support that the committees in the Westminster Parliament have previously felt they are lacking, and that the new 'Scrutiny Unit' will provide.

### Committee Advisers

Committees of all three bodies can appoint special advisers to assist them with their inquiries. This is done regularly although not for every inquiry. How special advisers are appointed varies from body to body. The Scottish Parliament Committees now have a page on their website where interested parties can register their interest in becoming a committee adviser, whereas in Wales positions are generally advertised individually in the press.

### The use of reporters

In the Scottish Parliament, committees may consider the appointment of one or more of its members as reporters.[58] This concept originated within the European Parliament. One member of the committee is tasked with investigating and reporting back to the committee on a specific issue within a time limit as specified by the committee. Reporters are often used for topics where the committee as a whole feels it does not have time to take on a full project. Topics tackled by reporters reports include a petition on the links between MMR and Autism, and an inquiry into the structure and funding of Scotland's museums.

The standard of reporters reports can vary substantially from one to another. Reporters do not have the use of the committee secretariat to minute events and arrange meetings and taking on the job of reporter can be extremely time-consuming for the individual involved.

### Press and PR staff

In the National Assembly for Wales there are press staff which are dedicated to promoting the work of committees whereas in Northern Ireland, clerks often find that they are pressed on by committee members to draft press releases to promote committee reports. The role of the press and committees in the devolved bodies can create some tensions as there is a fine line between press coverage for the work of the committee and for a individual member or chair. Therefore, it is a role which clerks sometimes feel compromises their duty to the institution.

## The work of the committees

### The work programme and setting the agenda

In the Standing Orders of the National Assembly for Wales it is specified that each subject committee should maintain a rolling programme of work covering periods of at least 12 months. In the other two bodies although a rolling work programme is encouraged, their Standing Orders do not insist on it.

In the committees of the National Assembly for Wales the chair of each subject committee determines the agendas for its meetings in consultation with the relevant Minister. The Minister may require specified items to be discussed at meetings of a subject committee or a sub-committee. At the request of any two of its members, the committee may resolve to include an item of business on the agenda of a specified future meeting. Due to the position of the minister on the committee, there is the capacity to do joint working with the department. For instance, the Agriculture Committee in the National Assembly for Wales has jointly launched consultation papers with the Minister.

In Scotland, most committees have struggled to take control of their own agenda with their workplan dominated by the Executive's legislative programme (50 Bills were introduced in the first term), a problem that to some extent has been mirrored in the Northern Ireland Assembly. One measure of the domination for Committee business by legislative scrutiny is that the Justice and Home Affairs Committee has been replaced by two Justice Committees, with identical remits, to deal with the huge flow of legislation and work under that heading. This took place in early 2001.

---

[57] Guidance for the Operation of Committees, 1999, 6.2.
[58] Standing Orders of the Scottish Parliament, 12.6.

Links between the committees with each body appear to be quite weak, with duplication occurring between committee work. For instance the Education and Lifelong Learning Committee and the Education Culture and Sport committee in the Scottish Parliament both did long inquiries into the Scottish Exam Results debacle in summer 2002.

The committees of the Scottish Parliament and the National Assembly for Wales published 'legacy reports' at the end of their first term which set out suggested topics for future committees to investigate, although they in no way bind future committees.

### Legislative and Pre-legislative Scrutiny

The subject committees in all three institutions consider legislation (secondary legislation only in Wales). The reason for this can, in part, be identified as the desire to be different from Westminster, where legislation is considered by standing committees and not by departmental select committees. However, it is not clear that merging these roles has had the desired effect of "enabling Members to develop an expertise in particular areas and to bring an informed view to the consideration of legislation and scrutiny of the Executive".[59] Instead, in Scotland in particular, committees have been swamped by the demands of legislative and pre-legislative scrutiny to the extent that they have struggled to take control of their own agenda. As Peter Lynch states, in the first year of the Scottish Parliament "committee activity was often closely conditioned by the nature and pace of Executive legislation, the progress of MSPs' Bills and the amount of petitions and subordinate legislation which required attention."[60]

### Policy Development

The committees in all three bodies were envisaged as being more than the scrutiny bodies of the Westminster Parliament not only because they would scrutinise legislation, but they would contribute to policy development. Therefore committees of all three bodies carry out long forward looking policy inquiries such as the Higher Education Policy Review in Wales and the Tourism Inquiry in Northern Ireland. This hybrid committee is described by Barry Jones as attempting to "combine the traditional role of the Commons Select Committees with the perceived advantage of local government committees which were presumed to encapsulate the principles of inclusivity in policy development".[61]

### Ministerial scrutiny

In the National Assembly for Wales, all committees receive a regular monthly report from the Minister on their department's progress: discussion of this serves as a 'scrutiny period' in the committee meeting where the minister moves from their position at the committee table, to the witness table (nominally if not actually). However, this discussion is time limited as the agenda of the committee is often very full. The Agriculture and Rural Development Committee has noted that this session has developed with the life of the committee:

> *"The Committee regularly scrutinised the Minister via a regular report to the Committee. Having initially been a relatively brief item of business at every other meeting, around an hour of every meeting is now dedicated to scrutiny of the Minister's report. With the Minister's agreement, the Committee has developed a system to allow Members to require specific items to be covered so allowing scrutiny of long-term and topical issues of importance."[62]*

## Procedure

### Soliciting and taking evidence

For the most part, despite the desire to be 'different to Westminster' the committees have mostly used a traditional form of information gathering. The methods of soliciting written evidence vary depending on the purpose of the inquiry. For instance, the School of the Future Inquiry in the National Assembly for Wales

---

[59] Scottish Office, *Shaping Scotland's Parliament: The report of the Consultative Steering Group on the Scottish Parliament,* HMSO, 1999, p.4.

[60] Peter Lynch, *Scottish Government and Politics,* Edinburgh University Press, Edinburgh, p.70.

[61] Barry Jones, "Driven by Events: the Agriculture and Rural Development Committee" in Barry Jones and John Osmond eds, *Inclusive Government and Party Management,* Institute of Welsh Affairs, 2001.

[62] Agriculture and Rural Development Committee, *Annual Report and Summary of Activity During 2000–2003.*

solicited written evidence by writing to every individual school in Wales. In the Northern Ireland Assembly it is usual practice to place an advertisement in the press asking for submissions. This stems from the need to be seen to be consulting all sections of society.

Some committees, however, have tried different ways of taking evidence. Two noticeable examples include the inquiry into Tourism in Northern Ireland where two one day conferences were held to gather the views of as many stakeholders as possible and the Inquiry into the Need for a Children's Commissioner in Scotland where evidence was taken from young people in a variety of ways: focus groups, seminars, conferences and traditionally over the committee table.

Many of the Committees of the Scottish Parliament expressed in their legacy reports that they often found it useful to meet with organisations outwith a formal committee meeting to build links with stakeholder groups, and communicate with communities directly rather than their representative groups. This can give individuals a chance to give evidence in a situation that is less intimidating, and therefore produce more honest evidence. It was certainly felt by the Enterprise and Lifelong Learning Committee that "Long committee meetings with large numbers of witnesses giving oral evidence are not, we believe, necessarily the best use of committee time. This is one of the reasons that we have undertaken significant informal activity".[63]

The Education, Culture and Sport Committee in the Scottish Parliament obtained some evidence for the Purposes of Scottish Education inquiry via a discussion forum on the Parliament's website and a video conferencing facility during its inquiry into the need for a Children's Commissioner. The Enterprise and Lifelong Learning Committee used an online questionnaire for evidence gathering as part of the tourism inquiry.

