

Thirty Years of Reform
House of Commons Select Committees, 1960-1990

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Abstract

This thesis is a study of the development of investigatory select committees of the House of Commons during the twentieth century, with a particular emphasis on the period between 1960 and 1990. Synthesising existing analysis as well as presenting new evidence, it describes the early origins of such committees as an integral part of the work of the House, and then considers the House's apparent loss of interest in select committees between 1920 and 1960. The thesis next discusses the reasons behind the introduction of new select committees in the mid-1960s, and traces further changes to committees during the 1970s. These developments are set in the political context of the period, and in particular the growth of backbench dissent in both major parties during the 1970s. The thesis then analyses the process by which departmentally-related select committees came to be established in 1979. Finally it assesses the quantitative and qualitative evidence about the activity and impact of the new departmental select committees in their first decade up to 1990, relating them closely to the political environment created by the government of Margaret Thatcher.

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Introduction

The public reputation of the House of Commons suffered many setbacks during the late twentieth century. Speeches in the House no longer shaped political careers as they once had; performances in TV and radio studios became more important to the ambitious MP. The ‘cash for questions’ scandal suggested that some Members of Parliament could not be trusted to represent the interests of their constituents with integrity.¹ The media took less and less notice of serious Commons debates, increasingly reporting instead on the partisan noisiness of Prime Minister’s Questions. But there was one bright spot in this otherwise sombre parliamentary landscape: select committees.

This thesis explores the reasons why House of Commons select committees came to be seen as something of a success. In particular it examines the development of investigatory select committees in the twentieth century, with a special focus on the period between 1960 and 1990. But the thesis first sets the scene by assessing some key developments in select committees throughout parliamentary history, demonstrating that they were important from an early date.

A major theme of the thesis is the significance of the establishment in 1979 of a number of select committees, each responsible for scrutiny of a government

¹ See *Standards in Public Life*, First Report of the Committee on Standards in Public Life, Chairman Lord Nolan, 1995, Cm 2850, pp. 19-45

department. This has been widely judged to be a decisive moment in the history of select committees, and, for some commentators, of twentieth century relations between Parliament and government. The thesis challenges this proposition, drawing attention to the impact of earlier developments in the political landscape and in parliamentary procedure and practice.

A review of the literature on Parliament, the Executive and select committees

Parliamentary select committees have a long history at Westminster, but in recent times it was the series of mid-1960s reforms associated with the name of the Labour politician Richard Crossman, and then the creation of the system of House of Commons ‘departmentally-related’ select committees in 1979, that brought them to greatest public prominence. This section reviews the literature on the history of constitutional relationships between Parliament and the Executive, and asks what that might tell us about the role of parliamentary select committees.

Prompted largely by the radical constitutional reforms introduced by Tony Blair’s Labour Government from 1997, the public and academic debate on the nature of constitutional change expanded considerably in the early years of the twenty-first century. But this interest was not new. Generations of constitutional theorists have seen Parliament as playing a central, though never independent, role in the workings of the constitution. Reviewing the work of commentators from the 1850s to the 1950s, Vernon Bogdanor concludes that the British Constitution could be described at that time as ‘What the Queen in Parliament enacts is law’. He continues ‘It was because the sovereignty of Parliament has been seen as the central principle of the British

Constitution that it appeared pointless to draw up a codified constitution.’² Anthony King identifies six writers, from Walter Bagehot in the 1850s to Leo Amery in the mid-twentieth century, as key commentators on the British constitution.³ He calls them his ‘canonical sextet’, describing them as ‘classical writers’ who in his view came to ‘define for the British, over a long period of years, what their uncodified constitution was and what it meant’.⁴ King describes their general view as being that the British constitutional system was characterised by ‘the existence within it of a single, solitary locus of power and authority’.⁵

For Bagehot this single locus was the Cabinet, and for Dicey it was Parliament; Low situated it in the office of the Prime Minister and his inner Cabinet.⁶ Wherever it was to be found, this single locus of power used Parliament as its main public ‘arena’, but this was a Parliament whose chief function was to produce and support the government of the day. That government was composed of the Queen’s Ministers, armed as they were with prerogative powers whose exercise often needed little or no parliamentary sanction. David Judge described this arrangement as combining ‘legislative, judicial and executive functions in an exceptional constitutional mixture’.⁷ In none of the traditional nineteenth and early twentieth century accounts of how this ‘exceptional constitutional mixture’ worked does there appear any sense of a separation of powers between legislature and executive, let alone any true conflict or antagonism. This was not the autonomous Parliament that challenged Charles I. The ‘sovereignty’ of

2 Vernon Bogdanor, *The New British Constitution* (Oxford: Hart, 2009), p.13

3 See especially Walter Bagehot, *The English Constitution*, with an Introduction by R.H.S. Crossman (Glasgow: Fontana, 1963) (First published 1867), and Leo Amery, *Thoughts on the Constitution* (Oxford: Oxford University Press, 1947)

4 Anthony King, *The British Constitution* (Oxford: Oxford University Press, 2007), p.15

5 Ibid., p. 30

6 A.V.Dicey, *Lectures Introductory to the Study of the Law of the Constitution* (London: Macmillan, 1885); Sidney Low, *The Governance of England* (London: T.Fisher Unwin, 1904)

7 David Judge, *The Parliamentary State* (London: Sage, 1993), p. 6

Parliament did not give that body any separate power, and there is much evidence in this thesis of the close connections between the life of Parliament and the workings of government.

This settlement, producing a Parliament whose procedures and actions were to a large extent dictated by the needs of government, was seen by many commentators in the nineteenth and twentieth centuries as something to be applauded. Bagehot described the 'English' constitution as 'a great entity'⁸ while Amery called it 'an inspiration to other nations' - something emphasised by the widespread export of 'Westminster' constitutions to the countries of the Empire and then the Commonwealth, especially in the first 70 years of the twentieth century. Senior Labour party figures such as Clement Attlee and Professor Harold Laski saw the value of a conservative constitutional settlement that could, as in 1945, assure a decisive majority for a radical socialist government just as it had produced stable Conservative administrations.⁹ The idea of a Parliament that existed primarily to support a strong central government was widely accepted as a key constitutional principle. This thesis contains substantial evidence that, by the late 1950s, some of the other functions of Parliament, including holding Ministers to detailed account for their performance in office, had atrophied.

1960s discontents and Parliament

There is a substantial literature exploring the long-term decline of Britain as an imperial, military and economic power from about 1870, with the Suez debacle of 1956 seen as a key post-war accelerant of the process. Many writers have attributed decreases in British economic and geopolitical power to the country's alleged

8 Bagehot, *The English Constitution*, p.59

9 King, *The British Constitution*, pp. 32, 70

underlying failings, rather than to the inevitable tides of history. Jim Tomlinson has described the pervasive nature of British ‘declinism’ from the late nineteenth century onwards, suggesting that narratives of decline started in the political sphere and were taken up by historians. Tomlinson argued that this had distorted our view of Britain’s performance, and that ‘more productive narratives’ could be used to describe twentieth-century British history.¹⁰ But in the early 1960s the perception of decline was at least as important as the reality. Parliament was not exempt from this self-lacerating narrative; in his 1962 book *Anatomy of Britain*, for instance, Anthony Sampson lamented what he saw as the weakening of Parliament’s capacity for controlling or even effectively scrutinising ministerial actions. In a similar way, Bernard Crick’s *The Reform of Parliament*, the first edition of which appeared in 1964, complained that ‘Britain so lacks effective scrutiny of the workings of the Executive that ... popular esteem for Parliament and Government declines and its own effectiveness crumbles’.¹¹ Crick concluded that there were ‘great gaps in the critical and informative function of Parliament’.¹² To help remedy this, Crick recommended the establishment of a series of “‘Standing” Committees of Advice, Scrutiny and Investigation’ covering the whole work of government. These should be ‘set up for the whole life of a Parliament to give its members time to specialize and see things through’.¹³ This last point proved important in the later development of select committees.

10 Jim Tomlinson, ‘Thrice Denied: “Declinism” as a Recurrent Theme in British History in the Long Twentieth century’, *Twentieth Century British History*, 20/2 (2009), pp. 227-251

11 Bernard Crick, *The Reform of Parliament* (London: Weidenfeld and Nicolson, 1964), p. 2

12 Ibid., p. 172

13 Ibid., p. 199. For the introduction of such ‘whole-life-of-a Parliament’ select committees in 1974, see below, p. 170

This was in one sense a demand for MPs to be more professional. Michael Rush explores this in his 2001 study of *The Role of the Member of Parliament since 1868: From Gentlemen to Players*.¹⁴ Rush examines figures for parliamentary activity over the whole period to the end of the twentieth century and identifies what he sees as a gradual professionalisation of the MP's role, with part-time 'gentlemen' being replaced by full-time 'players'. Select committees are one way in which such professionalism is exercised.

This concept of investigatory committees had been advocated before in the twentieth century, as Chapter One makes clear: the report of Lord Haldane's Machinery of Government Committee had called for what would effectively be departmentally-related parliamentary committees in 1918, and others, including a number of academics, had taken up the cry several times in the intervening years.¹⁵ But the 1960s did see a number of specialist studies which both assessed the performance of current committees and advocated reforms.¹⁶ In 1966, for instance, Gordon Reid examined the effectiveness of Parliament's mechanisms of financial scrutiny. He concluded that the Commons Chamber had over many years largely failed to exercise control of spending through its supply procedures.¹⁷ This left much of the initiative on scrutiny of expenditure to the Treasury itself. However, in contrast to the failure of the House's

14 Michael Rush, *The Role of the Member of Parliament since 1868: From Gentlemen to Players* (Oxford: Oxford University Press, 2001). See also Donald D. Searing, *Westminster's World: Understanding Political Roles* (London: Harvard University Press, 1994), p. 32

15 Ministry of Reconstruction, *Report of the Machinery of Government Committee*, 1918, Cmd 9230. Hansard Society, *Parliamentary Reform 1933-60: A Survey of Suggested Reforms* (London: Cassell, 1961). Harold Laski, *Reflections on the Constitution* (Manchester: Manchester University Press, 1951), p. 91

16 Hansard Society, *Parliamentary Reform: A Survey of Recent Proposals for the Commons* (London: Cassell, 1967)

17 Gordon Reid, *The Politics of Financial Control: The Role of the House of Commons* (London: Hutchinson, 1966), p. 83

formal prior approval procedures, the three 'financial committees' - those concerned with Public Accounts, Estimates and Nationalised Industries - performed a valuable retrospective role, applying 'political sanctions' to government and stimulating public debate.¹⁸ A more sceptical writer was Nevil Johnson, who in 1966 published a study of the post-1945 work of the Select Committee on Estimates.¹⁹ Johnson concluded that the role of select committees was essentially modest. He saw the rationale of the Estimates Committee, one of the main existing scrutiny bodies, as 'the pursuit of an explanatory dialogue. It is essentially one of the means by which a small number of Members of the House can satisfy themselves that they have a tolerable understanding of what is being done in particular sectors of government.' Johnson calls this 'a modest role which can rarely be judged in terms of concrete achievements'.²⁰

The parliamentary reforms of the mid-1960s, associated with the name of Richard Crossman, Leader of the House at the time, saw the creation of a number of specialist committees,²¹ and won praise from some contemporary commentators. In 1967, the Hansard Society updated *Parliamentary Reform: A Survey of Recent Proposals for the Commons*, originally published in 1961. The Chairman of the Hansard Society in 1967 was Sir Edward Fellowes, formerly Clerk of the House. The Society may have called its book a 'survey', but it left the reader in little doubt that the Crossman reforms could be a force for good, concluding that 'the experimental introduction of specialist Committees and other procedural changes made or proposed in 1966 are likely to add

18 Ibid., p. 152

19 Nevil Johnson, *Parliament and Administration: The Estimates Committee 1945-1965* (London: George Allen and Unwin, 1966)

20 Ibid., p.168

21 See Richard Crossman, *The Diaries of a Cabinet Minister: Volume Two: Lord President of the Council and Leader of the House of Commons, 1966-68* (London: Book Club Associates, 1977), especially pp. 346-47 and 391-92

considerably to the vitality of the House'.²² But reformers and others were often disappointed by the results of the 'Crossman' committees. There was a strong sense among academics and other writers between 1960 and 1979 that select committees were failing to do the job.

This judgement has generally persisted. For instance in 2014 the Speaker of the House of Commons, John Bercow, said that in the early decades of the twentieth century select committees had been 'corroded by fierce partisanship and as a consequence came to be eclipsed or marginalised', and he suggested that later reforms had been ineffective.²³ There has in particular been much criticism of the effectiveness of the 1960s reforms to committees, with S.A. Walkland saying that they did 'Little work of lasting value' and were 'powerless' in the face of government obstruction.²⁴ Paul Seaward and Paul Silk say that in action the 'Crossman' committees 'disappointed many reformers'.²⁵ According to Alexandra Kelso the 1960s committees were 'emasculated' because they were not able to consider policy matters.²⁶ Others have been less critical; in the early 1980s, for instance, Bruce George MP and Barbra Evans noted enhancements in practical arrangements for select committee operation in the 20 years from 1960.²⁷ Peter G. Richards, writing in 1972, delivered a mixed verdict on the new committees, on the one hand noting that many members were enthusiastic

22 See Dermot Englefield, *The Study of Parliament Group: The First Twenty-one Years, 1964-85* (London: Study of Parliament Group, 1985)

23 Rt Hon John Bercow MP, *Michael Ryle Memorial Lecture*, 30 June 2014

24 S. A. Walkland, 'Parliamentary Reform, Party Realignment and Electoral Reform' in David Judge (ed.), *The Politics of Parliamentary Reform* (London: Heinemann, 1983), p. 44

25 Paul Seaward and Paul Silk, 'The House of Commons' in Vernon Bogdanor (ed.), *The British Constitution in the Twentieth Century* (Oxford: Oxford University Press, 2004), p.169

26 Alexandra Kelso, *Parliamentary Reform at Westminster* (Manchester: Manchester University Press, 2009), p. 94

27 Bruce George and Barbra Evans in *The Politics of Parliamentary Reform*, p. 78

about the 'Crossman' committees, but on the other hand that they appeared to have had little influence on government policy.²⁸

The select committees of the 1970s, and especially the Expenditure Committee which began its work in 1971, have also had a very mixed press. S. A. Walkland was able to congratulate the Expenditure Committee on helping to improve the system of public expenditure control.²⁹ Michael Rush observed in 1990 that 'The establishment of the Expenditure Committee was a major step towards the creation of a comprehensive select committee system covering all major government departments.'³⁰

But in general the 1970s committees have been assessed as having failed. This criticism has ranged from accusations that coverage of government activity was 'piecemeal' and 'patchy' - the assessment of the Commons Procedure Committee of 1978³¹ - to disappointment that there were very few debates on select committee reports on the floor of the House - the opinion of the Department of the Clerk of the House in written evidence to the same Committee.³² Among academics, Ann Robinson complained at the time that the Expenditure Committee had not 'revived Parliament's traditional power of the purse' as intended. It had enjoyed only modest influence on government.³³ In 1981 David Judge lamented the failure of 1970s select committees to develop the 'division of labour' required to hold governments systematically and rigorously to account and thereby to challenge 'executive

28 Peter G. Richards, *The Backbenchers* (London: Faber and Faber, 1972), pp.126-37

29 S. A. Walkland, 'Parliamentary Reform, Party Realignment and Electoral Reform', p. 44

30 Michael Rush, 'Select Committees' in Michael Rush, (ed.), *Parliament and Pressure Politics* (Oxford: Clarendon Press,1990), p. 138

31 *First Report of the Select Committee on Procedure, Session 1977-78* (588) [hereafter Procedure Committee 1978], Vol I, p.1i

32 *Ibid.*, Vol. II, p. 114

33 Ann Robinson, *Parliament and Public Spending* (London, Heinemann 1978), p. 154

dominance'.³⁴ In later years Seaward and Silk also criticised the Expenditure Committee as being 'unsystematic and uneven'.³⁵ These criticisms vary depending on the interests of the critics: for Robinson the failure to exert the power of the purse is the key shortcoming, while for clerks the main problem was the ragged and inchoate arrangement of the 1970s committees, the lack of a rational order. As this thesis makes clear, it was a great deal easier for the House to remedy the problem of lack of coherence by restructuring the committees than it was to turn MPs into effective controllers of spending.

By contrast, the literature on the departmental committees first established in 1979 is sometimes, though not always, glowing in its praise. Examples of academic assessments of the new system of 1979 include Peter Hennessy's judgment that it was 'not just the most significant parliamentary development of the post-war period, but the single most important clawback in terms of the relative influence of the legislature and the executive since the Balfour reforms of 1902'.³⁶ Philip Norton regarded the new pattern of committees as having 'a qualitatively as well as quantitatively different nature to previous such structures'.³⁷ Derek Hawes was just as positive about select committees' role in 1993, identifying a series of possible functions. According to Hawes, committees could not only 'Expose loopholes in existing legislation' and 'Bring new concerns to the House's attention' but also 'Help to establish new alliances between key actors both within and outside Parliament' and 'Mediate between

34 David Judge, *Backbench Specialisation in the House of Commons* (London: Heinemann, 1981), pp. 184-85

35 Seaward and Silk in *The British Constitution in the Twentieth Century*, p. 170

36 Peter Hennessy, *The Hidden Wiring: Unearthing the British Constitution* (London: Indigo, 1996), p. 153

37 Philip Norton, 'Behavioural Changes: Backbench Independence in the 1980s' in Philip Norton (ed.), *Parliament in the 1980s* (Oxford: Basil Blackwell, 1985), p. 43

interests'.³⁸ Though slightly more sceptical, Philip Giddings came to similarly positive conclusions in 1994.³⁹ In 2004, Seaward and Silk called the departmental system 'a significant enhancement of the capacity for scrutiny of government activity by the House of Commons', although they also identified a number of weaknesses, including a lack of effective powers to insist on the provision of written and oral evidence, and a failure to arrange for select committee reports to be debated by the House as a whole.⁴⁰

The most detailed and thorough survey of the 1980s committees remains that edited during the decade by Gavin Drewry for the Study of Parliament Group.⁴¹ There were chapters on the overall philosophy of the new system as well as studies of each of the new committees, using a mixture of statistical and descriptive methods. The aim was to describe and evaluate the departmentally-related committees, and a variety of techniques was used, from narrative description of each committee to statistical analysis covering for example composition of the committees, turnover of membership, numbers of evidence sessions, attendance and numbers of reports. Although Drewry dismissed some of the more enthusiastic judgements about the significance of the new committees, claiming the 'impossibility of effecting constitutional revolution by procedural reform', his verdict was cautiously favourable: 'the new committees ... are an important evolutionary step in the modernization of a House of Commons that has been slow to adapt to the realities of a complex and highly

38 Derek Hawes, *Power on the Backbenches? The Growth of Select Committee Influence* (Bristol: School of Advanced Urban Studies, 1993), pp. 199-202

39 Philip Giddings, 'Select Committees and Parliamentary Scrutiny: Plus Ça Change', *Parliamentary Affairs*, 47/4 (1994), pp. 669-86

40 Seaward and Silk in *The British Constitution in the Twentieth Century*, p. 170

41 Gavin Drewry (ed.), *The New Select Committees: A study of the 1979 reforms*, Second Edition (Oxford: Clarendon Press, 1989)

diversified polity'.⁴² But Drewry had cast some doubt on the constitutional impact of the new committees in a 1984 article which suggested that they might be considered a 'constitutional non-event'.⁴³ Tony Wright (later to play a major role in the development of select committees himself as Chair of a reforming twenty-first century committee) was cautious in the mid-1990s in assessing the effectiveness of the departmental committee system⁴⁴ and the backbench MP John Garrett attacked the House's select committees in 1992 because they 'do not have the means to carry out serious policy evaluation, nor the assessment of public needs, and they have never shown much interest in examining the quality of management of government departments'.⁴⁵

There have been a number of attempts to measure the achievements of select committees. In recent years there has been a particular focus on whether or not they have been able to influence policy. For example in 2009 Hindmoor, Kennon and Larkin, in a study of the post-1997 work of the House of Commons Education Committee during the Labour Government of Tony Blair, found 'little evidence ... of the Education Committee exercising a consistent influence over government. The government rarely rejected committee recommendations out of hand. But neither did it welcome many of them with open arms'.⁴⁶ However, the authors did not dismiss the possibility of such influence, especially in the complex field of policy development,

42 Ibid., p. 391

43 Gavin Drewry, 'The New Select Committees: A Constitutional Non-Event?' in Dilys M. Hill (ed.), *Parliamentary Select Committees in Action: A symposium* (Glasgow: Strathclyde Papers on Government and Politics, 1984), p.30

44 Tony Wright, *Citizens and Subjects: An Essay on British Politics* (London: Routledge, 1994), p.47

45 Ibid., p. 18

46 Andrew Hindmoor, Andrew Kennon and Phil Larkin, 'Assessing the Influence of Select Committees in the UK: The Education and Skills Committee, 1997-2005', *Journal of Legislative Studies*, 15/1 (2009), p.76

with its think tanks, pressure groups and party political considerations. While they did not find, and did not expect to be able to identify, a ‘clear causal policy chain’ between the Committee’s reports and policy change,⁴⁷ they were struck by the number of times Ministers, including senior Ministers, were able to identify ‘policy issues on which the Education Committee had, in their view, exercised significant influence over New Labour’s education policy’. This might happen when a Minister used a select committee to give ‘greater leverage in their negotiations with the Treasury’ or because it helped in winning an internal party battle.

Similar questions were raised in the most substantial recent study of this issue, published in 2011 by Meg Russell and Meghan Benton. The authors were assisted by House of Commons committee staff in an analysis of the influence of the work of some of the key select committees in the years after 1997.⁴⁸ Using both qualitative and extensive quantitative analysis, Russell and Benton traced the extent to which committee recommendations had been successful in influencing government policy and practice. As part of a wider study of the policy influence of Parliament, Russell and Benton considered a number of ways in which the mere fact of a committee inquiry with oral evidence can change a Department’s approach to an issue.⁴⁹ It is notable that this phenomenon of ‘anticipated reactions’ - governments seeking to avoid trouble with backbenchers by modifying their policy proposals - was identified by Martin Redmayne, a long-serving government Chief Whip in the Tory

47 Ibid., p. 78

48 Meg Russell and Meghan Benton, *Selective Influence: the Policy Impact of House of Commons Select Committees* (London: The Constitution Unit UCL, 2011). See also D. Monk, *In the Eye of the Beholder? A Framework for Testing the Effectiveness of Parliamentary Committees*, (Canberra: Crawford School of Economics and Government, Australian National University, 2009)

49 Meg Russell and Meghan Benton, *Assessing the Policy Impact of Parliament: Methodological Challenges and Possible Future Approaches*, Paper for PSA Legislative Studies Specialist Group Conference, 2009

administrations of the 1950s and 1960s.⁵⁰ However, recognising a distinctive and decisive select committee contribution to a particular policy change can be very hard, as Russell and Benton acknowledge when they talk about ‘the “attribution problem”, whereby the committee may be only one amongst many voices calling for a change’.⁵¹

Research questions

This thesis addresses a number of research issues, especially in relation to the years 1960-1990. It considers, for instance, the effectiveness of select committees, and in particular whether the roles played by committees changed over time and whether the advantages of such committees outweighed the disadvantages. The underlying question is whether committees helped to strengthen Parliament in its role of holding Ministers to account. The thesis also looks at the way reform was promoted during the 1960s and 1970s. The main research questions there concern the significance of the committee reforms of the 1960s and the 1970s for Parliament and the public and the influence on reform of Ministers, backbench MPs and even the permanent officials of the House. The heart of the matter is the question whether the changes to select committees which took place in the 1960s and 1970s were transitory or permanent.

Finally, the thesis looks at the evidence for select committee activity and impact in the 1980s. It sets this evidence in the context of Margaret Thatcher’s time as Prime Minister, and asks whether the new departmental committees established in 1979

50 Noted by Dick Leonard MP and Valentine Herman, in *The Backbencher and Parliament: A Reader* (London: Macmillan, 1972), p. xvii

51 Russell and Benton, *Selective Influence*, p. 90

represented a new departure or were simply a matter of continuing down the path set in the previous 20 years.

A note on sources and methodology

The thesis uses a range of primary sources, including Prime Ministers' papers, Cabinet papers and other government material from the National Archives, internal working papers of select committees available in the Parliamentary Archives, Hansard, the reports and formal minutes of select committees and a number of interviews with former MPs, civil servants and clerks of the House of Commons. In addition there is also an assessment of media reporting of select committee activity. The diaries of Richard Crossman, Leader of the House of Commons when a number of new select committees were appointed in the mid-1960s, are also used.

The approach taken in this thesis is to assess how committees worked and developed as institutions, both in Parliament and outside. This is partly based on an analysis of the relevant statistics which attempts to evaluate how much time and effort were spent by MPs on various activities, and the priority they appeared to give to them. This is closely related to the question 'What defines success for a select committee?' Equally, it might be asked, 'Is success to be measured by the number of reports issued, recommendations accepted/implemented and policies influenced or even initiated?' In analysing the role of committees, the thesis makes substantial use of statistics, especially the number of times the words 'select committee' were used in parliamentary debates and elsewhere.⁵² This is admittedly a crude metric, but it is a useful indicator of the extent of the interest taken by MPs, Cabinet Ministers in others

⁵² These figures were arrived at by using the search engine of the [Hansard 1803-2005](#) series of digitalised records of parliamentary debates

in the work of committees. This was especially the case when, as in the middle decades of the twentieth century, references to select committees rose very rapidly, after many years when such references were relatively rare.

Many authors have, as noted above, measured the work of committees by reference to their impact, or lack of impact, on policy. Policy change is clearly an important benchmark of committee success, and it makes a profound constitutional point - that, whatever the limitations of its legislative scope, Parliament has a place in determining the direction taken by the country. But this is only one measure of a committee. For Members, indeed, it may not even be the most significant measure. Rush's research from the 1990s (after many years of select committee development) suggested that influencing and changing policy was far from the most important part of the job for many MPs at the time, with constituency work usually seen as the top priority.⁵³ The thesis therefore assesses not only the intended *influence* of a select committee on policy via accepted and implemented recommendations - but also the political *impact* of committees, which also includes unintended or unplanned effects, as well as encompassing the role of committees in the life of Parliament.

This thesis also recognises an important conceptual distinction between different types of reform. Several recent writers have discerned a difference between reforms that aim to speed the progress of legislation and so help governments deliver on their programmes, sometimes called 'efficiency' reform, and changes that help strengthen the capacity of Parliament to hold Ministers and their civil servants to account, sometimes categorised as 'effectiveness' reform.⁵⁴ These two types of internal or

53 Rush, *The Role of the Member of Parliament Since 1868*, p. 217. A similar point is made in Russell and Benton, *Selective Influence*, p. 8

54 See for example Matthew Flinders, 'Analysing Reform: The House of Commons, 2001-5', *Political Studies*, 55/1 (2007), pp. 174-200; and Meg Russell, 'Never Allow a Crisis To Go To

institutional reform play very different constitutional roles. But David Judge goes further, holding that internal parliamentary reform and changes of attitude are essentially 'flawed' because they fail to challenge the constitutional *status quo*. Such reforms, presumably including those of 1979, are in his view 'at best timorous', failing to stimulate greater independence or to make more than a limited impact.⁵⁵ Judge suggests, in particular, that such reforms do nothing to address 'the "executive mentality" - the defensive, secretive and closed normative values within Whitehall'.

Finally it is worth noting that this thesis demonstrates, much more strongly than previous studies, the importance of the permanent staff of the House of Commons to the success of parliamentary reform. Most if not all of these were clerks, who were the main providers of procedural advice to Members and others and also a key resource for all select committees, managing inquiries, producing briefs and drafting committee reports. A surprising number of these House servants (who are quite separate from the wider Civil Service which supports Ministers) emerge from this thesis as reformers who were (and sometimes still are) prepared to make public their ideas for change. This sets them apart from the vast majority of Whitehall civil servants, who keep a low profile in deference to their political 'masters'.

Thesis structure

The thesis begins with a chapter which summarises the role and function of committees, especially select committees, in the life of Parliament from the earliest

Waste': The Wright Committee Reforms to Strengthen the House of Commons', *Parliamentary Affairs*, 64/4 (2011), p. 613

55 David Judge, *The Parliamentary State*, p. 215

days up to about 1960. The rest of the thesis concentrates on the period between 1960 and 1990, a time of much change for select committees.

Chapter Two describes the gradual growth of political and academic interest in select committees after 1960. Chapter Three traces the development of the Expenditure Committee during its brief lifetime of nine years, and notes the growth in activity of other committees of the 1970s, including a number appointed to examine specific policy issues. The Chapter puts select committee development into the context of a turbulent political period. Chapter Four describes the process by which the new system of departmentally-related select committees was proposed and introduced in 1979.

Chapter Five examines the statistical evidence on the activity and impact of the new departmental select committees in their first decade from 1979. Chapter Six contains case studies which illustrate the work of departmental select committees during the 1980s. It assesses how effective the departmental committees were in responding to some major issues of the day.

The argument of this thesis

This thesis argues that the importance of the introduction of departmentally-related select committees in 1979 has been exaggerated in the academic literature and in other accounts. On the other hand not enough attention has been paid to the steady progress made by select committees before 1979 and especially to the number of modest but significant reforms that strengthened the capacity of Parliament to hold government to account during the 1960s and 1970s. The committee reform of the late twentieth century did not depend on a single change such as the enshrining in 1979 of the principle of departmental committees; rather it was a continuous process over a

quarter-century, of modest improvements in terms of committee powers, activity and resources. The fact that the post-1979 committees were and continue to be related to individual departments has helped to give the system some rationality and long-term stability, but it was only one factor in their growth, and probably not the most important one. More broadly, the thesis contends that the post-1960 strengthening of select committees was a return to a long-term, indeed centuries-old, parliamentary norm. The importance of small reforms in the process of strengthening committees is emphasised; because such reform was modest, it was not seen as destabilising or a threat to the prerogatives of government. Thus committee progress continued between 1960 and 1990 at times both of strong or fairly strong government - for example under Labour in the late 1960s or the Conservatives in the 1980s - and of weak government, as with Labour in the late 1970s.

Finally the thesis calls for some proportion in assessing the longer-term constitutional impact of select committees. They have in some ways flourished since the 1960s, but they have been acceptable both to backbenchers and to Ministers because they have not intervened regularly or with much impact in the process of legislation. This has made them in some ways more attractive to backbenchers because committees have been free to set their own agendas and have not been burdened with detailed consideration of Bills. Ministers have largely been able to achieve their legislative aims unhampered by committees, unless they failed to manage affairs on the floor of the House. But these restraints have prevented such committees from exercising direct influence on the most important determinant of the direction of policy - legislation. The constitutional role of select committees, though stronger than it was in 1960, is therefore still limited.

Chapter One: House of Commons Select Committees before 1960

This Chapter analyses some key themes in the history of House of Commons select committees up to 1960. It distinguishes several different types of select committee, and recalls that they were a pervasive feature of Parliament's work from the Middle Ages onwards. This Chapter asks, in relation to the period before 1960, what sort of issues were addressed by select committees, whether the roles played changed over time and what were seen as the advantages and disadvantages of select committees as parliamentary bodies. It also poses a more fundamental question which will be important throughout this thesis - whether select committees played any part in setting and adjusting the balance of power and influence between Parliament and Ministers.

Select Committees: Three Categories

It is important, before considering the early history of select committees, to distinguish the three broad categories of select committee inquiry which will be described in this thesis. Investigatory select committees throughout parliamentary history have performed a wide variety of constitutional and political functions, though in the vast majority of cases they have shared one key characteristic - they were largely or wholly composed of backbench Members.

One category of investigatory select committee might be called the 'scandal or failure' committee, an ad hoc body established, often urgently, to consider cases of government maladministration or corruption. These would almost always be matters of political controversy and they would often be the subject of dispute between Ministers and other Members.

The second type of committee inquiry was concerned with the financial propriety and efficacy of expenditure by Ministers and their departments; such inquiries were seen as part of the fundamental function of Parliament in exercising the ‘power of the purse’ by granting or withholding supply to Ministers of the Crown, or of examining the Estimates brought forward.

The third might be called the ‘policy and administration’ inquiry, examining, either ad hoc or on a continuing basis, policy proposals or policy implementation, or monitoring the routine general administration of a department.

There was generally an acceptance that ‘power of the purse’ committees were constitutionally appropriate House of Commons bodies and could normally be allowed to exercise their functions with a degree of determination and persistence. On the other hand, ‘failure and scandal’ committees and ‘policy and administration’ committees were often seen as intruding improperly into the sphere of government.

