

How to run a country A Parliament of lawmakers

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Jonathan Goddard

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Reform

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Forewords

Graham Brady MP

Only a third of the public think Parliament effective in holding government to account: two thirds want improvement of our democratic institutions. We struggle to get more than two adults in three to cast a vote at a General Election. It is widely held that anti-politics is the prevailing mood of our times. With depressing regularity though, discussions involving politicians and the media focus not on how to improve our democracy but rather on how we can better communicate the brilliance of our achievements to those too cynical or ill-informed to see them.

My eighteen years in the Commons have led me to a different conclusion: I think Parliament is weak, ineffective and in need of radical change. It isn't the way we elect our MPs – as the 2011 referendum showed, people are quite happy to choose a single local MP using First-Past-the-Post. What they can't stand is what happens to us when we arrive at Westminster. The domination of the legislature by the executive and the pervasive corruption of patronage, effect a collective lobotomy. Intelligent and independent-minded people are too often transformed into lobby-fodder living in hope of even the most ridiculous sign of favour or preferment.

This report by *Reform* is a serious attempt to identify worthwhile, incremental reforms that might restore some real value and dignity to the Commons. Giving MPs a greater role in agreeing Parliament's timetable and programme; enhancing the powers (and responsibility) of specialist select committees; giving greater parity of esteem to the task of scrutinising government effectively, so all parliamentary life isn't seen as a scramble for government office; and crucially reducing the size of the 'payroll' alongside the reduction of the number of MPs. Each step alone is tiny but taken together, these changes would amount to an important rebalancing between the executive and the legislature.

It seems obvious that Parliament needs this change; the voluntary exodus of able former ministers at the 2015 election is hardly testament to a healthy institution. It should be just as obvious that government too would be strengthened by being more robustly challenged and scrutinised. I hope this paper will be welcomed by all who understand that Westminster needs to change – and not just to improve its image.

Graham Brady MP
Chairman of the 1922 Committee

“It seems obvious that Parliament needs this change; the voluntary exodus of able former ministers at the 2015 election is hardly testament to a healthy institution. It should be just as obvious that government too would be strengthened by being more robustly challenged and scrutinised. I hope this paper will be welcomed by all who understand that Westminster needs to change – and not just to improve its image.”

Tom Brake MP

The Coalition Government has worked to introduce the internal Commons reforms proposed by the Public Administration Committee before 2010, otherwise known as the “Wright reforms”. *Reform* now shows us where we could go further, strengthening MPs’ hands in their role as lawmakers.

A developed role for select committees forms the core of *Reform*’s ambition for the House of Commons. What they propose would mean a seismic shift of time and attention away from ‘Punch and Judy’ plenaries in the chamber, into bolder, more expert select committees. Members of Parliament would develop themselves as leaders in a given field and focus on it, not just in their scrutiny of the executive, but in their line-by-line examination of legislation.

For my part, I would want to see these committees operate in tandem with those in the House of Lords; with a second chamber radically renewed and strengthened by the injection of democracy into its ranks. The necessary and vital constituency role of an MP will always place pressure on the time individuals can devote to the detail of legislation. A dedicated, democratic revising chamber is therefore crucial, especially if Parliament takes on a new capacity to amend secondary legislation.

The UK Parliament could also deal with fewer laws altogether if the far-reaching devolution the Liberal Democrats seek in England became a reality; making Westminster’s product all the better in the instances where it still needs to be involved. With a diminished workload for the central state, and a strengthened second chamber, the number of MPs could be reduced as *Reform* suggests. In future the House of Commons should be a place of fewer people, doing better work.

Anyone interested in good government should want a strong Parliament. If a minister’s proposal cannot withstand scrutiny from an active, informed and assertive bicameral Parliament, it will never withstand the manifold difficulties of policy implementation within Whitehall. A good minister knows that, and uses Parliament to expose and plug the weaknesses in their proposals before putting them into law. After eighteen years in the House of Commons, with two and a half as a minister, I welcome any and all ideas to make the legislative process more constructive and the legislative product more effective.

These *Reform* proposals – which echo some of those in the recent *Parliament First* booklet¹ – are extremely timely, and I look forward to the debate they will undoubtedly provoke.

Tom Brake MP

Leader of the House Spokesman for the Liberal Democrats

“Anyone interested in good government should want a strong Parliament. If a minister’s proposal cannot withstand scrutiny from an active, informed and assertive bicameral Parliament, it will never withstand the manifold difficulties of policy implementation within Whitehall.”

¹ Meacher MP. *What they never told you about Parliament and how it should be put right.*

Paul Flynn MP

The mother of parliaments should no longer posture and preen as an exemplar to the world. Mother still deserves respect but she is now degraded by endemic neglect.

The great wealth of talent, intelligence and creativity in Parliament is largely wasted. Ossified archaic rules slow reforming progress to the pace of an arthritic sloth. Voices for change are muted. Pressures of personal or party ambition slow the drive towards the common good. Energy is diverted into channels of futility. When confronted by crises, dogs bark, babies cry and politicians legislate. A colossal 77 bills were not implemented in whole or in part during the 2005-2010 Parliament because they were overtaken, impracticable, or defective. Most were under-prepared, under-scrutinized or misconceived.

Little has improved. The signature bill of the current zombie parliament was mocked as “a major landmark in legislative futility.” The Social Action, Responsibility and Heroism Bill was described by a former Tory Attorney General as “utter tosh”. It sets itself the impossible task of creating volunteers and heroes by legislation. Lord Lloyd contemplated moving against all the three absurd clauses of the bill so that only the title would remain. It’s a lamentable headline-seeking example of crude populism that exploits the defects in legislative processes.

Reform has trawled the wisdom of academics and the experience of parliamentarians to shape 13 recommendations for legislative renovation. Their evidence of parliamentary sclerosis is devastating. Tory David Nuttall MP described how ministers are sent off to bat for the government and resist any proposed amendments to bills. One former Conservative Chief Whip is quoted as having said that, when in Opposition, it was unclear “whether my job was to make the Government’s legislation better or worse”. Committee time and energy is squandered on macho party posturing to achieve pyrrhic victories not beneficial laws.

This blueprint for *A Parliament of Lawmakers* is 13 practical, soundly based reforms. They include maximising select committee talent to include legislative scrutiny before and after second readings, collaboration between the executive and committees on timetabling, widening the work of departmental committees to amend statutory instruments and to encourage joint committee work, adjusting committee numbers to optimum sizes to match their tasks, salary increments for committee members to reflect workloads, a cut in total number of MPs to 600 to invest in improved committee staffing, and weakening the power of the ‘payroll vote’ to induce more independent action from MPs.

The initial agendas of the new legislative committees will be off to a flying start if they embrace these recommendations at their first meetings in May 2015. The mixed bag of parties in the new Parliament may induce sensible, cross-party co-operation and fundamental reform.

Paul Flynn MP

Member of the Political and Constitutional Reform Committee

Author of *How to be an MP*

“The initial agendas of the new legislative committees will be off to a flying start if they embrace these recommendations at their first meetings in May 2015.”

Executive summary

The British system of governance is in need of reform. Weak parliamentary scrutiny of government bills threatens the quality of legislation, thereby leading to poor and unintended outcomes. Moreover, scrutiny of legislation is an integral element of holding the executive to account. Parliament must therefore have the structures and processes in place to effectively perform legislative scrutiny.

The scope of this report is limited to the process of legislative scrutiny in the House of Commons, which has long been criticised. Particularly the committee stage of scrutiny, which is intended to prepare the plenary for debate. Committee systems enable parliaments to economise time and resource through specialisation and preparation of the full chamber for deliberation and debate. Committees are typically considered effective when they are permanent and specialised, have a high degree of independence, are small in size and can draw on expert support staff.

Contrary to this House of Commons public bill committees, which scrutinise bills before Parliament, are *ad hoc*. This means that their members often lack subject specific expertise, which limits their ability to *effectively* scrutinise legislation and undermines Parliament's ability to carry out one of its core functions. Furthermore, the temporary nature of these committees hinders relationship building between committee members, hampering the development of a collaborative and deliberative approach to scrutiny.

Public bill committees also lack independence. They are criticised for being excessively partisan, leading to an adversarial culture aimed at party political point scoring rather than improvement of the bill at hand. The partisan obstructionism results from the strong control exercised by the whips and the executive over membership and timetabling. Such executive power over legislative scrutiny makes a farce of Parliament's independence. As the Liaison Committee (2000) put it: "[t]hose being scrutinised should not have a say in the selection of the scrutineers. We believe the present system does not, and should not, have the confidence of the House and the public".² Thus, despite positive innovations such as evidence taking by public bill committees, the committee stage of legislative scrutiny remains woefully inadequate. The recommendations in this report are aimed at addressing this, ensuring the process of legislative scrutiny enables Parliament to enact the best possible legislation to meet the government's policy intent.

This report recommends that departmental select committees, which since 2010 have gained a reputation for independence and effective scrutiny, be entrusted with legislative scrutiny functions and thereby become dual-purpose committees. Not only would legislative scrutiny benefit from the independence and subject expertise of select committees, dual-purpose committees would ensure that legislative scrutiny benefits from the expertise gained by select committees through inquiries, and that general oversight by select committees gains from insights gathered during legislative scrutiny.

Recent years have seen an explosion in the use of delegated legislation, which largely escapes parliamentary scrutiny. This report therefore recommends that select committees are given powers to call hearings and propose amendments to statutory instruments laid before Parliament. This would provide the House of Commons more potent powers of oversight.

The workload of departmental select committees varies across committees as well as between Parliaments. As such, there is little reason for them to have parity of size, nor for individual committees to remain a certain size from Parliament to Parliament. *Reform* recommends that departmental select committees are sized at the beginning of each Parliament to reflect the expected workload of the committee on the basis of the government's programme of work.

² Liaison Select Committee, *Independence or Control? The Government's Reply to the Committee's First Report of Session 1999-2000 - Shifting the Balance: Select Committees and the Executive*.

Evidence suggests that group decision-making is most effective in groups of around five to eight members. To accommodate the need for a parliamentary committee system that ensures representativeness as well as efficiency, *Reform* recommends that departmental select committees are sized between seven and 15 members depending on workload; and that committees are given the powers to appoint subcommittees from their own ranks to scrutinise legislation. The use of subcommittees may help select committees manage and spread the workload arising from both general oversight functions and legislative scrutiny responsibilities.

While select committees, generally, are lauded for their work, they are inhibited by high turnover and sporadic attendance, which limits the potential benefits of permanent, specialist parliamentary committees. This report therefore recommends that Parliament introduces non-consolidated salary increments to incentivise select committee work (including legislative scrutiny). Such a salary increment should be subject to an attendance-based clawback to signal that select committee duties are considered integral to the role of MPs, not an optional extra. Similarly, the current salary increment paid to select committee chairs should be increased to the level of a Parliamentary Undersecretary of State to reflect the importance of the role. Recognising the value of parliamentary scrutiny through remuneration would create an alternative career path for parliamentarians, lessening the power of patronage currently enjoyed by party leaders which is undermining Parliament's ability to hold the executive to account.

The recommended reforms should be made cost neutral, or indeed achieve an overall reduction in the cost of Parliament, through a complementary reduction in the size of Parliament. The 2013 Boundary Commission proposed a reduction of the House of Commons to 600 MPs, reflecting wider calls for a reduction in the size of Parliament. *Reform* recommends a reduction in the number of MPs to 600 or less, which would bring the UK better in line with other lower chambers of bicameral parliaments as regards the ratio of constituents to MPs. A share of the savings from such a reduction should be reinvested in improved staffing levels for select committees to further strengthen the quality of their work in scrutinising government legislation and policy implementation.

Reducing the size of Parliament may affect the balance of power in Parliament in favour of the executive if the so-called 'payroll vote', which include ministers and other appointed roles and requires an MP to vote with the government, is left unchanged. The report therefore recommends that the payroll vote, including unsalaried positions, be limited by statute to a maximum of 15 per cent of the House.

The report's recommendations may impact the time available for constituency work. Recent decades have seen constituency casework increase significantly as a proportion of an MP's time (from 40 per cent a week in 1996 to over 60 per cent a week in 2006). However, evidence suggests that MPs are ill-equipped to deal with a significant share of the constituent correspondence they receive. Regardless of this report's recommendations this is clearly an issue that should be addressed so that individual constituent concerns are met by the most appropriate person (often not their local MP).

Summary of recommendations:

- 1 Departmental select committees should be made dual-purpose by including in their core function the task of legislative scrutiny alongside their existing responsibility for departmental oversight.
- 2 Committee scrutiny should be conducted both before and after second reading on the floor.
- 3 Timetabling of committee stages of legislative scrutiny should be agreed between the executive and relevant select committee as represented by its chair, but in general more time should be allocated to the committee stage.
- 4 Departmental select committees should be given the power to call hearings and propose amendments on statutory instruments laid before the House.
- 5 Departmental select committees should be able to refer legislative scrutiny to a subcommittee of itself to be chaired by the committee's deputy chair.
- 6 Joint legislative subcommittees should be established where needed to scrutinise cross-departmental legislation.
- 7 Departmental select committees should vary in membership according to their workload.
- 8 Departmental select committees with large workloads should be no larger than 15 members, while committees with small workloads should be limited to seven members.
- 9 Subcommittees for legislative scrutiny should have no more than five to seven members.
- 10 Select committee members should be rewarded with a salary increment subject to an attendance-related clawback.
- 11 The number of MPs should be reduced to 600 or less.
- 12 Part of the saving from the reduction in the number of MPs should be reinvested in improved staffing of the select committees.
- 13 Unpaid payroll positions should be included within the statutory limitations on paid government positions, with the statutory limit set at 15 per cent of the House of Commons.

“The lack of effective scrutiny poses a significant threat not only to the propriety of legislation, but also to the ability of Parliament to hold the executive to account for policy failures. Poor quality lawmaking leads to poor quality implementation, with adverse impact on public services.”

Introduction

The function of a *legislature*, plainly, is to legislate. However, a *parliament* is something more than this. It is the origin of the executive, which is responsible to it under “parliamentary government”. The executive sets the programme of government, which determines the need for legislation, and thereby a significant proportion of parliamentary time.³ Parliament, on the other hand, holds the executive to account by scrutinising its priorities and their delivery, primarily through legislative scrutiny and general oversight. In other words, Parliament’s legislative responsibility is not to make the law, but to scrutinise government bills effectively.⁴

A key criticism of the House of Commons has, for many years, been the quality of legislative scrutiny conducted. As is outlined in the following chapter much of this criticism centres on the strong control parties and the executive exert over their members. The lack of effective scrutiny poses a significant threat not only to the propriety of legislation, but also to the ability of Parliament to hold the executive to account for policy failures. Poor quality lawmaking leads to poor quality implementation, with adverse impact on public services.

Legislative scrutiny in the House of Lords is broadly seen as more effective. Calls for reform of the upper chamber are of a separate nature, distinct from the issues addressed in this report. The scope of this report is limited to the process of legislative scrutiny in the House of Commons, which is most often cited as in need of significant reform.

Public perceptions of Parliament

Criticism of the House of Commons is reflected in the public’s perception of our governance structure. While two thirds of the public consider Parliament essential to our democracy, only a third believes that Parliament effectively holds government to account; the lowest level of confidence in five years.⁵ Over the past decade, two thirds of the public have consistently considered the system of governance in need of improvement.⁶

This crisis in confidence is reflected in falling support for the major political parties. The trend until recently was of general decline of party membership. In the last few years, however, support for and membership of smaller parties have risen significantly.⁷ Whilst political disengagement clearly remains a challenge, this shift suggests that people may be (re)engaging but with different political organisations. This fragmentation of the party system raises questions about the efficacy of parliamentary procedure designed for a two-party system.

The role of parliamentarians as legislators

Arguing for an improved process of legislative scrutiny in the Commons does not discount that there may also need to be improvements in the development of policy and the drafting of bills by governments. With Parliament’s activities to a large extent defined by the government’s agenda, the quality of legislative output depends on the quality of the input (the bill presented to Parliament). There is anecdotal evidence to suggest that the quality of the input is often low, with some departments criticised for not consulting other departments on the impact of legislation before submitting bills for parliamentary scrutiny, or bills being excessively large, and thereby not allowing for effective scrutiny by Parliament.⁸

³ Laver, “Legislatures and Parliaments in Comparative Context.”

⁴ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

⁵ Hansard Society, *Audit of Political Engagement 11. The 2014 Report with a Focus on the Accountability and Conduct of MPs*.

⁶ *Ibid.*

⁷ In a poll of polls, UKIP stood to gain 14 per cent of the vote and the Green Party 6 per cent, against 3 and 1 per cent, respectively, at the General Election; New Statesman, “Poll of Polls.”

⁸ House of Commons Political and Constitutional Reform Committee, *Ensuring Standards in the Quality of Legislation: Government Response to the Committee’s First Report of Session 2013–14*.

The 2012 Health and Social Care Act is held out as a particularly bad example of a government's legislative work. As Simon Hart MP pointed out during an oral evidence session by the House of Commons Political and Constitutional Reform Committee, "there were 1,000 Government amendments to a piece of legislation that had apparently been five years in the preparation".⁹ Lord Butler has suggested that as many as 77 bills were not implemented in whole or in part during the 2005-2010 Parliament because they were overtaken, impracticable, or defective.¹⁰ Courts, moreover, increasingly make use of the "Inco rule" which allows interpretation in cases of obvious drafting errors in legislation.¹¹ Indeed, the Commons Political and Constitutional Reform Committee in 2013 concluded that "the majority of poor quality legislation results from either inadequate policy preparation or insufficient time being allowed for the drafting process, or a combination of the two."¹²

Whilst this issue is beyond the scope of the report, an improved system of legislative scrutiny, as recommended in the following pages, may put Parliament in a position to demand higher quality drafting of bills from government departments. In any case, strengthened independent scrutiny of proposed legislation is a critical element in improving both the quality of legislative scrutiny itself and thereby Parliament's ability to contribute to proper implementation of government policy, as well as the ability of Parliament to hold government to account through general scrutiny. The recommendations made in this report are aimed at improving legislative output, thereby facilitating improved implementation of policy and public service delivery.

⁹ Ibid., pt. Oral Evidence, Q2, answer by Simon Hart.

¹⁰ Ibid., pt. Oral Evidence, Q100, answer by Lord Butler.

¹¹ House of Commons Political and Constitutional Reform Committee, *Ensuring Standards in the Quality of Legislation: Government Response to the Committee's First Report of Session 2013-14*.

¹² Ibid.