### Travel

The committees in all three bodies make use of their travel budget to visit regions to perform 'fact-finding visits' within their own nation, the UK, Europe and the rest of the world. Often, a small cross-party group from within the committee will go on a visit as pressures on members' diaries can otherwise make this difficult. The purpose of visits can be to see a policy in practice elsewhere, or to engage directly with communities rather than through their representative groups.

## The impact of select committees' work

In the National Assembly for Wales, the Standing Orders require at least six plenary meetings a year to include time for debates on reports submitted by subject committees. The Government makes a further oral statement to plenary no more than six weeks later. The opposition parties have long pressed for written responses to reports tabled as amendable motions so that they could potentially overturn the government if it refused to adopt a recommendation but have yet to secure this commitment. In the Scottish Parliament, the Standing Orders require the Parliamentary Bureau to ensure that on "12 half sitting days in each Parliamentary year, the business of committees is given priority over the business of the Scottish Executive at meetings of the Parliament".[64]

## Evaluation

In such young institutions, there has been little detailed analysis on the work of the committees and their effectiveness. The literature, especially with regard to Scotland and Northern Ireland, is thin: most reviews of the new institutions develop an overall picture rather than concentrating on committee work or scrutiny. Also, academic and commentator interest has understandably concentrated on the wide-ranging executive powers available under devolution and the potential within them for policy divergence.

However, the end of the first terms in the Scottish Parliament and the National Assembly for Wales saw their committees produce 'legacy reports' for their successor committees, which are a useful self-analytic resource in assessing the work of the committees. Although these are for the most part a mechanical description of the

---

[63] Enterprise and Lifelong Learning Committee—Legacy Paper 2003, s6.
[64] Standing Orders of the Scottish Parliament, Rule 5.6.1.

work of the committee, they do contain insights into what has worked and what has not over the last four years.

Analysis by the Institute of Welsh Affairs (IWA) concludes that the subject committees were variable in their effectiveness during the first term. There is very limited evidence that the committees have departed to a significant extent from the 'Westminster model' and developed a more inclusive style of policy-making. That would depend on a level of inclusiveness from Welsh Ministers that has not, generally, been forthcoming.

The IWA makes some general observations that:

- Committees are at their most effective when the chair is from a different party from that of the Minister;
- The ongoing development of the 'parliamentary model' of executive/back-bench split in the Assembly will continue to influence the way in which the committees function;
- The practice of Ministerial 'monthly reports' has become commonplace: these often form the 'scrutiny section' of a committee meeting, where the Minister is scrutinised on their performance as set out in the reports;
- The degree to which committees are used to build cross-party consensus on policy, and to which the Welsh Assembly Government encourages an active dialogue and live relationship between the Minister and the committee, varies sharply between committees and depends closely on the character of the Minister and their relationship with the chair. In particular in the first term there was tension between Liberal Democrat ministers and their committees.

# Scrutiny by Select Committees of the Westminster Parliament

## Introduction

Select Committees in the House of Commons and the House of Lords are the main focus of non-partisan scrutiny and overview of Government policy and executive decisions. The current system of departmental select committees in the House of Commons was established in 1979 with the aim of altering the "whole balance of power between Westminster and Whitehall".[65] Unlike the new Parliaments and Assemblies of the UK, the Westminster select committees do not fit into any 'grand design' of Parliamentary functioning, and are to a large extent still developing in their role. As they develop, the powers afforded to them and in their pattern of work changes also. Select committees often find themselves at the centre of proposals for strengthening Parliament.

The Westminster Parliament has two chambers, not one, from which to create committees. The House of Lords Select Committees are different to those in the House of Commons. They do not scrutinise departments, instead they focus either on cross-cutting issues or are appointed only for one parliamentary session to consider a significant topical issue.

It is a particular feature of the House of Lords scrutiny work that the European Union Committee, unlike the European Scrutiny Committee in the House of Commons and in other parliaments, operates through a series of policy based Sub-Committees which examine European proposals on their merits. Hence policy expertise in the Lords is focussed not on scrutiny government departments but on scrutiny of the EU, although that by definition involves the Lords in scrutiny of departments responsible for particular areas of EU policy. Lords scrutiny thus complements that of the Commons. Although this report does not examine European scrutiny as a function, the Lords Committee's own "Review of Scrutiny" provides a definition of the purpose of scrutiny and also gives some useful parallels for other scrutiny work.

In general, many of the working practices of the Lords committees are similar to those of the Commons and so attention is only drawn here to some significant differences.

Parliament can also create joint committees of both Houses.

## A History of Select Committees

There have been select committees in the House of Commons since the nineteenth century to report on specific issues of particular concern, but there was no sense that routine examination of policy and administration would improve government. In 1966 Richard Crossman, then Leader of the House of Commons, proposed a more systematic structure for committees. This was countered by traditionalists such as Enoch Powell and Michael Foot on the grounds that the committees would detract from the primacy of political debate in the Chamber. In the event Crossman's reforms were relatively ineffective.

The Short review in 1976 recommended that a select committee be established for each government department. It recommended that each committee should be empowered to send for persons and papers, the Government should have to respond to committee reports within two months, expert advisers should be available to committees, some Parliamentary time should be set aside for debating the committees' reports, and that appointments to committees should not be whipped. The review was largely acted upon by the incoming Conservative government in 1979 (although the aspiration to non-whipped appointments was not included). The committees were established by Standing Order, making their abolition difficult for any future executive.

Apart from these departmental select committees, there are also a number of 'other' select committees operating in the House of Commons which are listed in Table 2. The history of these committees differs somewhat from the departmental committees, most of them pre-dating the 1979 reforms.

---

[65] Norman St John Stevas, 25 June 1979.

Historically, committees in the House of Lords have been fewer than those in the Commons. In the 1960s, the addition of increasing numbers of life peers following the 1958 Life Peerages Act led to a greater number of working peers, making it easier to maintain the membership of committees. The nature of the House of Lords as a largely appointed more deliberative chamber means that the nature of its committee structures and the work committees do differs from that of the Commons.

## Constitutional framework

The remit of the Departmental Select Committees is set out in the House of Common's Standing Order no. 152 which establishes them. Select Committees do not have the power to amend or reverse policy.

(1) *"Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments as set out in paragraph (2) of this order and associated public bodies.*

(2) *The committees appointed under paragraph (1) of this order, the principal departments of government with which they are concerned and the maximum numbers of each committee shall be as follows: [there follows a list of committees matching those of current Government departments]*

(3) *Each select committee appointed under this order shall have the power to appoint a sub-committee, and the Environment, Food and Rural Affairs Committee and the Transport, Local Government and the Regions Committee shall have power to appoint two sub-committees.*

(4) *Select committees appointed under this order shall have power—*

(a) *to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;*
(b) *to appoint specialist advisers either to supply information which is not*

*readily available or to elucidate matters of complexity within the committee's order of reference; and*
(c) *to report from time to time the minutes of evidence taken before sub-committees, and to lay upon the Table of the House the minutes of the proceedings of sub-committees;*

*and the sub-committees appointed under this order shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time the minutes of their proceedings, and shall have a quorum of three.*

(5) *Unless the House otherwise orders, all Members nominated to a committee appointed under this order shall continue to be members of that committee for the remainder of the Parliament."*[66]

Their powers are delegated from the existing powers of the House of Commons. According to Erskine May, "Members of the House, including Ministers, may not be formally summoned to attend as witnesses before select committees."[67] This is an important restriction: a committee cannot compel a minister to appear without a full vote in the House of Commons. In practice, convention dictates that Ministers do appear. Recently the Chancellor of the Exchequer, Gordon Brown, refused to appear before the Transport Select Committee to discuss the funding of London Underground on the grounds that he was not responsible to a select committee covering another department. Private individuals can be compelled and have in the past been required to answer all questions put to them. However, in 1992 the sons of Robert Maxwell refused to answer questions on the grounds of possible self-incrimination. The position as to powers to call witnesses thus remains unclear.