Important from early days: select committees in the Middle Ages and later

From an early date committees were a central feature of parliamentary life, the topics they considered being important and sometimes urgent. For example in October 1382 two new military projects engaged the attention of Richard II’s Parliament. One was a proposal for the Duke of Lancaster to lead an army to enforce his claim for the throne of Castile, the other a plan for an expedition by the Bishop of Norwich to the county of Flanders.⁵⁶ The Commons and Lords disagreed as to which campaign to advise

⁵⁶ J. S. Roskell, Linda Clark and Carol Rawcliffe (eds), *The House of Commons 1386-1421* (Stroud: History of Parliament Trust, 1992), Vol. I, p.106

Richard to pursue; the Commons requested that a committee of ten peers should be convened to consult and help Parliament to decide the issue.⁵⁷

During the sixteenth century, committees became increasingly used to revise Bills as well as to undertake a range of other tasks.⁵⁸ Jennifer Loach observes that ‘Committees were one of the answers to the problem of ever-expanding business, and the use of committees became much more frequent in both Houses in the course of Elizabeth’s reign’.⁵⁹ Among policy issues considered in committee in the Tudor and Stuart period for example were leading constitutional and religious questions of the day.⁶⁰ But committees were not just used for occasional set pieces. Hasler demonstrates the extent to which committees were a regular and routine part of the work of the Elizabethan House of Commons, calculating for example that 50 percent of the membership of the House in the Parliament that first met in 1572 were members of committees, including committees on what Hasler describes as ‘social/economic’ and ‘legal’ matters.⁶¹ This could however also generate its own problems, as Loach notes; these included a tendency to create very large committees which could become unwieldy.⁶² Ronald Butt observes that during the reign of Elizabeth I the House had an experience of

57 Ibid.

58 Jennifer Loach, *Parliament under the Tudors* (Oxford: Clarendon Press, 1991), pp. 48, 140-145

59 Ibid. p.140

60 For example, in its report *Shifting the Balance: Select Committees and the Executive* (First Report of Session 1999-2000 (300)), p.xxvi, the Liaison Committee noted that: ‘A random selection from some four centuries ago includes the Committee for Uniformity of Religion (1571), the Committee for the Examination of Fees or Rewards taken for Voices in this House (1571), the Committee on the Queen of Scots [sic] (1572), the Committee on the Confirmation of the Book of Common Prayer (1604), and the Committee on Union with Scotland (1604), as well as regular Committees on the Subsidy (the grant of money to the Crown), on Grievances, and on Privileges, and occasional Grand Committees which apparently operated rather like Select Committees (such as the Grand Committee for Evils) (1623)’.

61 P.W. Hasler (ed.), *The House of Commons 1558-1603* (London: History of Parliament Trust, 1981), p.78

62 Loach, *Parliament under the Tudors*, p. 141

‘using committees widely and giving them greater scope in policy matters than parliamentary committees have normally enjoyed in Britain’.⁶³

Various studies suggest that the tradition of asking select committees to address intractable problems remained vigorous through the seventeenth century. There were ‘inquiries into government failures, often related to possible impeachments, for example those on the mismanagement of the Second Dutch War in 1667-8, and of the war in Ireland in 1689’.⁶⁴ Also in the seventeenth century, ‘several standing committees were appointed to review matters relating to general areas such as privileges or petitions’.⁶⁵ Nevertheless, sixteenth and seventeenth century committees, as small closed bodies working away from the open forum of the floor of the House, were sometimes criticised as being too open to manipulation from outside, and particularly from Ministers seeking to get their way by exerting pressure or promising favours. Campion suggests that the system of select committees which had developed by this time was seen as dominated by Privy Councillors and other Members representing the interests of the Crown, and was therefore, to use Campion’s word, ‘suspect’.⁶⁶

The select committees of the House of Commons in the late seventeenth and early eighteenth centuries were often composed at least partly of Members with a special interest; there were for example at different times group nominations of ‘all the

63 Ronald Butt, *The Power of Parliament* London: Constable, 1967), p. 353

64 First Report from the Public Administration Select Committee, Session 2004-5, *Government by Inquiry* (51), p.10

65 David L. Smith, *The Stuart Parliaments, 1603-1689* (London: Arnold, 1999), p.71

66 See for example Lord Campion, *An Introduction to the Procedure of the House of Commons* (London: Macmillan, 1958), p. 43

Members of the long robe' (lawyers) or Members from Norfolk and Suffolk.⁶⁷ By the eighteenth century, if not before, some select committees also contained the potential for Members of Parliament to demonstrate independence and act against the interests and wishes of Ministers of the Crown. Sedgwick identifies 'a special type of select committee' which was set up to examine matters of great importance, with members chosen by (secret) ballot among all MPs.⁶⁸ One such select committee of the 1730s examined the highly contentious subject of the frauds in the customs by which the Prime Minister Sir Robert Walpole had justified his Excise Bill. A proposed list of committee members was prepared by Mr Pulteney and Sir William Wyndham, containing, according to one contemporary account, 'not one friend of the Administration'.⁶⁹ The Administration, it was said, 'took an alarm' at this development and 'a meeting of the Government's friends' was called to draw up an alternative list which was more amenable to Walpole - which won the day in the ballot, although the disappointed opposition side had 'imagined numbers would have sided with them since they could do it without discovering themselves'. The episode does show that in considering select committees the eighteenth century House of Commons could put Ministers on their mettle; committees provided opportunities for dissent to be registered.⁷⁰

Cross-party committee activity was a very important part of the work of the House in the late eighteenth and early nineteenth centuries. Peter Jupp noted an increasing number of what he calls 'public interest' select committees which examined prominent

67 D. W. Hayton, E. Cruickshanks, S. Handley (eds), *The House of Commons 1690-1715* (London: History of Parliament Trust, 2002), Vol. I, p. 354

68 Romney Sedgwick (ed.), *The House of Commons, 1715-1754* (London: History of Parliament Trust, 1970), p. 8

69 Ibid.

70 Ibid.

issues of public policy, ranging from food shortages to policing. He concluded that 'Partisan committees certainly existed but they were the exception rather than the rule'⁷¹

The nineteenth century: building a Parliament for committees

The nineteenth century saw important developments in the House's approach to all three types of committee inquiry. There were many select committees on policy and administration matters in the newly-reformed House of the 1830s and 1840s.⁷² Calculations made as part of the research for this thesis show that there were on average 10 select committee reports per session in the first decade of the nineteenth century, and that the figure doubled to about 18 in the 1820s. But the figure rose again at the beginning of the 1830s; from the first reformed Parliament of 1833 onwards the number of select committee reports seldom fell below 30. In the 1830s as a whole the average of reports per session was 33, and in the 1840s it was 35. The 1847-48 Report from the Select Committee on Public Business noted that there were no fewer than 44 select committees on such business in the 1847-48 Session, with an average of 15 members to each committee; they covered subjects ranging from Commercial Distress to Divorce Bills and Highways to Navy, Army and Ordnance Expenditure.⁷³ Some sat for over 35 days in the Session. Along with this went 28 election committees (to decide on disputed elections), and over 140 groups and committees on private and railway

71 Peter Jupp, *The Governing of Britain 1688-1848* (London: Routledge, 2006), pp. 218-219. See also S. E. Finer, 'The transmission of Benthamite ideas 1820-50' in G. Sutherland (ed.), *Studies in the Growth of Nineteenth-Century Government* (London: Routledge and Kegan Paul, 1972), pp.11-32

72 The Representation of the People Act 1832 (2 & 3 Will. IV c. 45) reformed electoral arrangements, granting House of Commons seats to large industrial cities, previously unrepresented in that House, and taking seats away from the so-called 'Rotten Boroughs' with small electorates and, in many cases, wealthy patrons

73 *Report from the Select Committee on Public Business, Session 1847-48* (644), Appendix

Bills. The report indeed expresses concern about ‘This great amount of Committee business, and the heavy demand it makes on the time of Members ... [which] must be borne in mind in considering the course of Public Business in The House itself’.⁷⁴

The building in which Parliament met had also changed around the time of the reform of the franchise. In 1834 a disastrous fire had destroyed much of the medieval Palace of Westminster. The design and layout of the building that replaced it over the next few decades demonstrated that this was a Parliament which needed to accommodate many committees; the new Parliament’s mid-Victorian Committee Corridor with its many wood-pannelled rooms was both an architectural and a constitutional statement.

Select committees and other parliamentarians in the nineteenth century

The wider political world of the nineteenth century appeared to be taking more notice of select committees as the century wore on. Whereas the figures for the ‘supply side’ of select committees - their output of reports - went up markedly, the trajectory of the political ‘demand side’ - the extent to which politicians as a whole responded to that output - was spectacular. The numbers of references to the phrase ‘select committee’ in the Chambers of both Houses gives some indication of this. Between 1803 and 1809, there were only 174 such references, while between 1810 and 1819 there were 224. The 1820s saw a rise to 352 references, but it was after 1830 that the phrase became much more frequent – the numbers of Chamber references to the words ‘select committee’ rose by over 400 percent, to 1583 in the 1830s, and the increase continued, with 1772 references in the 1840s, 3,493 in the 1850s and 5,554 in the 1860s. A good proportion of these mentions inevitably involved private Bill select committees,

⁷⁴ Ibid., p. iii

reflecting the growth of the railway network and other infrastructure developments, but not all of the steep rise can be attributed to that source.

Nineteenth-century select committees could have a major political impact; indeed the establishment of a select committee to examine scandal led to the fall of a government during the Crimean War. When in 1855 the Commons voted to appoint a committee to ‘inquire into the condition of our army before Sebastopol, and into the conduct of those departments of Government whose duty it has been to administer to the wants of the army’ the government of Lord Aberdeen resigned.⁷⁵ Lord Palmerston became Prime Minister as a result, and he acquiesced in the appointment of the committee; three leading members of the new government, Sir James Graham, the Hon. Sidney Herbert and William Gladstone, tendered their resignations immediately. Gladstone complained to the House on the day of his resignation that the select committee inquiry was ‘incompatible with real confidence on the part of Parliament in those who hold executive office’.⁷⁶ In particular, Gladstone believed that the establishment of the committee was inappropriate at a time when the war was continuing. Gladstone attacked the notion that ‘the powers of the Crown’ could be delegated ‘to a small Committee upstairs’.⁷⁷ Despite Gladstone’s patronising remarks, the ‘small Committee upstairs’ did its job, and published its report.⁷⁸

But there was a more significant select committee development in this period: the establishment in 1861 of the Committee of Public Accounts (usually abbreviated to

75 Quoted in William Anson, *The Law and Custom of the Constitution*, Fifth Edition (Oxford: Clarendon Press, 1922), Vol. I, p.399

76 Hansard, *House of Commons Debates* [afterwards *HCD*], col. 1838, 23 February 1855

77 Ibid.

78 Hansard, *HCD*, cols. 954-1018, 17 July 1855

‘PAC’).⁷⁹ The importance of the PAC lies in the fact that it epitomised from the beginning what Gordon Reid has described as ‘the House’s financial function’, namely ‘to check, to verify, or to safeguard the finances of the State’.⁸⁰ This particular assertion of the power of the purse took the form, not of occasional interventions like the select committees of long tradition, but of a body that was a parliamentary fixture rather than a passing phenomenon. The foundation of the PAC was thus a very important step towards the institutionally permanent ‘policy and administration’ investigatory committees that developed in the twentieth century.

These events of the 1850s and 1860s also demonstrated the important political and constitutional distinction between ‘scandal and failure’ committees and those that exercised the power of the purse. Whereas the House’s right to scrutinise policy has often been contested, examining the finances as part of the process of supply and audit has always been seen as legitimate. Indeed it was Gladstone himself, as Chancellor of the Exchequer, who successfully moved for the appointment of the PAC. That was, he said, ‘obviously the true completion of the duty of [the Commons] with regard to the public money’.⁸¹ Gladstone did, however, acknowledge that pressing for economy in the spending of public money might not suit all, or even a majority of, Members. In a phrase that contains an important and lasting truth about what most MPs prefer, Gladstone accepted that the duties of members of the new PAC would be ‘of a dry and repulsive kind’.⁸²

79 The history of the Public Accounts Committee has been the subject of several studies, and it will not be described in detail in this thesis. See for example Basil Chubb, *The Control of Public Expenditure: Financial Committees of the House of Commons* (Oxford: Oxford University Press, 1952) and E. L. Normanton, *The Accountability and Audit of Governments* (Manchester: Manchester University Press 1966)

80 Gordon Reid, *The Politics of Financial Control*, p. 10

81 Hansard, *HCD*, col.318, 8 April 1861

82 Hansard, *HCD*, col.774, 18 April 1861

Ad hoc investigatory committees of the House of Commons, charged with considering specific and substantial questions of policy and administration, continued to be common in the second half of the nineteenth century. Highly significant issues were the subject of select committee inquiries in the 1860s, 1870s and 1880s, ranging from sewage disposal in towns to the Mutiny Act and from grants to members of the Royal Family to the compulsory registration of midwives.⁸³

All three types of backbench investigatory committee were thus active during the second half of the nineteenth century. And there was a noticeable effect on the working lives of Members. For example, as many as 270 MPs served on select committees of all kinds (including those that dealt with private business such as railway construction, as well as public business) in the Session of 1856,⁸⁴ with 298 Members on select committees in 1867,⁸⁵ and 299 in the 1878 Session.⁸⁶ It was in the 1880s that numbers of Members serving on select committees probably reached a peak; in 1882 there were 441 select committee members, in 1883 the number dipped slightly to 411, but in 1884 the number hit a probable all-time high of 541 - nearly 83 percent of the House's total membership of 652.⁸⁷ These figures, for both investigatory and non-investigatory committees, represented substantial proportions of the House - always in excess of 40 percent of Members and often a much higher proportion.

83 Hansard, *HCD*, cols.452-5, 18 February 1862; Hansard, *HCD*, cols.1191-2, 11 April 1878; Hansard, *HCD*, col.994, 22 July 1889; Hansard, *HCD*, col.404, 6 June 1893

84 *Return of Select Committees 1856*

85 *Return of Select Committees 1867*

86 *Return of Select Committees 1878*

87 House of Commons, *Addresses of Condolences ...and Statistics Relative to the Business and Sittings of the House*. Compiled by A. A. Taylor, Journal Office, House of Commons, 1880-1913, p. 132

The early twentieth century: key developments in committees

Up to this point this Chapter has described a House of Commons that, over many centuries, had nurtured a strong tradition of committee work. From almost the very beginning Members were prepared, or sometimes forced, to go into committee. In the early- and mid-twentieth century, however, there seems to have been a serious slackening in the volume and significance of committee work, with investigatory select committees especially affected. It came to be accepted in some circles that committees were simply not appropriate for many types of significant discussion, and that the Chamber of the House was the only proper place for parliamentary debate. Although it is impossible within the scope of this thesis to prove it, it is possible that the period between 1920 and 1960 was among the most barren in terms of committee activity in the whole history of the House.

The first three decades of the twentieth century, however, also saw several key developments in the history of select committees. Between 1900 and 1914, select committee activity continued on nineteenth century lines, with subjects covered including workmen's trains, the Post Office's approach to telephone services and the rise in motor traffic.⁸⁸ Numbers of Members on select committees continued to be substantial for most of the period to 1914, although there was a noticeable fall in the number of select committee members, from 412 in the Election year of 1906 to 199 in the 1913 Session and 196 in 1912-13.⁸⁹ Then, around the time of the First World War, there was a break with tradition on select committees; the long-established notion that major scandals and cases of maladministration could be sent to a committee of the

88 Nevil Johnson, 'Select Committees and Administration', in *The House of Commons in the Twentieth Century: Essays by Members of the Study of Parliament Group*, (Oxford: Clarendon Press, 1979), pp.433-35

89 *Return of Select Committees*, 1907

House for examination appears to have lost favour. A select committee became no longer the last refuge in a scandal.

The reasons for this change in perceptions of ‘failure and scandal’ committees are not easy to identify, but it may have had something to do with the committee which in 1913 investigated the Marconi affair, which involved allegations of corrupt share dealing by senior Liberal politicians, including the Chancellor of the Exchequer, David Lloyd George, in relation to contracts for imperial telegraph stations. The affair has been described by Roy Hattersley, a recent biographer of Lloyd George, as bringing ‘the risk of destruction’ on the head of the Chancellor.⁹⁰ Its suggestions of what would today be called ‘insider dealing’ were the more serious as they involved not only Lloyd George, who had already acquired something of a reputation for sailing close to the wind on some financial dealings, but also other senior members of the government. Nevertheless, the final report on the matter from a Liberal-dominated committee exonerated the Liberal leadership in ringing terms: ‘It has been proved to the Committee that there is no foundation for any of the charges made against these ministers’.⁹¹ But the Opposition were not convinced, and voiced suspicions about the motives of Committee members. The Unionist Member Oliver Locker-Lampson, speaking just after the report’s publication, said that work was needed ‘to restore public confidence in the credentials of the Committee as a whole’.⁹²

90 Roy Hattersley, *David Lloyd George: The Great Outsider* (London: Little, Brown, 2010), p. 318

91 *Reports from the Select Committee on Marconi's Wireless Telegraph Company, Limited, Agreement (Telegraphs and Telephones: Marconi Agreement)*, Session 1913 (152 and 185)

92 Hansard, *HCD*, col. 176, 16 June 1913

The turbulence surrounding the Marconi Committee may also have been a by-product of the stresses which affected economic, social and political life in Edwardian and ‘Georgian’ Britain, from controversies over the legal status of trade unions to disputes over the idea of votes for women and a profound constitutional collision between a Liberal Government bent on paying new social benefits and a recalcitrant, Tory-dominated House of Lords.⁹³ In the first decade or so of the twentieth century, the prominence of such divisive issues must have contributed to the decline of the select committee.

The new scepticism about the wisdom of asking MPs to undertake such high-profile and contentious inquiries at a time of what Ronald Butt calls ‘the increased rigidity of party allegiances’⁹⁴ was reinforced a few years later by a key policy development - the passage of the Tribunals of Inquiry (Evidence) Act 1921.⁹⁵ This provided for High Court-style evidential powers to be given to an ‘inquiry into a definite matter [...] of urgent public importance’ following a resolution of both Houses. The effect of the legislation was to offer an alternative to parliamentary investigation, and to give external inquiries a more elaborate armoury than the one possessed by select committees. The Act created new machinery that could be operated by government in a way that might be politically more manageable for ministers than the vagaries of select committee inquiry. The change came about almost by accident, in response to the loss of important papers during the winding-up of the wartime Ministry of Munitions.⁹⁶ But the passage of the Act did reveal a change in attitude to select

93 Richard Toye neatly summarises this collection of crises as ‘several damned things at exactly the same time’. Richard Toye, *Lloyd George and Churchill: Rivals for Greatness* (London: Pan, 2008), p. 72

94 Butt, *The Power of Parliament*, p. 355

95 Tribunals of Inquiry (Evidence) Act, 11 & 12 Geo. 5 c.7

96 Hansard, *HCD*, col. 864, 22 February 1921

committees. To suggestions that a substantial number of MPs should be included in an inquiry to examine the allegations of official impropriety, Andrew Bonar Law, Lord Privy Seal and Leader of the House, who was to become Prime Minister in 1922, replied that there needed to be an inquiry ‘that will command confidence in all quarters’. His proposal was for an investigation that involved not one Member of the House of Commons. He suggested ‘a Committee consisting of a judge, if we can get one, and I have one in my mind, whom I shall try to get, who is well known to Members of this House. There ought also to be a well-known business man, who is above suspicion in cases of this kind, and the third member ... should be a good public accountant’.⁹⁷ Although this was, like the Marconi affair, exactly the sort of matter that would in the past have been considered right for select committee investigation, the idea was not mentioned. Instead, a suggestion was made by another Member that a statute should be enacted to facilitate the operation of external inquiries, in particular to enable them to take evidence on oath,⁹⁸ and the government agreed and acted with almost breakneck speed. After a very brief parliamentary passage, the Tribunals of Inquiry (Evidence) Act became law late in March 1921.

The Act did not, however, immediately transform the investigatory landscape; it was little used in the 1920s. And the threat of a select committee could still prove politically potent, a point dramatically demonstrated in October 1924, when the resignation of Ramsay MacDonald’s first Labour government was prompted partly by the proposed establishment of a select committee which was moved by the Liberals and supported by the main opposition party, the Conservatives. The committee would have investigated the circumstances leading up to the withdrawal of proceedings,

⁹⁷ Ibid., col. 881

⁹⁸ Ibid., col.885

recently instituted by the Director of Public Prosecutions, against J. R. Campbell of the *Workers' Weekly* (organ of the Communist Party of Great Britain), on charges of sedition. The controversy partly concerned Opposition suspicions that Labour Ministers tacitly supported remarks that were seen as an incitement to military mutiny. But more damaging was MacDonald's handling of the matter; he appears for instance to have misled the House about his dealings with the Attorney General and the Director of Public Prosecutions.⁹⁹ MacDonald, significantly, felt that the proposal for a select committee was unfair because his party would be in a minority. In the Commons confidence debate of 8 October 1924 which brought his Government down, MacDonald noted acidly 'the Committee which they were setting up was a Committee of seven against us and three for us'. The Marconi affair was clearly still fresh in his memory. MacDonald told the House that 'When the conduct of a Member of the Government is called in question, and the Government propose an inquiry, as has been done, good and well. But even then I think that a Select Committee is not the right court to send it to'. MacDonald made it clear that it was the House's experience of the Marconi Committee that had led him to that conclusion.¹⁰⁰

Despite a hasty Cabinet meeting to decide tactics, the House agreed to an opposition motion to appoint a select committee.¹⁰¹ The government had lost on an issue of confidence. At another Meeting at 11.30 that night the Prime Minister told the Cabinet that he would be seeking a dissolution of Parliament. The general election on 29 October saw the end of this first Labour Government. The idea of a select committee

99 See John Shepherd and Keith Laybourn, *Britain's First Labour Government* (Basingstoke: Palgrave Macmillan, 2006) pp. 161-180 and David Marquand, *Ramsay MacDonald* (London: Jonathan Cape, 1977), pp. 365-77

100 Hansard, *HCD*, cols. 637-38, 8 October 1924

101 The National Archives [hereafter TNA] CAB /23/48 'Conclusions of a Meeting of the Cabinet', 8 Oct 1924. Hansard, *HCD*, col. 703, 8 October 1924

had been the occasion (rather than the cause) of the government's defeat. MacDonald's remark, like Bonar Law's on the Ministry of Munitions issue, showed the depth of the resistance to select committees among senior politicians. The impact of the Marconi affair on the reputation of the House for effective scrutiny (and perhaps its self-confidence in attempting that scrutiny) was long-lasting; arguably it had still not recovered by the early years of the twenty-first century. For example, when in 2005 the Public Administration Committee drew up a list of the twentieth century's major public inquiries, it could find only three inquiries into government action which had been undertaken by a select committee after the passage of the 1921 Act, and none since 1948.¹⁰²

'Continuous and well-informed interest': the first moves towards committee specialisation

While the reputation of 'scandal and failure' select committees continued to suffer in the first third of the twentieth century, thinking about the other two types of backbench investigatory body - on administration and finance - developed in a more positive way during, and to an extent after, the First World War, although practical progress was elusive.

One powerful argument for Parliament to take a more active role in monitoring public expenditure was the widely-noted growth of the state. Civil service numbers rose from under 17,000 in 1841 to over 116,000 in 1901.¹⁰³ But Parliament's procedures for monitoring the associated expenditure did not match that growth. Granting supply had

102 Public Administration Select Committee, *Government by Inquiry*, Annex 1

103 Gavin Drewry and Tony Butcher, *The Civil Service Today*, Second Edition (Oxford: Basil Blackwell, 1991), p.48

always been recognised as a key constitutional task for the whole House, but during the nineteenth century ‘Committee of Supply’ debates on the floor of the House, involving any Member who wished to attend, had become increasingly general and the focus on finance had been lost. Some Members also argued that, as public expenditure increased, the Public Accounts Committee’s post-hoc scrutiny of spending should be supplemented by a closer look at earlier stages in the departmental spending process.¹⁰⁴

The history of Parliament in the very early years of the twentieth century often focuses on the extensive procedural changes aimed at enabling legislation to have a more orderly and predictable passage through both Houses. This ‘parliamentary railway timetable’ is closely associated with A. J. Balfour, Leader of the House of Commons from 1895 to July 1902, and then Prime Minister. In February 1902¹⁰⁵ Balfour proposed a series of new procedural rules which have been seen, correctly, as favouring the Executive and particularly helping to ease the passage of government Bills.¹⁰⁶ However, at the same time, some Members were giving thought to ways of improving detailed financial scrutiny of the Executive. In May 1902, Winston Churchill urged Balfour, considering ‘the growth of public burdens’ to move for the appointment of ‘a Select Committee ... to consider and report whether National Expenditure cannot be diminished without injury to the public service, and whether the moneys voted cannot be apportioned to better advantage than at present’.¹⁰⁷ Balfour was non-committal but not dismissive about Churchill’s proposal, and in May

104 Philip Norton, *The Commons in Perspective* (London: Longman, 1981), p. 163

105 Hansard, *HCD*, cols. 548-650, 6 February 1902

106 See for instance John P. Mackintosh, *The Government and Politics of Britain* (London: Hutchinson, 1970), p. 27, and Peter Hennessy, *The Hidden Wiring*, p. 146

107 Hansard, *HCD*, cols. 1205-6, 24 April 1902

1902 the House resolved to appoint a select committee to ‘inquire whether any plan can be advantageously adopted for enabling the House, by Select Committee or otherwise, more effectively to make an examination, not involving criticisms of policy, into the details of national expenditure’.¹⁰⁸ The Committee met and reported serious shortcomings in the consideration of the Estimates by the House.¹⁰⁹ In comments that go to the heart of the House’s long standing preferences, and recall Gladstone’s recognition of the ‘repulsive’ character of financial scrutiny, the report complained that ‘the examination of Estimates by the House of Commons leaves much to be desired from the point of view of financial scrutiny ... the Estimates are used in practice ... mainly to provide a series of convenient and useful opportunities for the debating of Policy and Administration’.¹¹⁰

To correct the apparent weakness of financial scrutiny, the 1903 Committee on National Expenditure recommended the appointment of a new committee to examine estimates, designed to provide a proper focus for examination of expenditure rather than political point- scoring, with the intention of making it, like other select committees, ‘usually devoid of party feeling’.¹¹¹ The recommendation, however, came to nothing and no committee was established.

However, the pressure for better parliamentary control over expenditure continued. In the 1911-12 Session backbenchers of all parties circulated a memorandum which claimed that the House no longer had the control over expenditure that ‘it was wont to have’ and pressing for action. The memorandum attracted the names of 244 Members

108 Hansard, *HCD*, col. 879, 28 May 1902

109 *Report* from the Select Committee on National Expenditure, Session 1903 (242)

110 *Ibid.*, p. vii

111 *Ibid.*, pp. vii-viii

of all parties and was sent to the Prime Minister, H.H. Asquith. The Chancellor of the Exchequer, Lloyd George, acknowledged that it was 'one of the most influentially signed memorials ever presented to a head of government' and the result was the setting-up on April 12 1912 of a Committee on the Estimates.¹¹² This body of 15 backbench Members was given a broad order of reference which required it to examine and report on such Estimates as it saw fit.¹¹³ It was however, excluded from 'consideration of questions of policy' - a key provision that was to preserve for many years the existing boundaries between the spheres of parliamentary committees and Ministers. The Estimates Committee had a difficult start, existing for just three sessions until in 1914 it was suspended and replaced by a National Expenditure Committee, more suited to the control of wartime spending, much of which was not presented in the form of Estimates.¹¹⁴ The Estimates Committee was then revived in 1921, when the National Expenditure Committee was not reappointed.

But revival did not bring renewal. Nevil Johnson, in his 1966 study of the Estimates Committee, observes that little changed between 1921 and 1960 in the Committee's methods of working. He says that while 'it was still thought' that the Committee should 'concentrate on the financial details of the estimates, and if possible make reports which might be relevant to the discussion of particular estimates in the Committee of Supply', this never happened. Johnson concludes that 'financial scrutiny in the narrow sense was of little interest to the House'. Another of the weaknesses of the Estimates Committee in the interwar years in particular was that it worked entirely as a full committee of 28 members. According to Johnson, 'this made it an unwieldy

112 Gordon Reid, *The Politics of Financial Control*, pp. 96-97

113 Nevil Johnson, *Parliament and Administration*, p. 15

114 *Ibid.*, p. 16

body, ill-suited to detailed and intensive questioning, and liable to suffer from poor attendance'.¹¹⁵

But the early twentieth century also saw the first suggestions by politicians that the House should consider a more concerted and systematic foray beyond estimates and into the highly contested ground of policy and administration. Proposals were put forward for the development of a system of committees which would subject the overall policy and administration of government departments to continuous and systematic scrutiny - something very different from the work of the ad hoc committees that in the late nineteenth century examined specific individual matters of policy. In 1914 for instance the Independent Labour Party Conference adopted a plan by F. W. Jowett (Member for Bradford) which argued for government departments to be partly run by all-party committees of MPs.¹¹⁶ The idealists of the 1914 I.L.P. Conference were over-ambitious and nothing came of the Jowett plan, but they were not alone in seeing the potential of select committees, properly organised, for improving the performance of Parliament.

Select Committees and Cabinet during the First World War

The deterrent effect of the Marconi debacle on parliamentary inquiry into scandal and failure was clear and long-lasting. But the situation with policy and administration was slightly different. The start of the First World War in 1914 might have been expected to dampen enthusiasm for policy and administration select committees, as risking delay in decision-making and hampering the implementation of executive action.

¹¹⁵ Ibid.

¹¹⁶ A. H. Hanson, 'The Labour Party and House of Commons Reform - I', *Parliamentary Affairs*, X/4 (1956), pp. 460-61

There has been little academic interest in the activities of select committees during the War. Yet in fact select committees of both Houses were established to address a number of highly significant issues during the conflict. Moreover, Cabinet papers examined for this thesis reveal that, from 1917 onwards, Ministers were very sensitive to the need to respond carefully to recommendations by select committees, especially the Select Committee on National Expenditure. The strength of this interest at high political level is suggested by tallying the number of references to the words 'select committee' in the Cabinet papers of the wartime and immediate post-war period. Whereas there were no references to those words in 1915 (when The National Archives series of Cabinet Papers starts) and 1916, there were 63 between 1917 and 1919. It is true that a good number of the references were to committees of Empire legislatures mentioned in briefing papers, but there were also many references to committees at Westminster.

The role of the Select Committee on National Expenditure was also prominent in sounding the alarm over the proliferation of what Peter Hennessy refers to as 'mushroom ministries' - established during the War and given control over their own spending and staffing in a way which threatened to undermine both Treasury and parliamentary control.¹¹⁷ In a way that perhaps seems surprising given the pressures of time, Parliament's machinery for controlling expenditure and administration was both vigorous and well-respected at high political levels during the War.