1

The case for reform

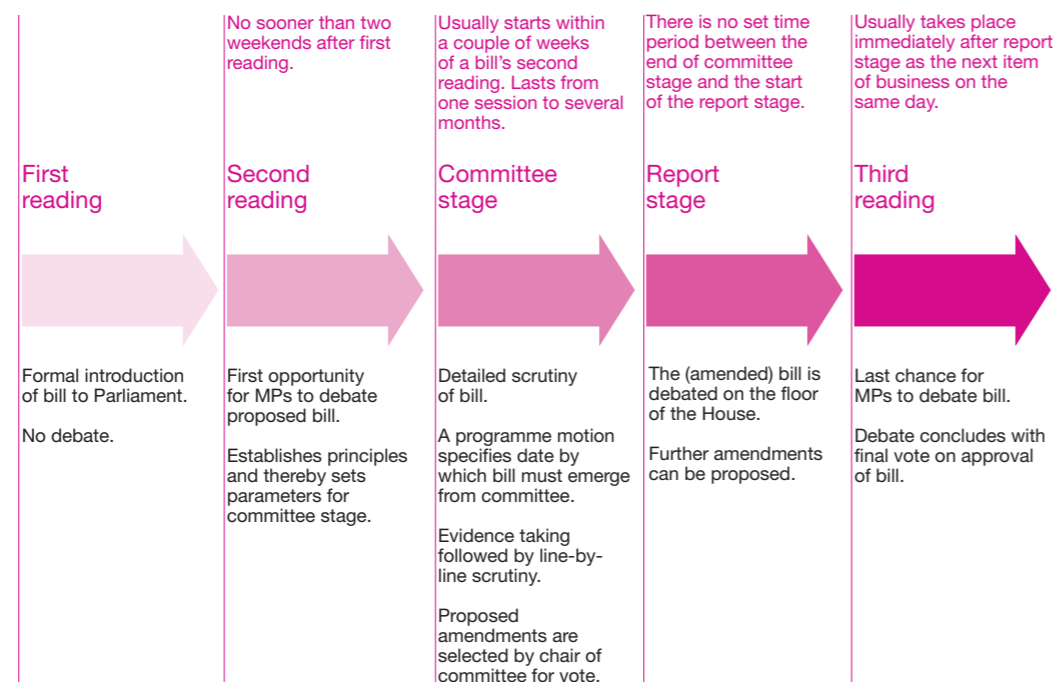
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“The chore of Public Bill Committees is a hideous shock to novice Members. Their current operation demeans Parliament and can lead to the creation of bad laws.”

The UK Parliament has three main roles: (1) to examine and challenge the work of government, to scrutinise; (2) to debate and pass all laws, to legislate; and (3) to enable the government to raise taxes.¹³ Amongst these, Parliament – in particular the House of Commons – has over many years been criticised for not effectively performing the role of legislative scrutiny. As a 2013 report by the University College London (UCL) Constitution Unit argued: “Parliamentary scrutiny of bills is arguably where the House of Commons is at its weakest”.¹⁴ Given the central role that legislation plays in enabling the delivery of government policies, this is a major flaw.

Criticism of Parliament’s legislative scrutiny has particularly centred on the committee stage of the process. The 2006 Modernisation Committee suggested that the committee stage “has been one of the most criticised aspects of the legislative process”¹⁵ and the UCL Constitution Unit later stated that “the committee stage is central to that weakness”.¹⁶ Paul Flynn MP in his guide on *How to be an MP* has written that: “The chore of Public Bill Committees is a hideous shock to novice Members. Their current operation demeans Parliament and can lead to the creation of bad laws.”¹⁷

Figure 1.1 – Passage of bills starting in the House of Commons



In 1992 the Rippon Commission reported that “many Members appear to find committee work on bills to be largely a waste of time”, suggesting that scrutiny was ineffective at best. The committee concluded that “the present procedures in standing committees¹⁸ are no longer acceptable for scrutiny of many bills”.¹⁹ Over 20 years later, in 2004, the Hansard Society bluntly reported that legislation was “inadequately considered” and that entire sections of bills frequently were not “subject to any detailed scrutiny”.²⁰ Despite innovations, such as taking evidence in the committee stage prior to line-by-line scrutiny, criticism has persisted. Most recently, in 2013, the House of Commons Political and

¹³ UK Parliament, “Parliament’s Role.”

¹⁴ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

¹⁵ Select Committee on Modernisation of the House of Commons, *The Legislative Process. First Report of Session 2005-06*.

¹⁶ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

¹⁷ Flynn, *How to Be an MP*.

¹⁸ Standing committees were replaced by public bill committees with the introduction of evidence taking powers in 2007.

¹⁹ Lord Rippon et al., *Making the Law. The Report of the Hansard Society Commission on the Legislative Process*.

²⁰ Brazier, *Parliament, Politics and Law Making*.

Constitutional Reform Committee reported that: “Witnesses submitting evidence to us were unanimous in calling for improved legislative standards.”²¹

Public bill committees²²

At the committee stage of legislative scrutiny a bill is referred to a public bill committee, which is appointed for each bill and dissolves following the consideration of that particular bill. Each public bill committee is named after the bill it considers.

Public bill committees include in their membership the relevant minister and their parliamentary private secretary, the equivalent opposition spokesperson, party whips and backbench MPs. Membership may vary between 16 and about 50 MPs; in practice usually less than 20.

The composition of public bill committees mirrors that of the House. Members are chosen by the Committee of Selection, which is dominated by the whips whose nominations are generally followed.

Public bill committees are chaired by a member of the Panel of Chairs, which consists of experienced MPs.

1.1 A deficit of expertise

Particular criticisms of the legislative scrutiny process include the lack of continuity due to the *ad hoc* nature of public bill committees (see textbox above) and the concurrent deficit of expertise; the latter compounded by the temporary staffing of such committees. Indeed, legislative scrutiny in the UK is an outlier in international comparison as most parliaments have permanent specialist committees scrutinising legislation.²³

Calls for reform have therefore included proposals for a stronger use of select committee expertise in the scrutiny of legislation, for instance by the Hansard Society’s Newton Commission in 2001 and a cross-party group of MPs in 2003.²⁴ However, the cross-over between membership of select committees and public bill committees remains minimal. In the 2010-12, 2012-13, and 2013-14 sessions only around eight per cent of the places on public bill committees were taken by Members who also sat on the relevant departmental select committee.²⁵ Those with the greatest subject expertise were not the people scrutinising the bills.

1.2 Excessively partisan

Further criticism focuses on the control of the process by the executive through the whips and the approach to lawmaking taken by MPs, which is considered excessively partisan. The 1997 Modernisation Committee reported that “[t]he Committee stage of a Bill, which is meant to be the occasion when the details of the legislation are scrutinised, has often tended to be devoted to politically partisan debate rather than constructive and systematic scrutiny”.²⁶ In a recent speech by Conservative Chief Whip Michael Gove the partisan approach to legislative scrutiny was evident. Gove describes Parliament’s duty of legislative scrutiny as a task to be conducted by the party in opposition rather than Parliament as a whole. He stated: “the Opposition had exhausted their ability to scrutinise

²¹ House of Commons Political and Constitutional Reform Committee, *Ensuring Standards in the Quality of Legislation: First Report of Session 2013-14*.

²² UK Parliament, “General Committees (including Public Bill Committees)”; Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

²³ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

²⁴ Ibid.

²⁵ House of Commons, “Sessional Returns. Session 2010-12. 25 May 2010-1 May 2012”; House of Commons, “Sessional Returns. Session 2012-13. 9 May 2012-25 April 2013.”; House of Commons, “Sessional Returns. Session 2013-14. 8 May 2013-14 May 2014.” (54 of 719 places in 2010-12, 42 of 522 places in 2012-13, 38 of 493 places in 2013-14).

²⁶ Select Committee on Modernisation of the House of Commons, *The Legislative Process. First Report of Session 1997-1998*.

the legislation. Indeed Labour have failed to use the time we gave them to examine bills.”²⁷

“Public Bill Committees are often self-indulgent political battlegrounds, not rational instruments of reform.”

Meanwhile, Paul Flynn MP suggested that: “Opposition MPs are lectured that their only influence is the ability to delay Government bills. They are urged to fill time spaces with words whose main purpose is to gum up the works...Public Bill Committees are often self-indulgent political battlegrounds, not rational instruments of reform.”²⁸ Government backbench MPs on the other hand are incentivised through the power of patronage held by the party leader to support the party line. With promotion to ministerial ranks the primary, some might say the only, career path for an MP, the incentive structure favours toeing the party line. The power of patronage is evidenced by the increase in the so-called ‘payroll vote’ (see section 2.10), which comprises those MPs who are obliged to vote with the government or else resign (though somewhat confusingly not all of these members actually receive a salary increment).

This partisan approach to legislative scrutiny manifests itself in a culture of obstructionism clearly at odds with a process aimed at ensuring high quality legislation in the interests of the country. Anecdotal evidence suggests that the committee stage in the House of Commons is regarded by ministers as a trial of strength rather than as an opportunity to constructively improve a proposed bill. As such David Nuttall MP described how ministers are sent off to bat for the government and resist any proposed amendments.²⁹ Similarly one former Conservative Chief Whip is quoted as having said that, when in Opposition, it was unclear “whether my job was to make the Government’s legislation better or worse”.³⁰

Charles Walker MP, Chair of the Procedure Committee, has acknowledged: “the problem is in our parliamentary system, we do not celebrate legislators.”³¹ Indeed Jacob Rees-Mogg MP, a Member of the 2010 intake, suggested that had he been a Member of the Opposition in Parliament in the years preceding the election “I would have wanted to gum the system up to stop laws that I did not like being effective.”³² This understanding of the role of a parliamentarian contrasts starkly with that expressed by Parliamentary Lawyer Daniel Greenberg, who claimed that: “The Government is entitled to pass the legislation that it wants to pass. You are obliged to the citizens but also to government to make sure that, when it passes, it is going to work. That is not an obstruction of government, but part of your responsibility to government.”³³

The partisan culture follows, in part, from the whips’ control of selection for public bill committees. It has been suggested that whips deliberately avoid selecting MPs with subject specific expertise, thereby undermining the committee’s ability to effectively scrutinise and improve the legislation.³⁴ The Liaison Committee in 2000 criticised this procedure, emphasising that “[t]hose being scrutinised should not have a say in the selection of the scrutineers. We believe the present system does not, and should not, have the confidence of the House and the public”.³⁵ Professor Meg Russell of University College London more recently concluded that the system of selection for public bill committees has lost the confidence of MPs as well as outsiders.³⁶

27 Rentoul, “Michael Gove.”

28 Flynn, *How to Be an MP*.

29 Procedure Committee, “Committee of Selection and Membership of General Committees. HC 216-I,” pt. Oral Evidence Q17.

30 Ibid., pt. Oral Evidence Q2.

31 Ibid., pt. Oral Evidence Q18.

32 Ibid., pt. Oral Evidence Q32.

33 House of Commons Political and Constitutional Reform Committee, *Ensuring Standards in the Quality of Legislation: Government Response to the Committee’s First Report of Session 2013–14*, pt. Oral evidence, Q28.

34 Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

35 Liaison Select Committee, *Independence or Control? The Government’s Reply to the Committee’s First Report of Session 1999–2000 - Shifting the Balance: Select Committees and the Executive*.

36 Procedure Committee, “Committee of Selection and Membership of General Committees. HC 216-I,” pt. Oral Evidence Q9.

Programming of bills³⁷

Most government bills are subject to programme motions, which regulate the time spent on the legislative scrutiny of bills in the House of Commons.

A programme motion usually provides for a bill to be committed to a public bill committee and specifies “the out date” by which the committee stage must complete. The motion will usually also include the number of days allocated to the report stage and third reading of the bill, including when the stages must be completed. By contrast, the timing of legislative scrutiny in the House of Lords is a matter of negotiation through ‘the usual channels’ (that is, the behind-the-scenes arrangements and compromises on the proceedings of parliamentary business agreed to by the whips from the different parties and the leaderships of the government and opposition parties).³⁸ While this leaves the proceedings vulnerable to disruption, in practice it is deemed to work well.

The programming of the committee stage is usually left to the programming subcommittee of the public bill committee itself. In practice, the proceedings of a public bill committee are agreed to by the usual channels. The public bill committee may modify the programme motion, though this rarely happens in practice. This may be the case because revision of the proposed programme motion will detract from the time available to committee stage scrutiny (no extra time is allocated to deliberating the programming).

1.3 Limited progress

Recent innovations have *started* to address the criticisms of legislative scrutiny in the Commons. In 2008 a detailed study by the Hansard Society concluded that parliamentary scrutiny of legislation is more effective than commonly assumed and that it had improved in the years leading up to the study, in part owing to the introduction of evidence taking sessions in 2007.³⁹ Nevertheless, the same Hansard report proceeded to recommend reforms to further improve the effectiveness of scrutiny, particularly improvements to pre-legislative scrutiny and to the committee stage.⁴⁰

A more recent academic study evaluating the impact of the new evidence taking powers confirms the assertion that this has improved the legislative process, suggesting that the sessions have encouraged governments to increasingly consider amendments to bills and that a greater number of these are of a substantive nature. Evidence sessions guide the allocation of time and resource and shape the amendments put forward by Members.⁴¹ Similarly, Lord Norton of Louth, Professor of Government at the University of Hull, told the Political and Constitutional Reform Committee that: “If anything, [legislative scrutiny] is slightly less bad now than it was 30 or 40 years ago... There is slightly more time devoted to Committee Stage than there used to be, and the Government are [*sic*] slightly more willing to consider amendments, but the points are relative. In other words, you are starting from an incredibly low base of bills being rushed through and the Government not being willing to consider amendments.”⁴²

The control enjoyed by whips over the committee scrutiny process also impacts on the innovation of evidence taking. Evidence taking is provided for by the programming subcommittee, which is dominated by the whips through ‘the usual channels’ (see textbox above).⁴³ In addition to the impediment of partisanship, the benefits of evidence

37 Office of the Parliamentary Counsel, “Programming of Bills”; Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

38 UK Parliament, “Usual Channels - Glossary Page.”

39 Brazier et al., *Law in the Making*.

40 Ibid.

41 Thompson, “Evidence of Legislative Impact? A Preliminary Examination of Evidence Taking in Public Bill Committees.”

42 House of Commons Political and Constitutional Reform Committee, *Ensuring Standards in the Quality of Legislation: Government Response to the Committee’s First Report of Session 2013–14*.

43 Office of the Parliamentary Counsel, “Programming of Bills.”

taking are often limited by insufficient time. The committee stage involves both evidence taking and line-by-line scrutiny, including the discussion of proposed amendments. Given the time limitations, more line-by-line scrutiny means less evidence taking and vice versa, both of which are crucial to helping ensure high quality legislation.⁴⁴

The whips' control of both membership and programming of the work of public bill committees may to a large extent explain the partisan approach to legislative scrutiny – for instance, the whipping of votes on amendments leads to only 0.5 per cent of opposition amendments succeeding⁴⁵ – but other factors contribute. As suggested by the UCL Constitution Unit, the *ad hoc* nature of committees contributes to the adversarial culture as the structure inhibits the formation of strong working relationships across party lines.⁴⁶ Similarly, the chairing of public bill committees is not aimed at facilitating progress and compromise, but neutral enforcement of procedure. Paul Flynn MP wrote of the role: “Mute in debate, they can vote only when the committee’s vote is tied. Even then they are powerless and must vote for the Government. The job is tedious, demanding and exhausting with only a few rare flutters of interest. Throughout the long barren hours Members on the panel stare out of the committee room windows.”⁴⁷

Pre-legislative scrutiny⁴⁸

Pre-legislative scrutiny refers to the consultation and scrutiny of bills published in draft form. Pre-legislative scrutiny is conducted by departmental select committees, joint or *ad hoc* committees following the procedures for other select committee inquiries. In practice, decisions on whether to conduct pre-legislative scrutiny are taken by the usual channels.

Pre-legislative scrutiny has occurred since the 1980s but only became established after the 1997 General Election. Nonetheless, between 1997 and 2010 just two to ten draft bills per parliamentary session were subject to pre-legislative scrutiny.

“scrutiny of more draft bills by select committees...to an extent [papers] over the weaknesses in the formal bill committee process”

Pre-legislative scrutiny (see textbox above) is another lauded innovation, which has been credited with identifying difficulties in the draft text, forcing redrafting and thus improving the text subsequently submitted to Parliament. It has also been suggested that MPs engaged in the pre-legislative scrutiny process were subsequently more active in the legislative stages.⁴⁹ These benefits of pre-legislative scrutiny are indicative of the potential for improvement of scrutiny of legislation more widely.⁵⁰

However, despite the improvements implied, criticism remains. Every government since 1997 has been committed to the principle of pre-legislative scrutiny as the ideal and aim for every bill, yet in the last three parliamentary sessions only 31 of 100 government bills were published in draft, of which 29 underwent pre-legislative scrutiny.⁵¹ Moreover, even if bills were routinely published in draft, the mechanism of pre-legislative scrutiny is neither automatic nor obligatory.⁵² The process has, furthermore, been criticised for not allowing sufficient time for pre-legislative scrutiny to be effective, either owing to late publication of draft bills or short deadlines for reporting.⁵³ Thus, whilst the use of pre-legislative scrutiny has been praised, the UCL Constitution Unit claims that the “scrutiny of more draft bills by select committees...to an extent [papers] over the weaknesses in the formal bill committee process”.⁵⁴

44 Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

45 Thompson, “More of the Same or a Period of Change?”

46 Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

47 Flynn, *How to Be an MP*.

48 Kelly, “Pre-Legislative Scrutiny. SN/PC/2822”; House of Commons Political and Constitutional Reform Committee, *Ensuring Standards in the Quality of Legislation: Government Response to the Committee’s First Report of Session 2013–14*.