Standing Order 63 provides for joint committees on public Bills. The two Houses have appointed a number of joint committees to consider draft bills in recent years, for instance the Joint Committee to consider the Draft Corruption Bill in 2003. The

---

[66] See www.publications.parliament.uk/pa/cm200102/cmstords/27519.htm#152
[67] Erskine May, *Parliamentary Practice,* 22nd edition, 1997, eds Donald Limon and W R McKay, p.648.

House might, in theory, propose a Joint Committee to the House of Lords on any matter.

The current select committees in the House of Commons, the House of Lords and Joint Committees of both Houses are listed in Table 2 below.

## Structural issues

### Size

House of Commons Select Committees have normally consisted of 11 members. In May 2002 this provision was altered to allow all of them to increase their size to a maximum of 15, though some committees have always contained more members than this.

There is no fixed size for Select Committees of the House of Lords and no set precedent for the size of a Joint Committee. The sizes of these committees have ranged from 12 members (Joint Committee on Parliamentary Privilege) to 24 members (Joint Committee on Consolidation Bills).

### Membership

Members of Commons Select Committees are selected in broad proportionality to the parties' overall strength in the House of Commons (although this is not obligatory under standing orders, and is varied to allow seats for the very small parties). In the 2001 Parliament this means that in a committee with 11 members, there should be 7 Labour members, 3 Conservative members and 1 minor party member. The application of proportionality means that the party of government holds a majority on every Select Committee. Overall around 40% of members of the House of Commons are serving on a select committee at any time. Members of the Government and front bench opposition members do not sit on committees.

Membership of departmental committees is conferred by a motion of the House. This motion is put down by the chair of the Committee of Selection. This committee receives nominations from members (on the Labour side, the Parliamentary Party approves nominations). However, in practice the process is dominated by party machines and the 'usual channels'.

There is no formal rule about the balance of committee chairmanships between political parties. Chairs are elected by the committee members from one of their number. In practice, however, a decision is reached through bargaining between the Government and Opposition through the 'usual channels' on which party should occupy the chair of which committee. The members then select from the relevant party with a helping hand from the party whips.

This closed system with the Government, in effect, choosing their own scrutineers has recently come under sustained criticism. In July 2001 two former chairs (Donald Anderson and Gwyneth Dunwoody) were not proposed for re-appointment to their respective committees. The motion required to re-establish these committees required after dissolution was voted down by Parliament in protest. The Labour Party has since reviewed its procedures for selection of committee members and instituted a new nominations system. However, proposals included in the May 2002 modernisation package to create a nominations committee to take appointments out of party hands was lost by 209 to 195 votes.

In order to further strengthen select committees by making them an alternative career path to the front bench it has been proposed that select committee chairs are paid more than other backbench MPs.[68] On 14 May 2002 the Commons agreed that the Senior Salaries Review Body should be invited to consider what additional remuneration is appropriate for chairmen of select committees. However, the effect of this was limited by the House voting at the same time to recommend that the length of tenure for select committee chairs should be limited at eight years.

Due to the substantial presence of cross-bench peers and the less confrontational atmosphere of the House of Lords, the Lords select committees are mainly constituted on the basis of expertise.

---

[68] The Commission to Strengthen Parliament recommended that chairmen of select committees should receive a salary at least that of a minister of state. The Hansard Commission to Strengthen Parliament recommended that key posts on select committees should be paid.

There is no formal rule on the political balance of committee membership, as there is in the Commons. However, Committee members are apportioned and appointed through the 'usual channels' and in practice there is an all party and cross-bencher balance struck. Therefore there is currently no government majority on House of Lords committees.

Joint Committees reflect the political balance in each House. The Government will not necessarily have a majority. Joint Committees are often composed of members with a special interest or particular expertise in the issue they are tasked with. For instance, the Joint Committee on Human Rights contains a high proportion of members with a legal background from both Houses.

### Attendance

Quorum at select committee meetings is set in the Standing Orders at either 3 members or a quarter of the membership (whichever is the largest).[69] Between 1992 and 1997 there was 72% attendance at committee meetings. During the same time period, there was a 14% turnover of committee membership.[70]

## Resources

### Committee staff

Each committee is allocated between three and seven staff, of which one or two are clerks to the committee. The clerks are responsible for all administration of Committee business: arranging meetings, preparing agendas and papers and minutes, writing research reports, and arranging publication of reports.

Until November 2002 there was no central research staff for use by committees. A new committee support unit has been established, the Scrutiny Unit, which will contain around 18–20 staff with specialist knowledge that will be available to committee inquiries. It contains accountants from the National Audit Office, an Estimates specialist, a statistician, a social policy advisor, lawyers and an economist.

Individual members have use of the House of Commons and House of Lords Libraries.

### Committee advisers

As outlined in the Standing Orders, special advisers can be appointed by select committees to assist with their inquiries "either to supply information which is not readily available or elucidate matters of complexity". Special advisers are often academics, and are typically used on substantial enquiries where expertise is needed to distil the information available into a comprehensible form.

### Press and PR

Select committees have access to a very limited number of press staff. Publicity for committee reports is often relatively cursory: national newspapers will run articles when a report is published, and occasionally when an enquiry is announced. It is rare for a more structured press strategy to be used, except where an enquiry is on an issue of national interest.

### Time

Select Committees decide their own times of meeting. The most popular days are Tuesday and Wednesday. They generally meet for around 2–3 hours, either weekly or fortnightly, whilst Parliament is sitting.

Backbench members of the Commons have a number of pressures on their time. As well as committee work, the Chamber meets in plenary for around 160 days a year, Members may be on Standing Committees, and also have the constant needs of their party and constituents to deal with. The workload of select committees has increased steadily since 1979. In the 1989–1990 session select committees averaged 23 meetings, producing 6 reports, with 4 meetings per report. In 1999–2000 select committees had an average of 33 meetings per year producing 9 reports, still at a rate of four meetings per report.[71]

One of the arguments surrounding modernisation of the sitting times in the House of

---

[69] Standing Order 124.
[70] Griffith and Ryle, op.cit., p.592
[71] These figures are manipulated from those compiled in Griffith and Ryle, *Parliament: Functions, Practice and Procedures,* second edition by Robert Blackburn and Andrew Kennon, 2002, p591.