The Cabinet furthermore sometimes saw select committees as a potentially useful way of clarifying and suggesting solutions to matters that would arise on the home front

117 Peter Hennessy, *Whitehall* (London: Fontana, 1990), p. 69

after the War, especially the problems of reconstruction. Many of the references to committees in Cabinet in 1917, 1918 and 1919 concerned the details of transition from war to peace. For example a Commons select committee had sought to clarify the definition of ‘the end of the war’ so that the scope and application of wartime emergency legislation could be determined.¹¹⁸ In August 1918 the Committee recommended that a Bill should be drawn up to set out the principles, and Christopher Addison, the Minister for Reconstruction, recommended acceptance of that to Cabinet on 23 October 1918.¹¹⁹

In the immediate post-war period Cabinet interest in select committees was maintained. Profiteering at a time of shortage was an important issue, in which there was strong and lively public interest. On 14 July 1919 the War Cabinet, which was still meeting eight months after the Armistice, discussed at length a Memorandum from Sir A. C. Geddes, President of the Board of Trade, on ‘The Prevention of Profiteering’.¹²⁰ Among other things, this Memorandum proposed that ‘small tribunals should be set up in all urban and rural districts to receive complaints about excessive charges made by retailers’.¹²¹ During the discussion, Lord Curzon, Lord President of the Council, suggested that the proposals should be ‘referred to a Select Committee of the House of Commons’. The Minutes record that Curzon continued ‘Everyone felt that something should be done, but the Government ought to have the support of public opinion for their proposals before taking action. He thought that such a Committee should report in ten days or a fortnight’.¹²² Hardly surprisingly, A. C. Geddes

118 Select Committee on Emergency Legislation, *First Report of Session 1918* (108)

119 TNA, CAB 24/68/11 ‘Definition of the Phrase “End of the War” and other similar phrases’, Note by the Minister of Reconstruction, 23 October 1918

120 TNA, CAB 23/11/16, ‘Minutes of a Meeting of the War Cabinet’, 14 July 1919

121 *Ibid.*, p. 5

122 *Ibid.*, p. 9

expressed his doubts as to whether a Committee could report in so short a time, but others at the meeting concurred with Curzon, and the Minutes report that the War Cabinet agreed that a select committee should be established ‘to investigate whether excessive profits were being made out of dealings in staple articles, and to make recommendations’.¹²³ The Select Committee on High Prices and Profits was appointed within nine days, met on 30 July and (in the spirit of Curzon’s advocacy of openness) decided that all its sittings should be held in public, and that all witnesses should give evidence on oath (the last a highly unusual stipulation, and a sign of the acute public interest in the issue of profiteering).¹²⁴ The Committee took evidence at six sittings, but shortly after the inquiry started the Profiteering Act was passed and a (non-parliamentary) committee was established to investigate high prices and profits.¹²⁵ The Select Committee’s report noted the passing of the Act and in slightly exasperated tones suggested that therefore ‘they could serve no useful purpose by proceeding with detailed investigations’. Nevertheless, the report indicated that the Committee would be kept in being to ‘watch the working of the Act’.¹²⁶

This episode demonstrates the opportunities for select committees to contribute to policy formulation, but also their limitations in influencing fast-moving policy developments. Parliamentary processes took time and a Prime Minister, especially a decisive one like Lloyd George, could move much faster. Nevertheless there was confidence among some senior Ministers in the select committee process, both in terms of the sheer capacity of committees of the House to produce reports and of its ability to act as a focus of public opinion on policy matters. Parliament is seen here to

123 *Ibid.*, p. 10

124 *Report* from the Select Committee on High Prices and Profits, Session 1919 (234)

125 *Ibid.*, p. iii

126 *Ibid.*

be capable, through its select committee procedure, of playing some part in the process of policy development.

The role of Parliament was rather more prominent in another issue which came before Cabinet in 1919 - the question of reforms to the governance of India. In February 1919 the War Cabinet discussed a draft Bill to amend the Government of India Act to implement the constitutional reform proposals contained in the Montagu-Chelmsford report. An appendix noted that the government were pledged to refer the Bill after Second Reading to a Select Committee of both Houses.¹²⁷ We shall see that this was an early example of the use of select committees, and especially of joint select committees of Lords and Commons, to consider questions concerning the Empire.

However, when wartime conditions disappeared, so, it appears, did much of the enthusiasm for select committee scrutiny. This was despite heavyweight support for the notion from the Committee chaired by Lord Haldane, the former Lord Chancellor, and containing an array of the great and good, ranging from the leading Labour thinker Beatrice Webb to the distinguished civil servant Sir Robert Morant. The Haldane Report of 1918 on *Machinery of Government* helped to shape the debate about the future Whitehall landscape and, to a lesser extent, the relations between government and Parliament. The report called on government to define 'the field of activity in the case of each Department according to the particular service which it renders to the community as a whole'.¹²⁸ Haldane also made a case for a matching system of parliamentary scrutiny to ensure that the work of these Departments was properly reviewed. Haldane was clear what should happen: 'It would, we think, be generally

127 TNA, CAB 23/9 'Minutes of a Meeting of the War Cabinet' 14 February 1919, Appendix

128 Ministry of Reconstruction, *Report of the Machinery of Government Committee*, p. 8

felt that any improvement in the organisation of the Departments of State that was so marked as substantially to increase their efficiency should have as its correlative an increase in the power of the Legislature as the check upon the acts and proposals of the Executive.’ The report was sympathetic to the idea that the efficiency of the public service could be improved if ‘steps were taken to secure the continuous and well-informed interest of a Parliamentary body in the execution by each department of the policy which Parliament has laid down’.¹²⁹ Then the Report goes on to support ‘the appointment of a series of Standing Committees, each charged with the consideration of the activities of the Departments which cover the main divisions of the business of Government’. Haldane’s proposals for committees were not implemented, but as we shall see, they caught the imagination of reformers over the next few decades. Departmentally-related select committees became a sort of Holy Grail, one key aim of those who sought to improve the accountability of government to the governed.

Within a few years, the debate about policy and administration scrutiny by committee had moved on. In 1925, Harold Laski, one of the most prominent Labour-supporting intellectuals, published *A Grammar of Politics*. Laski took Haldane’s sketch of the idea of departmental committees and filled in some of the detail, in a description of the relationship between the executive and committees of Parliament that contained many of the elements that were to appear in the departmental committees of later years:

There might be set up a series of committees, each of which would deal with a single department ... They would work not as the makers of policy, which is primarily ... a ministerial function, but in part as a consultative organ and

129 Ibid., p. 15

in part as a means of bringing to the legislature a definitely competent opinion upon the working of the administrative process.¹³⁰

Laski's words reflected a current debate within the 1920s Labour Party, a debate which also foreshadowed later arguments. The 'proposal to use specialized parliamentary Committees ... was much in the air in the 1920s and 1930s' according to one survey, with 'considerable argument, especially within the Labour Party'.¹³¹ A. H. Hanson has described how Laski and his Labour colleague F. W. Jowett disagreed during the 1920s about the form a select committee system might take, with Jowett advocating his old scheme involving direct parliamentary involvement in the running of government departments but Laski opposing it.¹³² Laski argued that establishing cross-party committees with executive powers (rather than with a limited consultative role as he envisaged) would, in current conditions of capitalist domination, stymie a Labour government's progress towards socialism through its legislative programme. The arguments divided Labour members and undermined the Party's interest in reform. In later years committees' 'dangerous tendency to compromise'¹³³ came to be seen as by some leading Labour figures - including Herbert Morrison and later Michael Foot - as a telling argument against select committee scrutiny.

The quiet committee rooms of the 1920s and 1930s

Parliamentary practice generally failed to match Haldane's vision in the years after the First World War. The well-equipped Victorian committee rooms were indeed often

130 Harold Laski, *A Grammar of Politics*, Fourth Edition (London: George Allen and Unwin, 1951), pp. 349-50

131 Hansard Society, *Parliamentary Reforms: A Survey of Recent Proposals for the Commons*. 1967, pp. 45-46

132 A. H. Hanson, 'The Labour Party and House of Commons Reform - II', *Parliamentary Affairs*, XI/I (1957), pp. 39-56

133 *Ibid.*, p.42

silent during the 1920s and 1930s. Numbers involved with select committees, though not negligible, were consistently modest between the wars: for example, 174 Members sat on select committees in the 1924-25 session,¹³⁴ 142 Members in 1927,¹³⁵ 171 in 1929-30¹³⁶, and 174 in 1930-31, with further falls to 136 in 1933-34 and 117 in 1934-35.¹³⁷ Thus fewer than 30 percent of Members in the House were involved with select committees for large parts of the 1920s and 1930s.¹³⁸ This indicates a significant decrease in MPs' interest, or at least involvement, in select committees compared with 50 years before. Many of the Commons select committees of the 1920s and 1930s were indeed on private Bills for municipal and other infrastructure projects. Committees on public business, apart from the Estimates Committee, were rare. Bizarrely, one exception was a select committee on sky-writing which attracted no fewer than 25 mentions in the Chambers of Parliament in 1932 and 1933.¹³⁹ Much more serious was a Select Committee on Capital Punishment, which recommended abolition for a trial period of five years. The political controversy caused by this recommendation, in which Conservative Committee members opposed the Chairman's advocacy of abolition, may have contributed to the general distrust of the select committee process. The unsympathetic Labour Government denied calls for a Chamber debate on the Committee's report.¹⁴⁰

The 1919 committee on India set a precedent for later developments in the use of select committees on imperial matters during the 1920s and 1930s, with several of the more

134 *Return of Select Committees 1924-25*

135 *Return of Select Committees 1927*

136 *Return of Select Committees 1929-30*

137 *Return of Select Committees 1933-34 and 1934-35*

138 Rush, *The Role of the Member of Parliament Since 1868*, p. 197

139 *Report from the Select Committee on Sky-writing, Session 1931-32 (95)*

140 *Report from the Select Committee on Capital Punishment, Session 1930-31 (15)*. See also Peter G. Richards, *Parliament and Conscience* (London: George Allen and Unwin, 1970), pp. 37-39

prominent committees considering colonial and Indian issues jointly with the Lords. These included a Standing Joint Committee on Indian Affairs, which lasted from 1921 to 1929, and later ad hoc joint select committees on Indian constitutional reform,¹⁴¹ and on East Africa, in the early 1930s.¹⁴² In the case of the latter joint committee, there were a number of complicating factors, among them the existence of strong and vociferous communities of European settlers in East Africa, the need for the government in London to exercise ‘trusteeship’ in relation to the peoples of the British territories in the region, and even the concerns of the government of India over the treatment of Indians who lived there. A historian of the end of Empire has described the Joint Select Committee’s report as playing a part, along with several commissions and government policy statements, in a ‘tussle for control’ between these conflicting interests.¹⁴³ The proceedings of these committees attracted substantial attention in the chambers of both Houses. It seemed that the government and the House of Commons were prepared to try the ‘policy’ select committee, or to accept government prompting to establish such a committee, but often only when the issue concerned the distant problems of Empire, and preferably in conjunction with the Lords.

There was little sign in the 1920s that MPs were confident in challenging government by means of committee scrutiny on their own account. The argument for a structured and comprehensive system of departmental committees did not quite disappear, however. One vigorous advocate of such an approach was David Lloyd George, now Father of the House, who in giving evidence to the Procedure Committee in 1931

141 Joint Committee on Indian Constitutional Reform, Session 1933-34 Vol. I (part I) *Report* (HL 6, HC 5)

142 Joint Committee on Closer Union in East Africa, Session 1930-31. Vol. I - *Report* (HC 156)

143 Ronald Hyam, ‘Bureaucracy and “Trusteeship” in the Colonial Empire’ in Judith M Brown and William Roger Louis, *The Oxford History of the British Empire: Volume IV: The Twentieth Century* (Oxford: Oxford University Press, 1999), p. 268

criticised the poor attendance of Members at debates on the floor of the House on the key issue of the day -the economy.¹⁴⁴ He said that Members failed to turn out for Chamber debates, 'because they felt that these discussions would lead nowhere. You could not carry things any further by these mere broad discussions. The House of Commons has no machinery ... for pursuing the subject in the practical details and for investigating these questions closely'. Lloyd George, ironically perhaps in the light of the damage done to the reputation of investigatory select committees by the Marconi affair, in which he played the leading role, argued for a comprehensive system of committees to help give the House 'effective control over the Executive'.¹⁴⁵

But the Procedure Committee report of November 1932 disappointed some of the hopes of the reformers,¹⁴⁶ giving the idea of a system of departmental committees very short shrift. This view was taken partly because the Committee was unconvinced that the committees would be 'sufficiently representative of the House as a whole' or 'be a sufficient check upon Ministers and Departments to counter-balance the grave disadvantage which would, in their judgment, arise from the delays inherent in the system'.¹⁴⁷ On the other hand, the Procedure Committee was much more sympathetic to the Estimates Committee, calling for it to be given the power to take into consideration matters of policy and to have assistance from 'adequate technical advisers', either drawn from the staff of the Comptroller and Auditor General or appointed as an 'independent technical staff' specifically for the Committee.¹⁴⁸ In the event the government rejected the Procedure Committee's main proposals. Neville

144 *Special Report* from the Select Committee on Procedure on Public Business, Session 1930-31 (161), p. 43

145 *Ibid.*

146 *Report* from the Select Committee on Procedure on Public Business, Session 1931-32 (129)

147 *Ibid.*, p. xi

148 *Ibid.*, p.xiv

Chamberlain, Chancellor of the Exchequer, gave the brief and largely negative response during oral questions on 2 May 1933.¹⁴⁹ Chamberlain rejected the Procedure Committee's idea of assistance for the Committee from the Department of the Comptroller and Auditor-General or from a 'newly formed body of technical officers'. He continued: 'the better way would be to develop the existing arrangements by placing at the disposal of the Chairman several additional officers of the Treasury who will be selected to act as assistants to the Treasury official already attached to the Committee'.¹⁵⁰ This mention of a Treasury official already in post, with the possibility of more to come, suggests that the Treasury were quite comfortable with the Estimates Committee and keen to see it work effectively. It is also an example of the connections that existed between the staff cadres of Whitehall and Westminster.

One other factor in the lack of interest in select committees may have been that there were other ways for backbenchers to make known their feelings on policy issues. Party subject committees, concerned with issues as varied as foreign affairs and agriculture, were significant in policy discussion in the period after the First World War and continued to be so after the Second World War. Norton describes the growth of many such committees in the 1920s and 1930s, especially in the Conservative Party, suggesting that their establishment was prompted at least partly by failures of communication between the Tory leadership and the backbenches.¹⁵¹

149 Hansard, *HCD*, col. 670, 2 May 1933

150 *Ibid.*

151 Philip Norton, 'Party Committees in the House of Commons', *Parliamentary Affairs*, 36/1 (1983), p. 9

Select Committees during and after the Second World War

The Second World War gave new impetus to scrutiny of spending, with the replacement once again, as in 1914-18, of the Estimates Committee by a National Expenditure Committee. Despite the constraints of wartime, the National Expenditure Committee did acquire something of a reputation for effectiveness, and even the War Cabinet accepted its value. In 1941 for instance Winston Churchill, as Prime Minister, paid tribute to the Committee during a dispute with the government over an inquiry into aircraft production. He told the House on 16 October that year that ‘both the late and the present Ministers of Aircraft Production would be willing to attend a meeting of the Select Committee and explain the position fully to them’.¹⁵²

Whitehall also took the wartime National Expenditure Committee seriously, appointing for the first time a significant number of departmental liaison officers ‘to facilitate committee investigations’. In 1949 there were still as many as 36 committee liaison officers in government departments, ‘ranging from a Third Secretary to the Treasury to Assistant Principals’.¹⁵³ Ten especially sensitive reports of the National Expenditure Committee were not published, but rather sent to the Prime Minister for consideration by the War Cabinet.¹⁵⁴ After the war the National Expenditure Committee was not reappointed, and the election in 1945 of a Labour government with a radical manifesto and a large majority appears to have suppressed interest in select committees.

152 Hansard, *HCD*, col.1501, 16 October 1941

153 Basil Chubb, ‘The Select Committee on Estimates, 1946-8’, *Parliamentary Affairs*, II/3 (1949), p.286n

154 TNA, CAB 129/9/40, Memorandum by the Lord President of the Council, ‘Publication of the Secret Reports of the Select Committee on National Expenditure’, 7 May 1946

During a wide-ranging inquiry in 1945 and 1946, the Procedure Committee assessed the effectiveness of the House's scrutiny of spending.¹⁵⁵ The history of the Third Report of that Committee of 1945-6 shows clearly the divide in the immediate post-war years between those who saw Parliament as primarily an instrument of political, social and economic change, and those who placed greater emphasis on Parliament's role as a place of deliberation and scrutiny. The days when Jowett could make some headway in the Labour Party with proposals for a committee-based Parliament were long gone. The main protagonist on what might be called the 'executive action' side of this debate was Herbert Morrison, an advocate of the form of public ownership which became associated with his name and which was a key element in Labour's planned legislative programme. On the other side was Sir Gilbert Campion, Clerk of the House of Commons from 1937 to 1948, who made the case for closer scrutiny of both spending and policy, and for Parliament as a deliberative institution. Campion's thinking in the second half of 1945 was contained in an informal paper he sent confidentially to the Lord President as he (Campion) prepared to give evidence to the Procedure Committee.¹⁵⁶ Campion's paper called for 'a preliminary decision as to the objective to be aimed at in such a reform[of procedure]' and 'a realistic inquiry into the functions of the House and the adequacy of the machinery and procedure devised for carrying out each function'. Campion was concerned that 'Unless this preliminary work is done, there is a risk of over-concentration on a single function of the House (with inadequate provision for other functions)'. Campion left the reader in little doubt that the 'single function' he meant was legislation, and he expressed fear that 'the hurried production of a short-range scheme for the period of reconstruction' might

155 *Third Report* from the Select Committee on Procedure, Session 1945-6 (189)

156 TNA, CAB 124/47, 'Reform of Procedure: Suggested Lines of Inquiry', Note by Sir Gilbert Campion, 1 November 1945

‘positively obstruct a general overhaul of procedure for normal times, which is long overdue’.

Campion assessed the effectiveness of the current methods of parliamentary control and scrutiny of finance and administration, concluding that the ‘principal machinery for the control of expenditure - that which occupies the time of the House itself, the Committee of Supply and the Money Committees of the whole House - has almost ceased to function’. The Estimates Committee, according to Campion, ‘has been more or less ineffective’.¹⁵⁷ The Committee of Supply (involving the whole House) ‘has long been regarded as an unsuitable piece of machinery’.¹⁵⁸ The consideration of the Estimates came too late to make a difference to the outcome and supply had become a ‘good opportunity for criticizing administrative action’ rather than controlling expenditure.

Within two months, Campion had produced a Memorandum for the Procedure Committee.¹⁵⁹ Sent to the Committee on 9 January 1946, it made clear that Campion saw one of the main functions of Parliament as ‘the formulation and control of policy’. This was strong stuff from a Clerk. On the key question of control of expenditure, Campion opposed the Committee of Supply procedure. Campion said that ‘nobody seriously holds that the function of financial examination can be effectively discharged by a so large and indeterminate a body as that composed of the Members who happen to be present in the Chamber on a particular occasion’.¹⁶⁰ Campion then argued for

157 Ibid., p.8

158 Ibid., p.4

159 *Third Report* from the Select Committee on Procedure, Session 1945-46, Appendix: ‘Suggestions for Reform in Procedure: Memorandum by the Clerk of the House’, pp.21-55

160 Ibid., p. 24

financial control to be 'delegated to a relatively small and permanent body - a select committee'. But he criticised the present financial committees, saying that the work of the Public Accounts Committee and that of the Estimates Committee was not co-ordinated. He also expressed concern at a 'lack of specialisation' especially with the Estimates Committee, which was 'Faced with a vast collection of intricate and detailed figures ... without any systematic sub-division of the field'. He continued, 'in default of boundless leisure and knowledge its members are frequently at a loss for useful lines of inquiry'.¹⁶¹

But there was one committee that Champion saw as a model of its kind - the former National Expenditure Committee. 'The means by which the National Expenditure Committee during the last war sought to cover the widest possible extent of the field were by selecting broad lines of inquiry, using administrative efficiency as the test of economic expenditure, and dividing the field between a number of specialising sub-committees'.¹⁶² Champion's suggested solution to the shortcomings of financial scrutiny was 'the Public Expenditure Committee,' which would combine the functions of the PAC and Estimates and would be similar in form to the lamented National Expenditure Committee. The plan was built on specialisation, with a framework of perhaps six investigating sub-committees and one co-ordinating committee.¹⁶³

These arguments for specialisation and small committees in expenditure control chimed with the views of those who, since Jowett and Haldane, had argued for greater use of committees to scrutinise policy and administration. But the Clerk's bold

161 Ibid., p. 35

162 Ibid.

163 Ibid.

proposals fell on deaf ears. Cabinet discussed in March 1946 a Memorandum from the Lord President, in which Morrison argued for rejection of all Campion's recommendations except one, on supply procedure, 'which is accepted with important modifications'.¹⁶⁴ On the question of a Public Expenditure Committee, Morrison observed that Campion's intention was the reconstitution of the wartime National Expenditure Committee. Morrison complained that that Committee had 'constantly strayed outside its proper scope and frequently caused embarrassment to Ministers by ranging over wide questions of policy which should properly be dealt with on the floor of the House, where the responsible Minister can reply'. Morrison darkly added that 'Some Ministers thought at the time that an improper degree of power was in practice acquired by the clerks of the Committee and its sub-committees.' After a brief and apparently unanimous discussion, Cabinet agreed with Morrison's Memorandum and rejected Campion's approach.¹⁶⁵ When he gave evidence to the Procedure Committee, Morrison dismissed any suggestion of departmentally-related committees: 'if Parliament is going to set up another duplicating set of administrative experts to take an interest in current administration, there is going to be a clash between Parliament and Government, which I think would be bad'.¹⁶⁶

The verdict of the Procedure Committee on the whole system of financial control was as scathing as Campion's. The Committee said in its Report that the procedure of passing estimates in the Committee of Supply 'has almost ceased to serve the purpose of financial scrutiny'.¹⁶⁷ The Procedure Committee agreed with Campion's

164 TNA, CAB 129/7, 'Parliamentary Procedure: Memorandum by the Lord President of the Council', 7 March 1946

165 TNA, CAB 128/5, 'Conclusions of a Meeting of the Cabinet', 11 March 1946

166 *Third Report* from the Select Committee on Procedure, Session 1945-46, p.111

167 *Ibid.*, p.13

conclusions on the PAC and Estimates Committee and recommended the appointment of a Public Expenditure Committee which would combine the functions of the two committees.¹⁶⁸

The Procedure Committee included some Labour members who were to become distinguished in later political life, including Hugh Gaitskell, Leader of the Party in the 1950s and 1960s, Sydney Silverman, who piloted through the House the 1965 Bill which saw the abolition of the death penalty, and Richard Crossman, who as Leader of the Commons was to be closely associated with the select committee reforms of the 1960s. Yet none of them were very active when it came to the drafting of the 1946 Procedure Committee Report. The record of the deliberation and voting on a few proposed amendments took up only three pages of the Minutes of Proceedings, indicating that there had not been much dissent, and select committees did not feature. The government wasted little time in rejecting even the limited reform of financial scrutiny suggested by Campion and the Procedure Committee. The House paid little attention to the Report when it was published, with only fleeting mentions in the Chamber, and press reporting was routine.¹⁶⁹

The overall conclusion to be drawn from the events of the late 1940s is that the initiative resided as firmly as ever with Ministers, and that parliamentarians had little scope for independent scrutiny via committees. Faced with an active and executive-minded government and a heavy legislative burden, Members of the House showed relatively little interest in committee work in the late 1940s. According to Rush's

168 Ibid., p.20

169 For example: *The Times*, 'First Labour Session', 25 September 1946; *The Times*, 'Procedure in Parliament', 18 March 1947

figures, investigatory committee activity in the House of Commons fell to a new low in 1947-48, with only 7.1 percent of government backbenchers and 6.5 percent of opposition backbenchers taking part.¹⁷⁰ These figures (taken together with such facts as the virtual absence of private members' Bills) illustrate clearly the executive dominance of the Attlee years and the effect on the opportunities for select committees. The atmosphere of the time was summed up by an MP, Christopher Hollis, who in 1949 described the modern Member as the 'obedient servant of the Party machine'.¹⁷¹

But the Labour Government of 1945 was not completely monolithic in its attitudes to Parliament. When it suited them, Ministers could become defenders of the House's role in scrutiny. Just as Morrison and his colleagues were giving short shrift to Campion's scrutiny ideas during the early months of 1946, there was fierce debate in the Cabinet over whether or not to publish a highly critical and secret National Expenditure Committee Report on tank production from 1944, one of those that had originally been sent exclusively to the Prime Minister.¹⁷² After wartime's relative truce, party political considerations were now to the fore. The tank report was seen as an opportunity to score party points over Winston Churchill, Prime Minister in 1944 and still in 1946 Leader of the Conservative Party. The almost shorthand manuscript Notebook of the Cabinet Secretary Sir Edward Bridges, recording verbatim the Cabinet meeting of 14 February 1946, reveals that Herbert Morrison, softening for the moment his normally robust views on the limitations of Parliament's scrutiny role, was on this occasion eloquent in defence of Parliament's 'right' to information,

170 Rush, *The Role of the Member of Parliament Since 1868*, p. 197

171 Christopher Hollis, *Can Parliament Survive?* (London: Hollis and Carter, 1949), p.64

172 TNA, CAB 128/5/15, 'Conclusions of a Meeting of the Cabinet' 14th February 1946'

commenting that ‘Ministers or offls. shdn’t be permanently protected fr. discs of their mistakes’.¹⁷³ But the Prime Minister stated his firm and highly conservative opposition to publication, as Bridges noted in his note of Attlee’s typically brisk remarks: ‘Diff. view. This was put up as secret & replies so given ... Publ’n of these poor rpts wd. cause scandal: then you’d have to have enquiry. These p.mortems do little good’.¹⁷⁴ In the end Morrison persisted with his new-found enthusiasm for transparency; in May 1946 Cabinet agreed to the publication of the National Expenditure Committee’s Report on tanks, subject to consultation with the Minister of Supply, John Wilmot.¹⁷⁵

The Estimates Committee and the PAC continued to function during the late 1940s, with the Estimates Committee managing to tackle some tricky issues, despite the government’s wariness. Subjects tended to be important but routine, such as the Use of Motor Fuel by Government Departments, but the 1940s Estimates Committee also looked at the cost of Displaced Persons (refugees) in Germany, a huge political issue at the time.¹⁷⁶ Visits were arranged for sub-committees to Germany, Austria and West Africa - an early example of ambitious committee travel.

Select committees also occasionally challenged Ministers directly. One Estimates sub-committee chairman, Labour’s Fred Willey, tells in his splendidly-entitled book *The Honourable Member* of his experience of Morrisonian disapproval when the sub-

173 TNA, CAB 195/4, ‘Cabinet Secretary’s Notebook, 14 February 1946’. Emmanuel Shinwell, Minister of Fuel and Power, made the crudest point, saying that ‘we can’t smear W.S.C. alone & some members of our Party were members of Coalition Govt’. Morrison was Home Secretary in that Coalition, but may have felt immune from criticism as the responsibility was not directly his.

174 Ibid.

175 TNA, CAB 128/5, ‘Conclusions of a Meeting of the Cabinet’ 23rd May 1946. The reports were published as a Command Paper along with the replies made by the Government of the day. The Command Paper was entitled *War-time tank production: Reports by the Select Committee on National Expenditure and the replies to these reports by the government of the day*. Session 1945-46 [Cmd. 6865]

176 Chubb, ‘The Select Committee on Estimates, 1946-8’, p.288

committee decided to include the three nationalised Airways Corporations within the scope of an inquiry: ‘I was subject to the full “Morrison” treatment and the Clerk of the House [intriguingly, it was of course Campion himself] was called in. We were satisfied, however, that we had correctly interpreted our jurisdiction and, in the course of our proceedings, summoned the Chairmen of the three Airways Corporations to give evidence before us’.¹⁷⁷ The three chairmen duly turned up and gave evidence, making it clear, according to Willey, ‘that they were most anxious to do so’. The incident, in which a Labour-led sub-committee successfully defied Morrison, in many ways the godfather of post-war nationalisation and a towering figure in his party, certainly proved that backbench committees could be a force, even in these dog days for committee scrutiny.¹⁷⁸

As a footnote, it is worth recalling that standing committees to examine legislation were used much more after the Second World War than they had been before it.¹⁷⁹ This was a significant change, in that members began, during much of the consideration of legislation, to be drawn away from the Chamber, and towards the committee rooms above. This did not mean any increase in consensus or cross-party voting; indeed standing committees were and continue to be arenas of party contention, closely supervised by the whips. However, members were getting used to working in the different, and rather more intimate, atmosphere of a committee room. The move to more active standing committees represented a slight change in culture, not yet encouraging greater interest in select committees, but nevertheless accustoming more Members to working in committees.

177 Rt Hon Fred Willey MP, *The Honourable Member* (London: Sheldon Press, 1974), p.142

178 Ibid.

179 S. A. Walkland, ‘Legislation in the House of Commons’, in *The House of Commons in the Twentieth Century* (Oxford: Oxford University Press, 1979), pp. 263-64

‘Selecting a firm and sensible Chairman’: Government and committees in the 1950s

The 1950s saw little innovation in committee scrutiny of departmental policy and administration. Ministers continued to be largely free of detailed parliamentary accountability via select committees, and government attitudes to committee inquiry were often dismissive. In 1954, for instance, Cabinet deplored the suggestion by a sub-committee of the Estimates Committee that it should visit British embassies abroad to see how money was being spent, citing that this would ‘imply that the House of Commons was seeking to exercise a jurisdiction in a foreign country’.¹⁸⁰ Three years previously Sir Frederic Metcalfe, Clerk of the House, had cautioned an Estimates Committee Sub-Committee against travelling abroad as part of a similar inquiry, although the Foreign Office had already made arrangements for the visit. In the spring of 1954 Metcalfe was also opposed to the notion that a committee or sub-committee could sit as such abroad - even in a British embassy or consulate.¹⁸¹ With clerky subtlety Metcalfe told the Sub-Committee in evidence that if the ‘whole lot’ of the Estimates Committee ventured abroad to collect information, that would be acceptable; what was unacceptable was for a committee or sub-committee to claim to act as a parliamentary body outside the UK.¹⁸² The Sub-Committee decided against going abroad in these circumstances and the Estimates Committee report indicated clear frustration that it had encountered such ‘considerable difficulties’.¹⁸³ What is

180 TNA, CAB 128/27 ‘Conclusions of a Meeting of the Cabinet’ 13 April 1954 and TNA, CAB 128/27, ‘Conclusions of a Meeting of the Cabinet’ 12 May 1954

181 *Seventh Report* from the Select Committee on Estimates, 1953-54, *The Foreign Service* (290), p. v

182 *Third Special Report* from the Select Committee on Estimates, Session 1953-54 (149), p.3

183 *Seventh Report* from the Select Committee on Estimates, 1953-54, *The Foreign Service*, p. vii

surprising is the role of the House's own most senior permanent official in creating those difficulties.

The figures for participation in select committees during the 1950s were modest. For example in 1956-57, a fairly typical year, 114 Members took part in a select committee, including the 13 who were on the Kitchen Committee. Those 114 MPs represented just 18.1 percent of the total of 630 Members. The Estimates Committee was the largest committee, and perhaps too big, with 38 members. The subjects chosen by the Estimates Committee in the 1950s were often intrinsically interesting, including The Supply of Military Aircraft, the Running Costs of Hospitals and War Histories. But the treatment by the Estimates Committee veered towards the 'dry' if not necessarily the 'repulsive'. Even on War Histories, only a small number of memoranda were received and the inquiry concentrated on strictly financial issues such as printing costs and office accommodation.¹⁸⁴

There was however one development on the select committee front during the 1950s which was important for the future - the establishment in 1956 of the Select Committee on Nationalised Industries. The industries nationalised by Labour after the War - including railways, the coal industry and iron and steel - were at the very heart of debate between the parties, and on the surface did not seem good territory for the consensus-seeking work of select committees. But when the Conservative MP Hugh Molson wrote an article for *The Times* in 1949 calling for a committee to allow Parliament to 'control the strategy of nationalised industries and apply a periodical efficiency check' it struck a chord with many on Molson's own benches, concerned to

184 Eighth Report from the Select Committee on Estimates, 1956-57, *War Histories* (306)

ensure that the new socialised businesses were properly monitored. There appears also to have been support on the left for committee accountability of nationalised industries. Professor Harold Laski made the case in the early 1950s for a series of standing committees, one for each of the industries concerned.¹⁸⁵ Yet progress towards the establishment of the committee was very slow. Several times in the early 1950s the House considered how it could monitor the activities of the recently nationalised industries without hampering their management and reducing efficiency, but without succeeding in establishing a committee.¹⁸⁶

The Nationalised Industries Committee was finally set up in November 1956, 'to examine the Reports and Accounts of the Nationalised Industries'.¹⁸⁷ This straightforward remit belied government soul-searching over whether such a committee should ever be allowed to see the light of day. A Cabinet Memorandum of May 1956 by the Lord Privy Seal, R. A. Butler, encapsulated the government's attitude to committee scrutiny.¹⁸⁸ Butler accepted that a select committee was probably the best way forward, but he recommended minimising the 'dangers inherent' in that by 'Selecting a firm and sensible Chairman, who can be relied upon to keep the Committee under control' and

Providing the Committee with suitable assistance and guidance, preferably in the form of an official (additional to the ordinary Clerk of the House as Secretary) whose functions would be to act as the link between the Committee and the Departments concerned, to brief the Chairman and members of the Committee and generally to 'steer' the Committee's proceedings ... I hope that it may be possible for the Chancellor of the Exchequer to make a Treasury officer available for this purpose.