49 Kelly, “Pre-Legislative Scrutiny. SN/PC/2822”; Smookler, “Making a Difference?”

50 Smookler, “Making a Difference?”

51 Kelly, “Pre-Legislative Scrutiny under the Coalition Government. SN/PC/5859.”

52 King and Crewe, *The Blunders of Our Governments*.

53 Kelly, “Pre-Legislative Scrutiny. SN/PC/2822.”

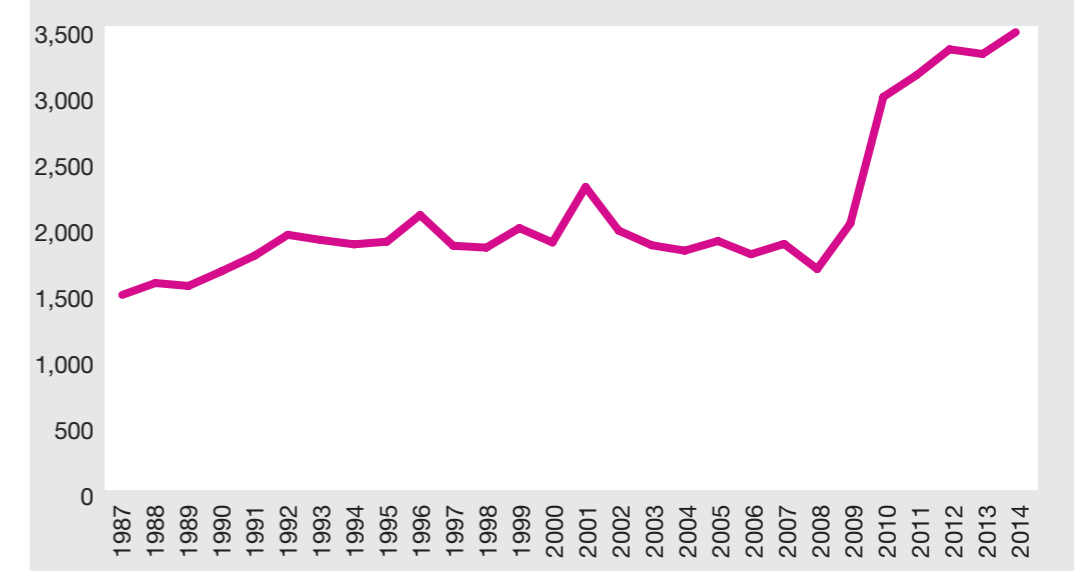
54 Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

Legislative scrutiny may, at times, prove effective but as suggested by Professor Russell, the problem appears to be that the procedures are not in place to ensure that this is the rule rather than the exception: “There is some very good work done in public bill committees and expert members, well-informed members, do often get on those public bill committees, but it is not universal.”⁵⁵

1.4 Delegated legislation and the great escape from scrutiny

Another issue which affects the quality of lawmaking is the growing use of secondary legislation, which largely escapes scrutiny. The use of statutory instruments has roughly doubled from around 1,500 per year in the late 1980s to over 3,000 per year since 2010.⁵⁶ Statutory Instruments have recently been estimated to account for as much as 80 per cent of the legislation that impacts citizens.⁵⁷

Figure 1.2: The rising use of statutory instruments⁵⁸



A trend towards increasing use of regulation by the state as well as the growth in European legislation help explain the explosive growth of secondary legislation. However, the lack of clarity around what may acceptably be legislated for through delegated powers raises questions about the democratic legitimacy of this increase.⁵⁹

The real issue arises from those statutory instruments that *must* be laid before Parliament precisely because they require scrutiny. Whether a statutory instrument is laid before Parliament is determined by the parent Act. When laid before the House, parliamentary scrutiny of statutory instruments is severely inhibited by the inability to propose amendments, leaving the House with what the Hansard Society has called the “nuclear option” of annulling or declining to approve the statutory instruments put before it.⁶⁰ This last resort, unsurprisingly, is rarely used. Of those subject to so-called negative procedure, none have been annulled by the Commons since 1979.⁶¹ Of those subject to the more stringent affirmative procedure the last time one was not accepted was 1978.⁶²

55 Procedure Committee, “Committee of Selection and Membership of General Committees. HC 216-I.”

56 The National Archives, “UK Statutory Instrument.”

57 Hansard Society, “Strengthened Statutory Procedures for the Scrutiny of Delegated Legislation: DPRRC Report, Column 1463.”

58 The National Archives, “UK Statutory Instrument.”

59 Fox, Ruth and Blackwell, *The Devil Is in the Detail: Parliament and Delegated Legislation*.

60 Rosen, “The Real Prime Minister’s Question.”

61 Andrews et al., *Leader’s Group on Working Practices*.

62 House of Commons Debate, “Dock Labour Scheme.”

Baroness Andrews has argued that:

“The choice between a debate on unsatisfactory regulations where not even the most perverse consequences can be ironed out, challenged, or removed, and the cliff edge of a fatal Motion which wrecks the entire process, the good bits and all, serves no one. It does not serve the Government, who may have to retrieve their mistakes months later; it does not serve the credibility of Parliament, whose job it is to help get legislation right; it does not serve the purposes of this House; nor does it allow us to undertake our specific responsibility to make government think again and think carefully.”⁶³

In summary, the factors hampering effective legislative scrutiny are both procedural and cultural, and include:

- The use of *ad hoc* committees for legislative scrutiny and the temporary allocation of staffing, which hinders the application of expertise due to the lack of subject specific knowledge on the part of MPs.
- The lack of continuity of working relationships over time, which hinders collaborative working in the interest of effective scrutiny.
- The insufficient time available to properly scrutinise legislation due to the single, time-limited committee stage.
- The whips’ dominance of the process through selection of members and control over programming, including evidence taking, which leads to a confrontational, partisan approach and does not support deliberation aimed at improving the bill.
- Separately, the increasing use of secondary legislation cements the executive’s dominance over legislative output.

⁶³ Hansard Society, “Strengthened Statutory Procedures for the Scrutiny of Delegated Legislation: DPRRC Report, Column 1463,” 5 Mar 2013 : Column 1465.

2

Reform of the committee system

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As discussed in the previous chapter, the prevailing concern regarding the quality of legislative scrutiny relates to the committee stage, that is, the work of public bill committees. Reforming this would improve the effectiveness of Parliament, helping it to meet one of its three key objectives: to examine and challenge the work of government through scrutiny. It would also contribute to achieving its objective of legislating by enabling more informed debate by the whole chamber.

The effectiveness of a Parliament is generally considered to be linked to its committee structure. A well-developed committee system, embodying specialist policy expertise, facilitates strong scrutiny of the executive (including its proposed legislation).⁶⁴ The acquisition of relevant information is a precondition for effective scrutiny.⁶⁵ A committee system enables legislatures to economise time and resource through specialisation, and thus, prepare the full chamber for deliberation at less cost.⁶⁶

House of Commons select committees⁶⁷

Select committees were established in 1979. There is one committee for each government department as well as cross-cutting committees such as the Public Accounts Committee. Departmental select committees scrutinise government spending, policies and administration.

Select committee membership reflects the party balance of the House. Each departmental select committee has a minimum of 11 members, which are elected by their parties, through a transparent, democratic method such as secret ballot. Departmental select committee chairs are elected through secret ballot of the House of Commons and are paid a salary increment of £14,582.

Five characteristics are typically considered indicative of a committee structure's effectiveness:

- > permanence;
- > specialisation;
- > independence;
- > smallness in size; and
- > ability to draw on specialised support.⁶⁸

The House of Commons select committees (largely) reflect the five criteria for effective committees; public bill committees do not. The following sections will address each of these attributes.

2.1 Legislative scrutiny entrusted to permanent, specialised select committees

The two first criteria, permanence and specialisation, may be argued to go together. Permanence allows for specialised expertise to develop. Permanence of committees is seen to contribute to cohesiveness, which facilitates cooperation in working together towards a common goal, for example the improvement of bills.⁶⁹ Permanent, specialist committees are particularly indicative of strength when the committee specialism mirrors government departments.⁷⁰ Departmental select committees are both permanent and specialised, and should bring their specialist expertise to bear on legislative scrutiny of Parliament.

⁶⁴ Shaw, "Parliamentary Committees."

⁶⁵ Arter, "On Assessing Strength and Weakness in Parliamentary Committee Systems."

⁶⁶ Strøm, "Parliamentary Committees in European Democracies."

⁶⁷ UK Parliament, "Select Committees."

⁶⁸ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

⁶⁹ Arter, "Committee Cohesion and the 'corporate Dimension' of Parliamentary Committees."

⁷⁰ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*.

Recommendation 1

Departmental select committees should be made dual-purpose by including in their core function the task of legislative scrutiny alongside their existing responsibility for departmental oversight.

Legislative scrutiny would also benefit from a select committee's institutional independence from both the executive and political parties; the third criteria for a strong committee system. The independence of select committees has developed since the Wright Reforms of 2010, which began the process of election for chairs and members. Select committee chairs are elected in a secret ballot of the whole House to serve for the duration of a Parliament, whilst members are elected from the parties – with the chairmanships and membership divided up in relation to party strength.

The weakening of party control over legislative scrutiny resulting from the removal of ministers and whips' control would enable Parliament to make use of the independent dynamics of select committees, thereby making strong, independent contributions to legislative scrutiny – as select committees do to general scrutiny via their inquiries.⁷¹ Currently, scrutiny in public bill committees follows a confrontational pattern. After taking evidence, the committee scrutinises the legislation in the same adversarial set-up as the House, with the chair acting – like the Speaker of the House – as an independent figure whose job is not to reconcile differences of opinion but simply to referee debate.⁷² In the reformed – dual-purpose – select committees, chairs should be expected to work with the differences of opinion among committee members, seeking solutions and wordings upon which agreement can be found; managing majoritarian decision-making as necessary. Evidence from the 2010 select committee reforms is that opposition chairs of select committees are better able to broker compromise and facilitate cooperative work on investigative reports, with recommendations from their committees being more readily accepted by the Government. Removing party control from legislative scrutiny can be expected to have very similar effects.⁷³

Liberation from whips' control combined with more activist chairing aimed at reconciling views would help bring about a cultural shift in the approach to lawmaking, so that bill scrutiny is no longer a test of executive strength but aimed at enacting the best possible law to deliver government policy. The continuity of select committees, and the frequency of their meetings, should mean a much more collaborative approach to scrutiny, which in turn is likely to contribute to this aim.

A risk may be that it is the nature of legislative scrutiny itself, rather than the structures and procedures, that lead to the confrontational culture of public bill committees and thus the introduction of legislative scrutiny might damage the constructive working relationships of select committees. However, international evidence suggests otherwise. The dual-purpose committees of the German Bundestag, for instance, are considered to function in a constructive and collaborative manner.

“Liberation from whips’ control combined with more activist chairing aimed at reconciling views would help bring about a cultural shift in the approach to lawmaking, so that bill scrutiny is no longer a test of executive strength but aimed at enacting the best possible law to deliver government policy.”

⁷¹ Shaw, "Parliamentary Committees"; Russell, Meg and Benton, Meghan, *Selective Influence: The Policy Impact of House of Commons Select Committees*.

⁷² King and Crewe, *The Blunders of Our Governments*.

⁷³ Benton and Russell, "Assessing the Impact of Parliamentary Oversight Committees."

German Bundestag⁷⁴

The German Bundestag operates with dual-purpose specialist committees. Committees vary in size from 13 to 41 members, with each MP serving on no more than one committee. While ministers may not serve on committees, they are allowed to attend proceedings. Frontbenchers of non-governmental parties may, on the other hand, be members. Committees deliberate in private and may collect evidence and hold hearings if they wish to. Bill scrutiny starts in committee as they are usually not debated in plenary before referral to committees. Bills are regularly referred for scrutiny to more than one committee. Committees have on average eight specialist members of staff each. Requested amendments are drafted by civil servants who may also attend proceedings and can be subject to questioning.

Pros

The committees are generally considered to be strong, and perform their duties in a deliberative and conversational manner, understanding their roles as lawmakers and thus aiming to improve the quality of the bills put before them. The specialised and permanent nature means that committee work benefits from members with experience of the policy area. Committee scrutiny prior to plenary debate informs the latter; few amendments are made which are not based on committee recommendations.

Cons

An obligation to consider legislation referred to committees may limit the time available for investigative work. Moreover, committees cannot secure debates of the full chamber on their investigations. Deliberation in party groups prior to meetings in Bundestag committees rationalises the time spent in session but may also be considered to strengthen party control over committee work.

“In international comparison, the UK public bill committees are considered “severely constrained” in their ability to independently consider the government’s agenda by the preceding plenary debate.”

A cultural change to the procedures of legislative scrutiny may be reinforced through committee deliberation conducted in private, as is currently the norm for select committees,⁷⁵ but with votes taken in public to ensure accountability. Open meetings may be monitored, and therefore influenced, by whips, while members themselves may elect to use their membership for positioning purposes rather than to help deliver the best bill possible.⁷⁶ Perhaps for these reasons, open meetings tend to lead to less consensually oriented committees.⁷⁷ Private meetings on the other hand offer an environment more conducive to deliberation and compromise.

2.2 Splitting and extending the committee stage

Academic study suggests that the timing of the committee stage significantly affects the quality of the committee’s intervention.⁷⁸ Committee scrutiny is seen as being more effective if the primary discussion occurs before the bill is debated by the whole chamber. Conversely, committee scrutiny that follows the main plenary debate limits the opportunity for the committee to effectively and independently scrutinise the premise and principles of the bill.⁷⁹ In international comparison, the UK public bill committees are considered “severely constrained” in their ability to independently consider the government’s agenda by the preceding plenary debate.⁸⁰ Other than the UK, among Western European

⁷⁴ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*; King and Crewe, *The Blunders of Our Governments*; Damgaard and Mattson, “Conflict and Consensus in Committees”; Shaw, “Parliamentary Committees.”

⁷⁵ Department of Chamber and Committee Services, “Guide for Select Committee Members.”

⁷⁶ Arter, “On Assessing Strength and Weakness in Parliamentary Committee Systems”; Strøm, “Parliamentary Committees in European Democracies.”

⁷⁷ Damgaard and Mattson, “Conflict and Consensus in Committees.”

⁷⁸ Döring, “Time as a Scarce Resource: Government Control of the Agenda.”

⁷⁹ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*; Döring, “Time as a Scarce Resource: Government Control of the Agenda.”

⁸⁰ Strøm and Mattson, “Parliamentary Committees.”

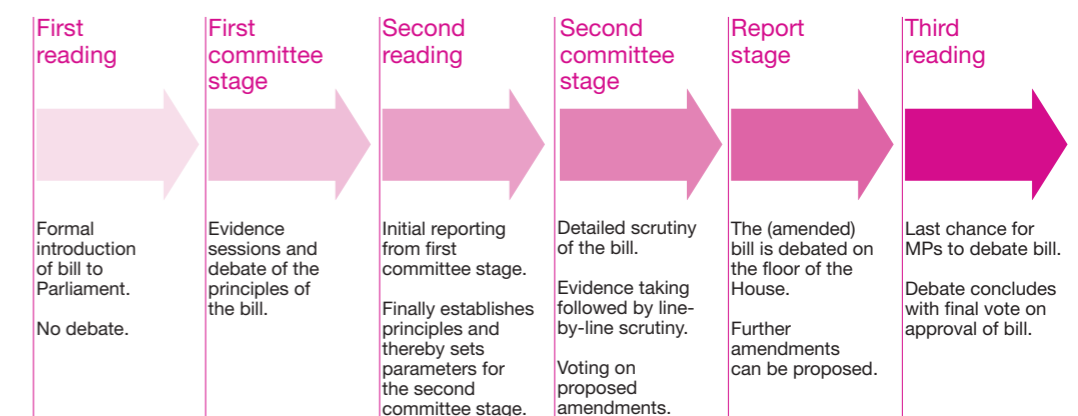
Parliaments only the Irish and Danish debate government legislation in the chamber prior to committee scrutiny.⁸¹

Currently the committee stage follows the second reading in the legislative process. As the second reading defines the principles and parameters of the bill, this sequencing limits the potential impact of committee scrutiny. The process of committee scrutiny should be split in two, allowing for scrutiny of a bill between the first and second reading as is the case in the Scottish Parliament (see text box pages on the following page). Committees should be empowered to take evidence at this stage. This would inform the House for its deliberation of the principles of the bill during the second reading, thereby making redundant the process of pre-legislative scrutiny, which, as discussed in the preceding chapter, continues to be rare.

Figure 2.1 – A reformed passage of bills

Recommendation 2

Committee scrutiny should be conducted both before and after second reading on the floor.



The split process should not reduce the time allotted to committee scrutiny; rather further time should be allocated in future. As indicated in the preceding chapter, time is currently considered insufficient for proper scrutiny. Over the parliamentary sessions 2010-12, 2012-13 and 2013-14 bills were, on average, subjected to 17 hours of committee scrutiny – the equivalent of just two working days – with a low of four minutes and a high of nearly 81 hours (see appendix A).

The time allocated to both phases of committee scrutiny should be agreed between the executive and the relevant select committee chair based on the complexity and length of that particular bill. While this reduces the direct power of the government over parliamentary time and increases the potential for conflict, agreement on timetabling by the usual channels is already established in the House of Lords, where it works well in practice (see textbox page 15).

Recommendation 3

Timetabling of committee stages of legislative scrutiny should be agreed between the executive and relevant select committee as represented by its chair, but in general more time should be allocated to the committee stage.

⁸¹ Ibid.

Scottish Parliament⁸²

Scotland's committees were designed, during the devolution settlement precisely with the aim of avoiding the executive dominance, which is characteristic of Westminster. The committee system was intended to embody autonomy and significant legislative capacity as well as foster a consensual working style.

The committees are relatively small with between four and 11 members each, reflecting the party balance of the Scottish Parliament. The committees are permanent, specialist committees with fixed membership over the legislative term. Ministers may not serve on committees though they may attend without voting rights during debates on proposed legislation. Meetings are held in public. Scottish committees debate the principles of bills before the first plenary discussion after which the bill is returned to committee for line-by-line scrutiny. Scottish committees are dual-purpose committees performing an investigative role in addition to legislative responsibilities; the latter including examination of statutory instruments and the right to initiate legislation.

Pros

Scottish committees have been praised for a culture in which Members of the Scottish Parliament see themselves as lawmakers, seeking pragmatic solutions. The legislative process is considered rationalistic with efforts made to generate as much information as possible – in part through the split committee stage procedure allowing for evidence taking prior to debate on the assembly floor – and decisions generally made on a consensual basis. The investigative work is similarly thorough, characterised by frequent evidence sessions with ministers.

Cons

The committees have been plagued by a high level of turnover in membership. More fundamentally, it has been suggested that Scottish committees particularly in the early years were overburdened through the dual role of investigative and legislative work; however, it has been decided that despite this, maintaining the dual role is preferable to split committees.

2.3 Provide for better scrutiny of delegated legislation

Secondary legislation has increased in volume in the last decades, particularly under the Coalition Government as evidenced in figure 1.2. The lack of scrutiny poses a major threat not only to the propriety of legislation, but also to the ability of Parliament to hold the executive to account for policy failures. If laid before the House, the statutory instruments will be considered for procedural propriety (unless they relate to local matters) by the Joint Committee on Statutory Instruments. However, attendance at the Joint Committee by Commons Members is unacceptably low at just 55 per cent on average over the past three parliamentary sessions.⁸³ This may, in part, be explained by the procedural rather than merit-based nature of the scrutiny making the task less appealing to MPs.

Alongside the scrutiny of statutory instruments by a Joint Committee, departmental select committees should be given the power to call hearings on any statutory instrument referred to them by the Joint Committee or which they themselves choose to examine whilst it is laid before the House. In addition, they should have the power to propose amendments and then remit it back to the minister, who could choose whether to lay it before the House again in the form sent to him or another.

⁸² Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*; King and Crewe, *The Blunders of Our Governments*; Arter, "On Assessing Strength and Weakness in Parliamentary Committee Systems."

⁸³ House of Commons, "Sessional Returns. Session 2010–12. 25 May 2010–1 May 2012"; House of Commons, "Sessional Returns. Session 2012–13. 9 May 2012–25 April 2013."; House of Commons, "Sessional Returns. Session 2013–14. 8 May 2013–14 May 2014."

“The lack of scrutiny poses a major threat not only to the propriety of legislation, but also to the ability of Parliament to hold the executive to account for policy failures.”

Recommendation 4

Departmental select committees should be given the power to call hearings and propose amendments on statutory instruments laid before the House.

Whilst such a proposal may run the risk of 'legislative ping pong', such as that seen between the Commons and the Lords on some primary legislation, it would provide more potent power to the Commons in response to secondary legislation, enabling more stringent oversight. Empowering departmental select committees with these additional powers of scrutiny has the potential to increase their workload significantly. However, leaving the initiative with committees allows the chair to balance this type of scrutiny with other select committee responsibilities. Moreover, with scrutiny of primary legislation lodged in the permanent select committees, they would be well-placed to judge whether a statutory instrument complies with the intent of the primary legislation.