*Table 2: Committees in the House of Commons and House of Lords*

| Departmental Select Committees | Other select committees | Domestic Committees | Joint Select Committees | House of Lords committees |
|---|---|---|---|---|
| Agriculture | Public Accounts | Accommodation and Works | Consolidation Bills | Animals in Scientific Procedures |
| Culture, Media & Sport | Public Administration | Administration | Human Rights | Privileges |
| Defence | Environmental Audit | Catering | Statutory Instruments | Constitution |
| Education & Skills | European Scrutiny | Finance and Services | Tax Simplification | Delegated Powers and Regulatory Reform |
| Environment, Food & Rural Affairs | Information | | House of Lords Reform | Economic Affairs |
| Foreign Affairs | (Liaison) | | | European Union (6 sub-committees) |
| Health | Modernisation | | | (Liaison) |
| Home Affairs | Science & Technology | | | Procedure |
| International Development | Regulatory Reform | | | Religious Offences |
| Lord Chancellor's Department | | | | Science & Technology (3 sub-committees) |
| Northern Ireland | Standards and Privileges | | | |
| ODPM | Statutory Instruments | | | |
| Scottish | Procedure | | | |
| Treasury | | | | |
| Trade and Industry | | | | |
| Transport | | | | |
| Welsh | | | | |
| Work & Pensions | | | | |

Commons Chamber was the knock-on effects the earlier sittings would have on attendance at select committee meetings. However, as Robin Cook (then Leader of the House of Commons) stated in his opening speech, in practice the majority of Select Committees already met during the sitting hours of the chamber.

## The work of select committees

### Core tasks

Select committees are able to decide upon their own work programme. However, in May 2002 the House of Commons passed a resolution determining certain 'core tasks' for select committees to undertake. The 'core tasks' proposed in the motion on 14 May 2002 were compiled by the House of Commons Liaison Committee, which contains the chairs of all the selection committees in the Commons. The list defined the tasks of select committees in the following way:

*"It shall be the duty, where appropriate, of each select committee:*

- *to consider major policy initiatives;*
- *to consider the Government's response to major emerging issues;*
- *to propose changes where evidence persuades the Committee that present policy requires amendment;*
- *to conduct pre-legislative scrutiny of draft bills;*
- *to examine and report on main estimates, annual expenditure plans and annual resource accounts;*
- *to monitor performance against targets in the public service agreements;*
- *to take evidence from each Minister at least annually;*
- *to consider the reports of Executive Agencies;*
- *to consider, and if appropriate report on, major appointments by a Secretary of State of other senior ministers;*
- *to examine treaties within their subject areas"*

The Liaison Committee had previously produced four categories of select committee activity as:[72]

*(i) seeking to influence government thinking over the longer term by major studies: in the 1997–2001 Parliament the Health Committee reported on NHS mental health services; International Development considered conflict prevention and post-conflict reconstruction; the Welsh Affairs Committee looked into social exclusion in Wales; the Home Affairs Committee examined controls over firearms;*

*(ii) tackling topical issues at short notice: the Culture Media and Sport Committee looked at ITV's decision to abolish* News at Ten*; and the Trade and Industry Committee reported on developments in the car industry at BMW, Rover and Longbridge;*

*(iii) examining emerging ideas to contribute to the policy debate: the Environmental Audit Committee reported on the negotiation of the climate change targets; and the Home Affairs Committee endorsed proposals to change the double jeopardy rule in criminal cases; and*

*(iv) conducting "post mortem" inquiries into what went wrong so lessons can be learned for the future: the Foreign Affairs Committee looked at arms sales to Sierra Leone; and the Defence Committee reviewed the conduct of military operations in Kosovo.*

Select Committees have often been criticised for focusing too heavily on events rather than "examining the administration, expenditure and policy"[73] of the department as originally intended. A study carried out in 2001 of select committee reports in the first two sessions of the 1997 Parliament asked select committee clerks to classify their committees' work.[74] The study found that only 34% of reports covered issues around departmental expenditure, 60% covered issues around administration, whereas the vast majority of work, 77% covered policy issues

---

[72] Liaison Committee, First Report, *Shifting the Balance, Unfinished Business,* HC 321, 200-01.
[73] Standing order 152.
[74] Hansard Society Commission, *The Challenge for Parliament: Making Government Accountable*, 2001, p159.

(clerks were free to tick more than one box as the work of select committees often crosses these boundaries). 20% of reports had covered only expenditure or administration. There had been little incentive to do complex work which was often 'media-unfriendly' and difficult to tackle with their current staff resources. The creation of the Scrutiny Unit is aimed to increase the capacity to do precisely this type of work.

### Legislative and Pre-legislative scrutiny

Unlike the Scottish Parliament and the Northern Ireland Assembly, Westminster select committees do not consider legislation that comes out of their relevant department (except draft legislation). Instead, a new committee, a Standing Committee, is established separately for every piece of legislation.

Although pre-legislative scrutiny is within the list of functions of select committees, in practice it only makes up a very small part of a committee's workload. As it is the executive which decides whether or not to produce draft legislation, the executive controls this part of a committee's agenda. Although there have been movements to increase the number of draft bills introduced, most committees are yet to see their first piece of draft legislation. Legislation itself is not examined by departmental committees but by Standing Committees which are established for to single purpose of scrutinising a particular Bill. However, select committees are able to produce draft legislation themselves and introduce it to Parliament through one of their own members. The Public Administration Select Committee is (at the time of writing) producing a draft Civil Service Bill.

## Procedure

### Setting the agenda

Committees decide their own work programme. Although they have the list of core tasks to assist them they may choose their own topics for investigation.

### Soliciting and taking evidence

Select Committees generally use a traditional style of investigation. Once a topic and title for investigation is decided, a consultation process begins. This often involves inviting written evidence from the stakeholder community, and inviting those with particularly important roles in relation to the inquiry or those with a special interest or knowledge in the issues, to give oral evidence.

It is usual practice that before oral evidence sessions, a private deliberative meeting of the committee is held to discuss, or often to divide up, the questions that have usually been prepared by the clerk. During the evidence session members take it in turns, when called on by the chair, to ask questions. All committee meetings at which evidence is given are public and broadcast. A transcript of these meetings is placed on the committees pages on the Parliament website.

There have been few, but notable, examples of innovative practice by select committees in taking evidence. The Public Administration Select Committee took evidence in an online forum during their Citizen Participation in Democracy enquiry.

### Taking evidence outside Parliament

Most select committees are giving the power in standing orders to 'adjourn from place to place', that is meet and take evidence in places outside the Palace of Westminster. In practice, some committees use this power more than others. Those with particular interests in the nations and regions of the UK such as the Welsh Affairs Committee and the ODPM sub-committees which tackle subjects such as regional economic disparities in the UK tend to use this power the most.

### Travel

The House of Commons Commission has delegated power to the Liaison Committee to authorise expenditure up to a ceiling for all committees, each of which has to make its case to the Liaison Committee for funding for overseas visits.

### Writing of reports

Reports of select committees are drafted by the committee clerk usually following the deliberation by the members and with the assistance of the special adviser if one was appointed, and of other staff. The Chairman is responsible for presenting the report to the Committee and may draft some of all of the text. Reports are usually agreed by

the Committee through an informal process of reaching consensus. Any disagreements left after an informal process move on to the more formal process of taking votes on amendments. In the Commons, the chair has the casting vote if the votes are equally split.

### Minority views

Committees do not necessarily publish minority reports. However, if votes are taken during the deliberative process, the outcome of these votes is recorded in the minutes of proceedings and published with the report.