185 Harold Laski, *Reflections on the Constitution*, p. 91

186 See David Coombes, *The Member of Parliament and the Administration: The Case of the Select Committee on Nationalized (sic) Industries* (London: George Allen and Unwin, 1966), pp. 46-53

187 Hansard, HCD, cols. 590-660, 29 November 1956

188 TNA, CAB 129/81, 'Select Committee on the Nationalised Industries: Memorandum by the Lord Privy Seal', 5 May 1956

Even when the objects of scrutiny were the creation of the opposing party, as in this case of the nationalised industries, Ministers felt moved to minimise the scope for Parliament to question and probe, and to arrange for committees to be ‘steered’ by civil servants. Like Herbert Morrison, Butler saw Parliament’s committees as in some ways a support for the Executive. Nevertheless, the Nationalised Industries Committee, despite its controversial and constricted birth, was indeed approved by Cabinet and set up, coming to be regarded by many in later years as something of a success.¹⁸⁹

The prevailing very conservative attitude to select committee scrutiny was, however, once again demonstrated clearly in the report of the Procedure Committee of 1958-59, which was chaired by James Stuart, the Conservative Member for Moray and Nairn (who had first been elected in 1923). Others on the Committee were less long in the parliamentary tooth, with most coming from the post-1945 intakes. However the Committee contained few members who had made or would make a significant mark on the House as prominent Ministers or backbenchers, with the exceptions of the former Liberal Party leader Clement Davies and the future Cabinet Minister Anthony Wedgwood Benn. The bulk of the members were solid constituency MPs. Peter Hennessy has described the Committee as ‘an inside job from start to finish’, the work mostly done by a group of civil servants commissioned by the Cabinet’s Home Affairs Committee.¹⁹⁰ The Committee’s proceedings certainly tend to support that view. This is shown vividly by the fate of the proposal for a ‘specialist’ colonial committee, to

189 TNA, CAB 128/30, ‘Conclusions of a Meeting of the Cabinet’ 3rd May 1956

190 Hennessy, *The Hidden Wiring*, pp.144-5

examine issues arising from the still-large but rapidly-disappearing former Empire territories, which was put forward by Sir Edward Fellowes, Clerk of the House.¹⁹¹

The Procedure Committee considered the idea, but decided that a colonial committee was not needed. During their consideration of the draft Report, the Committee discussed a proposed section which would have called for the establishment of a 'Colonial Standing Committee' which would sit in public and would, according to the proponents, 'provide an effective means of calling attention to the necessity for the redress of grievances in the colonies'. The Committee divided on this proposed amendment and the amendment was lost by eight votes to six, with Labour voting in favour and the Conservatives voting against.¹⁹² This was a narrow defeat, but it was clear enough, and always likely given that there was a Conservative majority over all other parties of three - ten against seven. The Committee's report said that such a 'radical constitutional innovation' was not required. In a muddled but hard-line statement of the mid-twentieth century boundary between the executive and Parliament, the Procedure Committee continued:

the activities of such a committee would ultimately be aimed at controlling rather than criticising the policy and actions of the department concerned. In so doing, it would be usurping a function which the House itself has never attempted to exercise ... The establishment of a colonial committee would not only invade this principle, but would also lead to the establishment of other similar committees.¹⁹³

When the Procedure Committee report was debated on 13 July 1959, some Members revealed a profound procedural and constitutional conservatism. R. A. Butler, still Leader of the House, was indeed so implacably opposed to the idea of a colonial affairs

191 *Report* from the Select Committee on Procedure, Session 1958-59 (92-I), p. 18. Fellowes also proposed the establishment of a committee to examine defence issues

192 *Ibid.*, pp. xlvi - li

193 *Ibid.*, p. xxv

Committee that he forgot that the Procedure Committee had rejected it and entered on a fierce dismissal of the idea. Butler said that a colonial select committee would risk ‘usurping the functions, not only of colonial Governments themselves, who are enjoying a steadily increasing approach to the idea of self-government, but also of United Kingdom Ministers, who have a responsibility both to and in Parliament itself’.¹⁹⁴

Butler’s dismissal of the idea was perhaps not surprising in view of the widespread controversy over colonial affairs both inside the Conservative Party and outside it. This was especially sharp in 1959; the deaths of eleven MauMau nationalist fighters at the Hola detention camp in Kenya on 3 March caused widespread outrage and considerable criticism in Parliament.¹⁹⁵ Enoch Powell, who called Hola ‘a great administrative disaster’¹⁹⁶, was among several Conservatives who joined Labour Members in criticising in the House the way the Camp had been run. This would appear to have been an excellent opportunity for select committee inquiry, whether ad hoc or as the first business of a colonies committee, but the possibility of such an inquiry was never raised in the Chamber.

There was no evidence of a widespread demand for a colonies committee, or other committees, even from Opposition backbenchers, some of whom who might have been expected to show an interest. Some Labour Members opposed the whole idea of select committee expansion, including Morgan Philips Price, who, (no doubt unconsciously) echoing Gladstone’s 1855 remarks, said ‘I am against specialist

194 Hansard, *HCD*, col. 42, 13 July 1959

195 Piers Brendon, *The Decline and Fall of the British Empire, 1781-1997* (London: Jonathan Cape, 2007) has a full account of the Hola incident and its aftermath

196 Hansard, *HCD*, col. 232, 27 July 1959

committees ... as it would tend to undermine the authority of the Executive, and control of the Executive is better exercised by this House than by a Standing Committee'. There were certainly others in the House who favoured specialist committees in general, including Labour's Sidney Silverman and Ellis Smith. Other Labour Members were in favour of specialised committees but felt colonial matters were too important to be left to bodies who sat 'upstairs' on the Committee Corridor. Among them was George Darling who said a colonies committee 'is probably the last Committee that should be set up. Colonial affairs are so important at present that they ought to remain on the Floor of the House if possible'.¹⁹⁷

Even at the lowest point of recorded select committee activity, however, between about 1945 and the early 1960s, there appears to have been a clear sense among both frontbench and backbench Members that select committees, once appointed, had the right to decide how to interpret their own remits - or 'orders of reference' to use the correct parliamentary term. This applied even during the late 1940s when Labour's legislative programme dominated the life of Parliament and seemed to push accountability well down the list of priorities. The Conservative Chairman of the Public Accounts Committee, Osbert Peake, told the Procedure Committee in 1946 that 'no power on earth can stop a Select Committee of the House of Commons from going beyond its terms of reference'.¹⁹⁸ These were not just the assertions of leading committee men; in 1955 the Attorney-General, Sir Reginald Manningham-Buller, told the Select Committee on Nationalised Industries that 'it is for the Committee to determine what is the proper construction to be placed on its own terms of

¹⁹⁷ *Ibid.*, col.128

¹⁹⁸ *Third Report* from the Select Committee on Procedure, Session 1945-46, p.185

reference'.¹⁹⁹ It appears therefore to have been widely understood that select committees were not entirely biddable and that the House and the government could not fundamentally restrict their activities, once started. This may help to explain why immediate post-war governments were so keen to prevent individual committees from being set up in the first place.

The other factor which should be noted is that by the end of the 1950s the idea of departmental committees had been discussed in political circles for many years; Haldane's had not been the only voice in their favour. In a book published by the Hansard Society in 1961, a middle-ranking clerk, David Pring, and the House of Commons Deputy Librarian, Dr David Menhennet, considered the main schemes of parliamentary reforms which had been set out since 1933.²⁰⁰ In a long and detailed discussion of 'the system of committees' Pring and Menhennet recorded the support given to the idea of departmental committees over thirty years by politicians such as the senior Conservative L. S. Amery, the leading Labour figure Sir Stafford Cripps, and the Liberal Jo Grimond as well as academics such as the historian G. M. Young and the constitutional lawyer Sir Ivor Jennings, and of course clerks such as Campion.²⁰¹ Pring and Menhennet looked in some depth at some important practical issues around the possible establishment of departmental select committees, including what functions they should have - should they look at expenditure and legislation as well as administration? - and their size, powers and composition. This was a step

199 *Special Report* from the Select Committee on Nationalised Industries, Session 1955-56 (120), p.35

200 Hansard Society, *Parliamentary Reform 1933-60: A Survey of Suggested Reforms* (London: Cassell, 1961). The authorship of Pring and Menhennet was acknowledged in a revised version of the Hansard Society volume by Pring's former boss Sir Edward Fellowes, who said that 'their labours ... had played a valuable part in the movement for reform which resulted in the changes of 1964-7'. Hansard Society, *Parliamentary Reform: A Survey of Recent Proposals for the Commons*, (London: Cassell, 1967), p.vii

201 Hansard Society, *Parliamentary Reform*, 1961, p.43

forward for the idea of committees, as it filled out the broad outlines sketched by Haldane and Lloyd George. But little of this interest percolated into the Commons Chamber.

On the other hand, party committees continued to be important, especially for Conservatives. Lynskey concludes that ‘The usefulness of the functional [subject] committees to Conservative malcontents can hardly be overstated’ and calculates that they were ‘important’ in at least 21 of the 27 disputes between Tory frontbenchers and backbenchers between 1945 and 1957. ‘Frequently the committees proved to be the *central arena* [Lynskey’s emphasis] for the conflicts between the dissidents and the government’, with over 100 Members sometimes attending to hear a Minister defend an unpopular policy.²⁰² Although Labour committees were less important, it is clear that in the 1950s as in the 1930s, some of these active party bodies undoubtedly helped to satisfy backbench needs for challenge to, and scrutiny of, Ministers. That may go some way to explaining the mid-century malaise suffered by cross-party select committees.

Conclusion

This Chapter has made it clear that select committees were a pervasive feature of parliamentary life from the beginning. Well before the Victorian era, active committees had become almost the norm. However, committees were a complicated phenomenon. Firstly, the various categories of committee had different political weights and implications, and history treated them differently. Whereas ‘power of the purse’ committees were often accepted as an intrinsic part of Parliament’s machinery,

202 James J. Lynskey, ‘Backbench tactics and parliamentary party structure’ *Parliamentary Affairs*, 27/1 (1973), p. 34

and there was certainly room for committee investigations of government incompetence, those dealing with policy had a harder time. Secondly, select committees were not always regarded as instruments of accountability which could change the terms of engagement in favour of Parliament and against Ministers; sometimes they were seen as closed forums in which the influence of the Executive could be exercised away from the potentially scrutinising gaze of most MPs. This was the case over many years; the suspicions aroused in the minds of MPs by the activities of some committees packed with Crown-supporting Privy Counsellors in the sixteenth century bore a close resemblance to the concerns of those who were to oppose the expansion of the select committee system in the twentieth century.

The fact that from the early twentieth century the main Commons investigatory committee (apart from the Public Accounts Committee) was the Estimates Committee must also have dampened enthusiasm for challenge on policy and administration. The narrow remit of Estimates was sometimes ignored as Members got to grips with policy issues, but that remit must have acted as a deterrent to wider investigation, and the presence of Treasury officials as committee advisers cannot have encouraged activism. The experience of the active National Expenditure Committee in two Wars was an interesting exception to this picture, (perhaps encouraged by the cross-party environment provided by coalition government), but in both the 1920s and the later 1940s the House failed to see that Committee as a template for the future.

The early twentieth century did see the first calls for a rational, comprehensive system of policy and administration scrutiny committees, in the proposals of the 1918 Haldane Committee. The intellectual environment perhaps began slowly to favour committee scrutiny, with academic support growing. But the political climate was harsh. The twentieth century decrease in select committee activity can certainly be attributed in part to a response to the botched inquiry into the Marconi affair, but there were other reasons why all three types of committee retreated or lost credibility during most of the period 1920-1960. One reason may have been the growth of party committees. The Commons committee rooms were often busy in the 1920s and 1930s, not with select committees but with Conservative (and sometimes Labour) MPs pressing Ministers for policy answers in party subject committees. The impact of these party bodies on the perceived need for more active select committees may have been significant. There may also have been a more fundamental political problem. The Labour Party debated the issue of select committee expansion in the 1920s and 1930s and some Labour intellectuals, notably Laski, showed continuing interest in committee reform. However, as senior figures in the party grew used to the frustrations of governing in various difficult contexts in the 1920s and 1930s, with short-lived administrations and the National Government of the early 1930s, the attractions of parliamentary accountability faded. To use the wounding words of a later politician in a different context, they appeared too often to be 'in office but not in power'.²⁰³ From 1945, therefore, the Labour Party's priority was unequivocally the exercise of power, aimed at achieving social and economic change through legislation largely untrammelled by parliamentary challenge. The dismissive attitudes of 1940s Labour leaders to select

203 Norman Lamont used the expression in relation to John Major's Government, in his speech to the House of Commons when he resigned as Chancellor of the Exchequer. Hansard, *HCD*, col.285, 9 June 1993

committees and other parliamentary processes may thus have been a product of the desire to put behind them the impotence of the inter-war years and seize the opportunities for change presented by the landslide victory of 1945. Later chapters describe the long-term effects of such attitudes on the development of select committees.

Chapter Two: Select Committees 1960-1970 - Measurable Progress

The long-prevailing view of the work of select committees in the early and mid twentieth century was summed up in June 2014 by the Speaker of the House of Commons, John Bercow, who said, in a lecture organised by the Study of Parliament Group, that in the early decades of the twentieth century, select committees ‘were corroded by fierce partisanship and as a consequence came to be eclipsed or marginalised. Moreover, various later well-intended reforms around the concept of Subject Committees either as institutions in their own right or as sub-committees of an Estimates Committee never really caught fire’.²⁰⁴

This view has merit in relation to much of the period between 1920 and 1960, as noted in the previous Chapter. But, this Chapter asks, is it fair to be equally negative about the select committees of the 1960s? Certainly the majority of academic and other commentators who have written on the select committees of that decade have been critical of the reforms associated with the name of Richard Crossman, who was Leader of the House of Commons from 1966 to 1968. In the early 1980s for instance S. A. Walkland was scathing about the scale of the 1960s committees, which he said, had done ‘Little work of lasting value’ and which were ‘powerless’ in the face of government obstruction.²⁰⁵ More recently, in a comprehensive review of the British Constitution, edited by Vernon Bogdanor and published in 2004, Paul Seaward and Paul Silk assessed the gestation of the committee system from the beginning of the

204 Rt Hon John Bercow MP, [*Michael Ryle Memorial Lecture*](#)

205 S. A. Walkland, ‘Parliamentary Reform, Party Realignment and Electoral Reform’, p. 44

twentieth century.²⁰⁶ They saw the committees established in the 1960s as having ‘disappointed many reformers’²⁰⁷ and as a ‘half-way house’ which was ‘commonly felt to be unsatisfactory’.²⁰⁸ Alexandra Kelso has suggested that a ‘significant problem faced by the [1960s] committees was that the proposals which led to their creation prevented them from considering policy matters, which arguably did much to emasculate them’.²⁰⁹

Only a few authors have detected any real rise in committee activity or influence in the 1960s. For example, Bruce George, MP for Walsall South, and Barbra Evans, noted that since 1960 committee travel and the employment of advisers had become easier and evidence-taking in public had become more frequent.²¹⁰ The thesis also takes account of the work of writers such as Peter G. Richards, who gave a rounded assessment of the new 1960s committees in 1972.²¹¹ He saw them as a significant development, describing them as ‘the most important parliamentary innovation of recent years’.²¹² With about sixteen members, he thought they were perhaps too large. However Richards noted that the size did permit the formation of sub-committees which could work simultaneously (and might be able to specialise). Attendance at the meetings of the specialist committees was reasonable, averaging around 66 percent of those appointed to the committees between 1966 and 1970. The opportunity was now there for committees to take evidence in public, though Richards observes that ‘the

206 Paul Seaward and Paul Silk, ‘The House of Commons’, in *The British Constitution in the Twentieth century*, pp. 167-72

207 *Ibid.*, p. 169

208 *Ibid.*, p. 170

209 Alexandra Kelso, *Parliamentary Reform at Westminster* (Manchester: Manchester University Press, 2009), p. 94

210 Bruce George and Barbra Evans in David Judge (ed.), *The Politics of Parliamentary Reform*, p. 78

211 Peter G. Richards, *The Backbenchers*, (London: Faber and Faber, 1972), pp.126-37

212 *Ibid.*, p. 129

press have shown little interest in the proceedings even when Ministers have appeared to give evidence'.²¹³ More generally, Richards identified 'little influence on government departments' from committee reports and observed that only a minority of reports had been debated in the Chamber of the House.²¹⁴ It was this lack of apparent influence that, by the early 1970s had, according to Richards, 'helped to revive criticism of the whole concept' of specialised committees. He saw their inquiries as tending to be 'a little academic'.²¹⁵ Richards recognised that most Members who have served on them 'seem enthusiastic'; they were not, however, 'a typical cross-section of the House because they tend to be "full-time" Members who devote almost all their energy to parliamentary affairs'.²¹⁶

A more recent survey of the parliamentary reforms of the 1960s, by Donald Shell, also gives a balanced assessment of the select committee changes, observing that although there were disappointments during the decade, the new committees provided a 'precursor' to the 1979 system.²¹⁷ Shell makes use of National Archives material to trace some of the political and especially ministerial discussions which resulted in the 'Crossman' reforms. He notes also that Richard Crossman had very little interest in parliamentary reform before he became Leader of the House in August 1966.²¹⁸ This lends weight to one of the contentions of this Chapter - that the role in select committee reform of Harold Wilson, Prime Minister from October 1964 to June 1970, has been understated by many writers, while the part played by Crossman has been overplayed.

213 Ibid., p. 131

214 Ibid., p. 132

215 Ibid.

216 Ibid., pp. 133-34

217 Donald Shell, 'Parliamentary reform', in Peter Dorey (ed.), *The Labour Governments 1964-70* (London: Routledge, 2006), pp.168-192

218 Ibid., p.173

The next two chapters suggest that the evidence to support this somewhat more positive view of committee developments between 1960 and 1979 has not been fully explored, and that the literature on select committees has become somewhat unbalanced as a result.

This Chapter and the next, covering respectively the 1960s and 1970s, will assemble and interpret evidence which suggests that the House of Commons committee reforms of 1979 were not in themselves epoch-making, but rather one important stage in a more gradual but relentless mid-twentieth-century trend towards more effective scrutiny and a greater involvement of Members in the work of investigatory committees. This Chapter considers in particular developments in the mid-1960s, the period of the ‘experiment’ in select committee expansion associated with the name of Richard Crossman, Leader of the House at the time. The main research questions asked in this Chapter concern the significance of the committee reforms of the 1960s for Parliament and the wider public, including the media, and the influence of Ministers on those reforms. The core question is whether the 1960s reforms brought permanent improvement in the effectiveness and impact of select committees or whether they had little lasting impact.

The very beginning of the 1960s saw hints of a change in the fortunes of select committees after their 15 post-war years of relative obscurity. On 16 March 1960, R. A. Butler, still Leader of the House, gave the same sort of fair wind to enhanced financial scrutiny that Gladstone had bestowed a hundred years before, acknowledging that ‘we have to apply ourselves to the question of how a more detailed consideration of the Estimates can be made by this House ... I would ... examine the possibility of

either some enlargement of the Committee on Estimates or of some variants under which the Committee on Estimates or ... a Committee on Expenditure, should have an opportunity of considering administrative policy earlier in the year'.²¹⁹ This was clear encouragement to the idea of a stronger Estimates Committee, but it is worth noting Butler's suggestion that it should look at something he describes, without really defining it, as 'administrative policy'. This may have been a small positive straw in the wind, contrasting with Butler's dismissal of a committee on the colonies the previous year; it is difficult to judge from the exchanges in the House. Neither is there any guidance to be gained from the Cabinet papers of the time; the subject of select committees does not appear to have come up at any Cabinet meeting in 1960, despite its obvious potential importance to Butler's senior colleagues. But Butler's remark might be seen as a suggestion that party managers would not oppose some form of regular scrutiny of the links between policy and administration. However, it would be wrong to read too much into this; Butler's words were very similar to the dismissive statement of Neville Chamberlain in 1933.

There were nevertheless some other positive signs. Minor improvements to the arrangements for committees were taking place in the early 1960s. In 1960 the Estimates Committee was enlarged, provided with a slightly wider remit through a new Order of Reference and promised more time for debates of its reports in the Chamber. In 1961, another of the many Commons clerks who haunt these pages, the middle-ranking Robert Rhodes James (later to become a Conservative MP) commented positively on the performance of two select committees in his popular guide to the House of Commons. He described the Estimates Committee as doing

219 Hansard, *HCD*, col. 1371, 16 March 1960

‘excellent work’ and having ‘great importance, if only as “nuisance value,” to keep officials on their toes. Of the Nationalised Industries Committee, he said it had ‘risen very quickly in importance in the past five years’.²²⁰

But these were not indications of a real revival of interest in committees. There was little pressure from MPs in the 16 March 1960 debate to extend the policy scrutiny work of select committees; for most Members who spoke, the focus of the discussion was firmly on financial control and the Estimates. Only Jo Grimond, the Leader of the Liberal Party, made much of the case for specialist policy and administration committees, using the occasion to advocate an ‘experiment’ with a Standing Committee on the colonies, presumably along the lines of the proposal rejected by the Procedure Committee in 1959.²²¹ The idea that the House could conduct an ‘experiment’ in subject committee scrutiny was to recur regularly during the 1960s, in part a sign that many reform proposals were tentative at best. The total number of Members involved on select committees was modest at the beginning of the 1960s - 180 in Session 1960-61, including those on bodies such as the Standing Orders Committee and committees on hybrid Bills, with 206 in Session 1961-62. The number of meetings of select committees was not negligible - 294 in 1960-61 and 272 in 1961-62 - but neither was it impressive.²²² Select committee work was still very much a minority activity. To judge by the figures, little had changed in terms of MPs’ involvement in select committees since the 1920s and 1930s; the total of 180 in 1960-61 (just over 28 percent of the total membership of the House at the time) is very similar to the 174 Members who sat on select committees in, for instance, the (slightly

220 Robert Rhodes James, *An Introduction to the House of Commons* (London: Collins, 1961), pp. 139-141

221 Hansard, *HCD*, col. 1329, 16 March 1960

222 Procedure Committee 1978, Vol. I, para. 5.11, p. 1

smaller) House in 1924-25 and 1930-31. Interest among Members of both Houses who were not themselves involved in committee work remained limited, with the number of Chamber references to the words 'select committee' for the year 1960 just 522 - similar to the figures for the lean years of the 1950s.

The 1960s – discontent with Parliament as an institution

But the wider landscape was changing. Discontent with the performance and status of the country became a prominent feature of public comment in the late 1950s and early 1960s. Kenneth Morgan observes that in the early 1960s 'Britain embarked on a traumatic process of self-examination, self-doubt and declining morale'.²²³ Anthony Sampson diagnosed many of the country's ills in 1962 as the UK struggled to find a role in a changing post-war and post-colonial world. In his highly popular book *Anatomy of Britain* Sampson examined the UK's institutions - the monarchy, government, the universities - identifying 'A loss of dynamic and purpose, and a general bewilderment ... felt by many people both at the top and the bottom in Britain today'.²²⁴

The Palace of Westminster was not exempt from criticism. Sampson said that 'the realisation of the decline of parliamentary power has been particularly painful and disturbing'.²²⁵ Backbenchers certainly seemed to Sampson to be especially feeble and unwilling to challenge the government - he was told by one former Conservative whip that they were 'much less independent than they were before the war ... Perhaps they were emotionally drained after Suez'. The Suez crisis of 1956, when the USA had

223 K. O. Morgan, *The People's Peace: British History 1945-1989* (Oxford: Oxford University Press, 1990), p. 197

224 Anthony Sampson, *Anatomy of Britain* (London: Hodder and Stoughton, 1962), p. xiii

225 *Ibid.*, p. 51

failed to support Britain and France in a military adventure in Egypt, had shown the limitations of British power, and in the late 1950s and early 1960s the former Empire began to break up in a rapid succession of independence ceremonies in Africa and Asia. The House's unwillingness to address the questions raised by colonial matters with a select committee in 1959 is a particularly poignant example of a Parliament failing to come to terms with a changing world.

Sampson was dismissive of the existing committees of the House. He said that backbenchers of both parties were particularly 'defeated' by the sheer size and complexity of government affairs:

Like indignant shareholders, MPs have tried to supervise the ministries and industries which, in theory, they own. They set up committees to cross-examine civil servants and managers, and they ask fierce questions about late trains and bad coal. Sometimes their interventions have been successful: but the intricacy of administration has usually defeated them.²²⁶

This may not have been entirely fair; there was for instance no sense of the Estimates Committee being 'defeated' in 1962 when it received over 100 pages of written evidence from various Departments on Classified Roads, produced 13 specific recommendations on fundamental changes to the system of road planning and had several of them accepted.²²⁷ But committees were certainly not high on the political agenda at the very beginning of the 1960s.

However, the 'broadsheet' newspapers, usually regarded as more serious and analytical than the 'tabloid' or popular press, were gradually beginning to take up the theme of reform, with the idea of specialist committees mentioned more and more in the public prints. In the spring of 1963 *The Observer* ran a series of articles on the

226 Ibid., p.62

227 *Fourth Special Report* from the Estimates Committee, Session 1962-63 (100)

need for parliamentary change entitled 'Parliament and People'. In March 1963 Mark Bonham Carter, former MP and leading Liberal, made the case in *The Guardian* for 'specialised committees', arguing that 'without such committees the private member is at the mercy of the information which Ministers or the Civil Service care to disclose or the press is able to discover'.²²⁸ The issue of specialised committees was not just of interest to left-leaning papers. Within weeks, a middle-ranking House of Commons Clerk, Michael Ryle, was given considerable space in *The Times* to set out in some detail his proposal for specialised committees, which would ensure better information for MPs, would be empowered to call for evidence and witnesses, but would be purely advisory - very much the model followed by the reforms of the next two decades.²²⁹ The fact that this junior, non-partisan House official was allowed by his superiors to urge committee reform in the public prints suggests that the case for change was becoming accepted more widely. However, while the press were beginning to consider specialised committees, MPs were for the moment much less interested.

This had been made very clear the previous month, on 15 March 1963, when the Chamber saw a debate about parliamentary reform, which included the suggestions for specialist committees and select committees generally. Only two MPs - the Conservative Airey Neave and, again, Jo Grimond - spoke at any length in support of the idea of more select committees to examine policy and administration, and an amendment containing the clause 'the use of Select Committees in examining the administration of policies approved by Parliament' was not itself selected by the Speaker for debate - a sign perhaps that there was little pressure to take that particular

228 *The Guardian*, 'Facts, Pay and Freedom for MPs', 8 March 1963

229 *The Times*, April 17 1963, 'Greater Committee Scope for MPs'

route to reform.²³⁰ The Labour MP Charles Pannell was not challenged when he condemned the external calls for parliamentary committee reform saying that ‘A great cry goes up for more Committees. But we already have a proliferation of Committees. I find that those people who write in the newspapers about them and who call for new ones to be set up are not notorious for serving on the existing ones. Ask any of the whips about that’. Herbert Bowden MP (Labour) acknowledged that ‘We already have important Select Committees which do things for us’. However he was not thinking of committees scrutinising government policy and administration; the first example he gave was the House’s own domestic Kitchen Committee, and he also had kind words for the equally homely Select Committee on Publications and Debates Reports. Bowden’s main reform suggestion was for the establishment of a select committee on accommodation - an important issue for MPs but not in itself of great constitutional significance.²³¹ As we shall see, Bowden was to become Leader of the House on the return of a Labour government in 1964, and by then he was able to see a slightly bigger picture.

Among those who expressed scepticism on 15 March 1963 about the media enthusiasm for specialised committees were the senior Labour figure Barbara Castle, who feared that such committees would ‘empty the House’²³², and Iain McLeod, Leader of the House, who pointed to the number of occasions on which Ministers already faced questions and debates in the Chamber; analogies with Congress, where committees were one of the few opportunities for members of the executive to be questioned, were, he believed, false.²³³ A gap had thus opened up between the steady

230 Hansard, *HCD*, cols. 1715-1820, 15 March 1963

231 Hansard, *HCD*, cols. 1748-49, 15 March 1963

232 *Ibid.*, col. 1811

233 *Ibid.*, col. 1790

flow of external (and in the case of the clerk Michael Ryle, internal) comment in favour of specialised committees and the continuing apparent lack of interest from MPs. However, Parliament's leading figures may have been rather more sceptical about committees than the rank and file. Among the broad mass of MPs, there seems to have been modest though not overwhelming support for greater use of committees; when *The Observer* surveyed MPs as part of a series highlighting Parliament's problems just over half of respondents - 54 percent - favoured keeping broad principles of policy in the Chamber while delegating some of the House's work to specialised committees. This was not any sort of scientific sample - although a respectable total of 162 MPs responded - but Grimond and Neave may not have been as isolated in the House as a whole as they appeared in the debate, where senior figures predominated. *The Observer* noted that 'Most members of the Government thought it tactful to abstain [from completing the survey questionnaire]. So did most Labour frontbenchers'.²³⁴

Progress on select committees continued to be hard to detect in 1963. The Profumo affair of that year demonstrated that things were no easier for the idea of select committee investigation into failure and scandal in government than they had been in the 1920s. The furore surrounding the relationship between John Profumo, the Secretary of State for War in Harold Macmillan's Conservative Government, and the 19-year-old Christine Keeler, involved accusations of possible security breaches because of Keeler's alleged contacts with the Soviet naval attaché in London. One serious feature of the case was that Profumo was caught lying to Parliament about the affair. David Marquand observes that the Profumo affair 'might have been designed

234 *The Observer*, March 17 1963

to prove that the charges brought against the traditional elite were well founded'.²³⁵

Yet despite the obvious assault on the privileges of the House, the Labour Opposition decided against tabling a motion calling for a select committee to investigate the matter. Ronald Butt summarises the reasoning behind Labour's decision:

such a move would be a tactical mistake [which] would convey to the public the impression that the Opposition was conducting a vendetta against the Government over the Profumo affair, besides having the effect of closing the Conservative ranks around Macmillan, whose leadership was being generally questioned in his own party.²³⁶

Butt then generalises the argument, noting that demands for select committees of investigation usually occur 'when there are political implications – in other words, precisely when no Government is prepared to give hostages to its opponents'.²³⁷ Thus the considerations which affected Gladstone in the 1850s, Lloyd George in 1913 and Ramsay MacDonald in 1924 again influenced events in the Profumo affair of 1963. Establishing select committees to investigate scandal usually posed insuperable political problems - on all sides.

1964 : moves towards reform

The establishment in 1964 of the Study of Parliament Group (SPG), which brought together clerks and academics to engage in 'serious study of the working of Parliament' was an important sign that demand for committee change was growing. On 24 September that year a memorandum calling a meeting was drawn up by Sir Edward Fellowes, the recently retired Clerk of the House of Commons, the serving

235 David Marquand, *Britain since 1918: The Strange Career of British Democracy* (London: Weidenfeld and Nicolson, 2008), p. 189

236 Ronald Butt, *The Power of Parliament*, p. 356

237 Ibid.

and more junior clerk Michael Ryle, and Dr Bernard Crick of the London School of Economics. The memorandum noted that

Both the Conservative and Labour Parties have pledged themselves to create a Select Committee on Procedure early in the life of the new Parliament ... There would seem to be a unique opportunity to persuade such committees of the House to look at the problem of the effectiveness of Parliament as a whole (even perhaps to include the relationship of work done by the Lords to that of the Commons). Certainly as regards procedure in the Commons, there seems a real chance, whichever Party is in power, of changes going considerably beyond those proposed in 1959.²³⁸

In his seminal work of 1964, *The Reform of Parliament*, Crick had set out some of the major reasons why he believed specialised committees should be an important part of those changes. In particular, Crick suggested that Parliament had nothing to match the National Economic Development Council (NEDC), set up a couple of years before to bring to the UK the French idea of economic *planification*. The remit of this influential advisory body, made up of trade unionists, industrialists and economists along with government Ministers, extended to all sectors of the economy. NEDC could call on a range of expertise, much wider than that available to Parliament. Crick indeed said that the NEDC was ‘in one sense, a symptom of the decline of Parliament. For when the Government does go outside Whitehall for advice, it takes care to by-pass Westminster.’²³⁹ Crick and his SPG colleagues would see committees as one way of redressing the balance in favour of Parliament.

