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PRIME MINISTER

House of Commons Procedure

You asked for my advice on the Chancellor of the Duchy of Lancaster's minute of 24th May.

2. In the House last Thursday you expressed the hope that there would be an early opportunity of debating procedural motions before the summer recess. The recommendations in favour of departmentally-related Select Committees are the most urgent. An early debate on those recommendations would do much to relieve the pressure represented by the 250 signatories of the early day motion. But I doubt if you would want to go into this without having discussed the matter collectively and preferably reached a Government view - and as I warned you orally the other day many of your colleagues seem to be shifting their views on this matter. This points to consideration of the proposals for Select Committees in Cabinet on 14th June, and I therefore suggest you invite the Chancellor of the Duchy to put in a paper as he has offered to do.

3. The Chancellor of the Duchy suggests that a debate on the recommendations in the rest of the report - on public Bills, EEC legislation, etc. - could be deferred until the autumn. I have no reason to question that. You will, however, want to see that proper consideration is given to these proposals in good time before then.

4. The main issues for Cabinet on Departmental Select Committees will be the question of principle, the number and powers of such Select Committees, and the handling of the debate in the House of Commons.

5. On the principle, the opposing arguments are clear enough. On the one hand that departmentally-related Committees would improve the effective scrutiny of the work of Government by Parliament and that there is a widespread feeling inside and outside the House that this is necessary.

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On the other hand the feeling that this development would detract from the importance of the House as a whole, would undermine Ministerial accountability to the House and possibly weaken collective responsibility by seeking to develop further their relationship with officials or by attempting to expose differences between Ministers' views. It can of course be argued that these risks ~~which~~ exist with the present Select Committees: and that they need become no more serious, provided the powers of Select Committees to summon Ministers and officials, and to call for papers and records are not greatly extended. Nevertheless they would undoubtedly add to the burdens of Ministers and their Departments at a time when the emphasis is on reducing the number of civil servants: and some areas of policy would for the first time be brought explicitly within the orders of reference of Select Committees. Most Departments take a relatively relaxed view about the matter: but this in turn raises the question whether the development would lead to too cosy a relationship between Departments and their shadowing committees. This is essentially a matter for political decision.

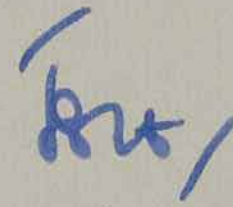
6. Even if the Government were prepared to move in the direction of the Procedure Committee recommendations two subsidiary points would need to be discussed:-

- (a) On numbers and powers, the feeling among officials has been slightly in favour of reducing the number of proposed new committees. The Chancellor refers to the possibility of modifying the Procedure Committee's recommendations and I suggest that you ask him to discuss the options in his paper.
- (b) The recommendations concerning the powers of Select Committees to order the attendance of Ministers and officials and the production of papers and records present much more difficulty. It would be possible to appoint Select Committees on a departmental basis but to make no change in their powers. The Procedure Committee pointed to some aspects of the existing powers which are anomalous or unclear, but they provided little evidence of difficulty or dissatisfaction with the way in which the present arrangements operate in

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practice. The Government might take the line that the question of powers need not be decided at present, but should be looked at again in the light of experience. If, however, the Cabinet judged that pressure for a change in powers is too strong to be headed off in this way, more limited proposals could be put forward to preserve the discretion of Ministers on attendance at Select Committees and on the production of papers. I suggest again that you should ask the Chancellor to spell out the options.

7. Unless therefore you want to give a strong lead to him at this stage, I suggest that you invite the Chancellor of the Duchy to put in the paper he suggests, with his recommendations, for early discussion in Cabinet. You will wish him to spell out the arguments for and against Departmental Committees, the options for the number of Committees, and for the treatment of the recommendations on powers; and more generally to advise on the handling of the Procedure Committee's report.


John Hunt

1st June 1979