## The impact of reports

### Debates in the Chamber on Select Committee reports

There are few opportunities to debate Commons Select Committee reports on the floor of the House of Commons. In the first 10 years of the Select Committees (since the St John Stevas reforms of 1979), only four of around 500 reports were debated. This increased to 29 reports between 1997 and 2000. The introduction of 'parallel debates' in Westminster Hall in 1999 has enabled far more reports to be debated, but normally these are very poorly attended. There are currently 30 opportunities a year for debates on committee reports (six on the floor of the House during annual estimates days and eleven in Westminster Hall). A committee which wants to follow up one of its reports with a debate applies to the Liaison Committee, which decides which reports should have priority. As the government holds a majority of committee chairs, it has a majority on the Liaison committee. Therefore the committee may not willingly allow reports to be debated which are particularly critical of the government or particularly controversial.

It is common for debates to take place on the floor of the Lords on committee reports. Grantham's 1989 survey of members suggested that they though the impact of Lords select committee reports was strongest within the House itself.[75] Impact on the Government compares with that of Commons select committees. There is little significant public impact of Lords select committees, though this is partly due to the fact that few of the committees are tasked with reporting on newsworthy or topical issues.

### Government's replies to reports

The Government has to provide a response to select committee reports within 60 working days. A study carried out in 2001 which asked committee clerks to evaluate Government responses on various criteria, including whether or not the report was delivered on time and whether it engaged with the whole report or just the summary of conclusions. 17% of responses were felt to be less than satisfactory. However, the report notes that "the difference between the number of reports and the number of responses included in the analysis is largely a consequence of the fact that a number of reports did not receive a response".[76] The report also notes that although clerks may be satisfied with responses, chairs may not be. The Liaison Committee in 2000 stated that

> "Too many are superficial—and give the impression that they have been drafted with only a cursory look at the summary of recommendations, ignoring the analysis and argument in the body of the report.… The format of replies sometimes borders on the casual."[77]

## Select committees as a success

There is no doubt that select committees are the most powerful weapon of scrutiny that backbench members of Parliament have in making the Government explain and defend policy and practice. They also have a number of secondary benefits.

> "Anecdotal evidence suggests that these are some of the effects of select committees on their process of government:
>
> (i) the fact that a committee has chosen a subject for an inquiry brings that subject to the attention of ministers

---

[75] Cliff Grantham, "Select Committees", in ed. Donald Shell and David Beamish, *The House of Lords at Work,* Clarendon, Oxford, 1993, p294**.**

[76] Hansard Society, op. cit., p.163

[77] Liaison Committee 1999–2000, HC300, para 47.

*(who may make changes before questioned by the committee or in anticipation of a critical report;*

*(ii) select committee scrutiny makes it more likely that the options reflected when a decision is made become known and this may compel decision-makers to be more rigorous in their assessment;*

*(iii) the compilation of evidence by committees (and the opportunity their inquiries gives to critics of government policy and administration) encourages a more open discussion of policy options;*

*(iv) apparent parliamentary support may strengthen the case within government for one particular option (or make ministers more reluctant to disregard it); and*

*(v) the continuing interest of a committee in an issue over a period of years makes it harder for that point of view to be ignored."[78]*

The introduction in 2002 of a requirement for select committee to produce annual reports to the Liaison committee will produce a valuable source for the evaluation of the work of the departmental committees.

## Criticisms of Select Committees and reform proposals

As noted in the introduction, since 1997 select committees have been at the centre of a number of proposals to strengthen Parliament against the Executive. A number of modernisation proposals have been suggested to tackle the deficits listed below.

The current main criticisms of Select Committees are can be summarised as:

- their resources are too few in terms of staff and finance;
- there is little co-ordination between committees and regulator, ombudsmen, auditors, MPs' researchers, Commons librarians, and policy communities;

- the committees have poor collective memory, deriving from relatively high turnover in membership;
- the membership of committees should no longer be controlled by party whips;
- there is no job description for members and no mechanisms for training in the House.

The Scrutiny Unit, recently set up in the House of Commons, will begin to address the problems of understaffing. However, some of the problems are more complex to resolve. Preventing members from taking up positions on the front benches and thereby giving up their select committee role is close to impossible. The increased pay for committee chairs may eventually lead the committee life to be an alternative career path to that of ministerial office. However, with no reward for members of committees as well as chairs there is little for the role of junior minister to compete with.

The predominance of the whips in the process of choosing members and chairs of select committees is often criticised. A number of influential reports, both inside and outside Parliament, have proposed changing the system. The Liaison Committee has recommended the establishment of a select committee panel,[79] as did the Hansard Society Commission on Parliamentary Scrutiny.[80]

The nominations committee as proposed by the Modernisation Committee in 2002 would have been chaired by the Chairman of the Ways and Means Committee and consist of senior members of all political parties. The Chair would:

*"issue a standard form for parties to circulate inviting their Members to indicate the select committees on which they would be interested in serving. These forms would be returned to the political parties who in turn would submit proposals to the Committee of Nomination, based as far as possible on the preferences expressed by individual members." [81]*

The Committee of Nomination would have the power to amend those nominations if "it was

---

[78] Robert Blackburn and Andrew Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedure,* second edition, p601.

[79] House of Commons Liaison Committee, *Shifting the Balance*, 2000, op. cit.

[80] Hansard Society, 2001, op. cit.

clear that a fundamental problem had arisen".[82] These proposals, however, failed to pass through Parliament.

## *Evaluation*

As might be expected from institutions which have very limited powers and resources, Select Committees vary in their effectiveness. It is very rare for a Government department to accept suggestions made by Committee reports without qualification or without stating that the matter is already in hand. Committees achieve most of their influence when they are able to address a relatively topical issue, come to a consensus on a series of reasoned conclusions, and achieve high levels of press coverage. But this form of influence is essentially political: it is not a part of the institutional arrangements described here. It is no accident that, at the time of writing, Select Committees are achieving unusually high levels of press coverage: this is doubtless due in considerable part to the Government holding 409 seats, with a very large number of back-benchers and increasing numbers of ex-ministers who are restless and willing to challenge their own party leadership—and also due to the perceived weakness of the main opposition party.

However, the increased resources currently being made available will enable the committees to take a more active role. Much of their effectiveness depends on the availability of good information and the ability to shoulder a considerable workload. Monitoring of departmental activity is just as important as commenting on big political issues, though it is a less celebrated part of committee work. Committee influence is likely to be at its most tangible when it is concerned with incremental improvements and small victories. The Government maintains sufficient control over the affairs of the House of Commons to prevent committees from having influential input into controversial policy debates.

Links between the two Houses of Parliament are relatively undeveloped. Occasionally joint committees are appointed, normally to look into particularly weighty matters on which the Government wants to obtain a respected opinion, but this is more or less the limit of co-operation between the Commons and the Lords. The Lords runs a number of committees which have a cross-cutting function.

---

[81] Select Committee on Modernisation of the House of Commons, *Select Committees,* HC224-1, 2002.
[82] Ibid, para 18.

# *Conclusion*

Scrutiny has become a growth industry since the election of the Labour government in 1997. However, it has done so in an unco-ordinated fashion. The word was barely used before 1997: words such as 'accountability' and 'responsibility' were used to describe the relationship between Government ministers and Parliamentary committees. The constitutional reform programme of the 1997 Labour government has been the more significant driver of the development of 'scrutiny'. The devolved assemblies in Scotland, Wales and Northern Ireland, the Greater London Authority and Regional Chambers have all been established since 1997, and 'scrutiny' has played a central role in the Labour government's programme of local government modernisation. There has been a sudden arrival of new governmental bodies in the UK, all of which need to develop relationships between those of their members with executive responsibilities and those without. Although these governmental bodies have widely differing powers and responsibilities, the need to keep their executives in check unites them.