In terms of the political calendar, the birth of the SPG was also well timed. Harold Wilson, who was to become Prime Minister in October 1964, made practical politics out of committee reform, and his contribution to the development of the system has been underestimated. He started with the advantage of experience in the field. From

238 Dermot Englefield, *The Study of Parliament Group: The First Twenty-one Years*, p. 1

239 Crick, *The Reform of Parliament*, p. 174

1959 to 1962, Wilson was a very active and forensic Chairman of the Public Accounts Committee, describing its work in 1961: 'Perhaps it is not going too far to say that the Public Accounts Committee is the only blood sport which is sanctioned by Parliament and which is enjoined upon a select number of its hon. Members as a parliamentary duty'.²⁴⁰ So it was with no false modesty that Wilson devoted part of a speech at Stowmarket in Suffolk in July 1964, just before that year's general election campaign started, to describing the work of select committees:

In the past year or two, we have seen how effective certain Select Committees – Estimates, Public Accounts, Nationalised Industries - have been at getting to the heart of some national problem by summoning witnesses, taking evidence and reaching agreed conclusions, cutting right across Party controversies. I believe this could be taken further.²⁴¹

Having identified a sense of growing select committee effectiveness, Wilson then moved down what turned out to be, for him, a blind alley when he noted that in the nineteenth century a select committee on railways had produced a report with a draft Bill annexed. He said that 'this technique could be used more and more for non-controversial measures, particularly those within the field of the Home Office'. Wilson saw these committees as being 'parliamentary committees, under ministerial chairmanship,' with power to take evidence from experts and outside bodies'. Wilson's 'Stowmarket' notion of committee work differed in two key ways from the ideas of many of those who were pressing for committees to lead reform of the House. First, he saw committees as carrying out the time-consuming work of legislation rather than concentrating on the examination of policy and administration. Second, he envisaged that Ministers would chair committees, in a way which would make the committees at least partly instruments of the executive rather than parliamentary

240 Hansard, HCD, col. 641, 30 November 1961

241 Labour Party news release, 3 July 1964. See *The Guardian*, 'More Freedom in Parliament', 4 July 1964

bodies. In terms of the distinct categories of reform discussed above, Wilson was trying to mix 'effectiveness' reform with 'efficiency' reform.²⁴²

Legislation was again at the forefront of Wilson's mind when he took up the committee issue afresh very soon after his narrow election victory (with a majority of just four) on 15 October 1964. On 21 November 1964 Wilson wrote a Personal Minute to Herbert Bowden, Lord President of the Council and Leader of the House of Commons, putting on paper his ideas for 'bringing MPs and the House of Commons more fully into the pre-legislation work'.²⁴³ Wilson thought that there was 'a wide range of possible legislation where there are no clear white lines and where it is important to tap not only the judgment and expertise of MPs but also - before the details of legislation are decided on - the knowledge and professional experience of members of the public'. Wilson proposed 'one or more Select Committees to which a particular subject could be allocated. Their terms of reference would be to inquire first whether legislation was needed. Secondly, if it were needed, the lines on which it should proceed, the lines on which it should proceed, and thirdly, if thought fit, to prepare the draft of a Bill'. He said that 'a Minister, usually a Minister of State or a Parliamentary Secretary - might well be chairman of this Committee ... The Minister would then have the advantage in piloting the Bill through the House that he had secured a fair measure of expert and of Party agreement on his proposals which should save legislative time'.

242 See Introduction

243 TNA, PREM 13/1053, 'Personal Minute' 21 November 1964

Bowden responded on 3 December.²⁴⁴ He was unhappy with Wilson's proposals for legislative committees, complaining 'this will not save Parliamentary time. In terms of the general process of legislation it will add a stage, perhaps a fairly lengthy one, with considerable demands on the time of Ministers and backbenchers alike.' Bowden identified 'Another difficulty, especially with our present majority,' which was that 'this method could have the effect of losing Government control. Select Committees are notoriously more difficult to control than business on the floor of the House'. But then Bowden volunteered: 'A modification of the idea which might be easier to work, would be to confine the scope of the Committee to making enquiries and issuing reports on the given subject: they would call for papers, interview Ministers, officials and other Members but would not be expected to come up with legislation.' Wilson's comment, tidily written in what looks like red biro on the face of Bowden's minute, was: 'In the circs. of this present Parlt. I agree with the "modification"'.

This rise in the political salience of committees was matched in the mid-1960s by something that was also important - an increase in the use of specialist advisers from outside the House. Peter Laugharne identifies 1964 as the beginning of 'the epoch of expansion and consolidation' for specialist advice.²⁴⁵ He gives a range of examples of 1960s committees getting and using the power to make specialist adviser appointments, from the Estimates Committee in 1966 to the Nationalised Industries Committee and Science and Technology Committee in 1967.²⁴⁶ Other examples included the ill-fated Agriculture Committee, which managed to appoint four outside advisers before its abolition in 1969.²⁴⁷

244 TNA, PREM 13/1053, 'Minute from Lord President of the Council', 3 December 1964

245 Peter J. Laugharne, *Parliament and Specialist Advice* (Liverpool: Manutius Press, 1994), p. 32

246 *Ibid.*, pp. 34-35

247 *Ibid.*, p. 36

The reformers of the 1960s were generally united about the need for change, if not always about the form it should take. But on the issue of specialist advice from outside there were differences between the reformers. Hill and Whichelow were the pseudonyms of two reform-minded clerks who wrote *What's Wrong with Parliament* in 1964. They said that committees' comments 'should be the comments of politicians, not of a range of resident experts on the pattern of Congressional Committees, which are entrusted constitutionally with a governing function of far wider scope'.²⁴⁸ Hill and Whichelow suggested that experts should be called as witnesses, not brought in as advisers. It is hard to avoid the feeling that these views were prompted by defensiveness on the part of clerks who felt their role as committees' policy advisers to be under potential threat. They may also indicate that clerkly resistance was one of the reasons why committees were so slow to take on specialist help from outside.

But clerks nevertheless continued to push for reform. In 1965 Michael Ryle, by then Clerk of the Nationalised Industries Committee, proposed in *Political Quarterly* that a new Select Committee on Expenditure should be set up to examine White Papers on the government's investment and spending plans for the next five years.²⁴⁹ Such intellectual self-confidence in advocating radical change was unusual even for clerks of the day; Ryle was a fairly junior official in his thirties. Ryle's suggestion then formed a central part of the evidence provided by the Study of Parliament Group to the Procedure Committee of 1964-65. This Committee came to very different conclusions from its predecessor of 1958-59. Its make-up was also very different, with

248 Andrew Hill and Anthony Whichelow, *What's Wrong with Parliament?* (London: Penguin, 1964), p. 80

249 Michael Ryle, 'Committees of the House of Commons', *Political Quarterly*, 36/3 (1965), pp. 295-308

a number of members who had already made a mark or who would do so in time. There was a senior Labour figure in Michael Foot, a frequent writer on political history and the constitution, along with the Committee Chairman, Donald Chapman, who had been General Secretary of the Labour-supporting Fabian Society, one of the earliest ‘think tanks’ and a leading intellectual force on the left. Labour’s Michael English, who later played a major part in pressing for reform as Chairman of the General Sub-Committee of the Expenditure Committee, was also a member of the 1964-65 Procedure Committee. Another significant contemporary figure was the Conservative Sir Martin Redmayne, until October 1964 the government Chief Whip. This Procedure Committee could therefore boast a lot more intellectual and perhaps political weight than many of its twentieth-century predecessors. The whips, who had by far the biggest say in the composition of any select committee at this time, may have thought Redmayne would act as an effective brake on reform.

The strains occasioned by reform were certainly showing in the House, or at least in the Labour Party. June 1965 saw a press report in the left-leaning *Guardian* of disagreements between Labour ‘modernisers’ who were keen on reforms, such as were being contemplated by the Procedure Committee, and more traditional Members who took the Morrisonian view on procedural change.²⁵⁰ The Labour Party Chairman, Emmanuel Shinwell, was said to be ‘hostile to the tactics of the reformers, if not to their proposals’. A resolution was reached on the matter, but the incident did show that procedure was rising up the political agenda.²⁵¹

250 *The Guardian*, ‘Labour MP modernisers face trouble’, 29 June 1965

251 *The Guardian*, ‘Rebels allowed to have their say: But no revolution expected’, 2 July 1965

The Procedure Committee, in its Fourth Report in the summer of 1965, recognised the need for the reports of the Estimates Committee to be given ‘greater depth’ by ‘more specialised consideration of particular topics’.²⁵² The Procedure Committee’s most significant recommendation showed the influence of the thinking that lay behind Ryle’s article, suggesting:

that a new Select Committee be set up, as a development of the present Estimates Committee, ‘to examine how the departments of state carry out their responsibilities and to consider their Estimates of Expenditure and Reports’ ... the new Committee should function through Sub-Committees specialising in the various spheres of governmental activity.²⁵³

This was at least a half-way house to the system envisaged by Haldane, although this report did not recommend that the new committee should examine policy.²⁵⁴

The Committee had divided on the recommendation for the new committee during the drafting process, with Michael Foot proposing an amendment that described the ‘proliferation of parliamentary committees’ as ‘not a cure but part of the disease’. Foot’s proposed amendment was opposed to the proposed new committee, on the grounds that the main purpose of parliamentary reform should be ‘to restore the authority of the House of Commons chamber itself’, and more committees could only reduce Chamber attendance and ‘nurture the miserable deception that more and more issues can profitably be “taken out of politics”’.²⁵⁵ Foot was defeated when he sought to press his amendment, with nine Committee colleagues (including a number of Labour members) opposing him in the voting, and only Redmayne - a political opponent but a procedural ally - in support. The Procedure Committee also indicated that the new Committee should have ample staff and technical assistance, and that it

252 *Fourth Report* from the Select Committee on Procedure, Session 1964-5, (303), p.vi

253 *Ibid.*, p. ix

254 *Ibid.*, p. vii

255 *Ibid.*, p. xiv

should be empowered to travel abroad ‘with the leave of the House, when investigations require it’. Thus the Procedure Committee of the mid-1960s had delivered something fairly close to the Haldane scheme, with the added element of allowing travel. The vote that went against Foot and his Tory ally was significant in that it helped to keep up the mid-1960s momentum towards more scrutiny by committees. The outside pressures on Parliament to reform were underlined when the Committee’s report paid tribute to the evidence of three academic members of the Study of Parliament Group, Professors Bromhead, Hanson and Wiseman, which was ‘to the effect that the machinery of Parliament has failed to keep pace with the increase in the scope of governmental activity’.²⁵⁶ But the Committee also welcomed the contribution of David Lidderdale, the Clerk Assistant, who came up with the suggested words describing the remit of the proposed new committee.²⁵⁷ Thus the combination of greater political weight, concerted academic argument and the drafting skills of reform-minded clerks had given the House an opportunity to move towards something approaching Haldane. *The Observer* was among those who welcomed the idea of a new committee around the time of the report’s publication.²⁵⁸

But Herbert Bowden was not inclined even to take up Procedure’s fairly modest proposal for a new committee. Responding in a debate on 27 October 1965, the Leader of the House was lukewarm about the recommendation: ‘I have said that the Government are prepared to consider this and look at it, but they are very anxious that the development of the Estimates Committee should not get into the position where discussion of financial control and keen scrutiny of the expenditure of Departments is

256 *Ibid.*, pp. v-vi

257 *Ibid.*, p.vii

258 *The Observer*, ‘Helping MPs’, 29 August 1965

lost and replaced by policy discussions'.²⁵⁹ It was six decades since the report of the Committee on National Expenditure, and over a century since Gladstone's candid words about the 'dry and repulsive' work of financial scrutiny, but the same point was being made - MPs preferred the excitement of policy analysis to the hard slog of financial scrutiny, and that made Ministers wary. The next day *The Guardian* supported the Procedure Committee's proposals for a new select committee and criticised Ministers such as Bowden 'whose chief concern is a quiet life'.²⁶⁰

Despite Bowden's very cautious response, practice moved on somewhat, although nothing became of the full Procedure Committee recommendation for a new committee. In March of 1966 the Estimates Committee reorganised itself into six sub-committees, each one specialising in broad areas of government work, including Economic Affairs and Defence and Overseas Affairs.²⁶¹ Nevil Johnson, who produced a book-length study of the Committee in 1966, judged that while in 1939 the Estimates Committee had been 'little regarded by officials', by 1966 the Committee had 'emerged from this state of neglect'. It had 'secured the attention of most departments and is treated with a reasonable amount of respect by their Ministers and officials'.²⁶² This was useful enough. But the Estimates Committee also had some influence on policy in the mid-1960s. Its report on *Recruitment to the Civil Service*²⁶³ recommended the establishment of a wide-ranging inquiry into the Service along the lines of the Plowden inquiry into education.²⁶⁴ The government accepted the

259 Hansard, *HCD*, col.184, 27 October 1965

260 *The Guardian*, 'Policy makers at work - keep out', 28 October 1965

261 Nevil Johnson, *Parliament and Administration*, p. 149

262 *Ibid.*, p. 134

263 Sixth Report from the Estimates Committee, Session 1964-65, *Recruitment to the Civil Service* (308), p. xxxv

264 The Central Advisory Council For Education (England), chaired by Bridget, Lady Plowden, was in 1965 considering the future of primary education in England. The report, entitled *Children and their Primary Schools*, was published in 1967

recommendation and the Fulton inquiry duly began its work in 1966, publishing in 1968 a major report which resulted in a number of reforms, aimed at introducing greater professionalism into the Civil Service.²⁶⁵

The Nationalised Industries Committee continued its work in the 1960s, holding inquiries into individual industries, but also ranging wider, addressing matters of great political sensitivity, such as ministerial control of these industries.²⁶⁶ In his 1966 study of the Committee David Coombes marshalled some interesting evidence of the effectiveness of the committee, concluding that it had been ‘successful’ in an area where political views were often polarised. In particular, ‘The Committee showed respect for the statutory independence and the commercial nature of the boards [of nationalised industries] in the timing and range of its inquiries’. The Committee was seen as having sensibly drawn a ‘functional distinction between what would be intolerable for the boards and what would be acceptable to them’. Indeed, Coombes says, ‘As a Select Committee of Parliament, [the Committee] was particularly well placed for investigating the relationship between Ministers and boards.’²⁶⁷ This was because, while Ministers were clearly accountable to Parliament through traditional methods, especially questioning in the Chamber, nationalised industries enjoyed a measure of autonomy from Ministers which arguably created an accountability gap. Contrary to the perhaps unfair criticism of Sampson about inquiries concerning ‘late trains and bad coal’, backbench MPs on the Committee seem to have showed that they

265 *The Civil Service*, Vol.1 Report of the Committee 1966-68. Chairman: Lord Fulton, 1968, Cmnd 3638. The important role of the Estimates Committee in moving this debate along is described in Kevin Theakston, ‘Whitehall reform’ in Peter Dorey (ed.), *The Labour Governments 1964-70*, pp. 156-7

266 First report from the Select Committee on Nationalised Industries, Session 1967-68, *Ministerial control of the nationalised industries* (371)

267 Coombes, *The Member of Parliament and the Administration*, pp. 204-05

had the capacity to play a measured role in parliamentary scrutiny of a difficult and contested set of issues.

Ian Mikardo, a prominent Labour figure, who chaired the Nationalised Industries Committee during the late 1960s, claimed in his memoirs that he had ‘helped the Committee to improve its performance in both quantity and quality’.²⁶⁸ He had, for example, arranged for Committee sittings outside Westminster, encouraged public evidence sessions and recruited specialist advisers. Mikardo also noted some other inquiries that gave him ‘particular satisfaction’. Among them was an inquiry into the Bank of England, which had been nationalised in the 1940s. The Committee inquiry was said to have rendered the Chancellor, Jim Callaghan ‘speechless with horror’ at the idea of ‘a group of questioning MPs crossing the sacred portals of the Bank’.²⁶⁹ But the Committee persisted despite opposition from Callaghan, his successor Roy Jenkins and the Bank Governor, and Mikardo observed that the report showed that, while Bank nationalisation had been intended to help the Treasury ‘control the City’, in fact ‘the Bank was acting as the mouthpiece of the City influencing the Treasury’.²⁷⁰

There is also a rare opportunity to see the work of this Committee from two sides; Michael Ryle, Clerk of the Committee in the late 1960s, gave his thoughts on working with Mikardo in an interview in 2003. Ryle was warm in his praise for Mikardo, describing him as a ‘brilliant’ Chairman, with the ability to conduct examinations of witnesses ‘like a top QC in a court’.²⁷¹ Ryle recalled that one witness was Sir Ronald Edwards, Chairman of the Electricity Council, who, he said, had been subject to a

268 Ian Mikardo, *Backbencher*, (London: Weidenfeld and Nicolson, 1988), p.177

269 *Ibid.*, p.178

270 *Ibid.*, p.179

271 British Library, House of Commons Staff Oral History Collection, C1135, Interview with Michael Ryle

‘brilliant piece of examination’ by Mikardo which had exposed clearly that Ministers had a major effect on prices, despite Sir Ronald’s protestations to the contrary.²⁷²

But nationalised industries were still seen as very different from government departments, and the case for specialised committees to scrutinise Ministers and their policies had still not been conclusively made. On April 6 1966, just a week after the general election that had given him a comfortable majority of 97, Wilson returned to the question of select committees. In a Minute to Bowden about ‘the problem of keeping our enlarged Parliamentary Labour Party active, busy and happy’²⁷³ Wilson again mentioned the possibility of select committees, perhaps covering Home Affairs and Education, as ‘experiments’. But this time, Wilson’s concept had changed; there was much less emphasis on legislative work. Wilson did not rule out the production of draft Bills by a committee, ‘as an annex to their report’ but ‘we could of course give no commitment that Parliamentary time could be found for such a Bill in any given session’. Instead there was now much more about ‘reporting on administration’ - the central aim of the Haldane proposal.

In the Debate on the Address on 21 April 1966, Wilson was able to tell the House that the ‘modernisation process’ in which his government was engaged ‘cannot exclude Parliament’.²⁷⁴ He acknowledged the work of the Public Accounts Committee, and the ‘most valuable reports’ of the Estimates Committee along with the ‘constructive’ reports of the Nationalised Industries Committee. He believed that

the time has now come when we might consider an experiment to extend this system over a wider field of public administration. Accordingly, the

272 Ibid. For the exchanges with Sir Ronald Edwards, see the Nationalised Industries Committee, 1967-68, *Ministerial control of the nationalised industries*, Vol. II, pp. 70-89 and 106-137

273 TNA, PREM 13/1053 ‘Personal Minute’ 6 April 1966

274 Hansard, *HCD*, cols. 75-77, 21 April 1966

Government will enter into discussions through the usual channels with the two Opposition parties on the suggestion of establishing one or two new Parliamentary Committees to concern themselves with administration in the sphere of certain Departments whose usual operations are not only of national concern but in many cases are of intensely human concern.

Wilson specifically mentioned the Home Office as a department which could be among the first to be scrutinised in this way.²⁷⁵

On 14 June 1966, Wilson, Bowden and the government Chief Whip Edward Short met the Leader of the Opposition, Edward Heath, and William Whitelaw, the Opposition Chief Whip. A Note for the Record documents this meeting.²⁷⁶ This says that Wilson's 'preliminary view' was that he did not want committees 'on the congressional pattern. The most appropriate way ahead would probably be by experimenting to see which particular type of Committee produced the most effective results within the framework of United Kingdom constitutional practice and procedure.' Wilson suggested a number of approaches for the new system, including committees covering departments and committees that covered specific topics, many of them subjects that crossed departmental boundaries. In stark contrast to the Stowmarket speech, however, the Note made no reference at all to committees dealing with legislation. Bowden told the meeting that he was 'virtually committed' to setting up a new committee dealing with Science and Technology and 'perhaps one other dealing with the affairs of a particular Department'. Wilson said that the committees should 'deal with policies and not just financial questions and it would therefore be necessary for Ministers, probably junior Ministers to guide the committees' activities but not to veto them'. He suggested also that the Terms of Reference might be that the Committees should consider subjects

275 Ibid., col. 77

276 TNA, PREM 13/1053 'Note for the Record', 14 June 1966

referred to them by Ministers, but, in an important intervention, ‘Mr Heath doubted whether this would be acceptable to Members’.

There was only one major point of disagreement: Whitelaw said that ‘there would certainly be pressure for committees to be appointed to deal with defence and foreign affairs’ but Wilson was clear: ‘committees dealing with these matters could be ruled [presumably ‘ruled out’] because they could not function without access to classified information’. Nevertheless, the meeting ended on a constructive note, with agreement that Short and Whitelaw would discuss the matters further and that Short would ‘produce a Paper on the basis of the discussions’. Interestingly, a left-wing Labour backbencher, John Mendelson, opposed the establishment of a defence committee in the House in October 1966, on the grounds that such a committee would discriminate between two types of Member. While ‘ordinary Members might be taken to [defence] establishments and talked to by the Admiral, the members of the defence committee would be shown far more and would usually be there on condition of secrecy’. In Mendelson’s view, this would in fact ‘make the position of the Executive much more powerful than it has ever been’.²⁷⁷ In the event, there was no defence committee in the 1960s. The home affairs committee, covering some of the most delicate of domestic policy areas, also failed to materialise, despite Wilson’s explicit reference to the idea in the House.

Heath responded to the government’s paper on 8 August, agreeing to the establishment of the Science and Technology Select Committee.²⁷⁸ Another committee, he said,

²⁷⁷ Hansard, *HCD*, col. 245, 27 October 1965

²⁷⁸ TNA, PREM 13/1053 ‘Letter from Mr Heath’, 8 August 1966

could be set up, but ‘We think that this Committee should be appointed by the House and should report to it, and that the Minister should not be an ex-officio Member.’ Heath’s reservations about ministerial committee membership carried the day, and this takes its place among the small decisions of the 1960s and 1970s which ensured that select committees would become instruments of Parliament rather than tools of the Executive. Heath continued the cautious and ‘experimental’ theme by saying that ‘the number of Committees involved in the experiment should be restricted to these two because already the main existing Committees are very poorly attended’.

These exchanges show that the main elements of the select committee policy which is closely associated with Crossman’s name were in place before Crossman took over as Lord President and Leader of the House from Herbert Bowden in August 1966. Heath’s interventions were highly significant, forcing Wilson to change his ideas on ministerial membership of committees and to allow committees to develop their own programmes. Without these pragmatic amendments the committees may well have lost their way.

Richard Crossman took over from Bowden as Lord President and Leader of the House on 11 August 1966. His contribution to the further development of the policy was to promote the concept and give an invaluable political lead; he made committees a high priority and as a constitutional thinker he particularly relished the opportunity to lead the ‘experiment’. Crossman was keen to go beyond the very limited numbers of committees agreed by Wilson and Heath, but Heath made it clear to him that he ‘wasn’t going to allow me to appoint a committee on agriculture unless it was

expressly stated that it would be for only one experimental year'.²⁷⁹ But if Crossman was still disappointed when, on 14 December 1966, he rose to urge the House to set up the two new committees - one on a subject, science and technology, one on a Department - Agriculture, he did not show it. He placed the new committees firmly in a wider constitutional context, seeing them as allowing the House to address 'the growing power of the State ... At present, huge tracts of this public sector are virtually screened from accountability to the House of Commons'.²⁸⁰

Crossman also welcomed the fact that new rules widened the opportunity for committees to take evidence in public, especially from Ministers. But disillusion set in early, despite Crossman's enthusiasm. At a meeting with Labour backbench reformers in February 1967, Crossman was told of the extent of the influence of the Chief Whip, John Silkin, on the selection and work of the Agriculture Committee. Crossman quotes one of the reformers, Dr David Kerr, as saying that the select committees 'are packed by the whips and have no genuine independence'.²⁸¹ Crossman mused that 'the assumption which he and each Minister has that they will in future be able to control the business and forbid the Committee to do anything of which they disapprove is really unconstitutional'.²⁸² A few months later, the House debated a motion on procedure, and Crossman had to explain another one of the teething troubles of the new select committees - staffing. To man the new committees, the House had been 'forced to cut back the manpower that we had allocated to the Estimates Sub-Committee, with consequent detriment to its work'. The shortages

279 Richard Crossman, *Diaries of a Cabinet Minister*, Vol. 2, p. 74

280 Hansard, *HCD*, cols. 485-86, 14 December 1966

281 Crossman, *Diaries of a Cabinet Minister*, Vol. 2, p.235

282 *Ibid.*

‘cannot be plugged by bringing in civil servants from Whitehall’. Recruitment of new senior clerks was needed.²⁸³

Despite their difficulties, the Crossman committees had an immediate and, as it turned out, lasting, effect on the work of the House. In the context of the often barren years following the Marconi committee debacle of 1913, the growth in committee activity of all kinds, legislative and investigatory, from the mid-1960s, was dramatic. One area of expansion was in the volume of committee work associated with the consideration of legislation, both primary and secondary. In the 1947-48 Session there had been 140 legislative committee meetings and there were 216 such meetings in 1961-62. But from the mid-1960s the growth of legislative (standing) committees accelerated somewhat. In the calendar year 1965 there were 234 sittings of such legislative committees in the House of Commons, in 1966 the number was 252 and in 1968 there were 330 sittings.²⁸⁴

The rise in *select committee* activity was larger and more sustained. From the middle of the 1960s, the numbers of Members involved in select committees rose by between 25 percent and 30 percent, to a level they maintained well into the era of the post-1979 departmental select committees. Whereas in the early 1960s there were about 200 MPs on select committees and similar bodies, by 1967-68 the number was over 250 - around 40 percent of the whole House.²⁸⁵ This was not mere tokenism; the committees also began to work harder. The numbers of meetings increased substantially; whereas there were 272 in Session 1961-62, there were 483 in 1967-68 and as many as 585 in 1968-

283 Hansard, *HCD*, col. 605, 19 April 1967

284 Procedure Committee 1969, Vol I, p. 247

285 Procedure Committee 1978, Vol I, para. 5.11, p. 1

69. Even in the truncated General Election Session of 1969-70 there were 513 select committee meetings, not far off double the numbers in the non-Election Session of 1961-62. This trend is confirmed by Rush's figures for the average number of committee meetings per sitting day. He calculates that the number of investigatory committee meetings rose from 0.8 per sitting day in 1956-57 to 2.2 per sitting day in 1968-69.²⁸⁶ The 1960s step change has not been properly recognised by most writers, who have focussed on the controversial and unstable pattern of Crossman era committees but have failed to notice that the increase in activity instituted a permanent trend.

Cabinet and select committees in the 'Crossman' era

Select committees also began to engage the attention of senior Ministers more and more seriously from the mid-1960s. In previous decades, Cabinets had regularly received Memoranda which mentioned possible or actual select committees, but in many cases references were only in passing and the papers did not invite discussion of the part played by committees. From the beginning of Harold Wilson's second term in 1966, by contrast, the Labour Cabinet considered the pros and cons of select committees on a number of occasions, debating issues such as the rights of committees to seek information and to travel, and the best way for Ministers to approach the giving of oral evidence to committees.

Three weeks after the 1966 General Election the new Cabinet indeed discussed select committees. The presence of a separate 'select committee' item on the agenda and the unusually generous three pages of the Cabinet Conclusions given up to the topic

²⁸⁶ Rush, *The Role of the Member of Parliament Since 1868*, p. 196

demonstrate the significance of the subject.²⁸⁷ Herbert Bowden, the Leader of the House, gave a balanced assessment of the arguments for a wider use of committees, seeing the benefits of ‘providing interesting work for back-bench Members and of implementing proposals which the Labour Party had put forward when in Opposition for enabling Parliament more effectively to scrutinise the work of Departments’. There would be questions to address, including the possibility of changes in the relationship of Ministers to Parliament, increased burdens on Ministers and ‘the possibility that Committees would develop into pressure groups for increased expenditure by particular Departments’. At a time of constant economic crisis, the last point could have been a telling one.

But the idea of more committees was given general support, with several Ministers, including the Home Secretary Roy Jenkins and the Education and Science Secretary Anthony Crosland, speaking in their favour. Jenkins and Crosland argued that a select committee ‘could provide a useful forum for the explanation of a Minister’s policy and help to create informed opinion’. There was a recognition in Cabinet that ‘backbench Members were unlikely to be content to consider topics which were neither controversial nor central to the problems of government; the new Committees would certainly be concerned with policy and it was not clear how in the long run they could be excluded from the consideration of foreign affairs and defence’. Wilson urged action in terms that pre-figured the language of Tony Blair when he came to power 30 years later, saying that ‘it was essential that in the new Parliament the Government should take the initiative in promoting the modernisation of both procedure and machinery’. Cabinet agreed to Bowden’s proposals and the process of establishing the

287 TNA, CAB 128/41/19, ‘Conclusions of a Meeting of the Cabinet’ 20 April 1966, pp. 6-9

first of the new select committees began. Thus from the start of 1966, and well before Richard Crossman became Leader of the House, the government had developed broad plans for select committees that recognised that they would tackle policy matters and that they would not take kindly to interference. However, as the committees started work in 1966 and 1967, the reality turned out to be more modest and more tentative, but also more controversial, than the vision.

At the Cabinet meeting of 11 April 1967, leading figures expressed scepticism, or worse, about the new committees. According to Crossman, the Chancellor of the Exchequer James Callaghan suggested that the idea of Ministers appearing before committees to deal with policy issues was ‘an outrage’, while Michael Stewart, First Secretary of State, echoed Morrison in saying that ‘he couldn’t understand how any socialist could propose to limit the powers of the Government by creating Specialist Committees to poach on their preserves’. Crossman got his way and the principle of ministerial appearances in front of Committees was approved, with caveats for sensitive matters. By May 1967, Crossman was noting that, after a year of the ‘experiment’, the importance of committees was ‘growing’.²⁸⁸ The trouble this was causing among Ministers and officials was, however, demonstrated when the Minister of Technology, Anthony Wedgwood Benn, was ‘rebuked’ for absenting himself from Cabinet to become the first Minister to appear in public before such a Committee.²⁸⁹ Wilson’s support for the committee experiment also seemed to be wavering. Crossman commented at the time: ‘It’s obvious that Whitehall is putting great pressure on Harold [over the select committees] and that he’s now in two minds. When he’s alone with

288 Crossman, *Diaries of a Cabinet Minister*, Vol. 2, pp. 346-47

289 Crossman, *Diaries of a Cabinet Minister*, Vol. 2, p. 347

me he's always in favour of Specialist Committees but in Cabinet he's always accepting Ministerial objections'.²⁹⁰

But committees were not always seen as a problem by Cabinet. At other meetings during the late 1960s, Ministers discussed the potential usefulness of select committees in airing major issues, including how to prevent a recurrence of the pollution disaster caused by the wreck of the ship *Torrey Canyon* in 1967.²⁹¹ But this openness to parliamentary scrutiny in the field of failure and scandal had its limits. Where ministerial wrongdoing or gross incompetence might be found, there was great reluctance to encourage Parliament to set up a select committee - even when political opponents were the intended subject of inquiry. In May 1967, Cabinet discussed the publication of a highly critical book on the handling by Anthony Eden's Government of the 1956 Suez crisis, written by the former Conservative junior Minister, Anthony Nutting. One or more Ministers were recorded as saying in that meeting that 'it would not necessarily be expedient to acquiesce in any proposal [that] a Select Committee, or other form of inquiry' should be set up to investigate 'the Suez episode'.²⁹² At the Cabinet meeting of 6 February 1968 some further politically weighty aspects of the committee-Whitehall relationship were discussed in particular relation to the Agriculture Committee. These included the sensitivities involved in providing to committees forecasts of future economic trends and whether there should be a limit on the costs which could be incurred by Departments in providing information to the 'specialist' committees.²⁹³ The political system was taking time to become accustomed to the new committees.