2.4 Enabling use of subcommittees

The main challenge to the introduction of dual-purpose committees is that the increased burden of legislative work would detract from the good investigative work conducted by select committees today; which by some is considered of exceptional quantity and quality in international comparison.⁸⁴ Therefore, departmental select committees should be able to delegate legislative scrutiny to smaller subcommittees, chaired by the chair or a deputy chair of the select committee. Subcommittees would be formed on a rotational basis from the members of the select committees with the chair responsible for ensuring that party balance, as best possible, reflects that of the whole House. Moreover, the anchoring of legislative scrutiny in subcommittees enables select committee chairs to continue prioritising inquiry work under their direction. Legislative scrutiny and inquiry work could therefore run concurrently.

Recommendation 5

Departmental select committees should be able to refer legislative scrutiny to a subcommittee of itself to be chaired by the committee's deputy chair.

Most bills may appropriately be scrutinised by the select committee shadowing the department of the sponsoring minister. However, a further question raised in the context of dual-purpose committees is which select committee should scrutinise bills that cross departmental boundaries. This concern may be addressed through the establishment of joint legislative subcommittees that combine members of the relevant select committees. Such committees could be established by decision of the Liaison Committee, which comprises the chairs of all select committees. This solution would have the benefit of infusing the legislative scrutiny with expertise from the relevant subject areas, enabling proper cross-departmental scrutiny. Such joint committees could be co-chaired by a representative of each of the departmental select committees contributing members, or by representatives of the two most impacted by the legislation.

Recommendation 6

Joint legislative subcommittees should be established where needed to scrutinise cross-departmental legislation.

⁸⁴ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice*; Liaison Select Committee, *Independence or Control? The Government's Reply to the Committee's First Report of Session 1999-2000 - Shifting the Balance: Select Committees and the Executive*.

“...there is no rationale for departmental select committees to remain the same size from Parliament to Parliament, or for them to maintain parity of size with one another. Rather their size ought to, within the bounds of practicable working dynamics, be determined each Parliament to fit the needs of the committee that session.”

2.5 Accommodating variation in workload

Some committees have a greater investigative and scrutiny remit than others; this will vary from parliamentary session to parliamentary session. Over the first three sessions of the current Parliament the Treasury Committee, for instance, released more than twice the number of reports that the Work and Pensions Committee did, whilst the time spent on scrutiny of bills, which would fall under the remit of a dual-purpose Treasury Select Committee, was nearly three times as large as those which would fall under the remit of a dual-purpose Work and Pensions Select Committee (see tables 2.1 and 2.2).⁸⁵ Such quantitative measures of workload are crude and do not take into account the complexity or otherwise of the inquiries and bills. Regardless, there is no rationale for departmental select committees to remain the same size from Parliament to Parliament, or for them to maintain parity of size with one another. Rather their size ought to, within the bounds of practicable working dynamics, be determined each Parliament to fit the needs of the committee that session. There would, doubtless, be cause for some committees to be smaller than they currently are whilst others would need to be larger.

Recommendation 7

Departmental select committees should vary in membership according to their workload.

To accommodate the disparity in workload arising from variation in levels of departmental activity, including legislative output, the size of each select committee should be defined according to the legislative and investigative burden expected from the programme of the government. This will ensure continuity of membership over the parliamentary period, providing incentives for members to acquire subject specific expertise and the development of relationships underpinning the scrutiny process. Decisions on the size of departmental select committees should be made by the Liaison Committee as formed following the election of select committee chairs by the House.

Table 2.1: Departmental select committee workload in parliamentary sessions 2010-12, 2012-2013 and 2013-14

Parliamentary session	2010-12		2012-13		2013-14		Average	
	Meetings	Reports	Meetings	Reports	Meetings	Reports	Meetings	Reports
Departmental select committees								
Business, Innovation and Skills Committee	79	15	41	9	44	7	54.7	10.3
Communities and Local Government Committee	63	11	38	9	45	7	48.7	9.0
Culture, Media and Sport Committee	83	11	34	6	39	6	52.0	7.7
Defence Committee	76	10	46	10	48	14	56.7	11.3
Education Committee	76	9	45	8	49	6	56.7	7.7
Energy and Climate Change Committee	88	12	45	7	42	9	58.3	9.3
Environment, Food and Rural Affairs Committee	88	12	48	8	43	11	59.7	10.3
Foreign Affairs Committee	67	12	37	6	41	8	48.3	8.7
Health Committee	76	16	36	11	43	10	51.7	12.3
Home Affairs Committee	70	21	44	14	46	18	53.3	17.7
International Development Committee	59	16	28	10	37	10	41.3	12.0
Justice Committee	65	12	39	9	36	14	46.7	11.7
Northern Ireland Affairs Committee	42	3	30	2	32	1	34.7	2.0
Scottish Affairs Committee	63	8	55	9	69	14	62.3	10.3
Transport Committee	60	17	35	12	40	17	45.0	15.3
Treasury Committee	102	30	41	9	60	13	67.7	17.3
Welsh Affairs Committee	55	8	27	3	30	4	37.3	5.0
Work and Pensions Committee	67	8	42	6	51	6	53.3	6.7

⁸⁵ Data from Sessional Returns 2010-12, 2012-13, 2013-14 and from the minutes of Public Bill Committees in the same sessions.

Table 2.2: Bills going through Parliament by departmental select committee, sessions 2010-12, 2012-13, 2013-14

Parliamentary session Relevant departmental select committee	2010-12		2012-13		2013-14		Average	
	Hours	Bills	Hours	Bills	Hours	Bills	Hours	Bills
Business, Innovation and Skills Committee	49	2	41	2	53	2	47.9	2.0
Cabinet Office [no select committee currently]	12	3	57	3	1	1	23.2	2.3
Communities and Local Government Committee	61	3	20	2	36	3	39.1	2.7
Culture, Media and Sport Committee	6	3	8	1	30	1	14.9	1.7
Defence Committee	0	0	29	1	0	0	9.6	0.3
Education Committee	60	1	0	0	49	1	36.4	0.7
Energy and Climate Change Committee	28	1	0	0	38	1	22.0	0.7
Environment, Food and Rural Affairs Committee	0	0	19	1	0	0	6.4	0.3
Foreign Affairs Committee	0	0	1	1	1	1	0.7	0.7
Health Committee	120	2	37	1	0	0	52.3	1.0
Home Affairs Committee	121	4	56	3	31	2	69.2	3.0
International Development Committee	0	0	1	1	0	0	0.3	0.3
Justice Committee	55	3	44	3	33	6	44.1	4.0
Northern Ireland Affairs Committee	0	0	4	1	0	0	1.4	0.3
Scottish Affairs Committee	0	0	0	0	1	1	0.3	0.3
Transport Committee	22	2	18	1	11	3	16.8	2.0
Treasury Committee	137	12	70	3	66	3	91.1	6.0
Welsh Affairs Committee	0	0	0	0	0	0	0.0	0.0
Work and Pensions Committee	94	2	37	2	0	0	43.4	1.3

Australian Senate⁸⁶

The Australian Senate has since 1994 operated with two sets of permanent specialist committees, one dealing with legislation, the other with investigation and oversight. Committees have only six members, which may include frontbenchers. Legislative committees have three members from the government party and three non-government party members and are chaired by a member of the governing party, while investigative committees have a maximum of two governing party members and are chaired by a non-government party member. While there is no formal overlap of membership, often the chair of the legislative committee acts as deputy chair of the counterpart oversight committee. Each pair share a specialist secretariat allowing for sharing of knowledge.

Pros

The problem of overload or investigative work suffering from a high legislative burden does not apply, as each set of committees can dedicate their time to either investigations or legislative scrutiny. The sharing of staffing resource between the committees may promote synergy effects.

Cons

The committees of the Australian Senate are considered weak owing to the lack of independence from the chamber. For instance, legislative committees cannot amend bills but merely recommend amendments to the plenary. Similarly, investigative committees can conduct inquiries only into matters referred to them by the plenary.

2.6 Select committee size

The proper size of any committee should be guided by the individual circumstances of the organisation and the functions of the committee. As noted in section 2.1, smallness of size is considered one of five criteria for committee effectiveness. However, larger committees may be considered more representative, and less liable to capture by special interest.⁸⁷ On the other hand, larger committees are also considered subject to higher decision costs, which include the resources – time and energy – invested by members in decision-making, including bargaining between members.⁸⁸ The higher costs involved suggest that larger committee size reduces the motivation for members to invest in acquiring expertise and increases the appeal of freeriding behaviour, including abstention, which is more likely in larger committees.⁸⁹ In fact, it has been suggested that decision costs increase at a higher rate than committee size.⁹⁰ With larger committee size comes increased complexity in the form of possible bargaining combinations for instance.⁹¹

Further compounding the challenge of large committees is the risk of increased partisanship as a straightforward mechanism for simplifying proceedings.⁹² Similarly it has been argued that the smaller the size of a committee, the less pliable it will be to government control.⁹³ This may partly be explained by smaller groups being more likely to be influenced by a reciprocal code of conduct, so that group members expect concessions to be reciprocated on other issues in future.⁹⁴ Moreover, it is assumed that small committees incentivise specialisation by monopolising expertise.⁹⁵ In other words, the return on investment in specialisation decreases as the size of the committee

⁸⁶ Russell, Morris, and Larkin, *Fitting the Bill. Bringing Commons Legislation Committees into Line with Best Practice.*

⁸⁷ Francis, "Legislative Committee Systems, Optimal Committee Size, and The Costs of Decision Making."

⁸⁸ Ibid.

⁸⁹ Karotkin and Paroush, "Optimum Committee Size."

⁹⁰ Francis, "Legislative Committee Systems, Optimal Committee Size, and The Costs of Decision Making."

⁹¹ Ibid.

⁹² Ibid.

⁹³ Arter, "On Assessing Strength and Weakness in Parliamentary Committee Systems."

⁹⁴ Ibid.

⁹⁵ Strøm, "Parliamentary Committees in European Democracies."

increases, thereby reducing the incentive for members to engage actively.⁹⁶

Lessons from corporate boards draw similar conclusions.⁹⁷ Studies of the impact of corporate board size on company profits have suggested that smaller boards are preferable.⁹⁸ For instance, smaller boards are more likely to dismiss an underperforming CEO.⁹⁹ Assuming a similar logic applies to parliamentary committees, it may be argued that smaller committees may be better at holding government and ministers to account. In addition, the benefits of smaller corporate boards include a CEO's ability to engage with members outside of formal board meetings to sound out views, and a greater depth and candour in board meeting discussions.¹⁰⁰

“A study by Bain and Co. found the optimum size of a decision-making group to be seven, suggesting that the effectiveness of the decision-making process reduced by 10 per cent for each extra group member.”

Corporate boards have an average size of 9-11 members, while non-profit organisations and foundations, in different surveys, have averaged 12 and 16 members. The larger size of the latter group may reflect the need to represent a wider, more diverse constituency.¹⁰¹ A study by Bain and Co. found the optimum size of a decision-making group to be seven, suggesting that the effectiveness of the decision-making process reduced by 10 per cent for each extra group member.¹⁰² Another study has suggested that a group size of between five and eight makes for the most effective decision-making.¹⁰³

A study of American state legislatures has suggested that legislators themselves consider membership of approximately nine to be the optimum committee size. As the committee size goes beyond nine, legislators expressed preferences for greater reductions in size.¹⁰⁴ The preference was affected, in part, by the frequency of use of subcommittees. Legislators in legislatures using subcommittees frequently expressed a preference for committees of nine members, while in legislatures with little use of subcommittees the preference was slightly lower at between five and seven members.¹⁰⁵ Another factor affecting committee size preference was the size of the chamber itself. The study suggested that in smaller legislatures committees of nine members were preferred, while the preference in larger chambers was for thirteen member committees.¹⁰⁶ Moreover, where subcommittees are used, the preference for committee size increases with the size of the legislature.¹⁰⁷

Balancing this evidence with the need for parliamentary committees to remain representative of the wider House of Commons, we propose that departmental select committees range in size between seven and 15 members, allowing for the larger legislative scrutiny burdens of some departmental select committees. Larger departmental select committees should be able to appoint and elect a deputy chair from among its own ranks to assist the chair in the chairing duties, where delegation of legislative scrutiny to a subcommittee is found necessary. Alternatively, such *ad hoc* chairing of subcommittees could be done on a rotational basis among members.

96 Mattson and Ström, “Committee Effects on Legislation.”

97 Kinross, “The Quest for the Optimal Board Size.”

98 Lublin, “Smaller Boards Get Bigger Returns.”

99 Ibid.

100 Ibid.

101 Dorger, “Size Matters.”

102 Cited in: Ibid.

103 Ibid.

104 Francis, “Legislative Committee Systems, Optimal Committee Size, and The Costs of Decision Making.”

105 Ibid.

106 Ibid.

107 Ibid.

Recommendation 8

Departmental select committees with large workloads should be no larger than 15 members, while committees with small workloads should be limited to seven members.

Recommendation 9

Subcommittees for legislative scrutiny should have no more than five to seven members.

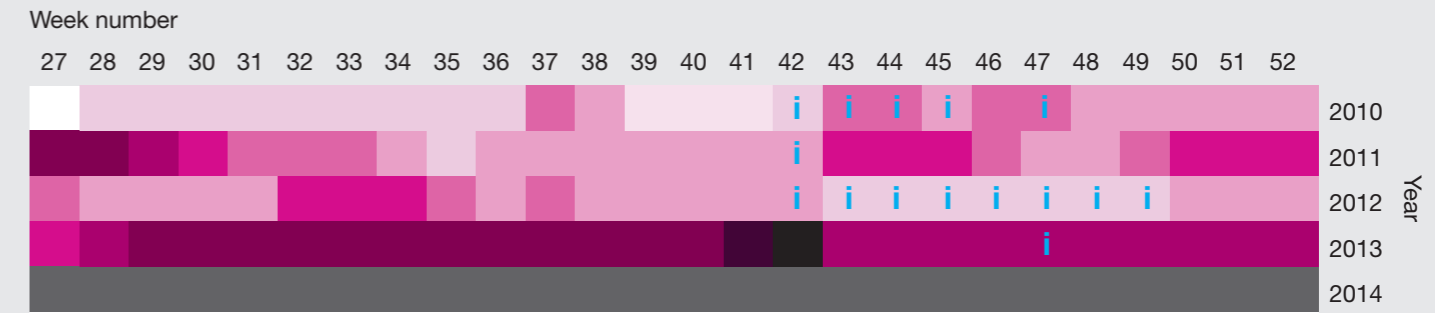
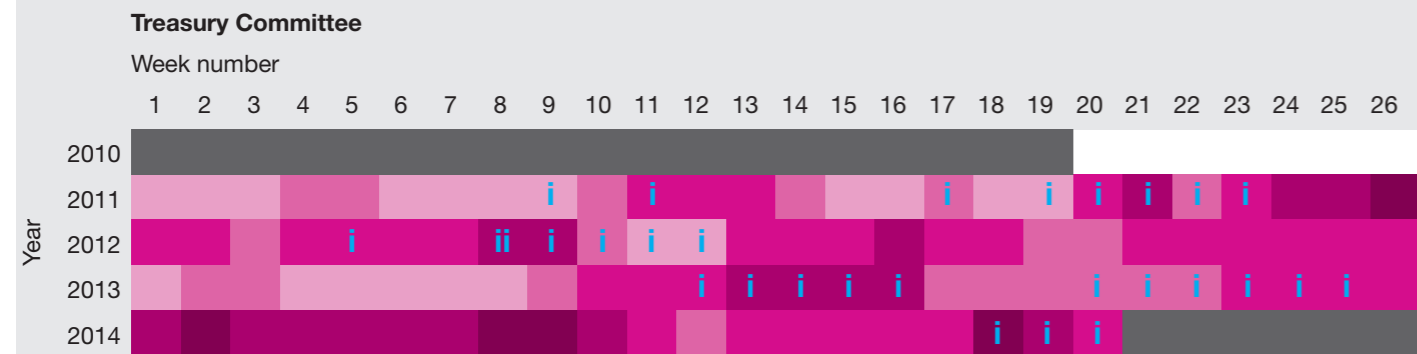
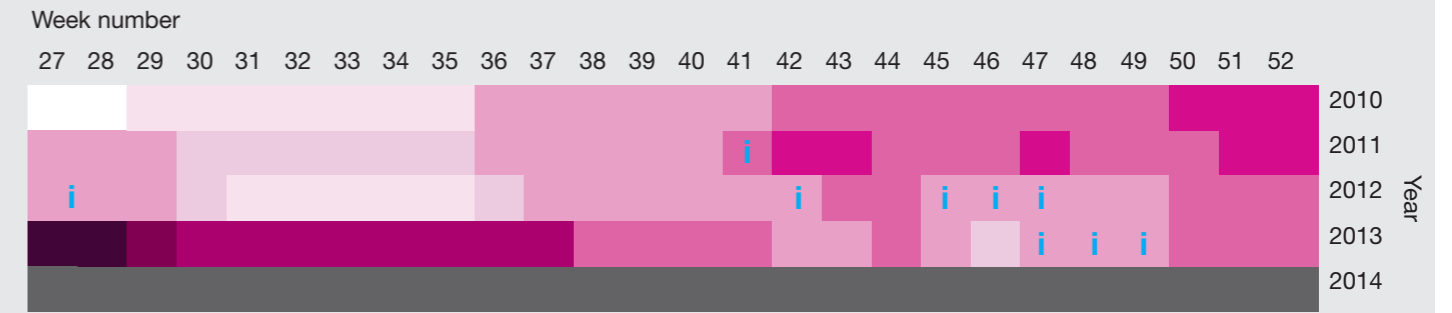
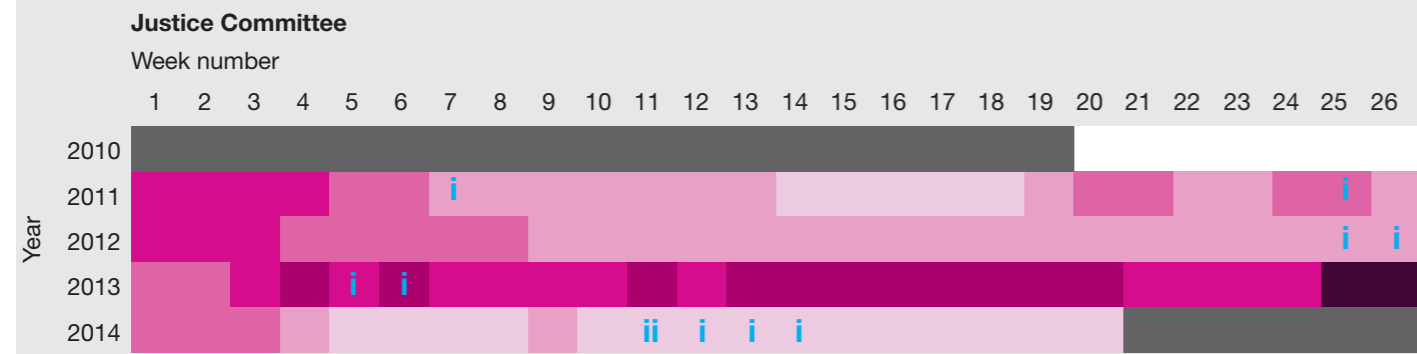
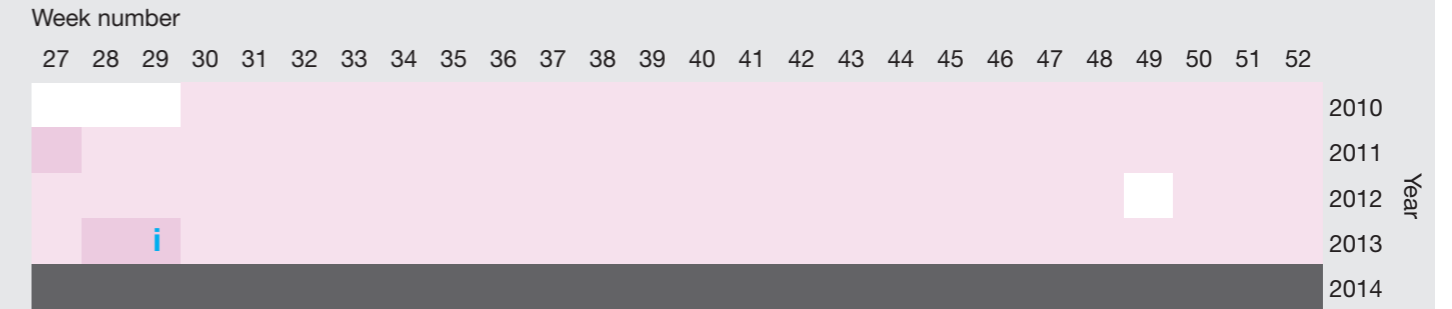
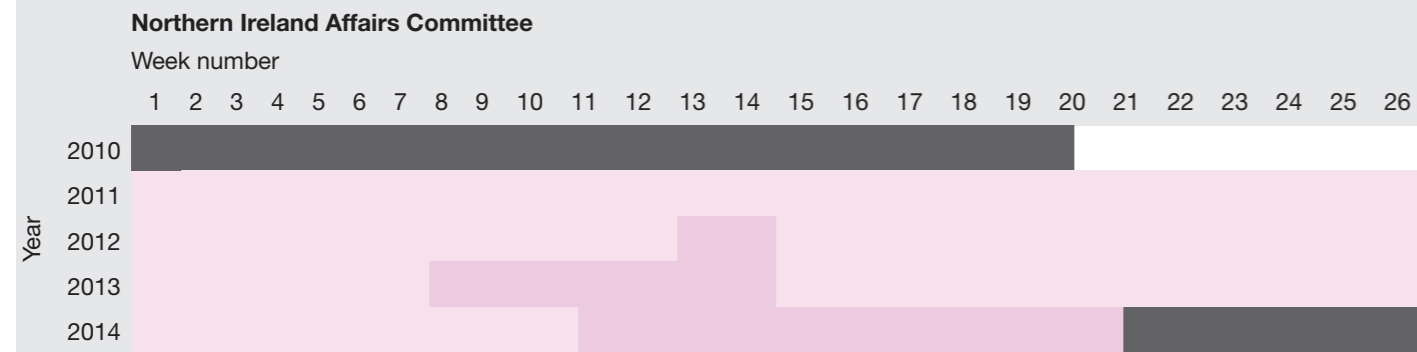
Figure 2.2 presents a heat map of the intensity of workload for three select committees over the last three parliamentary sessions, representing a low, medium and high workload respectively. The heat map is overlaid with legislative scrutiny that would have been allocated to the three select committees in question were dual-purpose committees in place (each bill at committee stage of scrutiny is represented by a roman numeral). The figure illustrates the extreme variation in workload among departmental select committees, both in terms of general oversight and legislative scrutiny.¹⁰⁸