As Parliament had been practising what is now called 'scrutiny' for some twenty years before the arrival of the devolved institutions, Regional Chambers, and the 'conversion' of local government into an executive and scrutiny mode, it might be expected that the practices of Parliament would be dominant in informing how these new and existing bodies made sense of their role. This has not been the case. Parliament has certainly been influential, particularly through ex-MPs who now sit in Scotland, Wales, and Northern Ireland. But the new institutions are displaying an increasing freedom of imagination in carrying out the scrutiny role. Local government received considerable amounts of guidance as to the form of scrutiny from the centre, but little obligation in terms of the content of scrutiny work—allowing wide variation between local authorities.

The framework of legislation has been a factor in developments within the new bodies. This is particularly true of the Regional Chambers, where the process described as 'scrutiny' would be 'joint working' or discussion in any other forum. Chambers have been obliged, by their lack of powers, to use this method to gain purchase on RDA policy, and through building good relationships with RDAs have been able to influence their corporate plans. Local authorities are enjoying similar small successes with 'external' bodies through the power of health scrutiny.

Committee structures also exhibit more variation amongst the regional and local bodies than might be expected. In the House of Commons and the devolved institutions, there are sufficient resources to set up a committee to face each government department. Local government has, on the whole, opted not do so, preferring to set up either cross-cutting committees or a single scrutiny committee which sets up task and finish groups to carry out enquiries. The London Assembly has set up committees which roughly cover the policy responsibilities of the GLA, which of course does not have departments and ministers in the manner of an assembly. Regional Chambers have set up committees investigating focused aspects of regional economic policy, and also occasionally on wider matters.

In all these political authorities the matter of resources is vital. House of Commons committees were, for many years, notoriously under-resourced. Recently, however, their staffing has increased considerably. Scottish Parliament and Northern Ireland Assembly committees are relatively well-resourced, and have automatic support from their respective library services (this is not the case for the House of Commons Library). Resources in the National Assembly for Wales were significantly increased in early 2003. The London Assembly's committees are also well-resourced, and Regional Chambers frequently use their policy officers to provide information to scrutiny panels. Only in local government are resources still a significant problem for scrutiny, especially in district councils—districts often have only one FTE staff for committees generally, and are not able to segregate staff to carry out work on scrutiny alone. The use of resources also varies between layers of government: local and regional governments have only very rarely made use of special advisers in the manner of the House of Commons, for instance.

The nature of committee outputs is quite unusual in local and regional governments, compared

with national and devolved levels. Local authorities and regional chambers have far more of a corporate ethos: there is far less attempt to separate the executive and scrutiny roles within the officer structure. In some local authorities the scrutiny process is mainstreamed as an automatic stage in policy development. Councillors and officers from the two 'sides' mix and exchange information far more freely. This contrasts with Parliament and the devolved institutions, where the committee secretariat and executive departments, whilst in contact, keep their distance from one another—the flow of information is by no means automatic. Similarly, at local and regional levels committee outputs do not necessarily take the form of formal reports. Short commentaries are sometimes produced, but outputs, on some occasions, are simply fed back into the authority through meetings and joint seminars.

The process of scrutiny will be investigated in greater detail through the other outputs of the Constitution Unit's research. We will examine the practices of each layer of government and evaluate them in reports, to be produced between October 2003 and July 2004. These reports will contribute to a greater understanding of the rapidly developing processes and structures of scrutiny, and in particular the way in which the different levels of government learn from one another. It is hoped that this guide will help scrutiny practitioners, and those with an interest in working with or influencing committees, to understand how current systems work, and what can and cannot be achieved through them.

# Appendix 1: other forms of scrutiny

This appendix lists some of the other forms that 'scrutiny' takes and has taken in political life in the UK. These are included here to demonstrate that scrutiny and accountability, in their widest sense, do not merely take place in committee meetings, but take place in many different ways.

## Questions

Oral and written questions to ministers are perhaps the oldest form of scrutiny available in Westminster. They were central to obtaining information from ministers throughout much of the 20th century, though their significance has declined comparatively since the introduction of select committees. Oral and written questions cannot oblige Ministers to give answers. Sometimes answers will not be given on the grounds of national security or confidentiality; more often, responses which do not address the questions asked, or omit important information, will be given. Some recent parliamentary 'scandals', such as the arms-to-Iraq affair which led to the Scott Inquiry in 1994–95, and parliamentary questions leading to the Belgrano trial in 1985, began with misleading answers to parliamentary questions. However, the ability to ask questions can in itself reveal information which Ministers would rather not reveal: it is a forensic process.

Question times have been less remarked upon in the devolved assemblies, due to the strength of their committees to make and debate policy and to the time spent in committee (much greater than in Westminster). However, they remain important forums of debate, and written questions remain a useful means to information—particularly on members' constituency issues. The monthly questionings of the Mayor by the Assembly within the Greater London Authority play a similar role: allowing members to challenge the Mayor on individual decisions and constituency issues. However, in local authorities, there is no tradition of individual questions to executive members (who have been in existence only for a few years). Most of the events of plenary are determined beforehand in pre-meetings. The same is largely true of Regional Chambers; although individual questions are permitted, time is very limited, as only 3–4 single-day plenary meetings per annum take place.

## Plenary

Committees are just one part of any legislature or assembly. Scrutiny is also performed when the legislature or assembly meets in plenary for opposition debates or emergency debates to scrutinise the executive. Ultimately plenaries can, in theory, hold a vote of no confidence in a member of the executive. This took place in the case of Alun Michael in the Welsh Assembly. However, it has only ever happened twice in the House of Commons (1924 and 1979).

Plenary debate is often thought of as an insufficient mode of scrutiny for several reasons. Firstly, open debate is often confrontational and overtly party political with politicians more keen on point-scoring and media coverage than establishing facts and holding the executive to account. Parties also structure votes within assemblies with party whips ensuring that the Government generally gets its business. The strength of parties, and the fact that governments normally have a majority in the assembly, means that a no-confidence vote is practically impossible to achieve against any minister of government. The problems with the strength of party organisations are more overt in the Westminster Parliament than the other assemblies mentioned here, perhaps because of the media spotlight, perhaps because of the confrontational arrangement of seating, and perhaps because of the nature of the business which is done there.

In local authorities and regional government, plenary debate plays a much smaller role. This is partly because far fewer plenary meetings take place, as most members are part time. It is also because plenary is historically treated as less important, at those levels of government, than in Westminster. The conduct of most meetings of full council are frequently determined in advance, either through political compromises thrashed out in pre-meetings or through the voting power of a majority party. Asking tough questions has not been part of the political culture in such meetings.

## The Media

The aims of scrutiny—to extract information from executives, to influence policy-making, and to

hold Government to account for its actions—are today duplicated and reinforced by the media. Media 'scrutiny', however, is rarely detailed or constructive. It may force the release of information that governments do not want released, but the nature of most broadcast and written media is such that the scrutiny they offer rarely matches detailed scrutiny by democratic institutions.

The media plays an important role in bringing the results of democratic scrutiny to public attention. Historically, links between Parliamentary committees and the media have been poor: the House of Commons currently employs one press officer between all its select committees. The Greater London Authority appointed a head of press for the London Assembly some two years after its establishment. And many local authorities, particularly in large urban areas, find that there is no dedicated newspaper or media outlet interested in covering issues in their geographical boundary. In the absence of at least some information being easily available to the public, the impact of scrutiny and democratic accountability is reduced.