290 Ibid., p. 347

291 TNA, CAB 128/42, 'Conclusions of a Meeting of the Cabinet' 6 April 1967, p. 3

292 TNA, CAB 128/42, 'Conclusions of a Meeting of the Cabinet' 4 May 1967, p. 3

293 TNA, CAB 128/43, 'Conclusions of a Meeting of the Cabinet' 6 February 1968, pp. 6 - 7

In these circumstances it was not surprising that the ‘Crossman’ committees experienced mixed fortunes, with Agriculture especially running into trouble. The particular dispute with that Committee concerned its wish to travel to Brussels to investigate the likely effects on UK agriculture of the possible accession of the country to the European Common Market. Donald Shell describes how the Committee ended up having ‘an angry stand-off with the Foreign Office, which clearly felt that meddling by inexperienced MPs in matters they did not really understand would only make life more difficult for the experienced diplomats who had ongoing responsibility in these delicate matters’.²⁹⁴

It is one of the ironies of history that Fred Peart, the Minister of Agriculture during the Committee’s life, succeeded Crossman as Leader of the House in October 1968. Within a few months the Agriculture Committee had been abolished; that may not have been a coincidence. The Science and Technology Committee fared much better, being reappointed Session by Session until the dissolution of Parliament in May 1970. Science and Technology, like Nationalised Industries, was a specialist committee that showed confidence in its abilities. Labour’s Arthur Palmer, its Chairman for much of its life, was an eloquent advocate for the Committee right to the end of its life,²⁹⁵ and its reputation among the scientific community appears to have been high from the beginning. In 1968 for instance the respected journal *Nature* noted with admiration that the Committee had ‘fired several shots across the ambitious bows of the Natural Environment Research Council’.²⁹⁶ Another select committee was appointed in 1969

294 Shell, ‘Parliamentary Reform’, p.179

295 Procedure Committee 1978, Vol. II, pp. 263-269

296 *Nature*, 7 September 1968

to consider the activities of the Department of Education and Science and the Scottish Education Department. In November 1968 an additional ‘subject’ Committee was set up to examine the operation of the Race Relations Act 1968 and the admission of immigrants to the United Kingdom, followed in February 1969 by a Committee to consider Scottish Affairs. Finally in April 1969 a Committee was appointed to consider the activities of the Ministry of Overseas Development. These last four Committees were all reappointed for the session 1969-70.

Gripping the consciousness of Parliament: attitudes to select committees in the 1960s

The Crossman and post-Crossman committees of the 1960s were, as noted several times in this Chapter, regarded from the beginning as an experiment. Although it was accepted that they could tackle controversial subjects, the idea of permanent investigatory committees dedicated to regular scrutiny of departments was still hard to accept in government and outside; Richard Crossman himself told the House in November 1967 that the government’s ‘original intention [in setting up the Agriculture Committee] was that a Departmental Committee should spend one Session on each Department, and then move on’.²⁹⁷

But in reality the practice of select committees was changing substantially, and attitudes were changing as well. The ‘Crossman’ specialist select committees were able to take evidence from Ministers and did so - unlike the Estimates Committee and the Public Accounts Committee. Public evidence-taking was indeed becoming commonplace; the very first words of the first report of the Science and Technology

²⁹⁷ Hansard, *HCD*, col. 260, 14 November 1967

Committee were ‘Your Committee have decided that, in general, they will take evidence in public session.’²⁹⁸ The new pattern of more active committees appears to have had a broader political impact, judging by their effect in, for instance, the Chambers of the Houses of Lords and Commons. The figures revealed by my analysis of parliamentary impact are interesting. Decade by decade during the twentieth century, the numbers rose and fell, so that in the 1900-1910 period there were over 5300 mentions of the term ‘select committee’, while in the 1920s there were only just over 3600 – probably an indication of the House’s post-Marconi withdrawal from select committee work. The 1950s saw just over 4900 but in the 1960s there were 7400, a 50 percent rise. A look at the annual figures for Chamber references shows that there was a definite ‘Crossman’ effect towards the end of the decade. In the last three years of the 1960s, as the new committees began to operate, the number of Chamber references to ‘select committee’ rose strongly, with 948 in the calendar year 1967, 1058 in 1968 and 1233 in 1969 - startling figures compared with the total of just 522 Chamber references in 1960.

The trajectory of references in the Chambers of the two Houses to the term ‘Estimates Committee’ followed a similar pattern. Whereas in the 1920s there were just 325 mentions of the phrase, only 192 in the 1930s and 283 in the 1950s, during the 1960s the figure rose sharply, to 1594. This latter pattern suggests that the Estimates Committee changes of the 1960s, hardly noticed by most historians, made a significant difference to the political salience of the Committee. Whereas there was little wider political interest in the Estimates Committee for the first 50 years of its life, it appears that, from 1960 onwards, Estimates Committee began to make something of a political

298 *First special report* from the Select Committee on Science and Technology, Session 1966-67 (330), p.3

impact. The figures indicate that the 1960s reform era was of fundamental importance in the development of committee work - it was so much more than a short lived 'experiment'.

During the 1960s select committees were also achieving a higher profile at the most senior political level. In the nineteenth century several Prime Ministers made regular references to the term in the Chambers of both Houses; this can be seen by noting the identities of the most frequent users of the term. For example, in the 1850s the Prime Minister, Lord John Russell, was, according to analysis of Hansards, among the top five users of the phrase 'select committee' and in the 1900s no fewer than three Prime Ministers, Balfour, Campbell-Bannerman and Asquith, were among the top five of those referring to the term. But as the twentieth century wore on Prime Ministers used the phrase less and less frequently. Between 1910 and 1960 only one other Prime Minister appears to have been a frequent user of the term 'select committee' in the House, Neville Chamberlain, who mentioned the phrase 50 times during the 1930s. But in the 1960s one Prime Minister began to use the term with great regularity - Harold Wilson. Wilson made as many as 111 references to the term 'select committee' during the 1960s, the great majority of them after he became Prime Minister in 1964; Wilson also used the term much more than any single one of his Edwardian predecessors.²⁹⁹ Many of Wilson's forerunners as Prime Minister probably used the procedural term 'select committee' in their capacity as (simultaneously) Leader of the House, the main manager of Commons business. The fact that Wilson used the term so frequently wearing his purely Prime Ministerial hat demonstrates the importance of his interest in committees in the 1960s.

²⁹⁹ Between 1900 and 1910, Balfour referred in the Chamber of the House to the phrase 'select committee' 42 times; Campbell-Bannerman mentioned it 30 times and Asquith used it 36 times

The impact of select committees still generally tended to be shallow, however. There were, for instance, few debates on Estimates Committee reports at any time during its post-war life, including the 1960s. Philip Giddings notes that ‘Between 1945 and 1960 Estimates Committee reports were formally considered on only seven occasions by the House. The position improved after 1960 but even those debates which did occur were modest parliamentary occasions. Attendances at such debates were small, and usually a high percentage of those taking part were members of the committee who had been concerned with the report in question’.³⁰⁰ Many of the debates on select committee reports in any era were adjournment debates, often at the end of the day. Writing in 1970, Nevil Johnson called the results of the select committee developments ‘disappointing’ because the committees’ impact would always be constrained by the inevitable opposition of party leaderships and the Executive to any ‘diminution of [their] prerogatives’.³⁰¹ In 1969 a new Procedure Committee concluded that ‘the existing system of select committees for scrutinising policy and its execution is at present inadequate ... The range and the terms of reference of the Estimates Committee are not wide enough’. A further difficulty had been ‘uncertainty as to the length of life of specialist select committees, which has restricted their effectiveness’.³⁰²

However, the picture was not all gloom. MPs continued to be generally well-disposed to select committees in the mid-to-late 1960s. Barker and Rush asked MPs in 1967

300 Philip Giddings, ‘Select Committees and Parliamentary Scrutiny: Plus Ça Change’, p.673

301 Nevil Johnson, ‘Select Committees as Tools of Parliamentary Reform’ in A.H.Hanson and Bernard Crick (eds), *The Commons in Transition* (London: Fontana/Collins, 1970), pp. 247-48

302 First Report from the Select Committee on Procedure, Session 1968-69, *Scrutiny of Public Expenditure and Administration*, (410), p. xiv

whether select committees should be extended, and over 75 percent of those with less than 13 years in the House supported some extension.³⁰³ Outright opposition to the idea of select committees was tiny among newish MPs (4 percent) though much greater among old hands (23 percent). There were a number of possible reasons for the increase in committee activity, but one fundamentally important one may have been that Labour's large number of backbench MPs were increasingly seen by party leaders as needing to be kept fully occupied.

As noted above, Crossman, Wilson and others made little secret of their view that select committees could provide gainful employment for Members on the Labour benches, many of whom were new and highly-educated. Michael Rush has identified a 'socio-economic convergence of the two major parties which has taken place since the rise of the Labour Party as a major electoral force' around 1918.³⁰⁴ As part of this trend, the proportion of Labour MPs with backgrounds in manual occupations has been calculated as falling from two-thirds of the Party by 1945 to only one-third by 1966.³⁰⁵ The educational background of Labour MPs changed, so that the proportion of graduates increased from 22.2 percent for the period between 1922 and 1935 to 50.3 percent in the decades between 1945 and 1997.³⁰⁶ The change had started before, as the 1966 figure for disappearing manual workers on the Commons benches demonstrates, and it had occurred at all levels of the party; during Wilson's 1960s premiership, the proportion of Cabinet Ministers with a 'proletarian' background, who

303 Anthony Barker and Michael Rush, *The Member of Parliament and his Information*, (London: George Allen and Unwin, 1970), p. 153

304 Michael Rush, 'The Members of Parliament', in S.A. Walkland and Michael Ryle (eds), *The Commons in the Seventies* (Glasgow: Fontana/Collins, 1977), p.44. See also Michael Ryle, 'The Changing Commons', *Parliamentary Affairs*, 47/4 (1994), p. 650

305 Rush, *The Role of the Member of Parliament Since 1868*, p. 105

306 Ibid.

had left school at an early age and become manual workers, union organisers or low-paid clerical workers fell from about half to less than a quarter - just three of Wilson's 1970 Cabinet had such a background. There may indeed have been a connection between the changing educational background of MPs and interest in select committee work; to take just one example, of 15 Labour MPs who served on the Agriculture Committee in 1968-69, no fewer than 11 were graduates - a far higher proportion than the average for the post-war period. In some ways this is perhaps the more surprising because involvement in agriculture does not in itself require graduate skills.

Those who replaced working-class Labour MPs on the Commons benches in the 1960s were often lawyers but they were also from other professions where effective use of language was equally important. It was calculated at the time that at the General Election of 1966 51 lawyers were returned for Labour, along with 56 described as lecturers or teachers and 18 managers or economists. The ranks of Labour lawyers in 1966 almost outnumbered those of Conservative lawyers, of whom there were 55 in 1966.³⁰⁷ Many of these professionals would be well used to both oral and written communication - giving speeches and presentations and report-writing. This emphasis on language and particularly rhetorical skills would seem to make these 'drafting' professionals - making it more likely that the new breed of Labour MP would feel comfortable in a select committee. Something similar was apparently happening on the Conservative benches; the Tory MP Julian Critchley, who left the House in 1964 and returned in 1970, said that there had been an '*embourgeoisement*' of the party in his years away, with scions of aristocratic families much less in evidence. In the Conservative Party, 'the politically active middle class who began by taking over the

307 Arthur Palmer MP, 'The Select Committee on Science and Technology' in Dick Leonard and Valentine Herman (eds), *The Backbencher and Parliament*, p. 161

constituency parties ... are now taking over Parliament itself'.³⁰⁸ There was a media perception that the intake of 1966 was highly interested in reform of Parliament. In June 1966, *The Times* observed that the 83 new MPs, many 'bursting with intellect and energy' often took 'a dim view of the rusty machinery of Westminster'. Committees appeared to be popular with this cohort; the paper, reporting on a survey of the attitudes of the new Members, noted that eight of them mentioned 'the fashionable idea of specialist backbench committees' when asked what would make Parliament a better place.³⁰⁹

Traditionalists saw things differently, while confirming the importance of the new social mix on the green benches. In 1967 the weighty Commons figure of the Conservative ex-Minister and constitutional thinker Enoch Powell attributed the current 'modernizing' reforms of the House dismissively to the 'pullulation of departments of politics at the multiplying universities and the impatience of a large new intake of the managerial Labour Party in 1964-66'.³¹⁰ Powell identified one of 'the favourite nostrums of the modernizer' as the new select committees, which he described as 'the congressional committee à l'Américaine', and he suggested there would be 'strict limits' on the scope of select committees, because 'it is on the floor of the Chamber that men and Ministers are made or broken - in debate and in the party struggle'.

The new intakes were well represented on the select committees of the mid-1960s. To take just one Session, 1966-67, some of the main select committees had plenty of

308 Julian Critchley MP, 'Returning to the House', in *ibid.*, p.240

309 *The Times*, 'New MPs have kept their Zeal for Reform', 6 June 1966

310 J. Enoch Powell, 'Reviews', *Parliamentary Affairs*, 20/3 (1967), p. 285

members who had been elected in the 1960s. For example the Nationalised Industries Committee included, by the end of the Session, 10 MPs who had been elected since 1960, out of a total of 18 Committee members. 21 members of the 1966-67 Estimates Committee, out of a total membership of 43, (and 16 out of 31 Labour members), had been elected since 1960. One of the new ‘Crossman’ committees, Science and Technology, included seven post-1960 MPs out of a total of 14. At least numerically, the impact of recently-elected members on the select committees was therefore powerful.

The committees could also be robust in their dealings with government. Barker and Rush observed in a near-contemporary study that the Estimates Committee and the Nationalised Industries Committee regularly dealt with matters of policy, some of them highly contentious.³¹¹ *The Guardian* noted in November 1970 that, since the establishment of the Nationalised Industries Committee in the 1950s, select committees had begun to ‘venture farther’ beyond financial matters to ask questions about the efficiency of the administration, and that process had accelerated in the past four years.³¹² Ronald Butt, writing at about the same time, explained this phenomenon incisively in the context of the dual management of government activity by Ministers and civil servants. He saw committee reformers as having ‘abandoned hope of effectively controlling the politicians *direct* [Butt’s emphasis](through the traditional processes of politics on the floor of the House)’ and therefore seeking ‘a new way in which the House of Commons might call the politicians to account through the administrators who are suspected of dealing in policy as well as administration’.³¹³

311 Barker and Rush, *The Member of Parliament and his Information*, p. 148

312 *The Guardian*, ‘MPs may continue to explore’, November 13, 1970

313 Butt, *The Power of Parliament*, p. 357

This tendency to ignore procedural boundaries and to exercise political accountability through the back door - in some respects, to hold departments to account for their policies by questioning Ministers and, particularly, their permanent officials, about its implementation - would also characterise the work of the select committees of the 1970s. At a time when governments of both parties were (for most of the time) expanding the scope of their detailed intervention in the social and economic spheres, such a tactic had an obvious appeal. Select committees could also be seen by Ministers as useful in internal battles with officials. Butt wrote that he had personal experience of hearing 'one senior Cabinet Minister in the post-1964 Labour administration privately admit that he would welcome such committees because they would give him an added buttress *against his own departmental civil servants*' [Butt's emphasis].³¹⁴

There were other signs of change in attitudes to select committees among senior politicians. An experienced Labour Minister, the robust government Chief Whip John Silkin, previously seen as plotting to place government loyalists onto committees, illustrated this when in March 1969 he told the Commons that: 'I hope that the House will never abandon Select Committees. Indeed, I doubt whether it ever could. This idea has gripped the consciousness and general fibre of Parliament today, and Parliament would be a very much poorer institution without Select Committees'.³¹⁵ For Silkin to talk in these terms in 1969 suggests that the idea of scrutiny select committees, if not yet the practice, had moved forward a long way in just ten years.

It is also clear that select committees had become established on a new procedural footing by the end of the 1960s, with yet another clerk, Clifford Boulton, listing recent

314 Ibid., p. 359

315 See p. 106 above. Hansard, *HCD*, col.1471, 25 March 1969

advances in the journal *Parliamentary Affairs* in the autumn of 1969. Boulton mentioned: the ‘growing tendency for Select Committees to take some or all of their evidence in public’, the power that several committees now enjoyed to employ experts, the power to release copies of select committee reports to the press 48 hours in advance of publication (a great boon to journalists and therefore something that helped to increase media coverage), the removal of the ‘constitutional objection’ to foreign travel by committees, and the appointment of the first Clerk of Committees, a very senior official overseeing the Committee Office. These relatively small but practical forward steps, all taken during the 1960s, were important in installing, or re-installing, select committees as an accepted and effective part of the machinery of the House.³¹⁶

Conclusion

The development of select committees in the 1960s has often been seen as the story of a flawed and largely unsuccessful experiment in giving the House a say in policy matters and the opportunity to hold Ministers to account. The anti-hero of this narrative is often Richard Crossman. Yet it is also possible to see these developments as something different - a piece of reasonably successful Labour party management, with Harold Wilson playing a substantial initiating role. From 1964 onwards, Wilson was well aware of the need to keep intelligent and energetic new Labour backbenchers engaged, and after the 1966 General Election, when his majority allowed it, he acted. At first he attempted to mix ‘effectiveness’ reform with ‘efficiency’ reform, and he struggled before successfully concentrating on the former and thus strengthening Parliament. The fact that Wilson, the dominant political figure of the 1960s, had been

³¹⁶ C.J.Boulton, ‘Recent Developments in House of Commons Procedure’, *Parliamentary Affairs*, 23/1 (September 1969), p.66. Also see Shell, ‘Parliamentary Reform’, p.180

a leading select committee chairman may also have had something to do with their progress during the decade.

The creation of the new select committees in the second half of the 1960s thus had an impact at senior political level that has not been recognised by previous writers. Cabinets regularly paid close attention to select committees after 1966, and James Callaghan emerged as a true heir of Herbert Morrison in his ill-concealed irritation at the idea that committees should deign to question Ministers on policy. But Callaghan and other opponents did not prevail over Crossman, despite Wilson's wavering. Select committees changed their shape towards the end of the decade and some, like Agriculture, suffered for their feistiness, but the statistics are impressive; for perhaps the first time since the early twentieth century the proportion of the House involved in select committees settled at around 40 percent. Ministers discussed select committees much more often in Cabinet and they mentioned them more frequently on the floor of the House than they had during the 1950s. Even the Estimates Committee was noticed in the Chamber a little more.

Underneath the political radar, the mundane but important changes to arrangements for select committees seen during the decade marked a gradual and almost imperceptible but important strengthening of the system. Very little has been said in the literature about the part played by House of Commons clerks in the development of select committees, but this Chapter provides evidence that they supplied an important element of continuity; it was in the 1960s in fact that younger clerks such as Michael Ryle and David Pring began to work in their various ways for reform. The importance of this modest 1960s wave of reformist clerks is that, unlike Campion and

Fellowes, they were not at the point of retirement. The younger clerks who pressed for reform would have the chance to continue their work and, in the 1980s, to celebrate, as senior figures in the House service, the coming of the departmental committees they had been advocating for 20 years. Along the way, they, and those of their colleagues who were equally reform-minded, helped the House to make the small changes in procedure and practice that would entrench improvements to the functioning of committees. This work underpinned a subtle change in the culture of the House of Commons which made the 1960s, despite all its failures, a decade of positive reform.

The select committee advances of the 1960s also touch on a larger issue - the wide-ranging debate about the idea of 'consensus' in post-war Britain. It has been argued that socio-economic and political consensus, broadly social democratic in some ways, prevailed in Britain from 1945 until the 1970s.³¹⁷ This has been seen as characterised by a general striving for political harmony - for example in the era of 'Butskellism' in 1950s Britain, when the leaderships of both the major parties, Labour and Conservative, were said to have shared broad policy aims such as full employment, the provision of social benefits for the vulnerable and an adequate level of public spending. However, it is worth noting that the whole notion that consensus was overwhelmingly the dominant feature of British politics after 1945 has been disputed.³¹⁸ In 1996 many contributors to a book edited by Kandiah and Jones argued that in this period there were clear dividing lines between distinctively 'Conservative'

317 See for example Dennis Kavanagh, *Thatcherism and British Politics: The End of Consensus?* Second Edition (Oxford: Oxford University Press, 1990); also Peter Dorey, *British Politics since 1945* (Oxford: Blackwell, 1995), pp. 40-41

318 Harriet Jones and Michael Kandiah, *The Myth of Consensus: New Views on British History, 1945-64* (Basingstoke: Macmillan, 1996). Others who have argued that post-war cross-party consensus was more apparent than real include Michael R. Gordon, *Conflict and Consensus in Labour's Foreign Policy, 1914-1965* (Stanford: Stanford University Press, 1969).

and unmistakably ‘Labour’ positions on both domestic and foreign policy. Andrew Gamble had suggested in 1974 that the Conservatives lost the first General Election of that year because they had ‘appealed to a national consensus which did not exist’.³¹⁹ Ben Pimlott reached similar conclusions.³²⁰ Richard Toye suggests that the idea of consensus was used to advance a variety of political agendas in the post-war period, but he also argues that this did not prove the actual existence of consensus.³²¹

It is important here to distinguish between the idea of a broad, longer-term, underlying *policy or ideological consensus* (agreement by Ministers, MPs, civil servants and commentators on key features of the direction of social and economic policy) and the short-term *committee consensus* needed to allow a select committee to function and, in particular, to produce an agreed report. The latter may be seen as a product of a mindset or habit rather than any sort of ideological position. Nevertheless the two concepts of consensus *are* closely related, and the failure of select committees (based as they inevitably are on something of a shared frame of reference, even though the sharing is perhaps temporary) to make much political impact for the first 15 years after the Second World War, does lend some support to those who have doubted the existence of political consensus in the immediate post-war years.³²² On the other hand, the rapid growth of select committees after the mid-1960s suggests that, from then on, more and more MPs were finding it possible to reach consensus with those of a different political stripe. In this way, the rise or fall of interest in select committees

319 Andrew Gamble, *The Conservative Nation* (London: Routledge and Kegan Paul, 1974), p.231

320 Ben Pimlott, *Frustrate Their Knavish Tricks: Writings on Biography, History and Politics* (London: HarperCollins, 1994), pp.229-39

321 Richard Toye, ‘From “Consensus” to “Common Ground”’: The Rhetoric of the Postwar Settlement and its Collapse’, *Journal of Contemporary History*, 48/1 (2012), pp. 3-23

322 Michael Foot was among the leading figures who deprecated the growth of select committees in the 1960s and 1970s, because of what he identified as their connection with political consensus and consequent blurring of party boundaries. See Chapter Four

could be seen as one indicator of the state of the political environment in the House of Commons.

Chapter Three: Select Committees and Political Crisis in the 1970s

The previous Chapter has described a decade of steady committee growth and development during the 1960s. Nevertheless, at the end of the decade there was still a sense that improvements were needed, especially in financial scrutiny. In this spirit, the Procedure Committee which reported in 1969 welcomed the government's intention to produce each year a public expenditure White Paper looking five years ahead.³²³ Linked to this, and to improve Parliament's scrutiny of spending, the Committee recommended that the Estimates Committee should become the Select Committee on Public Expenditure, with a wider Order of reference allowing it 'To consider public expenditure, and to examine the form of the papers relating to public expenditure presented to this House'. There should be eight Sub-Committees, each considering spending on a 'function' such as Education, Science and the Arts rather than departmental spending, and there should also be a General Sub-Committee.³²⁴ Each Sub-Committee would examine 'the implications in terms of public expenditure of the policy objectives chosen by Ministers'.³²⁵

Press comment on the Procedure Committee's report, though modest in scale, was positive; *The Times* called the Committee's idea for a full-dress debate on public spending each year 'revolutionary' and said that the proposed Expenditure Committee system 'would be the first big shift of influence this century back towards Parliament and away from the increasing Budget-making power of the Government and

323 *First Report* from the Select Committee on Procedure, Session 1968-69, p. ix

324 *Ibid.*, p. xv

325 *Ibid.*, p. xvi

Whitehall'.³²⁶ *The Guardian* said that this was an 'immensely important proposal which, if accepted, would restore to the House of Commons much of the power to control policy which it has lost'.³²⁷ The 1968-69 Procedure Committee was highly unusual in containing a leading political scientist of the day, John P. Mackintosh, author of authoritative and influential works on Cabinet and other parts of the polity. David Marquand, also a Labour MP, was another member of this Procedure Committee; like Mackintosh he would have a distinguished career in the field of political science, as well as working at senior level in the European Commission. Thus the backbench mood for reform prompted by the Crossman changes of the mid-1960s was far from extinguished by the end of the decade, and there were knowledgeable politicians who were keen to take it further.

The Conservative Government of Edward Heath, elected in June 1970, agreed to the establishment of a Select Committee on Expenditure with a remit to examine the expenditure implications of policy; the aim, in line with the recommendations of the 1968-69 Procedure Committee, was to give Parliament a role in the emerging system of public expenditure control. The Expenditure Committee began its work early in 1971, with an order of reference (Standing Order 80) that stated that it should, in particular, 'consider how, if at all, the policies implied in the figures of expenditure and in the estimates may be carried out more economically'. Nevertheless there were some constraints; as appointed the Expenditure Committee had fewer members (49) and fewer sub-committees (six) than had been recommended by the Procedure Committee.³²⁸ It would therefore find it hard to do justice to some subjects.

326 *The Times*, 'MPs propose annual debate to vet public spending', 20 September 1969

327 *The Guardian*, '... and so should the Commons', 20 September 1969

328 For the background see Cmnd 4507, Session 1970-71, *Select committees of the House of Commons*

The backdrop to the work of the Expenditure Committee and other select committees for much of the 1970s was one of acute political and economic crisis, with governments of both main parties struggling at times to assert control over organised labour and to manage dissent within their own backbench ranks.³²⁹ The Heath Government fell in 1974 largely because of its failure to manage the challenge of a miners' strike and the effects of a three-day week imposed on British industry. As the 1970s wore on, the political weather grew yet stormier. The Labour government of Harold Wilson which came to power in 1974 faced even more severe internal and external dissent. The trade union movement, with which the Labour Party was closely associated, became intensely unpopular during the decade, its influence increasingly seen as excessive. A series of incomes policies failed to curb inflation.

There were other apparent threats to the integrity and effectiveness of the state; the continuing security and political crisis in Northern Ireland took up many hours of ministerial time, suggesting that at least parts of the country were not governable, and Britain's new status as a member of the European Economic Community was continuing to raise complex questions about sovereignty. The senior Conservative Douglas Hurd, who was to become successively Home Secretary and Foreign Secretary in Thatcher's 1980s' governments, described Parliament in the 1970s as 'both violent and feeble', with a system of partisanship which persistently discussed 'politics as if there were only two possible judgements, that of our own party being

329 There have been many accounts of the downfall, in similar circumstances of industrial turmoil, of Edward Heath in 1974 and of James Callaghan in 1979. See for example Hugo Young and Geoffrey Goodman, 'The Trade Unions and the Fall of the Heath Government', *Contemporary Record*, Vol. 14 (1988) pp. 36-46; and K.O. Morgan, *Leadership and Change: Prime Ministers in the Post-War World - James Callaghan*, Lecture, Gresham College, 2007. See also Philip Norton, *Conservative dissidents: dissent within the Parliamentary Conservative Party, 1970-74* (London: Temple Smith, 1978); Philip Norton, 'Parliament', in Anthony Seldon and Kevin Hickson (eds), *New Labour, Old Labour: The Wilson and Callaghan Governments, 1974-79* (London: Routledge, 2004), p. 191

wholly right, the other wholly wrong'. Hurd feared that 'So long as Parliament behaves in this out-of-date way it will fail in its main task of controlling and influencing the executive'.³³⁰ In these circumstances, select committees, with their non-partisan approach to policy analysis and scrutiny, might appear to offer to many MPs a constructive corrective to the stresses of partisan contention.

At the end of the decade the departmental select committee system, essentially the one that has lasted until the present day, was established. This Chapter assesses the performance of select committees during the 1970s, asks how they were affected by the turbulent politics of the time and explores the reasons why the 1979 reforms came about.

The 1970s select committees: the shortcomings and the statistics

Positive judgements on the select committees of the 1970s have been rare. S. A. Walkland did applaud the work of the Expenditure Committee, and especially its General Sub-Committee, which he saw as having - in 'fruitful partnership' with the Treasury - achieved an overhaul of the system of public expenditure control.³³¹

However there were flaws in the 1970s pattern of committees. The Procedure Committee of 1978 criticised the development of the system as 'piecemeal' and resulting in 'decidedly patchy coverage of the activities of governmental departments and agencies'.³³² The weakness of the 1970s system enfeebled Parliament at a time

330 Douglas Hurd, *An End to Promises: Sketch of a Government 1970-74* (London: Collins, 1979), p.71

331 S. A. Walkland, 'Parliamentary Reform, Party Realignment and Electoral Reform', p. 44

332 Procedure Committee 1978, Vol. I, p.li

when the constitution was said to be ‘weighted in favour of the Government to a degree which arouses widespread anxiety’.³³³

The wider shortcomings of the committee structure of the mid 1970s were also noted by the clerks themselves. The Department of the Clerk of the House told the Procedure Committee in 1977 that, because the House specified the powers of each committee, it created ‘inconsistencies between committees’. There were very few debates on committee reports - especially disappointing for committees because ‘Nothing would strengthen a committee’s hand more than to have its conclusions endorsed by the House.’ Just as significantly, government responses to reports were often so tardy that public interest in the subject had simply ‘evaporated’ by the time they were published.³³⁴

Contemporary academic comment was just as unenthusiastic; for example the Expenditure Committee was described by Ann Robinson, the author of a comprehensive 1978 study, as having failed to fulfil many of the expectations held out for it at the start of the decade. The balance of forces between the House and the government had remained the same, and the Committee had not ‘revived Parliament’s traditional power of the purse’. The Committee’s influence on the rest of Parliament, the policy process and the wider world had been ‘limited’.³³⁵ In 1981 Nevil Johnson expressed deep reservations about the potential effectiveness of select committees, given the persistence of ‘the adversary relationship between Government and

333 Ibid., p.viii

334 Ibid., Vol. II, pp.113-114

335 Ann Robinson, *Parliament and Public Spending*, p. 154

Opposition'.³³⁶ Later commentators have also been critical. The observation of Seaward and Silk on the Expenditure Committee is that its work was widely regarded as 'unsystematic and uneven'.³³⁷

Yet the statistics suggest that 1970s select committees were highly active, and that many MPs were interested in taking part in them. The much-criticised Expenditure Committee was only one part of the machinery of committee scrutiny available to the House in the 1970s. The increased post-Crossman proportion of Members involved in committee work was maintained during the early 1970s, with the new committees continuing to meet regularly, while the Nationalised Industries Committee continued to fulfil its diverse remit with reports on major issues such as airports and the British Steel Corporation.³³⁸ During the 1970-74 Parliament, there were ad hoc select committees on the Civil List, which provides for the payment of the Monarch's expenses³³⁹, and on corporation tax³⁴⁰ as well as on tax credits.³⁴¹ After Labour came to power in 1974 there were ad hoc committees on Cyprus (established just after the Turkish invasion of the island which had brought it firmly to international attention once more),³⁴² violence in marriage³⁴³ and the notion of a wealth tax.³⁴⁴ So the machinery of the select committee began to be used more often for inquiries into

336 Nevil Johnson, 'Select Committees as Tools of Parliamentary Reform: Some Further Reflections' in S. A. Walkland and Michael Ryle (eds.) *The Commons Today*, Revised Edition (London: Fontana, 1981), p. 225

337 Seaward and Silk in *The British Constitution in the Twentieth Century*, p. 170

338 For example, Select Committee on Nationalised Industries, First Report, Session 1970-71, *British Airports Authority* (275); First Report, Session 1972-73, *British Steel Corporation* (141). The issue was a prominent one at the time, with the Labour manifesto for the February General Election proposing public ownership of several more industries including North Sea oil, aircraft and shipbuilding.

339 *Report from the Select Committee on the Civil List*, Session 1971-72 (29)

340 *Report from the Select Committee on Corporation Tax*, Session 1970-71 (622)

341 Select Committee on Tax-Credit, *Report*, Session 1972-73 (341)

342 *Special Report from the Select Committee on Cyprus*, Session 1974-75 (69); *Report from the Select Committee on Cyprus*, Session 1975-76 (331)

343 *Report from the Select Committee on Violence in Marriage*, Session 1974-75 (553)

344 *Report from the Select Committee on a Wealth Tax*, Session 1974-75 (696)

controversial issues. In some but not all cases, government encouraged the establishment of the select committee. This level of select committee activity on largely domestic issues was to some extent reminiscent of the mid and late Victorian heyday of such bodies, and completely out of line with the general experience of the early twentieth century.