The Northern Ireland Affairs Committee, based on this admittedly crude quantitative measure of workload, appears to have the smallest burden of work, despite being the largest departmental select committee with 14 members. The Justice Committee has produced a significantly higher number of reports, at peak times working on up to eight reports at the same time. The timing of bills relevant to the Justice Committee over these three sessions appears not to conflict with the peaks in investigative activity of the committee. Lastly, the Treasury Committee produced the most reports of the three committees, working on up to nine reports at one point (though some of these were relating to appointment hearings). Legislative activity relevant to the Treasury Committee rarely overlapped, and rarely conflicted with periods of high inquiry activity.

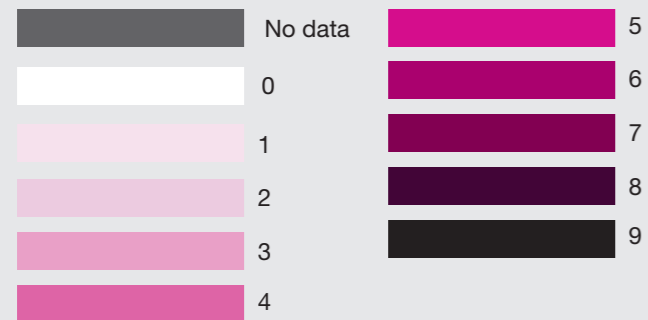
With 15 members of a select committee, higher workload committees should be able to continue their investigative and general oversight functions, while scrutinising legislation relevant to the department shadowed. For instance, two subcommittees of seven members or three of five members could operate simultaneously, conducting legislative scrutiny alongside the select committee's ongoing inquiry and oversight work. With the committee under the leadership of the chair able to allocate their time, the burden of inquiry work can be spread throughout the session as appropriate.

108 A list of the reports, inquiries and bills included may be found in appendix B.

Figure 2.2: Heat map of workload for case study select committees for parliamentary sessions 2010-12, 2012-13, 2013-14



reports and inquiries worked on



i = one bill relevant to the select committee going through committee stage
ii = two bills relevant to the select committee going through committee stage

2.7 Remuneration and professionalisation

Despite the strengths of the select committee system it suffers from high turnover and sporadic attendance. Departmental select committees in the first three sessions of the current Parliament saw average attendance of barely more than 70 per cent – with non-departmental select committees seeing on average 65 per cent attendance.¹⁰⁹ Turnover is also high, though it has fallen over the course of the current Parliament from on average 37 per cent in 2010-12 – with a high of 73 per cent for the Business, Innovation and Skills Committee – to an average of 16 per cent in the 2013-14 parliamentary session (see appendix C).¹¹⁰ A third of committees, however, still saw more than a quarter turnover of membership within this single session, undermining the continuity and expertise that make the model so effective.¹¹¹

Roughly half of the churn is a direct consequence of government or shadow bench appointments. This suggests that while select committees have created an alternative career path through the powerful role of chair, the incentive structures are not quite right. MPs are not currently appropriately motivated to act as dutiful select committee members. Entrusting legislative scrutiny powers to select committees requires this to be addressed. As the academic Kaare Strøm has written: “The trick for the legislature as a whole is to generate an incentive structure that induces members to take the trouble of acquiring expertise.”¹¹²

Consistent attendance is one argument for the whips’ current role in selection for public bill committees, which indeed have higher attendance on average than do select committees. In itself, entrusting legislative scrutiny powers to select committees should add to the power, prestige and attraction of select committee membership and service. Consequently, it is hoped that select committee membership may come to be seen as an alternative career path towards select committee leadership through members building expertise in specific policy areas. As noted, the role of select committee chair has already become an alternative career path within the House of Commons. This development has been enabled through the platform afforded to chairs by high-profile investigations, aided by their new status as directly elected by the House and the extra remuneration they receive. However, the significantly higher salaries on the government payroll is one factor that skews incentives towards MPs seeking to join the executive rather than act as excellent lawmakers. As Graham Brady MP has argued remuneration of select committee chairs at levels lower than even the most junior minister “gives insight into the relative importance accorded at Westminster to the executive and the scrutiny or oversight functions”.¹¹³

Table 2.3: Salary increments for ministers, whips and committee chairs¹¹⁴

	Entitlement (£)
Cabinet Minister / Government Chief Whip / Speaker	68,827
Leader of the Opposition	63,098
Minister of State / Opposition Chief Whip	33,002
Parliamentary Under Secretary	23,697
Assistant Whip / Assistant Opposition Whip	19,329
Select Committee Chair	14,582
Panel of Chairs	2,910-14,582

¹⁰⁹ House of Commons, “Sessional Returns. Session 2010–12. 25 May 2010–1 May 2012”; House of Commons, “Sessional Returns. Session 2012–13. 9 May 2012–25 April 2013.”; House of Commons, “Sessional Returns. Session 2013–14. 8 May 2013–14 May 2014.”

¹¹⁰ The high turnover in the 2010-12 session is partly explained by the change of leadership of the Labour Party and subsequent appointments to the shadow bench.

¹¹¹ House of Commons, “Sessional Returns. Session 2013–14. 8 May 2013–14 May 2014.”

¹¹² Strøm, “Parliamentary Committees in European Democracies.”

¹¹³ Brady MP, “Parliament: Our Principal Democratic Institution?”

¹¹⁴ “The Ministerial and Other Salaries Act 1975 (Amendment) Order 2011”; IPSA, “Reviewing MPs Pay & Pensions. A First Report - January 2013.”

“The potential for remuneration to encourage desirable behaviour in MPs is overlooked. Just as there are function-related pay increments in other areas, so too this could be introduced for MPs. Remuneration linked to the extra responsibility carried by taking on select committee roles could motivate MPs to become engaged select committee members.”

“A clawback mechanism, rather than a bonus payment, signals that select committee duties are considered integral to the role of the MPs, not an optional extra.”

The potential for remuneration to encourage desirable behaviour in MPs is overlooked. Just as there are function-related pay increments in other areas, so too this could be introduced for MPs. Remuneration linked to the extra responsibility carried by taking on select committee roles could motivate MPs to become engaged select committee members. Remuneration should be used as both a reward for the extra work expected of select committee members and an incentive to engage, linked to attendance requirements subject to clawback.

Recommendation 10

Select committee members should be rewarded with a salary increment subject to an attendance-related clawback.

Reform proposes the following pay increments:

- Chairs of departmental select committees and cross-cutting oversight committees should be paid the equivalent of a Parliamentary Under-Secretary of State (£23,697).
- Deputy chairs of departmental select committees should be paid the same as an Assistant Whip (£19,329).
- Members of departmental select committees and cross-cutting oversight committees should be paid a further £10,000 on top of their basic salary.
- All pay increments should be subject to an attendance-related clawback.

There are two ways of organising a duty-related salary increment. It could be given as a bonus at the end of each year or Parliament. Alternatively, the duty-related increment could be paid as part of their salary to all MPs who sit on select committees, making the increment subject to a clawback if attendance fell below a certain level. This would have the benefit of acting as a fine, which has been found to be more effective than bonus payments.¹¹⁵ A clawback mechanism, rather than a bonus payment, signals that select committee duties are considered integral to the role of the MPs, not an optional extra. Not only would the risk of paying back a significant portion of their pay be a strong motivation for fulfilling legislative duties, a transparent system ensuring that MPs who fail in their duties are publically recorded as doing so would further incentivise MPs to prioritise committee duties. Half the salary increment should be clawed back and withheld going forward if attendance drops below 95 per cent, and fully clawed back and withheld going forward if attendance drops below 90 per cent. Currently, it is at the Speaker’s discretion to propose the replacement of a select committee member but only once attendance drops below 60 per cent.¹¹⁶

To ensure MPs focus on select committee work it would, moreover, be advisable to introduce an upper limit so that any MP may serve on only one departmental or cross-cutting select committee at any given time – though this should not prevent membership of other types of committees, such as the Backbench Business Committee or the Administration Committee, which do not include additional scrutiny functions. The pay increment should also thereby be limited to one per member.

The salary increment recommended for chairs of departmental select committees – level with that of a Parliamentary Under-Secretary of State – reflect that their responsibilities in policy terms are comparable to those of the lowest ranked ministers, while select committee chairs are not accountable to the public in the same manner as a minister. The level recommended for deputy chairs, meanwhile, reflect the responsibilities being comparable to those of the Whips’ Office, in terms of brokering compromises and

¹¹⁵ Nosenzo et al., *Bankers, Beware: The Truth about Bonuses: Inducing Good Behaviour: Bonuses Versus Fines in Inspection Games.*

¹¹⁶ Department of Chamber and Committee Services, “Guide for Select Committee Members.”

attaining support of the subcommittee members. The salary increments though paid in monthly instalments should be non-consolidated, thereby leaving un-affected long-term salary or pension entitlements.

The proposed increment for select committee members is roughly in line with the recommendation from the Independent Parliamentary Standards Authority (IPSA) that MPs be awarded a one-off pay increase to an annual salary of £74,000, after which it would be indexed to the annual change in average earnings.¹¹⁷

The increased remuneration for select committee members is likely to lessen the relative power of attraction of particularly unpaid ministerial posts – such as parliamentary private secretaries – and lower ranking shadow bench positions which contribute significantly to the membership churn of select committees; creating more clearly separate career paths for MPs through select committees. In the 2010-12, 2012-13 and 2013-14 between 50 per cent and 100 per cent of promotions to the government payroll from select committee benches were to unpaid positions (see appendix C).

Table 2.4: Illustration of an implementation of the recommendation and associated costs¹¹⁸

House of Commons select committees	Current membership	Proposal	Costs of proposal (£)		
			Chair	Deputy chair	Members
Departmental select committees					
Business, Innovation and Skills Committee	11	15	23,697	19,329	130,000
Communities and Local Government Committee	11	15	23,697	19,329	130,000
Culture, Media and Sport Committee	11	11	23,697		100,000
Defence Committee	12	9	23,697		80,000
Education Committee	11	13	23,697	19,329	110,000
Energy and Climate Change Committee	11	11	23,697		100,000
Environment, Food and Rural Affairs Committee	11	9	23,697		80,000
Foreign Affairs Committee	11	9	23,697		80,000
Health Committee	11	15	23,697	19,329	130,000
Home Affairs Committee	11	15	23,697	19,329	130,000
International Development Committee	11	7	23,697		60,000
Justice Committee	12	15	23,697	19,329	130,000
Northern Ireland Affairs Committee	14	7	23,697		60,000

¹¹⁷ IPSA, *MPs Pay and Pensions. Final Report*.

¹¹⁸ This illustration does not alter the size of non-departmental select committees, though consideration of this is warranted given the evidence presented on optimum size of group decision-making bodies. Such recommendations should reflect an analysis of the workload of these committees, which has not been conducted for the present report.

House of Commons select committees	Current membership	Proposal	Costs of proposal (£)		
			Chair	Deputy chair	Members
Scottish Affairs Committee	11	7	23,697		60,000
Transport Committee	11	15	23,697	19,329	130,000
Treasury Committee	13	15	23,697	19,329	130,000
Welsh Affairs Committee	12	7	23,697		60,000
Work and Pensions Committee	11	13	23,697	19,329	110,000
Subtotal	206	208	426,546	173,961	1,810,000

Other parliamentary business-related select committees

Backbench Business Committee	8	8	23,697		70,000
Consolidation of Bills Committee (Joint)	12	12	23,697		110,000
Environmental Audit Committee	16	16	23,697		150,000
European Scrutiny Committee	16	16	23,697		150,000
Joint Committee on Human Rights	6	6	23,697		50,000
Joint Committee on the National Security Strategy	12	12	23,697		110,000
Political and Constitutional Reform Committee	11	11	23,697		100,000
Public Accounts Committee	14	14	23,697		130,000
Public Administration Committee	11	11	23,697		100,000
Regulatory Reform Committee	14	14	23,697		130,000
Science and Technology Committee	10	10	23,697		90,000
Statutory Instruments Committee	6	6	23,697		50,000
Subtotal	136	136	284,364	0	1,240,000
Employer National Insurance Contribution			98,106	24,007	420,900
Total	342	344	809,016	197,968	3,470,900
Current cost			998,191		
Added costs					3,479,692

Though public sentiment is against pay rises for MPs, the resentment reduces when assumed that pay increases are implemented at no additional cost to the taxpayer.¹¹⁹ Consequently, the cost of improving the quality of parliamentary scrutiny may be to reduce the overall number of MPs so as to make the recommended changes cost neutral. Reducing the number of MPs would also bring the UK more in line with international averages for comparable countries.

Table 2.4 above illustrates how the recommendations could be implemented; this is based on a judgement of the workload of select committees in the past three parliamentary sessions (2010-12, 2012-13, 2013-14), and is thus not necessarily appropriate for future Parliaments. For instance, future reforms to the Scottish devolution arrangements may require a larger Select Committee on Scottish Affairs, while other committees may appropriately be of a smaller size than illustrated in table 2.4. The illustration would imply an increased expenditure of £3.5 million. As discussed below this added cost could be offset by a reduction in the size of Parliament.

2.8 Size of Parliament

James Madison once claimed that “no political problem is less susceptible to a precise solution than that which relates to the number most convenient for a representative legislature”.¹²⁰ As with the size of a parliamentary committee, the question can be framed as a trade-off between representativeness and efficiency, with both deliberative and decisional efficiency decreasing as the number of legislators increases.¹²¹

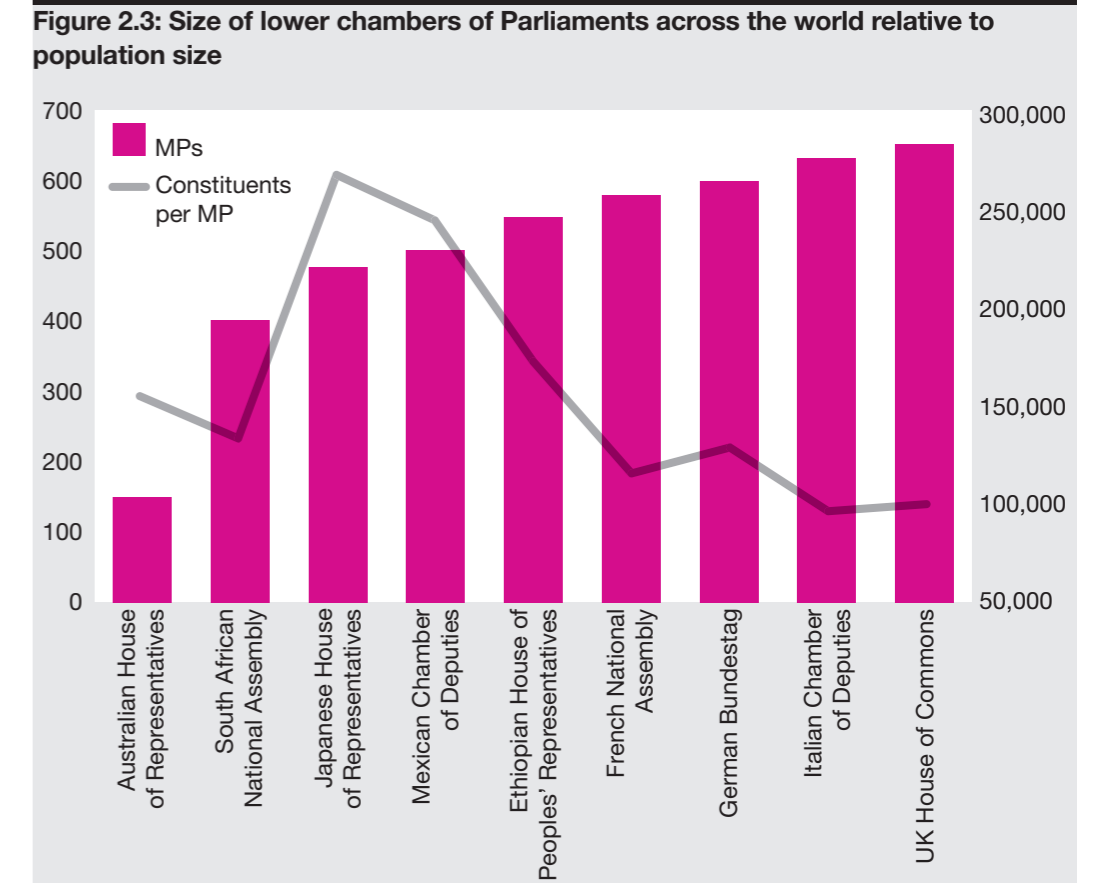
The Electoral Registration and Administration Act 2013 deferred the 2013 Boundary Commission Report to 2018; delaying the agreed reduction in the number of MPs from 650 to 600.¹²² While the latest proposal for a reduction to 600 MPs was subject to accusations of gerrymandering, the proposal reflected wider calls for a smaller Parliament.¹²³

From an international perspective, the House of Commons has a relatively low ratio of constituents to MPs.¹²⁴ Westminster MPs on average represent 98,611 citizens, which in comparison to other countries with bicameral parliaments and populations between 50 million and 90 million is particularly low, the average among these countries being 118,515 constituents per member. Of these countries only Italy compares with the UK having 94,970 constituents per parliamentarian. Indeed, countries with bicameral systems and a similar ratio of constituents to elected representatives have significantly smaller populations, between 3-10 million.¹²⁵ In membership terms alone, the House of Commons is also comparatively large, only surpassed by the House of Lords, the People’s Congress of China and the North Korean Supreme People’s Assembly. Of countries with bicameral parliaments, only Germany and Italy join the UK in having lower chambers of more than 600 MPs, respectively 631 and 630 representatives.¹²⁶

119 IPSA, *MPs Pay and Pensions. Final Report.*
 120 Madison, “The Federalist No 55.”
 121 Kjaer and Elklit, “The Impact of Assembly Size on Representativeness.”
 122 White and Johnston, “Constituency Boundaries.”
 123 White and Johnston, “Constituency Boundaries: The Sixth General Review in England. SN/PC/06229.”
 124 Ibid.
 125 These numbers are calculated on the basis of the size of the population, not electorate, with data from the International Parliamentary Union’s Parline database and from the World Bank.
 126 Parline.