## Legal accountability and judicial review

Accountability of executive actors through litigation and the courts has increased significantly in recent years with the dramatic increase in actions for judicial review. A further source of increased judicial activism has been the incorporation of the European Convention of Human Rights into UK law (Human Rights Act 1998). Members of the public have been empowered with a broad range of rights, and this has made it easier, cheaper and quicker to launch legal challenges against public bodies over infringement of these rights. Individuals who previously had to take their cases to the European Court of Human Rights in Strasbourg can now hold public bodies accountable for infringement of their rights in a UK court. Rights included in the Act are the right to protection from torture and degrading or inhuman treatment (A3) and the right to respect for private and family life (A8). However, the courts are not given the power to strike legislation down that is incompatible with the Human Rights Act. They can make a statement of 'incompatibility' leaving the government the decision as to whether and how to amend the legislation.

## Standards and Codes of Conduct

Members of the various assemblies and legislatures in the UK are all subject to guidance on their behaviour and liable to various sanctions if these codes are broken. The standards agenda surfaced during the Major government's embroilment in various allegations of 'sleaze'. The Nolan Committee was established in 1994 to "examine current concerns about standards of conduct of all holders of public office". Its major finding was that holders of public life were unsure of the standards expected of them, and that procedures for maintaining and enforcing standards were weak. It therefore laid out 'Seven Principles of Public Life' as guidelines to Members' behaviour, and recommended measures to enforce these standards at Westminster.[83] Nolan's 'Seven Principles' appear on the websites of regional chambers, local authorities, and in the Ministerial Code. They are: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. The actions of holders of public office are scrutinised against these principles.

The ability of the Nolan Principles to be the basis of acceptable conduct is, however, dependable on the enforcement procedures and sanctions which public bodies attach to them. For instance, the enforcement of these principles at Westminster is weak. The principle of parliamentary sovereignty has meant that the Parliamentary Commissioner for Standards, the creation of which was one of the principal recommendations of Nolan, has very little power distinct from the Committee on Standards and Privileges. As Diana Woodhouse writes "The Commissioner still operates within the framework of the Westminster Club and is dependent on it and confined by it. If Parliament is to regain and retain public confidence, his position needs strengthening."[84]

In Scotland, however, standards of conduct are on a statutory footing. Breaches of the Scottish

[83] Standards in Public Life: First Report of the Committee on Standards in Public Life (the Nolan Committee), Cmd 2850-1, 1995.

[84] Woodhouse, D., *The Parliamentary Commissioner for Standards: Lessons from the 'Cash for Questions' Inquiry*, Parliamentary Affairs, 1998.

Parliament's Code of Conduct can result in a range of penalties, hence the scrutiny of the actions of those in a position of power can be more effectively scrutinised by someone of independent standing.

Part III of the Local Government Act 2000 introduced a new ethical framework for local government. This provides that all relevant authorities should adopt a code of conduct based on a model code issued by the then Department for Transport, Local Government and the Regions. Failure to provide a written undertaking pledging to observe the authority's code would result in the individual ceasing to be a member or co-opted member of that authority. The model code of conduct includes clauses on the declaration of personal interests, the registration of financial interests, as well as an obligation to promote equality, and not to bring the authority into disrepute.

Ministerial behaviour is also governed by the Ministerial Code (formerly known as Questions of Procedure for Ministers). Again, this is not legally binding—it is a code not a law. Although it is therefore limited in being a tool of scrutiny itself, it does set down principles of ministerial accountability to Parliament, trying to ensure ministerial responsibility to Parliament. For instance, section 27 reads that "When Parliament is in session, Ministers will want to bear in mind the desire of Parliament that the most important announcements of Government policy should be made, in the first instance, in Parliament." Although there is no way of ensuring the Code really is followed it does contain standards against which ministers' behaviour can be judged, and those standards include paying due deference to Parliament. For instance, in January 2003 Education Secretary Charles Clarke was rebuked by the Speaker of the House for giving too much information away about the Higher Education Funding Green Paper to media interviews before it was placed before the House and members had had a chance to question him over it.

## *Freedom of Information and Data Protection*

One of the greatest weapons of accountability is access to the information which the executive holds. Many forms of scrutiny—Parliamentary Questions, Ministers going before select committees, a probing media—are all different ways of attempting to retrieve information about policy decisions and executive actions from those responsible. Therefore, the Freedom of Information regime in any country creates a mechanism of accountability. Freedom of Information gives the individual the right to discover facts about public bodies, and puts these bodies under a legal obligation to release requested information.

Along with the new rights that the Government has put in statute under the Human Rights Act 1998, a right to information has been established under the Freedom of Information Act 2000. However, this Act does not come fully into effect until 2005 and is limited in its nature so the current access to information regime, and the likely effects of the new one is discussed here.

The current arrangements for access to information vary across the UK governmental bodies. Central Government follows the non-statutory Code of Practice on Government Information first introduced in 1994. Local Government is subject, until the FOI Act comes fully into force, to the Local Government Act 2000 which required councils to open up meetings that involve "two or more members" making "key decisions". Scotland's own Freedom of Information Act was passed by the Scottish Parliament on 24 April 2002, and will come into force in December 2005.

The Code of Practice that currently governs central government has been limited in the lines of information flow it has created. The code gives an opportunity to seek access to 'information' not documents. Therefore, instead of releasing actual government papers, civil servants may instead produce a summary which includes the information requested. The Code does not apply to all government bodies, only those covered by the Parliamentary Commissioner Act 1967. Democratic Audit showed that, in 1994, only one in four NDPBs came under the jurisdiction of the Code. There are also 15 classes of exemption from the Code.

The Freedom of Information Act puts an onus on all public bodies to produce Publication Schemes which must be approved by the Information Commissioner. The schemes specify the classes of information the authority publishes or intends to publish, and the manner of publication and any charges.

However, the Freedom of Information Act has been much criticised for the number and scope of its exemptions. Exempt material includes: commercial interests, the economy, and the formulation of government policy. Most of the exemptions are subject to a public interest test. Any requester denied information may appeal.

## *Financial Scrutiny and Audit*

Financial scrutiny, ensuring that public funds are being used effectively, efficiently, and in accordance with policy, is carried out by professional auditors. All the audit bodies except the National Audit Office employ auditors either from the private sector or from arms-length audit bodies (i.e. District Audit). However, it is also possible for an individual to access the accounts of a public body. If you are entitled to vote in local council elections by law, you are entitled to inspect your council's accounts and ask questions about, or challenge them. The different Parliaments and Assemblies of the UK receive reports from the various audit bodies, and have audit committees which investigate aspects of the public accounts.

The National Audit Office audits all the central government departments and over half of the non-Departmental Public Bodies. It is headed by the Comptroller and Auditor General who is an Officer of Parliament. All of the NAO's main work is presented to Parliament by order of the House of Commons. Each year about 45 reports are investigated further by the Committee of Public Accounts.

The Audit Commission is the body responsible for auditing local authorities, police, fire and health bodies in England and Wales. The Audit Commission also audits the Greater London Authority and its functional bodies. The Audit Commission is a non-departmental public body sponsored by the Office of the Deputy Prime Minister with the Department of Health and the National Assembly for Wales. The Audit Commission is itself audited by the National Audit Office. Auditors are appointed either from District Audit, an arm's length agency of the Commission, or a private sector accountancy firm.