The proportion of Members involved in select committees continued to be substantial, with 251 MPs for instance serving in 1970-71 and 250 in 1971-72 - nearly 40 percent of the total.³⁴⁵ The middle years of the 1970s saw something of a peak, with 291 Members serving on select committees in 1974-75 and 294 Members in 1975-76. This last figure represented 46 percent of the whole House. The figure went down slightly to 254 in 1976-77 but the level of activity remained high through the decade - 222 Members served on select committees and similar Commons bodies even in the Election-truncated Session of 1978-79.³⁴⁶ Rush calculates that the number of investigatory meetings per sitting day rose from 2.2 in 1968-69 to 2.7 in 1977-78 - not a spectacular increase but well above the 0.8 per sitting day of 1956-57.³⁴⁷

The volume of Commons committee work continued to be considerable as the decade wore on. By 1976-77, Rush calculates, the figure for legislative committee meetings was 353.³⁴⁸ But the increase in meetings of committees whose specific responsibility it was to inquire into expenditure, policy and administration - the category described by Rush as 'investigatory' - was much more dramatic. There were only 38 meetings of such committees in 1947-48 and just 40 in 1961-62, but there were as many as 376

345 See *Sessional Return*, 1977-78.

346 From the *Sessional Returns*

347 Rush, *The Role of the Member of Parliament Since 1868*, p. 196

348 *Ibid.* p. 193

meetings of investigatory committees in 1976-77. This represents a nearly tenfold increase in 15 years. By another, broader measure of select committees as a whole (including domestic and administrative select committees which would not always be investigatory but which would be cross-party in operation), the scale of the advance is also obvious. Whereas in the two full (non-General Election) sessions of 1960-61 and 1961-62 there were a total of 566 select committee meetings, in the equivalent full sessions of 1975-76 and 1976-77 there were no fewer than 1498 such meetings - nearly three times as many.³⁴⁹

Figures for Members' actual attendance at committee meetings followed a similar pattern. Rush's figures show that the percentage of government backbenchers attending legislative committees rose very slightly from 62.7 percent in 1947-48 to 64.9 percent in 1961-62 and more noticeably to 79.8 percent in 1976-77 (with similar figures for Opposition backbenchers).³⁵⁰ But the figures for attendance at investigatory committees, although still lower, rose much more strongly. Whereas in 1947-48 a mere 7.1 percent of government backbenchers attended one or more of the 'investigatory committees', by 1961-62 the figure was 14.5 percent and by 1976-77 the proportion was 29.8 percent. Similarly, 6.5 percent of Opposition backbenchers attended investigatory committees in 1947-48, a proportion that rose to 12.4 percent in 1961-62 and as much as 26.5 percent in 1976-77. The combined effect of the 'Crossman' reforms and the introduction of new committees in the 1970s on the life of Parliament was clearly substantial, though it is ignored in many accounts of the twentieth century development of select committees.

³⁴⁹ Procedure Committee 1978, Vol. I, para. 5.11, p.1

³⁵⁰ Rush, *The Role of the Member of Parliament Since 1868*, p. 197

These statistics have interesting implications for the relationship between Parliament and the Executive; while committee work of all sorts increased in volume, the most substantial growth was not found in those legislative committees whose work was determined by the demands of the government's legislative timetable (and influenced by the whips³⁵¹) but in the investigatory committees where the influence of party business managers was much less obvious.

But perhaps even more significant was the clear rise, from a very low base indeed, in the numbers of those MPs who appear to have had a serious commitment to investigatory work, demonstrating it by turning up regularly to committee meetings. Regular attendees at select committees are the bedrock of a committee, who, by helping provide the committee with a quorum week-in week-out, enable it to function. Rush notes a steady rise in the proportion of government backbenchers who attended 20 or more investigatory committee meetings from 1.2 percent in 1947-48 to 2.9 percent in the 1961-62 Session, but a much steeper increase, to 9.7 percent, in 1976-77. The 1960s and 1970s saw a more notable increase in the proportion of Opposition backbenchers with high attendances: the percentage of '20 meeting plus' attendees was 1.0 percent in 1947-48 and just 0.9 percent in 1961-62, but by 1976-77 12.8 percent of the total of Opposition backbenchers were attending 20 or more investigatory committee meetings.³⁵² Even though the numbers were still fairly small in 1976-77, there is clear evidence of the emergence in the previous decade of a group of reliable committee men and women, a group which had been almost non-existent

351 Jessica Levy, *Strengthening Parliament's Powers of Scrutiny? An assessment of the introduction of Public Bill Committees* (London: Constitution Unit, 2009), pp.11-13, describes the dominance of the whips over both standing committees and their successors, Public Bill Committees

352 Ibid.

in 1960 - mainly because the investigatory committees did not exist in large numbers. The statistics demonstrate clearly that the advances in select committee activity achieved in the 1960s were being substantially consolidated in the 1970s.

There was some contemporary recognition of the strong growth of committee activity during the 1970s. Nevil Johnson acknowledged the sheer scale of the material produced in the previous decade and a half. He noted that, including sub-committees, the numbers of select committee 'operating units' in Sessions between 1972-73 and 1975-76 varied between 28 and 40 per Session.³⁵³ Johnson described the quantitative growth of pre-1979 committee work as 'intimidating' and expressed admiration (of sorts) at the 'nearly six feet of library shelf space' taken up by recent committee reports.³⁵⁴ Between 1970 and 1974, Johnson noted, 'well over 300 civil servants had to attend select committees', although only 14 Ministers appeared during that same period.³⁵⁵

In examining the whole landscape of scrutiny, it is instructive to assess the scale of select committee activity in some major policy areas - defence, external affairs, home affairs, and Treasury and related matters; Appendix A has the detailed breakdown. Along with ad hoc committees on specific subjects and relevant Crossman-era committees, all meetings of Expenditure sub-committees are included, such as those covering Environment and the Home Office, even though Home Office matters might only have taken up a small part of the committee's business at some meetings; this therefore slightly overstates the actual amount of committee activity in those fields.

353 Nevil Johnson, 'Select Committees as Tools of Parliamentary Reform', p. 203

354 Ibid., pp. 205-6

355 Ibid., pp. 207

These totals demonstrate a high degree of select committee activity in key policy areas. There were no fewer than 38 meetings of the Defence and External Affairs Sub-Committee in the earliest full Session of the Expenditure Committee, 1971-72, and 28 of the Race Relations and Immigration Committee. Altogether, there were 111 meetings of committees and sub-committees touching on these four policy areas in 1971-72, a figure that rose to 185 in 1975-76. There were 133 meetings on these subjects in 1976-77. This was a considerable volume of activity, and, as noted in the next chapter, would compare well with the figures for the reformed post-1979 equivalents.

Select committees were apparently also getting better during the 1970s at the techniques required to make the system work properly. Evidence provided to the Procedure Committee in 1977 by the Clerk's Department identified a number of changes which had been introduced in the previous decade which had 'transformed the style of some select committees' operations'. Public evidence sessions had 'led witnesses, on the whole, to be more forthcoming and to have prepared their evidence better', the employment of specialist advisers had helped committees to a 'better understanding' of complicated evidence, and visits abroad had enabled them to 'draw usefully on foreign experience'.³⁵⁶

Above all, select committees were by the mid-1970s quite prepared, on occasion, to challenge government unwillingness to provide evidence for their inquiries. The case of Harold Lever and the Chrysler motor industry inquiry in 1975 and 1976 was a clear demonstration of this. Lever, Chancellor of the Duchy of Lancaster, who had acquired

³⁵⁶ Procedure Committee 1978, Vol. II, p. 113

an influential but somewhat ill-defined role in matters of industrial and financial policy, was involved in discussions with other Ministers, especially the Industry Secretary, Eric Varley, about the provision of substantial government financial support to Chrysler's ailing British subsidiary. The support given to Chrysler was very controversial at a time of severe financial stringency and there were strong rumours of ministerial splits. The Trade and Industry Sub-Committee of the Expenditure Committee wanted Lever to give evidence because of his alleged involvement (the subject of many, often speculative, press stories) in the spending of such large sums of public money, but the Prime Minister, Wilson, refused to let him appear, as he was not the responsible Minister. The issue was brought up at Prime Minister's Questions in January 1976 by Margaret Thatcher, the new Leader of the Opposition, when she stated the proposition that requests to Ministers to appear before select committees should be regarded as 'mandatory'.³⁵⁷ Wilson brought up the case in Cabinet the next week, betraying his anxiety when he said that select committees pressing for a variety of ministers to appear risked the Opposition, and 'even some Government backbenchers, seeking to divide the Cabinet by probing into the processes of collective decision-taking, which could cause even greater damage than Ministerial leaks'.³⁵⁸ The minute also notes the view of Cabinet members that there was 'some danger of Chairmen of Select Committees seeing themselves as comparable to the Chairmen of the powerful Senate and Congressional Committees in the United States'.

357 Hansard, *HCD*, cols. 577-78, 15 January 1976. In a somewhat similar case, Westland in 1986, Mrs Thatcher was to take a very different line. See Chapter Six below. Dominic Sandbrook, in Chapter Twelve of *Seasons in the Sun: The Battle for Britain 1974-1979* (London: Allen Lane, 2012) describes the disputes within and outside the Labour Government about whether or not Britain's ailing motor industry should be saved by injections of public funding

358 TNA, CAB 128/58/2, 'Conclusions of a Meeting of the Cabinet', 21 January 1976, p.5

The Lever case continued to be followed in many sections of the press, where there was support for the Committee's stance in editorials and opinion pieces.³⁵⁹ The furore did not abate, with Varley as a consequence suffering the humiliation of having his salary reduced by £1000 after a vote in the House - a form of censure that remarkably had not been applied since 1921.³⁶⁰ In the event, the Sub-Committee did not insist that Lever should appear after his original refusal, on the grounds that 'Subsequent evidence [had] made the appearance of the Chancellor of the Duchy of Lancaster, quite simply, unnecessary'. The Committee had been politically pragmatic, but its report restated the principle that Ministers should attend.³⁶¹

This episode foreshadowed in some ways the much more celebrated case of Westland, when, ten years later, on another sensitive issue of industrial policy, there was a similar stand-off between government and a select committee over attendance at an evidence session. But it also throws into sharp relief just how far select committees had come in their dealings with Ministers. The press noticed Chrysler and the Sub-Committee's inquiry on it, because the issue said a lot about one of the key policy questions of the 1970s - the extent to which government should support struggling industries. This was not the only case of select committees standing up for their rights in the 1970s; for example, a senior industrialist, Sir Charles Villiers, Chairman of the British Steel

359 For example: *The Times*, 'Mr Lever rejected call to attend Chrysler inquiry', 15 January 1976; *The Guardian*, 'Varley put in the hot car seat', Jan 15, 1976; *The Guardian*, 'The necessity of grilling Harold Lever', 16 January 1976; *The Observer*, 'Privilege Row over Chrysler', and 'Mr Wilson's Secrets', 18 January 1976; *The Times*, 'Summoned to Attend', 19 January 1976; *The Guardian*, 'How Chrysler suffered a nasty Whitehall wobble', 29 June 1976.

360 Hansard, *HCD*, cols. 461-527, 11 February 1976. The Sub-Committee's criticism of Varley was referred to by the Opposition front bench spokesman, Tom King

361 Eighth Report from the Expenditure Committee, Session 1975-76, *Public Expenditure on Chrysler UK Ltd.*, (596), p.3

Corporation, was summoned to appear before the Nationalised Industries Committee in 1978.³⁶²

As Prime Minister from March 1976, James Callaghan was also disturbed by the demands of select committees for evidence. In February 1978, in a Prime Minister's 'personal minute' on 'Disclosure of Cabinet Committees', Callaghan warned of the risks of acknowledging the existence of such committees.³⁶³ Personal minutes were rare, so it is very significant that this one was prompted by 'evidence that Select Committees would like to interest themselves in the [Cabinet] Committee system and may be seeking to erode the present convention [which was firmly against disclosure]'. The particular demand had come in the form of a recommendation by the Overseas Development Select Committee that there should be a ministerial Cabinet Committee whose remit would be to coordinate 'inter-departmental consideration of the interaction of domestic and overseas policy'.³⁶⁴ A Cabinet Committee with such a remit (RD) did in fact already exist. The fact of RD's existence was awkward, because acknowledging it would set a precedent. Crucially, the issue also trod on sensitive ground recently disturbed by the Lever/Chrysler case. Callaghan feared that if the names of Cabinet Committee chairmen were disclosed, select committees would try to summon them 'to give evidence in addition to the responsible Minister'. The Prime Minister came down in favour of maintaining the convention of non-disclosure and no acknowledgement was made. But, by stepping into machinery-of-government questions, and raising tricky issues around individual and collective ministerial

362 For other instances of select committee assertiveness during the 1970s, see A. H. Hanson and Malcolm Walles, *Governing Britain: A Guidebook to Political Institutions* (London: Fontana, 1984), pp. 84-85

363 The Minute was reproduced in *New Statesman*, 21 July 1978

364 First report from the Select Committee on Overseas Development, Session 1977-78, *Trade and aid* (125), pp. ix - x

responsibility at a time when there were Cabinet tensions, the Overseas Development Committee had got under the skin of a usually-imperturbable Prime Minister. This was no longer the world of Morrison and Butler, where select committees could be largely ignored.

Policy Influence

This thesis has already argued that policy influence via accepted recommendations is not by any means the only determinant of committee effectiveness. But it is clearly important. Figures calculated for this thesis suggest that the Expenditure Committee did reasonably well in terms of winning government acceptance of its recommendations. Over the nine years or so of its existence, 130 of the Expenditure Committee's recommendations were fully accepted and 298 partially or implicitly accepted by government, while about 150 recommendations were fully or partially rejected. About 210 recommendations were neither accepted nor rejected. Therefore, out of a total of about 800 recommendations made by the Expenditure Committee over half were accepted to one degree or another and less than 20 percent were rejected.

These 1970s select committee recommendations were sometimes wide-ranging. Often they touched on policy; MPs were generally as resistant to being restricted to 'dry and repulsive' financial scrutiny work as they had been for decades. The First Expenditure Committee Report of 1971-72 was on *Probation and After-Care*.³⁶⁵ It contained conclusions on the effect of policy on expenditure, but it also urged that the prison welfare system 'should be thoroughly examined at an early date'.³⁶⁶ This recommendation was accepted, an example of the Expenditure Committee's ability to

365 First report from the Expenditure Committee, Session 1971-72, *Probation and After-Care* (47)

366 *Ibid.*, p.x

play a part in the debate on policy rather than simply to assess policy's effect on expenditure. It is worth noting, though, that the Home Office accepted the recommendation in terms that suggested that such a review was already being conducted in one form or other; the causation of policy change is always difficult to identify.³⁶⁷

Nevertheless there were occasions during the 1970s when policy influence by select committees can be more clearly identified. The Expenditure Committee Report on the *Employment of Women*³⁶⁸ published in the spring of 1973 was based on an inquiry carried out by the Employment and Social Services Sub-Committee chaired by the Labour Member Renee Short. The Report contained a range of policy recommendations, many of them aimed at improving the employment chances of women of all ages. Recommendations mostly covered detailed issues such as the inequality in the level of training grants between men and women, but there were also a number of major recommendations to change the face of work for women. These would involve, for example, changes to encourage flexibility in working patterns and the rapid expansion of day nurseries and nursery school provision. The government responded to the Committee by agreeing to remove the inequality in the level of training grants - a direct committee effect on policy.³⁶⁹

367 Probation and after-care. *Observations by the government* on the first report from the Expenditure Committee, 1972, Cmnd 4968, p. 5

368 *Sixth report* from the Expenditure Committee, Session 1972-73 (182)

369 Expenditure Committee, Session 1972-73, *Government Observations* on the Reports on Youth Employment Services, the Employment of Women, and Employment Services and Training, 1974, Cmnd 5536, p. 15

Wider Political and Constitutional Impact

So much for the relatively rare occasions on which there was, or appeared to be, a direct and provable influence on policy; what about wider impact? This was also significant at times during the 1970s. Select committees of the early 1970s were, for instance, quite prepared to carry out inquiries into areas that caused embarrassment to the Conservative government.

The Expenditure Committee did not just settle on topics which avoided direct party controversy; there was substantial voting on party lines for instance on a report on the controversial issue of NHS Facilities for Private Patients.³⁷⁰ The Committee's consideration of the report involved 15 divisions, all on party lines. While the report's recommendations were bland and gave a clean bill of health to the government's policy on pay beds, the amendments proposed by some of the Committee's Labour members, but not accepted by the Conservative-majority Committee, were strong in their criticisms, and were reported in the Minutes of the Committee.

The way the Defence and External Affairs Sub-Committee of Expenditure addressed the defence part of its remit was often confident and challenging. In the 1971-72 Session the Expenditure Committee published a major report on 'a general survey of the whole field of defence expenditure', based partly on evidence taken by the Sub-Committee at the Headquarters of the British Forces in Germany at Rheindahlen and private discussions in Brussels with no less a figure than NATO's Supreme Allied Commander, General Goodpaster.³⁷¹ The report was quite explicit about the intentions

370 Fourth report from the Expenditure Committee, Session 1971-72, *National Health Service Facilities for Private Patients* (172). There was press coverage of the Committee's inquiry in *The Observer*, 25 July 1971 and *The Guardian*, 27 October 1971

371 *Second report* from the Expenditure Committee, Session 1971-72 (141), p.vi

of the Sub-Committee, its first paragraph containing this: 'The Sub-Committee believe an important part of their function is to stimulate public discussion of defence matters and to bring to the attention of the House informed opinion from sources outside the Government.' The report went on to stress that 'British defence policy cannot be viewed solely from a one nation standpoint. Our defence policy can only be judged in relation to our membership of various defence alliances'.³⁷² This was a Sub-Committee which had a sense of its constitutional significance and political credibility.

The record of the Defence and External Affairs Sub-Committee on foreign affairs was much less policy-oriented than its record on defence, although the foreign affairs work of the sub-committee certainly adhered more closely to the restricted remit of the Expenditure Committee. There were occasionally inquiries which addressed serious issues of foreign policy, including one in 1977 on the implementation of the Final Act of the Conference on Security and Co-operation in Europe, also known as the Helsinki Accords. These Accords were an attempt by the Western powers and the Soviet bloc to come to agreements on issues such as security, trade and, most controversially, human rights.³⁷³ The report on this inquiry, in tackling issues such as 'the interdependence of detente and human rights', went well beyond the apparently narrow remit of the Expenditure Committee. But many of the foreign affairs inquiries of the Sub-Committee concerned 'housekeeping' issues such as the sale of diplomatic property. Nevertheless there were other committees that addressed aspects of foreign affairs. One inquiry with serious foreign policy implications was carried out by the Expenditure Committee's Trade and Industry Sub-Committee in 1973-74. It

372 Ibid. p. v

373 Fifth report from the Expenditure Committee, Session 1976-77, *Progress towards implementation of the final act of the conference on security and co-operation in Europe* (392)

concerned the treatment by British firms of their South African workers.³⁷⁴ This inquiry resulted in the numbers of appearances by outside witnesses on foreign affairs topics in 1973-74 rising to 108 (compared with 39 official witnesses). Witnesses included representatives of unions and a number of large British companies operating in South Africa. Press coverage of the inquiry was extensive.³⁷⁵ Some MPs who were not members of the Sub-Committee were sufficiently incensed at its disregard for its remit to raise the issue on the floor of the House. The inquiry led the Conservative MP William Clark to complain to the Speaker that the Expenditure Committee is 'exceeding its authority and the authority of the House by asking for extensive information ... which could be construed as an interference into the affairs of a foreign Power'.³⁷⁶

The Nationalised Industries Committee continued to be one of the more successful and active parliamentary bodies. At a time when these industries accounted for a substantial proportion of the UK's industrial base and there was growing criticism of their performance from Conservative politicians and other bodies,³⁷⁷ the Committee's role was likely to be important. While continuing to inquire into individual industries, the Committee addressed some of the broader industrial issues which were arising, such as the relationship between government, Parliament and the management of nationalised industries.³⁷⁸ The figures for attendance at meetings of the Nationalised Industries Committee show how popular it was with its members. The main

374 Fifth Report from the Expenditure Committee, Session 1973-74, *Wages and Conditions of African Workers Employed by British Firms in South Africa* (116)

375 To take a small sample, there was extensive coverage in *The Times*, 5 April, 4 May, 17 May, 5 July, 24 October 1973; and *The Guardian*, 17 May, 23 May, 21 June, 27 June 1973

376 Hansard, *HCD*, cols 1020-21, 14 May 1973

377 See for instance *The Times*, 'The NEB [National Enterprise Board]: problems of a split accountability', 1 July 1976

378 *Second special report* from the Select Committee on Nationalised Industries, Session 1976-77, Comments by nationalised industries on the National Economic Development Office report (345)

Committee and its three sub-committees achieved average attendances of over 75 percent in 1977-78, with sub-committee C having attendance of nearly 90 percent.³⁷⁹

But what of the select committee response to the most significant constitutional development of the 1970s - the accession of the UK to the European Economic Community in 1973? In a patchy and uncoordinated way, committees responded actively and assertively to the transfer of sovereignty. Unpublished working papers of the Trade and Industry Sub-Committee of the Expenditure Committee, chaired by William Rodgers (Labour), reveal how determined the committee was to extend scrutiny to the very gates of the Commission. Within two months of accession, on 19 February 1973, the Sub-Committee visited Brussels and took oral evidence for over two hours at the Commission office.³⁸⁰ Among the witnesses was the former Labour Cabinet Minister George Thomson, at the time a Commissioner of the European Community. According to Tim Milne, the clerk of the Sub-Committee, the session seemed not unlike a day in Westminster: ‘The proceedings opened with a little speech by Mr Thomson, but subsequently continued with the normal questioning by Members.’ Milne noted with some perhaps slightly surprised approval that ‘In general the Commission were encouragingly forthcoming (rather more so than many Whitehall witnesses)’. Milne also reported that ‘The meeting had attracted some advance publicity, and had been described in the Press as “an unprecedented extension of British Parliamentary practice to the new circumstances of Britain in Europe”’.³⁸¹

379 *Returns of Select Committees*

380 Parliamentary Archives [Hereafter PA] HC/CP/3694 ‘Note ... by Tim Milne’, 21 February 1973

381 *Ibid.* Milne was more used to working behind the scenes; he was a retired MI6 officer, a close friend and colleague of ‘Kim’ Philby, the British double agent whose work for the Soviet Union was deeply damaging to the operation and reputation of British intelligence during the Cold War.

This was no flash in the pan. In July 1973, Milne wrote to Rodgers to explain the reasons for a ban by the Commission on verbatim reporting of select committee hearings with Commission officials. It had not been connected with the February events concerning the Sub-Committee: 'The reason was that the Commission were worried that things were getting a bit out of hand, with too many Parliamentary committees asking to take evidence, whereas the prime responsibility of the Commission was to the European Parliament.'³⁸² It is also worth noticing that the demands of European accession prompted another extension of committee work. The Select Committee on European Secondary Legislation, although not a classic investigatory committee, did produce many reports - 38 short reports in 1974-75 alone.

These developments, hardly noticed by most writers about select committees, demonstrate clearly how far the House's select committees had increased in confidence in dealing with European matters since the struggles of the Agriculture Committee over their Brussels visit in 1967. Most importantly, there was never any chance that the government would wreak revenge on the Expenditure Committee for its temerity in challenging the Commission's bureaucrats and the FCO's diplomatic sensibilities, by closing the Committee down. The fate of the 1960s Agriculture Committee would not be repeated in the new climate. Assumptions about the powers and scope of action of select committees in this constitutionally key area had altered fundamentally in six years.

Select Committees and Cabinet 1970-1974

³⁸² PA, HC/CP/ 3694, 'Letter to William Rodgers from Tim Milne', July 1973

One key arena where political significance is demonstrated is the Cabinet room, and the Cabinet Papers in the National Archives continued to be a rich source of evidence on ministerial attitudes to select committees in the 1970s. References in Cabinet papers could sometimes be merely fleeting, included for information only. However many references record substantive Cabinet discussions about select committees, and some suggest that constitutional boundaries were being tested, if not actually moved. The figures for post-1960 select committee mentions in Cabinet papers - mainly Cabinet Conclusions and Memoranda circulated to Cabinet colleagues by Ministers - suggest a growing salience. While there were 110 mentions of the phrase 'select committee' in the decade 1950-59, the number fell to 91 in the 1960s (surprisingly in view of the Crossman reforms) but rose to 175 in the 1970s.

The 1970-74 Conservative Cabinet several times discussed the work of the Select Committee on Science and Technology. In 1971, the Committee gained full and supportive press coverage for a report urging the government to increase by ten times the level of spending on computer research and development.³⁸³ Similar issues arose over the 1972 White Paper, *Framework for Government Research and Development*, which was the subject of 'severely critical' comment from the Chairman of the Science and Technology Committee, Airey Neave.³⁸⁴ Cabinet on 20 July heard that the Committee was expected to invite the Lord Privy Seal, Lord Jellicoe, to give evidence soon. In the discussion it was suggested that 'On balance, it would probably be unwise for such an invitation to be declined'. However this request raised a point of principle,

383 Select Committee on Science and Technology, Fourth Report of Session 1970-71, *The Prospects for the UK Computer Industry in the 1970s* (621), p.lx. On press coverage, see for instance *The Times*, 'Giving computers the national blessing' 19 November 1971; *The Guardian*, 'Massive support for computer industry urged', 19 November 1971; *The Financial Times*, 'Substantial Aid Urged for U. K. Computers', 19 November 1971

384 TNA, CAB 128/50/38, 'Conclusions of a Meeting of the Cabinet' 20 July 1972, p. 3

which was that it was questionable ‘whether a Select Committee ought to examine a Minister on a White Paper before the House of Commons itself had considered it’.³⁸⁵ This was a thorny issue, demonstrating the subordinate position of select committees in relation to the Chamber at the time, and the Leader of the House, Robert Carr, was asked by Cabinet to consider the constitutional point and to ‘discuss with the Chairman of the Select Committee on Science and Technology how the matter might be handled’. In the event, Lord Jellicoe gave evidence to the Committee.³⁸⁶ Three points emerge from this episode. Firstly the views of a Chairman of a select committee, even without the formality of a committee report, or even an inquiry, were taken seriously by Ministers; secondly Ministers were still trying to see how select committees fitted in to the usual procedures and prerogatives of Parliament; and thirdly a committee whose remit extended across a number of departments could attract the attention of several senior Ministers.

Another body which crossed the path of the Cabinet was the Nationalised Industries Committee. The Committee’s 1973 report into the future of broadcasting called for a wide-ranging independent inquiry before the expiry of the BBC Charter and the Television and Sound Broadcasting Acts in 1976.³⁸⁷ In a Memorandum to Cabinet of January 1973, Robert Carr, by now Home Secretary, stated his belief that the value of such an inquiry was ‘open to question’.³⁸⁸ When Carr’s Memorandum was discussed at the Cabinet meeting of 13 February, his approach to the inquiry was generally

385 Ibid.

386 Select Committee on Science and Technology, Minutes of Evidence, 2 August 1972, Session 1971-72 (467)

387 Second Report from the Select Committee on Nationalised Industries, Session 1971-72, *Independent Broadcasting Authority (Formerly Independent Television Authority)* (465)

388 TNA, CAB 129/167/7, ‘The Future of Broadcasting: Memorandum by the Secretary of State for the Home Department’ 24 January 1973

endorsed, but it was said that ‘public opinion might react adversely to a decision to reject considered arguments in favour of an independent inquiry into a matter which raised wide issues of public importance’.³⁸⁹ Carr was asked to ‘reinforce the arguments rejecting the proposal for a wide-ranging independent inquiry’. In such small ways, select committees were winning skirmishes even if they did not always win battles.

The Labour Government and select committees 1974-79

As we have seen, the Labour Government elected in 1974 faced similar problems to its predecessor, and the heated political environment was inevitably reflected in the work of Parliament’s committees. The Nationalised Industries Committee for instance continued to test procedural and sometimes constitutional boundaries. In a move that was highly unusual at the time, the Committee held extensive pre-legislative hearings in 1977-78 on proposed government legislation to re-organise the electricity supply industry.³⁹⁰ A number of questions were also raised in relation to the Select Committee on Nationalised Industries’ critical report during the same Session which related to the management of the nationalised British Steel Corporation. This expressed the Committee’s frustration that neither the Corporation nor the government had provided accurate financial forecasts, thus, in the view of the Committee, preventing Parliament from controlling the Corporation’s borrowing.³⁹¹ The episode raised serious questions as to whether select committees could force witnesses to produce evidence. The Committee was obliged to issue an Order for the production of the necessary information, but in time the forecasts were provided. Poole concludes that the episode

389 TNA, CAB 128/51/7, ‘Conclusions of a Meeting of the Cabinet’ 13 February 1973, p. 5

390 Ninth Report from the Select Committee on Nationalised Industries, Session 1977-78, *Re-organising the electricity supply industry; pre-legislative hearing* (636)

391 First Report from the Select Committee on Nationalised Industries, Session 1977-78, *British Steel Corporation* (26)

left 'honours fairly even' because the Committee had not immediately obtained everything it wanted, but it had nevertheless eventually enforced its Order.³⁹² Poole notes that 'this unusual, but formal, reassertion of [select committees'] traditional powers ... briefly made headline news', with a front page picture in *The Times* of the Commons official who had just served the Order. An important select committee principle had been stated and accepted by government, in the full glare of publicity - another significant advance for a pre-1979 committee.