“no political problem is less susceptible to a precise solution than that which relates to the number most convenient for a representative legislature”.

“In membership terms alone, the House of Commons is also comparatively large, only surpassed by the House of Lords, the People’s Congress of China and the North Korean Supreme People’s Assembly.”



Were the UK to reduce its number of MPs to 600 as suggested by the 2013 Boundary Commission report, MPs would represent on average 106,828 constituents each – still significantly lower than other lower houses in countries of a similar population. Indeed, it would take a reduction of a further 100 MPs, to 500 (128,194 constituents to an MP), for the UK to be roughly level with Germany (127,768 constituents per MP).

Reducing the number of MPs by 50 would enable the proposed reforms to the committee system at no cost to the taxpayer, in fact allowing a share of the savings to be re-invested in improving staffing levels of the reformed departmental select committees, while still maintaining an overall saving. Given the financial climate and the public’s concern regarding the cost of politics, it is essential to keep proposed reforms cost neutral. Reducing the size of Parliament appears the most obvious means to achieve this, as well as being in line with wider calls for reforms to Parliament.

Table 2.5: Savings in costs per MP through reduction of the House of Commons¹²⁷

	MPs	Constituents per MP	Total Cost of MPs	Savings
	650	98,611	£146,295,897	£0
	625	102,555	£140,669,131	£5,626,765
	600	106,828	£135,042,366	£11,253,531
Comparable average	550	116,540	£123,788,836	£22,507,061
118,515	500	128,194	£112,535,305	£33,760,592
	450	142,438	£101,281,775	£45,014,122
	400	160,243	£90,028,244	£56,267,653

127 Based on costs per MP according to IPSA expenses data 2013: salary of £67,060 plus £158,011 average claimed expenses, incl. staffing.

Recommendation 11

The number of MPs should be reduced to 600 or less.

2.9 Staffing

The last of the five criteria indicative of the strength of a committee system is access to expert support. By entrusting departmental select committees with the task of legislative scrutiny, the current staffing arrangements of committees in the House of Commons could be rationalised so that permanent staff is allocated to each committee as a minimum for a parliamentary session according to their expected work burden.

Each select committee is currently supported by two clerks, one or two specialists and one or two assistants, and can contract specialist advisers for particular inquiries.¹²⁸ Additionally, the Scrutiny Unit, which comprises no more than a deputy head, four financial analysts, two legal specialists, two economists and six administrative staff, supports both select committees in their pre-legislative and financial scrutiny work and public bill committees in their evidence taking.¹²⁹ The majority of the Scrutiny Unit's time is spent on select committee work, including 38 per cent on pre-legislative scrutiny and 30 per cent on financial scrutiny (2008-09 session).¹³⁰

Criticism of committee staffing, including the Scrutiny Unit, suggests that staffing levels are insufficient to cover the existing committee functions.¹³¹ The establishment of dual-purpose select committees should therefore be complemented by an expansion of staffing resource.

Staff costs for the Committee Directorate, including staff working directly for select committees and the Scrutiny Unit, were approximately £12 million in the financial year 2013-14.¹³² The House of Commons does not directly account for expenditure on staff support for public bill committees, which is spread across a number of units with wider responsibilities.¹³³ The recommended reduction in the size of Parliament would save £11.2 million. As stated, this allows for significant improvement in the staffing support of the committee system and the introduction of salary increments for select committee members, whilst still leaving room for an overall reduction in the cost of Parliament.

Recommendation 12

Part of the saving from the reduction in the number of MPs should be reinvested in improved staffing of the select committees.

2.10 The payroll vote

Reducing the size of Parliament may affect the balance of power held by the executive through the payroll vote. Over the last century the payroll vote has steadily increased, reaching over 20 per cent of the House of Commons during the current Parliament. Whilst there are statutory restraints on the paid ministerial posts there are no such restraints on the unpaid government positions, such as parliamentary private secretaries. This has led to increasing numbers being appointed.¹³⁴ Most recently, the establishment of the Downing Street Policy Unit has further expanded the payroll vote. Whilst not government

¹²⁸ Russell, Meg and Benton, Meghan, *Selective Influence: The Policy Impact of House of Commons Select Committees*.

¹²⁹ Ibid.; Scrutiny Unit, "Submission from the House of Commons Scrutiny Unit to the Joint Select Committee on the Parliamentary Budget Office for the Parliament of Australia."

¹³⁰ Scrutiny Unit, "Submission from the House of Commons Scrutiny Unit to the Joint Select Committee on the Parliamentary Budget Office for the Parliament of Australia."

¹³¹ Russell, Meg and Benton, Meghan, *Selective Influence: The Policy Impact of House of Commons Select Committees*; Scrutiny Unit, "Submission from the House of Commons Scrutiny Unit to the Joint Select Committee on the Parliamentary Budget Office for the Parliament of Australia."

¹³² House of Commons, "Sessional Returns. Session 2013-14. 8 May 2013-14 May 2014."

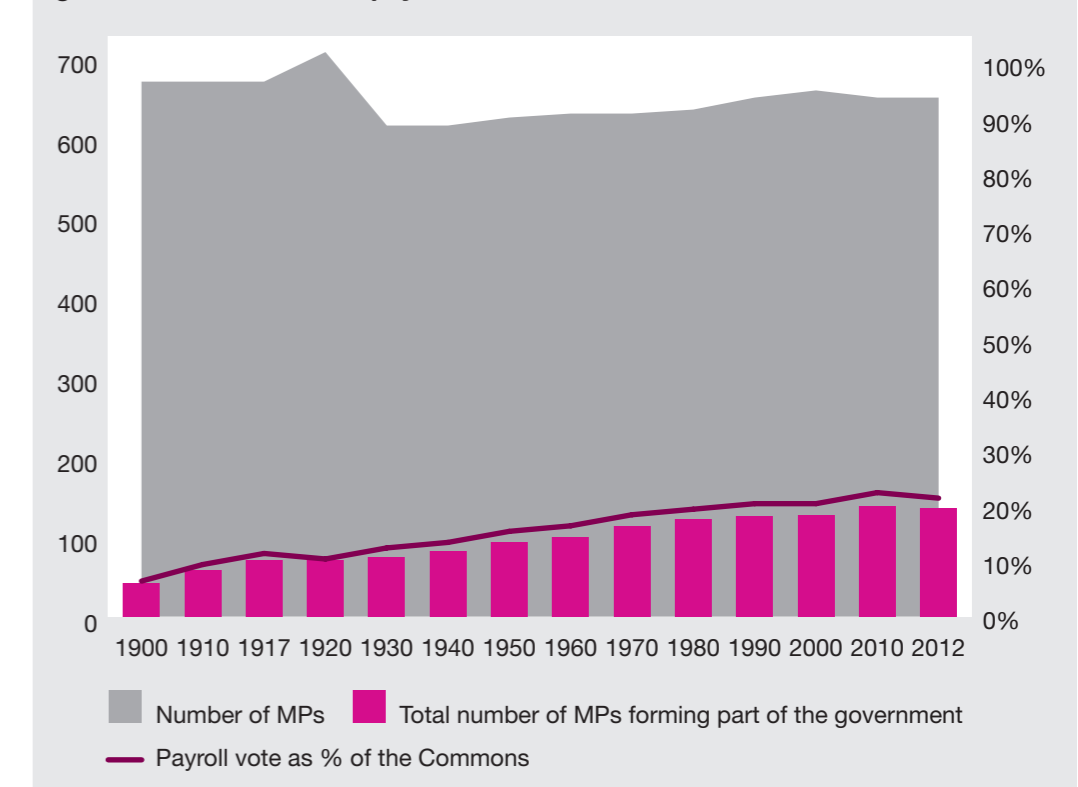
¹³³ Reform requested Freedom of Information Request F15-069. Received on 27 February 2015.

¹³⁴ Commons Disqualification Act 1975, Ministerial and Other Salaries Act 1975

"The recommended reduction in the size of Parliament would save £11.2 million. As stated, this allows for significant improvement in the staffing support of the committee system and the introduction of salary increments for select committee members, whilst still leaving room for an overall reduction in the cost of Parliament."

ministers and unpaid, the approximately ten MPs making up the policy board are expected to vote with the government or resign.

Figure 2.4: Evolution of the payroll vote¹³⁵



"The larger the payroll vote as a proportion of the governing party/ies, the smaller the cohort of backbench MPs who can exercise their voting rights to amend and improve legislation by voting against a bill or clause, and therefore the weaker the ability of Parliament to hold the executive to account."

The power of the payroll vote reduces Parliament's effectiveness in scrutinising legislation. When a government commands a majority of MPs it is the government's backbenchers who hold the balance of power in votes on the floor. They have the ability, by threatening rebellion, to enforce improvements of a bill or gain concessions from the whips elsewhere. The larger the payroll vote as a proportion of the governing party/ies, the smaller the group of backbench MPs who can exercise their voting rights to amend and improve legislation by voting against a bill or clause, and therefore the weaker the ability of Parliament to hold the executive to account. Moreover, the larger the payroll vote the more opportunities for patronage exist for the Prime Minister to offer to MPs by way of preferment and incentive for toeing the government line.

The payroll vote also reduces the number of members eligible to serve on departmental select committees. Ministers and parliamentary private secretaries are barred from select committees; though the latter will be allowed to sit on departmental select committees not shadowing their own department, this is generally seen as a suboptimal state of affairs.

¹³⁵ Rogers and Jowit, "Is This the Biggest UK Government Ever?"

There have been many different proposals for reducing the payroll vote, and it has been a source of concern for fifty years.¹³⁶ Most recently, The Public Administration Select Committee in 2010 published a report *Too Many Ministers?* which recommended that the payroll vote not exceed around 15 per cent of the full strength of the House.¹³⁷ Given the increasing trend of the payroll vote through unpaid positions, the statutory limitations on ministers and paid government posts should be replaced by new statutory limitations covering all aspects of the payroll vote, placing in law the reduction to 15 per cent of the strength of the House.

Recommendation 13

Unpaid payroll positions should be included within statutory limitations on paid government positions, with the limit set at 15 per cent of the House of Commons.

A reduction in the payroll vote would improve Parliament's ability to effectively scrutinise the executive, not only by increasing the power of the backbenches, but also in increasing the pool of talent available to committees to investigate executive action and scrutinise legislation.¹³⁸

¹³⁶ R.K. Alderman and J.A. Cross, "The Parliamentary Private Secretary" in *The Parliamentarian*, Vol 48 No. 2, (1967).
¹³⁷ Public Administration Select Committee, *Too Many Ministers? Ninth Report of Session 2009–10*.
¹³⁸ *Ibid.*

3 Implications for the constituency role of MPs

The recommendations in the preceding chapter have implications beyond the functioning of the parliamentary committee system. Increasing the time spent by MPs on legislative scrutiny may require a corresponding reduction in other duties, particularly the time afforded to dealing with individual constituent concerns.

The territorial link between an MP and their constituents has a long history in British representative democracy. Indeed, representation through political parties was embedded into the existing territorial basis for representation.¹³⁹ This link fosters a twinned representativeness within the British parliamentary system: on the one hand MPs are elected to specifically represent their constituency; on the other, there is an expectation of general representation, upholding the interest of the country as a whole, in part exercised through party affiliation.¹⁴⁰

The academic Philip Norton has argued that the demand for constituency specific representation has increased in recent decades through increasing volumes of constituency correspondence. In the 1950s an MP typically received a dozen letters a week, increasing to 20-50 a day in the 1980s.¹⁴¹ The increasing demand by constituents has been met by willing supply from MPs. In 1996 it was estimated that an MP spent 40 per cent of a week, when Parliament was in session, on constituency work. This had increased to over 60 per cent of their week by 2006.¹⁴² A more recent study found that a third of MPs spent between a half and three quarters of their time resolving their constituents' issues.¹⁴³ Similarly, a survey among the 2010 intake of MPs found that just 14 per cent of a MPs time is spent in Commons committees.¹⁴⁴ The data suggests that MPs prioritise constituency work higher than any of the three chief functions of Parliament: scrutinising, legislating, and enabling tax raising. Indeed, one study found that only 16 per cent of MPs thought that "contributing to the development of legislation (including by serving actively on committees or putting down amendments)" was the most important part of their role.¹⁴⁵

A good reputation in the constituency is in the electoral self-interest of an MP and an asset they have more tools to develop than prospective challengers. MPs consequently have become constituency creatures. Paul Flynn MP wrote of a Member of Parliament who neglected constituency matters that: "A bad reputation for constituency work is as contagious as a good one. In spite of his good work in Parliament the MP was doomed to defeat."¹⁴⁶ A strong reputation in the constituency may even act as insurance against unpopularity of their party.¹⁴⁷ Thus, with the decline of the major parties it may be of little surprise that constituency work has gradually increased as a share of an MP's workload.

A pertinent question is, consequently, whether such volume of constituency casework is the best use of an MP's working time. To the extent that working hours are a finite resource, the allocation of working time among MPs may be considered indicative of the effectiveness of parliamentary scrutiny. The time consuming efforts of addressing constituency specific issues may, thus, be to the detriment of their role in scrutinising the executive and its proposed legislation. Indeed, MPs have been criticised accordingly. Professor Anthony King of the University of Essex and Sir Ivor Crewe of University College Oxford, for instance, criticise parliamentarians for casting themselves as "social workers, cheerleaders, askers of questions, and occasionally...conductors of belated post-mortem inquests", chastising them for neglecting their function as lawmakers.¹⁴⁸ The prioritisation by MPs, however, appears to chime with the expectations of the public. Polled on their

¹³⁹ Norton, "Parliament and Citizens in the United Kingdom."

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Young Legal Aid Lawyers, *Nowhere Else to Turn: The Impact of Legal Aid Cuts on MPs' Ability to Help Their Constituents*.

¹⁴⁴ Korris, *A Year in the Life: From Member of Public to Member of Parliament*.

¹⁴⁵ Campbell and Lovenduski, "What Should MPs Do?"

¹⁴⁶ Flynn, *How to Be an MP*.

¹⁴⁷ Norton, "Parliament and Citizens in the United Kingdom."

¹⁴⁸ King and Crewe, *The Blunders of Our Governments*.

expectations of MPs' responsibilities, 25 per cent of the public have been found to rank "dealing with the problems of individual constituents" as one of the three most important roles of MPs. This compares with only 14 per cent considering lawmaking as a primary function.¹⁴⁹

"whilst we should indeed be made aware of the reality of people's lives, and can provide valuable assistance to our constituents, we are neither trained nor resourced to replace specialist advice and legal representation."

Some of the constituency casework of MPs will inevitably relate to the government's policies and legislative agenda. However, it is questionable whether this very personalised and time-consuming one-to-one interaction is the best format for engaging with people's concerns. For instance, a survey of MPs found that on average 38 per cent of MPs' casework involved legal issues, while 27 per cent of MPs suggested that as much as half to three quarters of their casework involved legal issues.¹⁵⁰ As Karen Buck MP has noted in response to the survey: "whilst we should indeed be made aware of the reality of people's lives, and can provide valuable assistance to our constituents, we are neither trained nor resourced to replace specialist advice and legal representation."¹⁵¹ In fact, the study found that MPs are often a constituent's last resort for help. 81 per cent of constituents surveyed had attempted to resolve their problem elsewhere before seeking the assistance of MPs. Consequently, the high frequency of constituency casework may be a reflection of deficiencies in other parts of our governance system as well as inflated public expectations of the powers of an individual MP to address their private concerns.

As noted in the introduction, the public has a low level of confidence in the effectiveness of our governing system, and while the prioritisation of constituency casework by MPs to some extent reflects the outlook of the public, there may be public support for change. The Hansard Society in an annual audit found that changing the language of a question about lawmaking from "making good laws" to "making laws" reduced the proportion of the public selecting this as the most important way MPs should spend their time from 30 per cent to 14 per cent.¹⁵² This clearly indicates a degree of public support for the notion that parliamentary scrutiny should be aimed at improving the quality of bills put before it.

One means to reduce the burden of constituency casework on MPs would be to increase the role of local politicians who are often better positioned to address constituents' local concerns. The current debate and trend towards devolution already provides a route towards increasing the capacity and visibility of local government, and enabling this transition of focus will be a prerequisite for relieving the constituency burden on MPs and freeing their time for high quality scrutiny. However, this will not be a complete solution, and the relative burden of constituency work on MPs is a wider concern that deserves consideration in its own right.

¹⁴⁹ Campbell and Lovenduski, "What Should MPs Do?"

¹⁵⁰ Young Legal Aid Lawyers, *Nowhere Else to Turn: The Impact of Legal Aid Cuts on MPs' Ability to Help Their Constituents*.

¹⁵¹ Ibid.

¹⁵² Hansard Society, *Audit of Political Engagement 7. The 2010 Report with a Focus on MPs and Parliament*.