Apart from auditing of accounts, these audit bodies carry out 'value for money' audits, comparing performance and identifying and promoting good practice. This has been a recent extension of the scrutiny powers of the auditors. They also collect and publish performance information on council, police and fire services, to enable monitoring and comparison of service performance, and carry out inspections of local services to assess their quality and cost effectiveness. In preparation for comprehensive performance assessment they compile local authority corporate assessments, combining performance information data, audit, inspection and other service assessments.

The devolved bodies also have their own audit bodies—the Auditor General for Wales audits the accounts of the National Assembly and its sponsored bodies and is also empowered to investigate whether value for money has been achieved. The Northern Ireland Audit Office and Comptroller and Auditor General do the same for the Northern Ireland Assembly, and Audit Scotland and the Auditor General for the Scottish Parliament. Functions in the devolved nations which are reserved, are still audited by the National Audit Office.

In their report on the Government Resources and Accounts Bill (9th Report 1999–2000 HC159) the Committee of Public Accounts expresses concern at the number of non-departmental public bodies which have funds voted on by Parliament whose finances were audited by auditors appointed by, and reporting to, Ministers, rather than Parliament's own officer—the Comptroller and Auditor General. The Review of Audit and Accountability (under Lord Sharman) was established to examine current audit and accountability arrangements for central government and reported in February 2001. Amongst its recommendations was a suggestion that the C&AG should be appointed as the auditor of all NDPBs. The bulk of Sharman's recommendations were accepted. Most noticeable amongst the recommendations which were rejected were those to extend the power of the C&AG to scrutinise the civil list and parliamentary scrutiny of BBC funding.

## *Participation*

Scrutiny can also be achieved by letting the public participate and interact with decision-makers to influence policy decisions. Focus groups, opinion polls, citizens juries and consultations all increase participation and scrutiny by the general public and are used by all levels of government to one extent or another.

The Government has been experimenting with e-consultations, making it easier for the public to get involved. In the Greater London Authority, one innovation in scrutiny has been 'People's Question Time'. Question Time happens twice a year and gives Londoners the chance to ask the Mayor and the London Assembly about their plans, priorities and policies for London. There will also be a Mayor's Question Time for schools and colleges which has been organised in partnership with the Institute for Citizenship. Unelected Regional Chambers have a number of members who represent 'Social and Economic Partners', thereby widening the basis of accountability out into interested social groups.

# *Appendix 2: Glossary of acronyms*

| Acronym | Term |
|---|---|
| C&AG | Comptroller & Auditor General |
| DETR | Department of Environment, Transport and the Regions |
| EEDA | East of England Development Agency |
| EERA | East of England Regional Assembly |
| EMDA | East Midlands Development Agency |
| FOI | Freedom of Information |
| GLA | Greater London Authority |
| MSP | Member of the Scottish Parliament |
| NAO | National Audit Office |
| NDPB | Non-Departmental Public Body |
| RDA | Regional Development Agency |
| SEEDA | South-East England Develoment Agency |
| SEP | Social and Economic Partner |
| SOLA | Structure and Organisation of the London Assembly Working Group |
| SPICe | Scottish Parliament Information Centre |

# *Bibliography*

Robert Blackburn and Andrew Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedure,* second edition, Sweet and Maxwell, London, 2003

Noreen Burrows, *Devoluntion,* Sweet and Maxwell, London, 2000

Paul Corrigan, *Overview and Scrutiny: A Practitioner's Guide,* IdeA, London, 2000.

DETR, *Modern Local Government: In touch with the People,* Cm 4014, HMSO, London, 1999.

DETR, *Modernising Local Government: Local Democracy and Community Leadership,* HMSO, London, 1998

DETR, *Guidance on New Council Constitutions,* 2000.

DETR, *Strengthening Regional Accountability,* unpublished consultation paper, 2001

Agriculture and Rural Development Committee, *Annual Report and Summary of Activity During 2000–2003*, National Assembly for Wales, Cardiff, 2003

EERA, *The East of England Regional Assembly's scrutiny function with EEDA*, unpublished paper, 2001

EMRA, *The East Midlands response to "Strengthening Regional Accountability" consultation paper by DETR*, March 2001

Matthew Flinders, *The Politics of Accountability in the Modern State,* Ashgate, Aldershot, 2001

Cliff Grantham, "Select Committees", in ed. Donald Shell and David Beamish, *The House of Lords at Work,* Clarendon, Oxford, 1993

Greater London Authority, *Structure and Organisation of the London Assembly—Report of the Working Group*, April 2001

Scott Greer and Mark Sandford, *Fixing London,* Constitution Unit, London, 2003

Sue Charteris and Paul Corrigan, *Developing Your Council's Scrutiny Role*, LGIU/IDeA, 2000

Hansard Society, *The Challenge for Parliament: Making Government Accountable,* Vacher Dod, London, 2001

House of Commons Liaison Committee, *Shifting the Balance: Select Committees and the Executive,* HMSO, London, 2000, HC 300

House of Lords European Union Committee, *Review of the Scrutiny of European Legislation,* HMSO, London 2002, HL 15.

Barry Jones, "Driven by Events: the Agriculture and Rural Development Committee" in Barry Jones and John Osmond eds, *Inclusive Government and Party Management,* Institute of Welsh Affairs, Cardiff, 2001.

House of Commons Liaison Committee, First Report, *Shifting the Balance, Unfinished Business,* HC 321, 2000–01.

eds Donald Limon and W R McKay, *Erskine May, Parliamentary Practice,* 22nd edition, 1997

Local Government Act 2000

London Assembly, *Scrutiny Bulletin,* Issue 2, March 2003.

Peter Lynch, *Scottish Government and Politics,* Edinburgh University Press, Edinburgh, 2000

North East Assembly, *Strengthening Regional Accountability—Bidding Proposal July 2001*, unpublished paper

North West Regional Assembly, *Challenging Imbalance, Championing Inclusion—Strengthening Regional Accountability, North West Regional Assembly Bidding Proposal*, NWRA, 2001

John Osmond and Barry Jones, *Devolution Monitoring Report: Wales,* Constitution Unit, London, 2001

Scottish Parliament**,** *Guidance for the Operation of Committees*, 1999

Scottish Office, *Shaping Scotland's Parliament: The report of the Consultative Steering Group on the Scottish Parliament,* HMSO, 1999

SEERA, *South East England—Building Confidence—The Regional Assembly's Proposals to strengthen regional accountability*, 2002

Select Committee on Modernisation of the House of Commons, *Select Committees,* HC224-1, 2002.

Lord Sharman of Redlynch, *Holding to Account: The Review of Audit and Accountability for Central Government,* 2001.

Stephanie Snape, *The Development of Overview and Scrutiny in Local Government,* DTLR, London, 2002

Stephanie Snape, Craig Moore, Rachel Ashworth, Sundeep Aulakh and Lynn Dobbs, *The Development of Regional Scrutiny*, English Regions Network, Warwick, 2003

Standards in Public Life: First Report of the Committee on Standards in Public Life (the Nolan Committee), Cm 2850-1, 1995.

Transport, Local Government and the Regions Select Committee, *How the Local Government Act 2000 is Working,* HMSO, London, 2002

The West Midlands Regional Assembly and Advantage West Midlands, *Strategic Review Protocol,* Annex One.

Woodhouse, D., *The Parliamentary Commissioner for Standards: Lessons from the 'Cash for Questions' Inquiry,* Parliamentary Affairs, 1998.