"To the extent that working hours are a finite resource, the allocation of working time among MPs may be considered indicative of the effectiveness of parliamentary scrutiny. The time consuming efforts of addressing constituency specific issues may, thus, be to the detriment of their role in scrutinising the executive and its proposed legislation."

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Appendix A: Committee stage scrutiny

Public bill committees	Hours spent in committee	Members	Attendance	Sponsor
2010-12				
Budget Responsibility and National Audit Bill	8.5	18	91.7%	HM Treasury
Civil Aviation Bill	21.5	25	87.1%	Department for Transport
Coinage Measurement Bill [Lords]	0.2	16	62.5%	Private Members' Bill
Consumer Insurance (Disclosure and Representations) Bill [Lords] - Second Reading Committee	0.5	18	94.4%	HM Treasury
Consumer Insurance (Disclosure and Representations) Bill [Lords]	0.5	19	94.7%	HM Treasury
Daylight Saving Bill	2.1	16	93.8%	Private Members' Bill
Domestic Violence, Crime and Victims (Amendment) Bill	0.7	16	68.8%	Private Members' Bill
Education Bill	60.4	18	97.5%	Department for Education
Energy Bill [Lords]	27.7	19	100.0%	Department for Energy and Climate Change
Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Bill	0.1	16	87.5%	Private Members' Bill
Finance (No. 2) Bill	9.7	18	93.3%	HM Treasury
Finance (No. 3) Bill	33.0	35	90.4%	HM Treasury
Finance (No. 4) Bill	9.3	34	91.9%	HM Treasury
Financial Services Bill	43.1	19	99.7%	HM Treasury
Health and Social Care Bill	80.9	24	95.4%	Department of Health
Health and Social Care Bill (Re-committed)	38.9	26	96.2%	Department of Health
Identity Documents Bill	7.5	18	98.9%	Home Office
Legal Aid, Sentencing and Punishment of Offenders Bill	54.5	21	93.9%	Ministry of Justice
Legislation (Territorial Extent) Bill	1.9	16	62.5%	Private Members' Bill
Live Music Bill [Lords]	0.7	16	75.0%	Private Members' Bill
Local Government Bill [Lords]	1.6	16	87.5%	Department for Communities and Local Government
Local Government Ombudsman (Amendment) Bill	0.6	16	81.3%	Department for Communities and Local Government
Localism Bill	59.6	26	89.4%	Department for Communities and Local Government
London Olympic Games and Paralympic Games (Amendment) Bill	4.6	18	81.5%	Department for Culture, Media and Sport
National Insurance Contributions Bill	9.5	18	91.7%	HM Treasury
Pensions Bill [Lords]	19.9	19	96.1%	Department for Work and Pensions
Police Reform and Social Responsibility Bill	45.6	18	90.0%	Home Office
Postal Services Bill	47.0	18	95.3%	Department for Business, Innovation and Skills

Public bill committees	Hours spent in committee	Members	Attendance	Sponsor
Protection of Freedoms Bill	50.0	19	85.8%	Home Office
Public Bodies Bill [Lords]	3.0	18	100.0%	Cabinet Office
Public Services (Social Enterprise and Social Value) Bill	1.6	16	87.5%	Private Members' Bill
Savings Accounts and Health in Pregnancy Grant Bill	19.1	18	91.7%	HM Treasury
Sports Grounds Safety Authority Bill	1.0	16	87.5%	Private Members' Bill
Superannuation Bill	6.8	18	94.4%	Cabinet Office
Terrorism Prevention and Investigation Measures Bill	17.6	19	86.8%	Home Office
Terrorist Asset Freezing Bill [Lords]	2.5	18	100.0%	HM Treasury
Welfare Reform Bill	73.6	26	91.1%	Department for Work and Pensions
Wreck Removal Convention Bill	0.1	16	62.5%	Private Members' Bill
Average	20.1			
2012-13				
Antarctic Bill	1.1	16	100.0%	Private Members' Bill
Children and Families Bill	48.7	21	86.0%	Department for Education
Defamation Bill	14.1	21	95.2%	Ministry of Justice
Disabled Persons' Parking Badges Bill	0.3	16	81.3%	Private Members' Bill
Energy Bill	38.3	21	94.3%	Department of Energy and Climate Change
Enterprise and Regulatory Reform Bill	42.7	25	87.1%	Department for Business, Innovation and Skills
Financial Services (Banking Reform) Bill	19.1	19	90.1%	HM Treasury
Growth and Infrastructure Bill	34.3	19	89.5%	Department for Communities and Local Government
HGV Road User Levy Bill	9.1	19	90.5%	Department for Transport
Marine Navigation (No. 2) Bill 2012-13	1.2	16	62.5%	Private Members' Bill
Marriage (Same Sex Couples) Bill 2012-13	30.0	19	92.7%	Department for Culture, Media and Sport
Mental Health (Discrimination) (No. 2) Bill	0.7	16	93.8%	Private Members' Bill
Mobile Homes Bill	1.2	16	68.8%	Private Members' Bill
Presumption of Death Bill	0.3	16	81.3%	Private Members' Bill
Prevention of Social Housing Fraud Bill	0.5	17	82.4%	Private Members' Bill
Prisons (Interference with Wireless Telegraphy) Bill	0.2	16	68.8%	Private Members' Bill
Prisons (Property) Bill	0.2	16	75.0%	Private Members' Bill
Public Service Pensions Bill	21.2	19	86.5%	HM Treasury
Scrap Metal Dealers Bill	4.2	16	96.9%	Private Members' Bill
Small Charitable Donations Bill	25.8	19	86.3%	HM Treasury
Crime and Courts Bill	26.7	21	86.4%	Home Office
Groceries Code Adjudicator Bill	10.8	19	91.6%	Department for Business, Innovation and Skills

Public bill committees	Hours spent in committee	Members	Attendance	Sponsor
Justice and Security Bill	17.9	19	98.0%	Ministry of Justice
Partnerships (Prosecution) (Scotland) Bill	1.0	16	87.5%	Scotland Office
Trusts (Capital and Income) Bill	0.1	16	75.0%	Ministry of Justice
Average	14.0			
2013-14				
Anti-Social Behaviour, Crime and Policing Bill	31.9	21	85.7%	
Care Bill	37.1	23	94.2%	Department of Health
Citizenship (Armed Forces) Bill	2.2	16	75.0%	Private Members' Bill
Consumer Rights Bill	35.2	19	89.8%	Department for Business, Innovation and Skills
Criminal Justice and Courts Bill	30.5	19	82.6%	Department of Justice
Deep Sea Mining Bill	1.0	16	75.0%	Private Members' Bill
Defence Reform Bill	28.7	19	79.7%	Ministry of Defence
Deregulation Reform Bill	38.4	19	86.5%	Cabinet Office
European Union (Referendum) Bill	18.3	16	82.3%	Private Members' Bill
Finance Bill	20.8	35	82.5%	HM Treasury
Finance (No.2) Bill	44.1	35	84.3%	HM Treasury
Gambling Bill	8.5	19	81.6%	Department for Culture, Media and Sport
Gender Equality (International Development) Bill	0.9	16	87.5%	Department for International Development
High Speed Rail (Preparation) Bill	17.7	16	92.0%	Department for Transport
House of Lords Reform (No.2) Bill	0.6	16	100.0%	Private Members' Bill
Immigration Bill	22.1	21	81.0%	Home Office
Leasehold Reform (Amendment) Bill	0.2	16	75.0%	Department for Communities and Local Government
National Insurance Contributions Bill	5.0	19	82.9%	HM Treasury
Northern Ireland (Miscellaneous Provisions) Bill	4.1	19	100.0%	Northern Ireland Office
Pensions Bill	27.8	16	84.4%	Department for Work and Pensions
Water Bill	19.1	19	93.0%	Environment, Food and Rural Affairs
Inheritance and Trustees' Powers Bill	0.2	19	89.5%	Ministry of Justice
Local Audit and Accountability Bill	19.8	21	82.0%	Department for Communities and Local Government
Offender Rehabilitation Bill	13.4	19	92.1%	Ministry of Justice
Mesothelioma Bill	9.0	19	82.9%	Department for Work and Pensions
Intellectual Property Bill	5.8	19	90.8%	Department for Business, Innovation and Skills
Average	17.0			

Appendix B: Select committee workload case studies

Reports and inquiries of Northern Ireland Affairs Committee	Meetings	Members	Attendance	Period from announcement to publication
2010-12	42	14	73.5%	
Corporation Tax in Northern Ireland				27 July 2010 – 9 June 2011
Air Passenger Duty: Implications for Northern Ireland				13 June 2011 – 8 July 2011
Fuel laundering and smuggling in Northern Ireland				6 July 2011 – 27 March 2012
2012-13	30	14	73.1%	
An air transport strategy for Northern Ireland				23 March 2012 – 30 November 2012
Draft Northern Ireland (Miscellaneous Provisions) Bill				13 February 2013 – 25 March 2013
2013-14	32	14	67.6%	
Implementation of the Armed Forces Covenant in Northern Ireland				13 December 2012 – 17 July 2013
The banking structure in Northern Ireland				10 July 2013 – ongoing
Administrative scheme for “on-the-runs”				7 March 2014 – ongoing

Legislation relevant to Northern Ireland Affairs Committee	Hours in committee	Meetings	Members	Attendance	Period of committee sittings
2013-14					
Northern Ireland (Miscellaneous Provisions) Bill	4.1	2	19	100.0%	16 July 2013

Reports and inquiries of the Justice Committee	Meetings	Members	Attendance	Period from announcement to publication
2010-12	65	12	60.8%	
Revised Sentencing Guideline: Assault				19 October 2010 – 26 January 2011
Appointment of the Chair of the Judicial Appointments Commission				7 September 2010 – 7 February 2011
Government’s proposed reform of legal aid				14 December 2010 – 29 March 2011
Appointment of the Prisons and Probation Ombudsman for England and Wales				17 May 2011 – 24 May 2011
Appointment of HM Chief Inspector of Probation				11 May 2011 – 21 June 2011
Operation of the Family Courts				20 July 2010 – 14 July 2011

Reports and inquiries of the Justice Committee	Meetings	Members	Attendance	Period from announcement to publication
Draft sentencing guidelines: drugs and burglary				15 June 2011 – 12 July 2011
The role of the Probation Service				7 September 2010 – 27 July 2011
Referral fees and the theft of personal data: evidence from the Information Commissioner				13 September 2011 – 27 October 2011
The proposed abolition of the Youth Justice Service				22 November 2011 – 23 November 2011
Joint Enterprise				19 October 2011 – 17 January 2012
Presumption of Death				21 July 2011 – 22 February 2012
2012-13	39	12	65.0%	
Post-legislative scrutiny of the Freedom of Information Act 2000				20 December 2011 – 26 July 2012
The budget and structure of the Ministry of Justice				21 July 2011 – 18 August 2012
The Committee’s opinion on the European Union Data Protection framework proposals				4 September 2012 – 1 November 2012
Pre-legislative scrutiny of the Children and Families Bill				12 September 2012 – 14 December 2012
Draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013				22 January 2013 – 23 January 2013
Interpreting and translation services and the Applied Language Solutions contract				23 October 2012 – 6 February 2013
Youth Justice				11 October 2011 – 14 March 2013
Scrutiny of the draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013				12 March 2013 – 15 March 2013
The functions, powers and resources of the Information Commissioner				5 February 2013 – 21 March 2013
2013-14	36	12	63.4%	
Sexual Offences Guideline: Consultation				14 May 2013 – 16 May 2013
Women offenders: after the Corston Report				18 December 2012 – 15 July 2013
Transforming Legal Aid: evidence taken by the Committee				14 May 2013 – 18 July 2013
Environmental Offences Guideline: Consultation				18 June 2013 – 19 July 2013
Older Prisoners				27 February 2013 – 12 September 2013
Post-legislative scrutiny of Part 2 (Encouraging or assisting crime) of the Serious Crime Act 2007				15 January 2013 – 13 September 2013
Appointment of HM Chief Inspector of Probation				10 December 2012 – 11 October 2013
Ministry of Justice measures in the JHA block opt-out				16 July 2013 – 31 October 2013
Fraud, Bribery and Money Laundering Offences Guideline: Consultation				29 October 2013 – 8 November 2013
Crown Dependencies: developments since 2010				30 March 2013 – 16 January 2014
Appointment of the Chair of the Office for Legal Complaints				10 December 2013 – 13 December 2013

Reports and inquiries of the Justice Committee	Meetings	Members	Attendance	Period from announcement to publication
Crime reduction policies: a co-ordinated approach? Interim report on the Government's Transforming Rehabilitation programme				27 February 2013 – 22 January 2014
Serious Fraud Office Supplementary Estimate 2013–14				25 February 2014 – 28 February 2014
Prisons: planning and policies				20 November 2013 – ongoing
Impact of changes to civil legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012				17 December 2013 – ongoing

Legislation relevant to the Justice Committee	Hours in committee	Meetings	Members	Attendance	Period of committee sittings
2010-12					
Domestic Violence, Crime and Victims (Amendment) Bill	0.7	1	16	68.8%	22 June 2011
Estates of Deceased Persons (Forfeiture Rule and Law of Succession) Bill	0.1	1	16	87.5%	16 February 2011
Legal Aid, Sentencing and Punishment of Offenders Bill	54.5	18	21	93.9%	13 October 2011
2012-13					
Defamation Bill	14.1	5	21	95.2%	19 June 2012 – 26 June 2012
Presumption of Death Bill	0.3	1	16	81.3%	21 November 2012
Prisons (Interference with Wireless Telegraphy) Bill	0.2	1	16	68.8%	17 October 2012
Prisons (Property) Bill	0.2	1	16	75.0%	7 November 2012
Justice and Security Bill	17.9	8	19	98.0%	29 January 2013 – 7 February 2013
Trusts (Capital and Income) Bill	0.1	1	16	75.0%	13 November 2012
2013-14					
Criminal Justice and Courts Bill	30.5	13	19	82.6%	11 March 2014 – 1 April 2014
Inheritance and Trustees' Powers Bill	0.2	1	19	89.5%	12 March 2014
Offender Rehabilitation Bill	13.4	6	19	92.1%	20 November 2013 – 3 December 2013

Reports and inquiries of the Treasury Committee	Meetings	Members	Attendance	Period from announcement to publication
2010-12	102	13	75.3%	
June 2010 Budget				13 July 2010 – 20 July 2010
Appointment of Dr Martin Weale to the Monetary Policy Committee of the Bank of England				14 September 2010 – 17 September 2010
Appointment of Robert Chote as Chair of the Office for Budget Responsibility				16 September 2010 – 21 September 2010
Office for Budget Responsibility				12 July 2010 – 21 September 2010
Appointments to the Budget Responsibility Committee				25 October 2010 – 1 November 2010
Spending Review 2010				20 October 2010 – 26 November 2010
Financial Regulation: a preliminary consideration of the Government's proposals				28 July 2010 – 3 February 2011
Principles of tax policy				25 January 2011 – 15 March 2011
Competition and choice in retail banking				18 November 2010 – 2 April 2011
Budget 2011				24 March 2011 – 9 April 2011
Finance (No. 3) Bill 2010–11				27 April 2011 – 28 April 2011
Appointment of Dr Ben Broadbent to the Monetary Policy Committee of the Bank of England				17 May 2011 – 23 May 2011
Appointment of Dr Donald Kohn to the interim Financial Policy Committee				17 May 2011 – 23 May 2011
Appointments of Michael Cohrs and Alastair Clark to the interim Financial Policy Committee				7 June 2011 – 8 June 2011
Retail Distribution Review				9 March 2011 – 16 July 2011
Independent Commission on Banking				24 May 2011 – 20 July 2011
Administration and effectiveness of HM Revenue and Customs				25 October 2010 – 30 July 2011
Private Finance Initiative				14 June 2011 – 19 August 2011
The Future of Cheques				15 June 2011 – 24 August 2011
Appointment of Robert Jenkins to the interim Financial Policy Committee				26 October 2011 – 1 November 2011
Accountability of the Bank of England				15 March 2011 – 8 November 2011
Appointments to the Office of Tax Simplification				9 November 2011 – 14 November 2011
Autumn Statement 2011				5 December 2011 – 7 December 2011
Financial Conduct Authority				25 October 2011 – 13 January 2012
Financial Conduct Authority: Report on the Government Response				20 February 2012 – 27 February 2012
Credit Rating Agencies				16 December 2011 – 1 March 2012
Closing the Tax Gap: HMRC's record at ensuring tax compliance				29 June 2011 – 9 March 2012
Budget 2012				26 March 2012 – 18 April 2012
Global Imbalances				6 September 2011 – 30 April 2012

Reports and inquiries of the Treasury Committee	Meetings	Members	Attendance	Period from announcement to publication
2012-13	41	13	74.3%	
Financial Services Bill				23 May 2012 – 8 June 2012
Corporate governance and remuneration				14 December 2011 – 26 June 2012
Disposal of Government Stakes in RBS and Lloyds				17 April 2012 – 2 July 2012
Fixing LIBOR: some preliminary findings				9 August 2012 – 21 August 2012
Access to cash machines for basic bank account holders				9 August 2012 – 31 August 2012
Appointment of Mr Ian McCafferty to the Monetary Policy Committee				11 September 2012 – 12 September 2012
The FSA's report into the failure of RBS				24 January 2012 – 19 October 2012
Appointment of John Griffith-Jones as Chair-designate of the Financial Conduct Authority				8 January 2013 – 18 January 2013
Autumn Statement 2012				11 December 2012 – 29 January 2013
Appointment of Dr Mark Carney				7 February 2013 – 19 April 2013
Budget 2013				25 March 2013 – 20 April 2013
2013-14	60	13	71.4%	
Appointments of Dame Clara Furse, Richard Sharp, and Martin Taylor to the Financial Policy Committee				4 June 2013 – 5 June 2013
Appointments of Dr Donald Kohn and Andrew Haldane to the Financial Policy Committee				12 June 2013 – 13 June 2013
Spending Round 2013				9 July 2013 – 8 October 2013
Re-appointment of Professor Stephen Nickell to the Budget Responsibility Committee				9 October 2013 – 14 October 2013
Re-appointment of Dr Martin Weale to the Monetary Policy Committee				15 October 2013 – 18 October 2013
Appointment of Sir Jon Cunliffe as Deputy Governor of the Bank of England				14 October 2013 – 18 October 2013
Money Advice Service				13 June 2012 – 3 December 2013
Macroprudential tools				26 March 2012 – 9 January 2014
Quantitative Easing				16 July 2013 – 25 February 2014
Autumn Statement 2013				9 December 2013 – 8 March 2014
OBR Fiscal Sustainability Report 2013				12 Jan 2014 – 13 March 2014
Appointment of Andy Haldane to the Monetary Policy Committee				30 April 2014 – 2 May 2014
Appointment of Spencer Dale to the Financial Policy Committee				30 April 2014 – 2 May 2014
Budget 2014				25 March – 9 May 2014
Private Finance 2				5 March 2013 – 19 June 2014
Co-Op Governance Review				7 May – 11 September 2014
Project Verde				18 June 2013 – 23 October 2014
SME Lending				21 February 2014 – ongoing

Reports and inquiries of the Treasury Committee	Meetings	Members	Attendance	Period from announcement to publication
FSA's report into HBOS				1 March 2013 – ongoing

Legislation relevant to the Treasury Committee	Hours in committee	Meetings	Members	Attendance	Period of committee sittings
2010-12					
Budget Responsibility and National Audit Bill	8.5	4	18	91.7%	1 March 2011 – 3 March 2011
Coinage Measurement Bill [Lords]	0.2	1	16	62.5%	16 March 2011
Consumer Insurance (Disclosure and Representations) Bill [Lords] – Second Reading Committee	0.5	1	18	94.4%	31 January 2012
Consumer Insurance (Disclosure and Representations) Bill [Lords]	0.5	1	19	94.7%	22 February 2012
Finance (No. 2) Bill	9.7	5	18	93.3%	19 October 2010 – 28 October 2010
Finance (No. 3) Bill	33.0	14	35	90.4%	10 May 2011 – 9 June 2011
Finance (No. 4) Bill	9.3	4	34	91.9%	24 April 2011 – 26 April 2011
Financial Services Bill	43.1	16	19	99.7%	21 February 2012 – 22 March 2012
National Insurance Contributions Bill	9.5	4	18	91.7%	2 December 2012 – 9 December 2012
Public Services (Social Enterprise and Social Value) Bill	1.6	1	16	87.5%	19 October 2011
Savings Accounts and Health in Pregnancy Grant Bill	19.1	8	18	91.7%	2 November 2010 – 11 November 2010
Terrorist Asset Freezing Bill [Lords]	2.5	1	18	100.0%	23 November 2010
2012-13					
Financial Services (Banking Reform) Bill	19.1	8	19	90.1%	19 March 2013 – 16 April 2013
Public Service Pensions Bill	21.2	9	19	86.5%	6 November 2012 – 22 November 2012
Small Charitable Donations Bill	25.8	10	19	86.3%	16 October 2012 – 30 October 2012
2013-14					
Finance Bill	20.8	16	35	82.5%	29 April 2014 – 13 May 2014
Finance (No.2) Bill	44.1	8	35	84.3%	16 May 2013 – 20 June 2013
National Insurance Contributions Bill	5.0	4	19	82.9%	19 November 2013 – 21 November 2013

Appendix C: Turnover of departmental select committee members

Departmental select committee	2010-12 session						2012-13 session						2013-14 session					
	Members serving whole session	Members departing in session	Members departing due to party promotion	Operating size	Total turnover	Turnover due to party promotion	Members serving whole session	Members departing in session	Members departing due to party promotion	Operating size	Turnover	Turnover due to party promotion	Members serving whole session	Members departing in session	Members departing due to party promotion	Operating size	Turnover	Turnover due to party promotion
Business, Innovation and Skills	6	8	8	11	73%	73%	8	3	2	11	27%	18%	10	1	1	11	9%	9%
Communities and Local Government	6	6	4	11	55%	36%	7	4	2	11	36%	18%	10	1	1	11	9%	9%
Culture, Media and Sport	9	3	1	11	27%	9%	6	5	2	11	45%	18%	11	0	0	11	0%	0%
Defence	7	5	4	12	42%	33%	11	1	1	12	8%	8%	8	4	2	12	33%	17%
Education	8	3	3	11	27%	27%	8	3	3	11	27%	27%	9	2	0	11	18%	0%
Energy and Climate Change	9	2	2	11	18%	18%	10	1	0	11	9%	0%	10	1	1	11	9%	9%
Environment, Food and Rural Affairs	7	5	4	11	45%	36%	10	1	1	11	9%	9%	7	4	3	11	36%	27%
Foreign Affairs	10	1	1	11	9%	9%	10	1	1	11	9%	9%	10	1	0	11	9%	0%
Health	9	3	2	11	27%	18%	10	1	1	11	9%	9%	10	1	0	11	9%	0%
Home Affairs	9	2	2	11	18%	18%	10	2	1	11	18%	9%	8	3	2	11	27%	18%
International Development	8	3	2	11	27%	18%	7	4	3	11	36%	27%	9	2	1	11	18%	9%
Justice	6	6	3	12	50%	25%	7	6	4	12	50%	33%	9	3	2	12	25%	17%
Northern Ireland Affairs	10	4	3	14	29%	21%	13	1	1	14	7%	7%	14	0	0	14	0%	0%
Scottish Affairs	7	5	4	11	45%	36%	7	4	1	11	36%	9%	10	1	0	11	9%	0%
Transport	7	5	4	11	45%	36%	6	5	4	11	45%	36%	7	4	2	11	36%	18%
Treasury	10	4	3	13	31%	23%	12	1	1	13	8%	8%	12	1	1	13	8%	8%
Welsh Affairs	8	4	3	12	33%	25%	9	3	0	12	25%	0%	11	0	0	12	0%	0%
Work and Pensions	5	7	6	11	64%	55%	6	5	4	11	45%	36%	8	4	3	11	36%	27%
	Average turnover in session =				37%	29%	Average turnover in session =				25%	16%	Average turnover in session =				16%	9%

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
2010-12 session				
Business, Innovation and Skills				
Luciana Berger	2.11.10	Yes	Shadow Minister (Energy and Climate Change)	
Jack Dromey	2.11.10	Yes	Shadow Minister (Communities and Local Government)	
Dan Jarvis	24.10.11	Yes	Shadow Minister (Culture, Media and Sport)	
Gregg McClymont	21.3.11	Yes	Opposition Assistant Whip	
Nicky Morgan	2.11.10	Yes	PPS to David Willetts (Minister of State for Universities and Skills)	U
Ian Murray	24.10.11	Yes	Shadow Minister (Business, Innovation and Skills)	
Rachel Reeves	2.11.10	Yes	Shadow Minister (Work and Pensions)	
Chi Onwurah	2.11.10	Yes	Shadow Minister (Business, Innovation and Skills)	
Communities and Local Government				
Clive Efford	14.2.11	Yes	Shadow Minister (Culture, Media and Sport)	
George Freeman	29.11.10	Yes	PPS to Greg Barker (Minister of State, Energy and Climate Change)	U
Mike Freer	23.5.11			
Toby Perkins	2.11.10	Yes	Shadow Minister (Education)	
Steve Rotheram	7.11.11		Joined Culture, Media and Sport Committee	
Chris Williamson	2.11.10	Yes	Shadow Minister (Communities and Local Government)	
Culture, Media and Sport				
David Cairns	9.5.11		Died	
Cathy Jamieson	24.10.11	Yes	Shadow Minister (Treasury)	
Alan Keen	10.11.11		Died	
Defence				
David Hamilton	2.11.10	Yes	Opposition Assistant Whip	
Mike Hancock	24.10.11			
Adam Holloway	2.11.10	Yes	PPS to David Lidington (Minister of State, Foreign and Commonwealth Office)	U
Alison Seabeck	2.11.10	Yes	Shadow Minister (Communities and Local Government)	
John Woodcock	2.11.10	Yes	Shadow Minister (Transport)	
Education				
Conor Burns	2.11.10	Yes	PPS to Owen Paterson (Secretary of State for Northern Ireland)	U
Nic Dakin	7.11.11	Yes	Opposition Whip	
Liz Kendall	2.11.10	Yes	Shadow Minister (Health)	

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Energy and Climate Change				
Gemma Doyle	3.11.10	Yes	Shadow Minister (Defence)	
Tom Greatrex	3.11.10	Yes	Shadow Minister (Scotland)	
Environment, Food and Rural Affairs				
Nigel Adams	2.11.10	Yes	PPS to Lord Strathclyde (Leader of the House of Lords)	U
David Anderson	20.12.10	Yes	Opposition Assistant Whip	
Tom Blenkinsop	23.1.12	Yes	Opposition Whip	
Bill Esterson	27.6.11		Joined Communities and Local Government Committee	
Cathy Jamieson	23.1.12	Yes	Shadow Economic Secretary	
Foreign Affairs				
Emma Reynolds	2.11.10	Yes	Shadow Minister (Foreign and Commonwealth Office)	
Health				
Nadine Dorries	27.6.11		Panel of Chairs	
Yvonne Favorgue	24.10.11	Yes	Opposition Whip	
Fiona McTaggart	2.11.10	Yes	Shadow Minister (Equalities Office)	
Home Affairs				
Aidan Burley	14.2.11	Yes	PPS to Philip Hammond (Secretary of State for Transport)	U
Mary Macleod	2.11.10	Yes	PPS to Nick Herbert (Minister of State for Policing)	U
International Development				
Russell Brown	2.11.10	Yes	Shadow Minister (Defence)	
James Clappison	14.2.11			
Ann McKechin	2.11.10	Yes	Shadow Secretary of State for Scotland	
Justice				
Helen Grant	1.11.11			
Sian James	16.5.11			
Jessica Lee	29.11.10	Yes	PPS to Dominic Grieve (Attorney General)	U
Claire Perry	5.12.11	Yes	PPS to Philip Hammond (Secretary of State for Defence)	U
Linda Riordan	6.2.12			
Anna Soubry	29.11.10	Yes	PPS to Simon Burns (Minister of State for Health)	U
Northern Ireland Affairs				
Ian Lavery	24.10.11			
Stephen Pound	2.11.10	Yes	Shadow Minister (Northern Ireland)	

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Mel Stride	28.11.11	Yes	PPS to John Hayes (Minister of State for Further Education, Skills and Lifelong Learning)	U
Gavin Williamson	28.11.11	Yes	PPS to Hugo Swire (Minister of State for Northern Ireland)	U
Scottish Affairs				
Cathy Jamieson	25.10.11	Yes	Shadow Economic Secretary	
Mark Menzies	30.11.10	Yes	PPS to Charles Hendry (Minister of State for Energy and Climate Change)	U
Graeme Morrice	23.1.12			
Fiona O'Donnell	25.10.11	Yes	Shadow Minister (Environment, Food and Rural Affairs)	
Julian Smith	30.11.10	Yes	PPS to Alan Duncan (Minister of State for International Development)	U
Transport				
Angie Bray	2.11.10	Yes	PPS to Francis Maude (Minister of State, Cabinet Office)	U
Lilian Greenwood	2.11.10	Yes	Opposition Assistant Whip	
Kelvin Hopkins	21.3.11			
Gavin Shuker	18.7.11	Yes	Shadow Minister (Environment, Food and Rural Affairs)	
Angela Smith	2.11.10	Yes	Opposition Assistant Whip	
Treasury				
Tom Blenkinsop	14.11.11	Yes	Opposition Whip	
John Cryer	14.11.11			
David Rutley	29.11.10	Yes	PPS to Damian Green (Minister of State for Immigration)	U
Chuka Umunna	4.7.11	Yes	Shadow Minister of State (Business, Innovation and Skills)	
Welsh Affairs				
Alun Cairns	28.6.11			
Glyn Davies	2.11.10	Yes	PPS to Cheryl Gillan (Secretary of State for Wales)	U
Nia Griffiths	22.11.10	Yes	Shadow Minister (Business, Innovation and Skills)	
Owen Smith	28.11.11	Yes	Shadow Minister (Wales)	
Work and Pensions				
Karen Buck	2.11.10	Yes	Shadow Minister (Work and Pensions)	
Alex Cunningham	28.6.11			
Margaret Curran	2.11.10	Yes	Shadow Minister (Work and Pensions)	
Richard Graham	29.11.10	Yes	PPS to Lord Howell (Minister of State, Foreign and Commonwealth Office)	U
Kate Green	24.10.11	Yes	Shadow Minister (Equalities)	

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Sajid Javid	29.11.10	Yes	PPS to John Hayes MP (Minister of State for Further Education, Skills and Lifelong Learning)	U
Shabana Mahmood	2.11.10	Yes	Shadow Minister (Home Affairs)	
2012-13 session				
Business, Innovation and Skills				
Margot James	5.11.12	Yes	PPS to Lord Green (Minister for Trade and Investment)	U
Simon Kirby	5.11.12	Yes	PPS to Hugh Robertson (Minister of State for Sport and Tourism)	U
David Ward	16.7.12		Joined Education Committee	
Communities and Local Government				
Heidi Alexander	26.11.12	Yes	Opposition Whip	
Bill Esterson	25.2.13			
Stephen Gilbert	28.1.13			
George Hollingbery	30.10.12	Yes	PPS to Theresa May (Home Secretary)	U
Culture, Media and Sport				
Terese Coffey	29.10.12	Yes	PPS to Michael Fallon (Minister for Business and Enterprise)	U
Damian Collins	29.10.12	Yes	PPS to Theresa Villiers (Secretary of State for Northern Ireland)	U
Louise Mensch	29.8.12		Resignation	
Adrian Sanders	15.1.13		Joined Transport Committee	
Tom Watson	17.9.12			
Defence				
John Glen	5.11.12	Yes	PPS to Eric Pickles (Secretary of State for Communities and Local Government)	U
Education				
Damian Hinds	5.11.12	Yes	PPS to Mark Francois (Minister for Defence Personnel, Welfare and Veterans)	U
Lisa Nandy	10.9.12	Yes	Shadow Minister (Education)	
Tessa Munt	11.6.12	Yes	PPS to Vince Cable (Secretary of State for Business, Innovation and Skills)	U
Energy and Climate Change				
Laura Sandys	5.11.12			
Environment, Food and Rural Affairs				
Amber Rudd	5.11.12	Yes	PPS to George Osborne (Chancellor of the Exchequer)	U
Foreign Affairs				
Dave Watts	18.6.12	Yes	Chair of Parliamentary Labour Party	

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Health				
Daniel Poulter	29.10.12	Yes	Parliamentary Under-Secretary of State for Health	P
Home Affairs				
Alun Michael	22.10.12		Resignation	
Karl Turner	4.2.13	Yes	Opposition Assistant Whip	
International Development				
Sam Gyimah	5.11.12	Yes	PPS to David Cameron (Prime Minister)	U
Richard Harrington	5.11.12	Yes	Vice Chairman of the Conservative Party	
Alison McGovern	4.2.13	Yes	Opposition Whip	
Anas Sarwar	18.6.12			
Justice				
Robert Buckland	11.2.13			
Chris Evans	10.12.12	Yes	PPS to Mary Creagh (Shadow Secretary of State for Environment, Food and Rural Affairs)	
Ben Gummer	5.11.12	Yes	PPS to Alan Duncan (Minister of State for International Development)	U
Robert Neill	11.2.13			
Elizabeth Truss	5.11.12	Yes	Parliamentary Under-Secretary of State at Department of Education	P
Karl Turner	21.1.13	Yes	Opposition Assistant Whip	
Northern Ireland Affairs				
Kris Hopkins	5.11.12	Yes	PPS to Andrew Robathan (Minister of State for the Armed Forces)	U
Scottish Affairs				
Fiona Bruce	28.1.13			
Mike Freer	4.2.13			
Iain McKenzie	28.1.13			
David Mowat	5.11.12	Yes	PPS to Greg Clark (Financial Secretary to the Treasury)	U
Transport				
Tom Harris	26.11.12	Yes	Shadow Minister (Environment, Food and Rural Affairs)	
Julie Hilling	10.12.12	Yes	Opposition Whip	
John Leech	21.1.13		Joined Culture, Media and Sport Committee	
Paul Maynard	5.11.12	Yes	PPS to Oliver Letwin (Minister for Government Policy)	U
Julian Sturdy	5.11.12	Yes	PPS to Simon Burns (Minister of State, Department for Transport)	U
Treasury				
Michael Fallon	5.11.12	Yes	Minister of State for Business and Enterprise	P

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Welsh Affairs				
Stuart Andrew	5.11.12	Yes	PPS to Francis Maude (Minister of State, Cabinet Office)	U
Susan Jones	26.11.12			
Robin Walker	3.12.12			
Work and Pensions				
Harriet Baldwin	29.10.12	Yes	PPS to Mark Hoban (Minister of State for Employment)	U
Andrew Bingham	29.10.12			
Karen Bradley	29.10.12	Yes	Assistant Whip	P
Oliver Heald	29.10.12	Yes	Solicitor General	P
Brandon Lewis	29.10.12	Yes	Parliamentary Under-Secretary of State (Communities and Local Government)	P
2013-14 session				
Business, Innovation and Skills				
Julie Elliott	4.11.13	Yes	Shadow Minister (Energy and Climate Change)	
Communities and Local Government				
Andy Sawford	4.11.13	Yes	Shadow Minister (Communities and Local Government)	
Culture, Media and Sport				
-				
Defence				
James Arbuthnot	28.4.14			
Thomas Docherty	25.11.13	Yes	Shadow Minister (Environment, Food and Rural Affairs)	
Penny Mordaunt	4.11.13	Yes	PPS to Philip Hammond (Secretary of State for Defence)	U
Sandra Osborne	10.6.13		Joined Foreign Affairs Committee	
Education				
Charlotte Leslie	4.11.13		Joined Health Committee	
Chris Skidmore	18.3.14			
Energy and Climate Change				
Barry Gardiner	4.11.13	Yes	Shadow Minister (Environment, Food and Rural Affairs)	
Environment, Food and Rural Affairs				
Thomas Docherty	10.6.13			
George Eustice	4.11.13	Yes	Parliamentary Under-Secretary (Environment, Food and Rural Affairs)	P

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Barry Gardiner	4.11.13	Yes	Shadow Minister (Environment, Food and Rural Affairs)	
Dan Rogerson	25.11.13	Yes	Parliamentary Under-Secretary (Environment, Food and Rural Affairs)	P
Foreign Affairs				
Bob Ainsworth	20.5.13			
Health				
Chris Skidmore	17.6.13			
Home Affairs				
Steve McCabe	4.11.13	Yes	Shadow Minister (Education)	
Bridget Phillipson	4.11.13	Yes	Opposition Whip	
Chris Ruane	4.11.13			
International Development				
Richard Burden	4.11.13	Yes	Shadow Minister (Transport)	
Mark Prithcard	4.11.13			
Justice				
Seema Malhotra	25.11.13	Yes	Opposition Whip	
Graham Stringer	24.2.14			
Mike Weatherley	4.11.13	Yes	Intellectual Property Adviser to the Prime Minister	
Northern Ireland Affairs				
-				
Scottish Affairs				
Eleanor Laing	6.1.14		Deputy Speaker of the House of Commons	
Transport				
Steve Baker	10.6.13			
Kwasi Kwarteng	5.7.13		Joined Work and Pensions Committee	
Lucy Powell	4.11.13	Yes	Shadow Minister (Education)	
Iain Stewart	4.11.13	Yes	PPS to Patrick McLoughlin (Secretary of State for Transport)	U
Treasury				
Andrea Leadsom	12.5.14	Yes	Economic Secretary to the Treasury	P
Welsh Affairs				
-				
Work and Pensions				
Aidan Burley	10.6.13			
Jane Ellison	4.11.13	Yes	Parliamentary Under-Secretary of State (Health)	P

Departmental select committee	Date discharged	Party promotion	Position	Paid (P)/Unpaid (U) government payroll
Mike Freer	4.11.13	Yes	PPS to Eric Pickles (Secretary of State for Communities and Local Government)	U
Stephen Lloyd	27.1.14	Yes	PPS to Ed Davey (Secretary of State for Energy and Climate Change)	U

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