Less confrontational, but also making an impact from time to time, was the General Sub-Committee of the Expenditure Committee. In 1980 a clerk, Andrew Kennon, provided an analysis of its work which usefully distinguished between direct policy influence and other political impact.³⁹³ Kennon stressed that as the Sub-Committee 'included a broad spectrum of economic opinion in the House' it did not make specific policy recommendations, focussing instead on the 'content and presentation of the Government's expenditure plans and their economic background'. He pointed to significant improvement in the amount and presentation of information contained in the 1979 Public Expenditure White Paper compared with its predecessors, as a result not only of critical remarks about the 'obscurity' of the White Paper in an Expenditure Committee Report but also of 'the dialogue which continued, both formally and informally, between [the Sub-Committee] and the Treasury throughout the Parliament'.³⁹⁴

392 K. P. Poole, 'The Powers of Select Committees of the House of Commons to send for Persons, Papers and Records', *Parliamentary Affairs*, 32/3 (1979), p. 270

393 Andrew Kennon, 'Recent Work of the General Sub-Committee of the Expenditure Committee', *Parliamentary Affairs*, 33/2 (1980), pp. 159-165

394 *Ibid.*, p. 160

The General Sub-Committee was assiduous in pressing for evidence even on highly sensitive financial matters, a case in point being the European Monetary System, established in 1979, which was intended to reduce currency fluctuations between European countries. The Chancellor of the Exchequer, Denis Healey, told his Cabinet colleagues in October 1978 that the Sub-Committee had decided to summon Treasury and Bank of England witnesses on the subject and had sought a memorandum from the Treasury.³⁹⁵ Healey himself gave oral evidence on 3 November 1978. When Cabinet discussed the EMS - at length - on 2 November, James Callaghan and his colleagues reflected the anxiety of Ministers at the intrusion of the Expenditure Committee into this sensitive area. The Cabinet Conclusions note that the Chancellor was to give evidence the next day and that he 'would do so in a neutral way: the extent to which Parliamentary Committees were seeking to involve themselves in future policy decisions of the Government was disturbing'.³⁹⁶ The scope of select committee operations in the 1970s was certainly recognised in Whitehall, notably in 1978 by a committee of senior officials whose work was reported to Cabinet. The Official Committee on Parliamentary Procedure (PPO) was set up to advise Ministers on their response to the Procedure Committee report of 1978. PPO's report acknowledged that 'Since the great bulk of the work of spending Departments has some link with expenditure, the Sub-Committees have in practice found no difficulty in ranging freely over Departmental policy and administration'.³⁹⁷

395 TNA, CAB 129/204/15, 'European Monetary System: Memorandum for Parliament: Note by the Chancellor of the Exchequer', 30 October 1978

396 TNA, CAB 128/64, 'Conclusions of a Meeting of the Cabinet' 2 November 1978, pp.10-11

397 TNA, CAB 129/204/9, 'First Report of the Select Committee on Procedure, Session 1977-78: Note by the Secretary of the Cabinet. Report of Official Committee on Parliamentary Procedure', 23 October 1978. The Official Committee was known as 'PPO' and its report is referenced as such below

From a different perspective, some references in the Cabinet papers of the later 1970s reveal a government considering the creation of a select committee, or the use of an existing one, to further a policy objective. One example, very relevant to the impact of European accession, was the establishment of a select committee on direct elections to the European Assembly which was set up in 1976. This was seen as a matter that was 'primarily for the House of Commons', but the experience seems to have been generally a good one for the government. Cabinet papers from the spring of 1976 note that the government encouraged the establishment of the select committee and that it was widely welcomed in the House.³⁹⁸ In October 1976, the Home Secretary Merlyn Rees urged his Cabinet colleagues to accept a variety of proposals from the Select Committee, including one for early legislation. Rees noted that the Labour Party Conference had voted against the principle of direct elections, but he argued that that key recommendation should be accepted, cautioning that 'If it becomes apparent that we are not introducing an early Bill, questions will be bound to be asked and our good faith may be challenged in Brussels'.³⁹⁹ Cabinet a few days later accepted that a commitment to legislation was needed, though it was argued that direct elections, a costly exercise, were not popular in the Labour Party, or relevant to people's problems. The Prime Minister, James Callaghan, summed up the discussion and judged that that no indication of timing was to be given. This was a case of Callaghan and his senior colleagues using the work of a select committee to ensure that the minimum necessary would be done for diplomatic purposes.⁴⁰⁰

398 TNA, CAB 128/59/2, 'Conclusions of a Meeting of the Cabinet' 29 April 1976, p. 2. A Commons debate the month before on the issue of direct elections had seen widespread support for the establishment of the committee, including from the official Opposition. Hansard, *HCD*, cols. 900-1036, 29 March 1976

399 TNA, CAB 129/192/13, 'Direct Elections: Introduction of Legislation. A Note by the Secretary of State for the Home Department' 18 October 1976, p. 2

400 TNA, CAB 128/60/5, 'Conclusions of a Meeting of the Cabinet' 21 October 1976, p. 13

Ad hoc committees were rarely if ever established as a result of backbench pressure. However, after they were set up, several of the late 1970s ad hoc committees, those on home affairs issues for example, were unafraid to challenge constitutional conventions. The Select Committee on Violence in Marriage of 1974-75 was important in this field. On 2 July 1975, the Committee took evidence from High Court judges - said to have been only the second time in the twentieth century that judges had appeared before a select committee.⁴⁰¹ The significance of this is that Article 9 of the Bill of Rights 1689, 'That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament' has formed a basic principle of the constitution since the seventeenth century; even in the second decade of the twenty-first century, it was unusual for judges (themselves jealous of their own independence) to give evidence in Parliament. On the very same day in 1975, the Committee took evidence from Barbara Castle, the Secretary of State for Social Services, who had been prevailed on to attend although she had, according to the Chairman Willie Hamilton, been reluctant to add to the evidence already given by her junior Minister, Michael Meacher. Castle gives a typically pointed account of the occasion in her Diaries, expressing resentment at the tough questioning she endured at the hands of Hamilton. This was ironic, as 'the setting up of the committee had been my idea, which I had had to process through the department against the objections of my officials'.⁴⁰² Thus within a matter of hours this short-lived ad hoc body had laid down two markers for select committees; first, that judges could attend without upsetting the constitution, and second, that Ministers should try to accommodate requests for oral evidence from select committees even

401 *Report from the Select Committee on Violence in Marriage, Session 1974-75* (553)

402 Barbara Castle, *The Castle Diaries 1974-76* (London: Weidenfeld and Nicolson, 1980), p. 144

though, as Members of the House, they were not (and are still not) obliged to give such evidence. Despite her discomfiture on the day in 1975 when she gave evidence to the domestic violence ad hoc committee, Castle accepted in her Diaries that ‘it is right for Ministers and civil servants to be put through the hoop, however unfairly. It does force them to check up on facts. And it does force Ministers to insist on being surrounded by reliable civil servants’.⁴⁰³

The ad hoc Select Committee on Cyprus of 1975-76 was another case in which committees proved embarrassing for Ministers. Established soon after the Turkish invasion of the island in the autumn of 1974, the inquiry paid a seven day visit to Cyprus and Greece, meeting leading politicians including the Greek Cypriot leader Archbishop Makarios.⁴⁰⁴ The Report of the Cyprus Committee was described by the Prime Minister James Callaghan in the Cabinet meeting of 20 May 1976 as ‘misleading and biased, and in a number of respects inaccurate’.⁴⁰⁵ Cabinet colleagues were recorded as saying that the selection of committee members ‘open to strong constituency pressures was a matter of some concern’.⁴⁰⁶ In a significant phrase, it was said that a debate ‘would also help to establish the right relationship between Select Committees and the House of Commons as a whole’. The Prime Minister’s advice was that the government should not ‘resist pressure for a debate’ on the report, but ‘to take advantage of one to rebut the report’.⁴⁰⁷

403 Ibid.

404 *Special Report* from the Select Committee on Cyprus, Session 1974-75 (694). *Report* from the Select Committee on Cyprus, Session 1975-76 (331)

405 Media coverage of the Report emphasised the Committee’s stinging criticism of the Government. *The Guardian*, ‘Callaghan Was wrong on Cyprus - MPs’, May 20, 1976; *The Times*, ‘Mr Callaghan personally blamed in MPs’ report on Cyprus’, May 20, 1976

406 At least two members of the Cyprus Committee - Hugh Rossi and Lena Jeger - represented constituencies with substantial Cypriot populations

407 TNA, CAB 128/59/6, ‘Conclusions of a Meeting of the Cabinet’ 20 May 1976, p. 1.

These ad hoc committees were often also highly conscious of public interest in their proceedings. There was heavy coverage of the 1975-76 Select Committee on Abortion,⁴⁰⁸ which came up with proposals which were seen by many MPs as aimed at unravelling the 1960s reforms of the law on the issue. *The Times* was among the papers that ran stories on the travails of the Committee, including the resignation of six pro-abortion MPs.⁴⁰⁹ The reaction to its Report was unsurprisingly mixed and often hostile, and it had no discernible effect on policy.⁴¹⁰ But the political impact of the Committee's work was undeniable.

Select Committees and the Chambers

Although many commentators in the mid to late 1970s were sceptical of the achievements of select committees, members of both Houses apparently showed increasing interest in them. In the Chambers the use of the term 'select committee' was continuing to grow, with the number of such references rising strongly from 7400 in the 1960s to 14000 in the 1970s. In addition, references to 'Expenditure Committee' in the Chamber Hansards for both Houses in the 1970s amounted to 2475, a significantly higher figure than the 1594 recorded for the equivalent committee, Estimates, in the 1960s. The figures for individual years emphasise the point; while in the calendar year 1952 there were 525 references to 'select committee' and in 1962 there were 613, in 1970 (a short General Election year) there were 912 references,

408 *First Report* from the Select Committee on Abortion, Session 1975-76 (573)

409 *The Times*, 'Six MPs leave committee on Abortion Bill', 17 February 1976; *The Times*, 'Abortion inquiry can carry on after resignations', 18 February 1976; *The Times*, 'Abortion group not to give evidence to MPs', 2 March 1976; *The Times*, 'Threat of boycott to abortion committee', 5 March 1976

410 *The Times*, 'Going For The Second Million', 29 July, 1976; *The Guardian*, 'Abortion report under fire from both sides', 29 July 1976

with 1282 in the year 1972. The middle of the decade saw a clear rise in chamber references, with 1628 in 1975 and as many as 1996 mentions in the year 1976.

Debates on select committee reports in the House of Commons were, however, rare in the early 1970s; there were for instance only nine debates on Expenditure Committee reports in the four years between 1972 and 1976.⁴¹¹ This was, nevertheless, a modest increase on previous periods - as noted above, there were a mere seven debates on Estimates Committee reports in the 15 years between 1945 and 1960.

More broadly, it is possible to see, in the febrile political scene of the 1970s, a favourable environment for bipartisan committee work. For example, a key facet of the many-sided crisis of governance in 1974-79 was the absence, for almost the whole period, of an effective government majority in the House of Commons. Ministers kept their focus on party survival through day-to-day tactical stratagems, maintaining the support of Labour's own backbenchers and Members of other parties, whether the Liberals or the nationalists in Scotland and Wales. Parliament's influence was mostly exercised through backbench rebellions on legislation that forced the government to think again. There was a clear post-1970 increase in dissent in votes on the floor of the House. During the brief 1974 Parliament alone there were 17 defeats in the Commons and 15 in the Lords. In the 1974-79 Parliament there were 42 defeats in the Commons and 347 in the Lords.

Combining with the other side on Chamber votes took some courage; but doing so in the relative calm and obscurity of the committee room would be much easier. There

411 Ann Robinson, *Parliament and Public Spending*, p. 147

were many instances of cross-party voting on reports during the 1970s, and in general the whips tolerated the dissent.⁴¹² Nevil Johnson comments that Members regarded as ‘unsound and even troublesome’ in the wider House could, on select committees, ‘voice their commitments in ways which causes little embarrassment to the party leaders’.⁴¹³ Philip Norton considers that there was a clear relationship between the Chamber-based backbench dissent of the 1970s and the establishment of departmental select committees, saying that they had ‘their origins in the 1974-9 Parliament. Members’ frustrations, and the recognition that, through their votes, they had some political leverage, led to the most important parliamentary reform of the past fifty years’.⁴¹⁴ This proposition needs, however, to be seen in the context of the evidence in this thesis that the origins of mid-century committee reform should instead be located in the 1960s.

Witnesses: Getting outside the Westminster Village

To what extent did the select committees of the 1970s seek to widen the scope of their inquiries and take evidence from people other than civil servants? The record is mixed, the Expenditure Committee failing much of the time to take advantage of Whitelaw’s suggestion that it should take evidence from Ministers.⁴¹⁵ In total Ministers appeared before three of the most prominent Expenditure sub-committees just over thirty times during the 1970s - a tiny number compared with the figures for the years after 1979. This failure to take much ministerial evidence may have been both a result of, and a

412 Philip Norton, ‘Parliament’, in *New Labour, Old Labour*, p. 196

413 Johnson, ‘Select Committees as Tools of Parliamentary Reform’, p. 222

414 Philip Norton, ‘Parliament’, in *New Labour, Old Labour*, p. 202. This issue is considered in Chapter Five of this thesis

415 Ann Robinson, *Parliament and Public Spending*, 1978, p.103 can only identify seven instances of Ministers giving evidence to the Expenditure Committee sub-committees between 1970 and 1974

contributing factor to, the Expenditure Committee's relatively modest impact in Cabinet; during its whole lifetime of about nine years there appear to have been 60 references to the Expenditure Committee in Cabinet papers. The bulk of references to select committees in Cabinet papers and discussions were to other committees.

But 1970s select committees do appear at the same time to have been increasingly willing to take evidence outside Westminster and from non-government sources. The clerk Michael Ryle observed in 1976 that 'grass-roots' inquiries were now taking place again, in a revival of nineteenth century practice, with much evidence being heard away from London, and some even outside the UK.⁴¹⁶ While the tables at Appendix B demonstrate that 1970s select committees took evidence from a wide variety of witnesses, they also reveal significant differences between committees in the extent to which they took oral evidence from non-official sources. Expenditure's Defence and External Affairs Sub-Committee saw a large number of official witnesses – there were over 800 official appearances during the life of the Sub-Committee. However, many of those appearances were by military witnesses rather than civil servants or diplomats. This was not just a Whitehall-bound conversation. And the attempts of select committees to reach out beyond Westminster were being noticed. *The Guardian* was especially impressed by the industry of the pre-1970 Education and Science Committee, which had visited 25 universities and colleges and heard the views of 500 witnesses as part of its inquiry into student relations.⁴¹⁷

416 Michael Ryle, 'The Commons in the Seventies: A General Survey' in S.A. Walkland and Michael Ryle (eds), *The Commons in the Seventies*, p.24

417 *The Guardian*, 13 Nov 1971. Report from Select Committee on Education and Science, Session 1968-69, *Student Relations* (449)

An important external development probably underpinned the growth of select committee scrutiny - the increase in the number of organisations involved in political lobbying. Of 628 groups listed in one 1979 Directory of Pressure Groups and Representative Organizations, no less than 40 percent had been founded between 1960 and 1979.⁴¹⁸ Norton also points to the rise, starting in the 1970s, in the number of consultancy and lobbying firms who offered their services to businesses.⁴¹⁹ There are many examples of interest groups following closely the course of 1970s select committee inquiries, and making a significant contribution to the evidence. The coverage of departments by select committees was still very incomplete, but when a major inquiry took place, interest and involvement from wider society could be widespread. For example when, during the 1975-76 Session, the Education, Arts and Home Office Sub-Committee of Expenditure examined 'Policy Making in the Department of Education and Science' (the title itself being a vivid demonstration of the pre-1979 refusal of select committees to obey the restrictions of their remits), there were many contributions from beyond Whitehall.⁴²⁰ Bodies such as the Educational Publishers Council, the Society of Education Officers and the National Campaign for Nursery Education sent in written evidence along with the National Union of Teachers, the North-West Economic Planning Council and the Editors of the *Times Educational Supplement* and the *Times Higher Education Supplement*. The Church of England Board of Education, the Catholic Education Council and the Free Church Federal Council submitted an ecumenical joint memorandum while the Association of University Teachers and the Association of Metropolitan Authorities also sent

418 Peter Shipley, *The Directory of Pressure Groups and Representative Organizations*, Second Edition (Sevenoaks: Bowker, 1979). Quoted in Philip Norton, *Does Parliament Matter?* (Hemel Hempstead: Harvester Wheatsheaf, 1993), p. 167

419 Ibid.

420 Tenth Report from the Expenditure Committee, Session 1975-76, *Policy Making in the Department of Education and Science* (621), pp. ix - x

individual written evidence. All in all there were over 500 pages of written evidence attached to the Report, from about 40 different bodies.

Other Expenditure Committee Sub-Committee work also attracted considerable public interest, notably a Report on *Preventive Medicine* in the 1976-77 Session which contained 735 pages of written evidence from nearly 100 different groups and individuals.⁴²¹ Organisations as diverse as the Medical Council on Alcoholism and the Doctors and Overpopulation Group provided evidence, as well as the Tobacco Advisory Council, the National Pure Water Association and the Pharmaceuticals Division of ICI Ltd. The Expenditure Committee's sub-committees covering home affairs were prepared to take evidence from a very wide range of witnesses, on occasion. Of the 107 appearances by civil servants before select committees on home affairs matters in 1977-78, for instance, 47 were made by staff of prisons (some junior staff among them) and a number of the many 'outside' witnesses were actually 'inside' - female prisoners in HMP Cornton Vale near Stirling.⁴²² The Minutes of Evidence duly record that 'Inmates A and B' were 'called in and examined' by the Committee. The Sub-Committee also visited the United States and Sweden - ensuring that it gathered a real diversity of evidence about penal thinking.

The Expenditure Committee's treatment of some aspects of home affairs appears cursory at first sight, with few inquiries into policing among other important issues, but what would be called today the 'outreach' work of the Race Relations and Immigration Committee needs to be taken into account in assessing the quality and

421 First Report from the Expenditure Committee, Session 1976-77, *Preventive Medicine* (169)

422 Fifteenth report from the Expenditure Committee, Session 1977-78, *The reduction of pressure on the prison system* (662), Vol.III, p.584

quantity of Commons home affairs scrutiny in the 1970s. In a lengthy inquiry into ‘police/immigrant relations’ in 1971-72 for instance, that Committee took formal evidence from no fewer than 221 witnesses in ten cities and towns in England and Wales, with informal discussions taking place with 200 police officers ‘and at least as many immigrants and community workers’.⁴²³ The report was 92 pages long and contained 36 recommendations, a number of which were accepted by the Home Office (although the Home Office pointed out in its Observations on the Report that the local nature of the governance of policing made it difficult for the government to implement some of them).⁴²⁴

The 1970s ad hoc committees were also often very energetic in seeking diverse views. The Select Committee on a Wealth Tax of 1974-75 saw a hugely controversial subject addressed with vigour if not ultimately success. There were 51 appearances by civil servants and just two by Ministers, but there was evidence from 165 outsiders, ranging from the Country Landowners’ Association to the TUC. When it came to consider its report, the Committee discussed a plethora of competing draft reports with varying emphases on a highly divisive subject.

The contrast between these wide ranging and policy-rich investigations and the financially focussed and usually small-scale inquiries of the equivalent Estimates Committee of less than 20 years before could hardly be clearer. In terms of scope and of involvement with the wider world, the select committee system of the 1970s had made large strides in what, in the glacially-slow context of parliamentary history, was

423 Report of Select Committee on Race Relations and Immigration, Session 1971-72, *Police/immigrant relations* (471), Vol.I, p. 2

424 *Police/immigrant relations in England and Wales. Observations on the report of the Select Committee on Race Relations and Immigration, 1973, Cmnd 5438*

a very short time. A new generation of Members was getting used to working in select committees. Just as importantly, the outside world was increasingly looking to Parliament, through its select committees, to give it a hearing. This widening of sources of evidence pointed to a future landscape in which the Civil Service near-monopoly on policy advice would be increasingly broken and select committees would help Parliament to play a part in the process.⁴²⁵

One important element of the wider reach of select committees was media coverage. To gain some understanding of the impact of select committees in the 1970s, it is interesting to take a snapshot of press reporting and comment on committees in one perhaps typical year, 1976. Select committees in 1976 made good or at least frequent copy. In *The Guardian* and *The Observer* alone, there were 339 references during that year to the words 'select committee'. *The Financial Times* had 298 references while *The Times* recorded no fewer than 504 during that year. Even the weekly *Economist* saw 48 references. Again it is hard to see these figures as consistent with the notion that select committees were 'eclipsed' or 'marginalised'.

There were both opportunities and risks in close contacts between select committees and the outside world. According to a clerk who worked with it in the 1970s, the Nationalised Industries Committee 'was extremely likely to be captured by the nationalised industries'. This was said to be particularly the case with the gas industry (as well as to some extent coal and British Rail) where 'there would be a very strong pro-industry sense on the committee, regarding civil servants in Whitehall as bungling, interfering amateurs, driven by Ministers with short-term political horizons'. The

⁴²⁵ Derek Hawes, *Power on the Backbenches? The Growth of Select Committee Influence*, pp. 88-92

industries knew how to lobby to advance their cause. It was said by the clerk to be ‘quite striking’ how a figure like Sir Denis Rooke, Chairman of British Gas from 1976, ‘would be talking the same language as the trade unions in addressing the Committee’.⁴²⁶

Select Committee Problems and Progress

The main 1970s select committee, the Expenditure Committee, was certainly not always happy in its work. In its first full year, the Committee reported on its operation⁴²⁷ and complained about the sub-committee procedure which made it difficult for the whole Committee to give proper attention to the reports which were published in their names. There was also criticism that the reports of the Committee were treated in an ‘off-hand’ manner by government because notice of replies was not given.⁴²⁸ Government observations were not being published in a timely fashion - rarely less than four months after the publication of the Committee’s report. In addition, throughout the 1970s, Expenditure Committee’s scrutiny of one of the great Departments of State, the Home Office, was regularly shuffled between sub-committees, so that in one session it shared with Environment and in the next Session it shared with Education, Arts and Science. This Expenditure Committee was far from achieving Haldane’s ideal of a committee system to match Whitehall’s departmental structure.

426 Interview with clerk (on condition of privacy), 2 April 2015

427 Sixth special report from the Expenditure Committee, Session 1971-72, *Work of the committee* (476)

428 *Ibid.*, p.5

On 15 January 1974, a small number of Members took part in a Commons chamber debate on the role of the Expenditure Committee.⁴²⁹ Most of those who spoke were members of the Committee themselves. The overall verdict of the Committee Chairman, Sir Henry d'Avigdor-Goldsmid, was that its record was 'not outstandingly good, but the system is going about right'.⁴³⁰ William Rodgers, Chairman of the Trade and Industry Sub-Committee, said that it had been 'a thoroughly rewarding experience for me, even exhilarating at times'.⁴³¹ Others were less content with the performance of the Expenditure Committee, several of them because it did not really look at expenditure. Robert Sheldon, who had transferred from the Public Accounts Committee to the General Sub-Committee, criticised the Expenditure Committee for failing in the task set for it by its order of reference - including to 'study ... expenditure projections'.⁴³² Others made similar criticisms and there were calls for many more debates in the Chamber on Expenditure Committee reports.⁴³³ Edmund Dell, Chairman of the Public Accounts Committee, called for select committees to examine legislation.⁴³⁴

Other criticisms of the Expenditure Committee were made a few years later by the constitutional scholar and former Minister Lord Crowther-Hunt and the journalist Peter Kellner. In *The Civil Servants* they traced the shortcomings of the process by which officials were questioned by the Expenditure Committee's General Sub-Committee.⁴³⁵ Their case study of an oral evidence session on the public expenditure

429 Hansard, *HCD*, cols. 417-490, 15 January 1974

430 *Ibid.*, col. 426

431 *Ibid.*, col. 427

432 *Ibid.*, col. 440

433 *Ibid.*, col. 454

434 *Ibid.*, col. 476

435 Peter Kellner and Lord Crowther-Hunt, *The Civil Servants: An Inquiry into Britain's Ruling Class* (London: Macdonald/Janes, 1980), pp.245-48

white paper in February 1976 contains a list of factual and statistical questions about economic policy and performance which were effectively not answered by the senior Treasury officials who appeared. The MPs were not satisfied by the response, and after that the House as a whole rejected the White Paper itself, surviving a subsequent vote of confidence. According to Kellner and Crowther-Hunt, the government simply carried on ‘applying (and amending) the policies of the white paper as if nothing had happened’.⁴³⁶ A scathing Expenditure Committee report on the process came out, but ‘in the short term its strictures went unheeded’. The next white paper in 1977 ‘contained even fewer details than the 1976 one’. Yet Kellner and Crowther-Hunt acknowledge that ‘In the longer term, the Expenditure Committee has had some impact; by 1979, the amount and variety of information contained in the annual expenditure white paper had increased to take account of the Committee’s criticisms’. Nevertheless economic policy was still out of reach for the Committee: ‘on the fundamental issues of economic analysis and forecast, the Treasury remained as tight-lipped as ever’.⁴³⁷

The tightness of Treasury lips was partly motivated by the 1970s atmosphere of almost continual economic crisis. As noted above, there was also a crisis in the division lobbies of the Commons, with close votes the norm and the whips working hard. The whips’ problems of the mid-1970s seem indeed to have been a major factor in an important development for select committees. For its first few years the Expenditure Committee had been, like most select committees of the time, appointed anew at the beginning of each annual Session, which meant that inquiries had to be decided on very quickly and carried out in a few months, so that the report could be published

436 Ibid., p.247

437 Ibid.

before the session came to an end less than a year later. Simple logistics were important, as a clerk who had experience of the select committees of the time made clear later:

If you had a committee that had to be appointed each session, you were very much in government's hands as to when they put the nomination down [at the beginning of the session, usually in late autumn], even if they were going to put all the same members down [as in the previous session] ... and you also knew that you had to finish by July because you weren't quite sure when the session was going to end. It was a very truncated scrutiny period ... it was very limiting. If governments were not particularly keen on something they could take slightly longer to set ... [the committees] up.⁴³⁸

The result of this rushed schedule was that many committees produced just one or two reports before they were discharged. However in 1974 the Labour government introduced into the House motions to make the Expenditure Committee's appointment permanent for the whole of the Parliament, first for the 1974 Parliament⁴³⁹ and then for the 1974-79 Parliament.⁴⁴⁰ The same measure was applied to the Nationalised Industries Committee, the Overseas Development Committee, the Science and Technology Committee and the Public Accounts Committee for the 1974-79 Parliament.⁴⁴¹

On the surface it is surprising that the whips conceded this element of their power in the mid-1970s. But one plausible reason for the move was suggested in later years by a clerk who worked with select committees at the time; the clerk said that: 'The political complexities of the 1974 Parliament ... led to the decision that members of select committees would be members for the rest of the Parliament ... it was a response to the difficulty of negotiating, fighting through, party proportions committee by

438 Interview with clerk (on condition of privacy), 21 April 2015

439 Hansard, *HCD*, cols. 119-20, 8 April 1974

440 Hansard, *HCD*, cols. 1059-60, 18 November 1974

441 Hansard, *HCD*, col. 850, 15 November 1974; col. 1659, 21 November 1974; col.1773, 22 November 1974; col.1774, 18 December 1974

committee ... it was done for a very specific political purpose'.⁴⁴² This was then apparently a purely pragmatic decision by the whips, of both main parties; they did not want select committee issues to divert their energies from the much more pressing task of ensuring that their parties made the most of their numbers on key and very tight votes in the Chamber.

But this rather casual conversion of the main select committees to a semi-permanent status was surprisingly important for the development of the system, a point recognised by the reforming Procedure Committee of 1977-78. It was said by that Committee to have reduced the period of low (in fact of no) select committee activity at the beginning of sessions and the rush to complete inquiries at the end of sessions. This helped committee members and staff to plan their programmes better.⁴⁴³ A measure of coherence, continuity and stability was thereby provided for all the key select committees. The change was also perhaps important because members of a committee appointed for the whole Parliament were more likely to acquire knowledge of a subject and also to act independently of party feeling, without fearing removal within a year at the hands of irritated party managers. As one clerk put it years later, looking back after witnessing several decades of committee development, the change to Parliament-long committees made 'a huge difference' to the way committees and their staffs felt; they were now 'part of a permanent and enduring institution'. The clerk described it as 'one of the very significant features of the 1979 onwards committees that had its roots in the 1970s'.⁴⁴⁴

442 Interview with clerk (on condition of privacy), 2 April 2015

443 Procedure Committee 1978, Vol. I, p.li

444 Interview with clerk (on condition of privacy), 2 April 2015

Another clerk with experience of serving committees both before and after 1979 put it just as strongly: ‘The changes in 1979 were very important, but I don’t think they were half as important as [the 1974 switch to appointment of committees for the whole Parliament]. It had a fundamental impact on what we did and I think that is actually ignored quite often.’⁴⁴⁵ Assumptions about the life chances of select committees appear to have changed quite considerably since the late 1960s; a further clerk with experience of select committees at the time later said of the 1970s, ‘I don’t think anybody thought the Expenditure Committee was going to be snuffed out overnight, or Science and Technology, or Nationalised Industries.’⁴⁴⁶

Nevertheless, there remained a mismatch between the ambitions of Expenditure Committee sub-committees to scrutinise their parts of Whitehall and the resources and time available to carry out that scrutiny. One clerk who worked on such sub-committees in the late 1970s later said that their ‘huge portfolios’ continued to hamper their work, with a single sub-committee of eight or nine members and perhaps three staff responsible for several government departments. The result seems to have been that programme planning could still be difficult; that clerk characterises this approach as rather ‘gentleman amateur’ with systematic investigation not really possible.⁴⁴⁷ For instance the Education, Arts and Home Office Sub-Committee covered a sizable and disparate group of departments, while the Trade and Industry Sub-Committee had to scrutinise the work of the Department of Trade, the Department of Industry, the Department of Energy, Department of Prices and Consumer Protection and the Ministry of Agriculture, Fisheries and Food. Such groupings inevitably stretched

445 Interview with clerk (on condition of privacy), 21 April 2015

446 Interview with clerk (on condition of privacy), 1 May 2015

447 Interview with clerk (on condition of privacy), 19 May 2015

resources and perhaps left sub-committees and their staffs with a sense of inadequacy. However this may not have been a problem right across the Expenditure Committee. The remits of other sub-committees were less thinly-spread and better-focussed; the Defence and External Affairs Sub-Committee and the General Sub-Committee each ‘marked’ a manageable part of Whitehall, and the Social Services and Employment Sub-Committee had just two (admittedly large and busy) departments to cover.

Given the severity of their difficulties in the Chamber, it might seem likely that Labour Ministers would feel grateful that substantial numbers of Members were engaged in report drafting on the Committee Corridor rather than going into the dissenting voting lobbies downstairs. Yet gratitude was not evident when in January 1976 Cabinet discussed proposals for a committee on parliamentary reform produced by Edward Short, Lord President of the Council and Leader of the House of Commons.⁴⁴⁸ The Conclusions of the 15 January Cabinet meeting show that Short’s colleagues saw the review as above all an opportunity to ease their parliamentary burdens while they tackled the crises confronting their government. For this Cabinet, the main parliamentary matters that were in special need of review included long hours of work, improvements to smooth ‘the legislative process ... including the possibility of automatic timetables for all Bills,’ as well as ‘the impact of the arrangement of Parliamentary business on the operation of the Government’.⁴⁴⁹ When this Cabinet meeting turned to the question of select committees, it became obvious that several Ministers felt that committees had become too numerous and too time-consuming. Cabinet was exercised by ‘The division of business between the floor of the House

448 TNA, CAB 129/187/1, ‘Review of Parliamentary Procedure: Memorandum by the Lord President of the Council’, 12 January 1976

449 TNA, CAB 128/58/1, ‘Conclusions of a Meeting of the Cabinet’ 15 January 1976, p. 7

and Committees, and the growing Committee structure and the development of the work of Select Committees, with the resultant pressure on the time of MPs and devaluation of debate on the floor'. Ministers simply wanted fewer select committees, not more of them.

There were certainly calls in the mid-and late-1970s for Parliament to do more to question the actions of Ministers; at the time the senior Conservative Lord Hailsham of St Marylebone famously warned against the 'elective dictatorship' of governments exercising wide powers based on a (sometimes narrow) majority. MPs should clearly have a role in challenging such a 'dictatorship'.⁴⁵⁰ However, select committees were not widely seen as a key part of a solution to such problems. There was certainly no wider late-1970s wave of demands for root and branch select committee reform; neither in the House nor outside was there much call to expand or strengthen the system and improve scrutiny. On 2 February 1976, when the House debated Commons procedure, many members recognised the rapid growth of a committee culture.⁴⁵¹ Some indeed felt that there were already too many of them. The Conservative front bencher John Peyton for instance complained of 'one phenomenon of our modern Parliament':

As the number of Committees is increased, fewer Members find it possible to attend debates on the Floor of the House. The public are inclined to assume very readily that hon. Members do not take an interest. The public are not aware of the enormous amount of business that is conducted in Committee.⁴⁵²

Several Members called for the establishment of a more coherent system of select committees to replace the current patchwork, but the majority of them were seeking a

450 Lord Hailsham, *The Dilemma of Democracy - Diagnosis & Prescription* (London: Collins, 1978). The phrase first became associated with Hailsham when he used it in the Richard Dimpleby Lecture in October 1976

451 Hansard, *HCD*, cols. 964-1098, 2 February 1976.

452 *Ibid.*, cols. 980-81

greater and more formal role for select committees in considering legislation, or, as with the General Sub-Committee, scrutinising expenditure plans. The Conservative Sir Derek Walker-Smith in fact criticised the current pattern of Commons select committees because ‘Even though we have what has been called a proliferation of Select Committees, we have only a shadow of such a system today in that their function is largely investigatory and interrogatory and does not impinge directly on the legislative function’.⁴⁵³ There was little call for an expansion of the type of departmental committee that emerged in 1979, almost exclusively devoted to scrutiny of policy and administration and the production of reports.

Some might also have been frustrated by the fact that the nature of scrutiny was different from what had been planned at the end of the 1960s. The Procedure Committee reformers of 1968-69 had envisaged that the Expenditure Committee would operate largely to assist the Treasury in its control of public expenditure, but in reality, like almost all its predecessors, it became instead a scrutineer of policy and administration. David Pring, who as Clerk of Committees was responsible for overseeing the work of the officials who serviced the whole system, agreed with Kenneth Baker MP, who said during an oral evidence session of the 1976-78 Procedure Committee that ‘the House has already in effect a series of specialist Select Committees; we happen to call them sub-committees of the ... Expenditure Committee’. Baker then went on to suggest to Pring that ‘the net effect of the system since 1968-69 [including the already existing select committees] has not been to concentrate on the expenditure side as the previous Procedure Committee expected it would, but in fact one has created machinery to stimulate Government expenditure

⁴⁵³ Ibid., col.1085

rather than to restrain it' - and again Pring agreed, though he said that this did not mean that the government had in fact spent more money.⁴⁵⁴

It is clear that Pring felt that Members themselves had frustrated the intentions of those who had advocated the establishment of an Expenditure Committee which would strengthen the House's power of the purse: 'I think one of the lessons we have learned from this is that many Members do not feel that control and scrutiny must be directed from an expenditure or financial point of view'.⁴⁵⁵ Pring also complained that most Commons Chamber debates on select committee reports were 'very sad occasions', ill-attended and lacking a votable motion, which could give point to the proceedings by providing an opportunity for the House as a whole to express a view on a committee's thinking. He called this 'a distressing aspect of committee work'.⁴⁵⁶

Prompted by the experience of the 1970s, some MPs were nevertheless calling for select committee reform on more ordered lines; the General Sub-Committee of the Expenditure Committee recommended such reform in its report on the Civil Service published in July 1977.⁴⁵⁷ The report laments the fact that 'the House does not possess a comprehensive set of committees relating to each Department of State such as exists in, for example, the United States and EEC countries'. It proposed that such a system should be established, adding significantly that, to restore to the House its former control of the process of appropriating public expenditure, the new select committees

454 Procedure Committee 1978, Vol. II, pp.121-22

455 Ibid., p. 122

456 Ibid., p. 129

457 Eleventh Report from the Expenditure Committee, Session 1976-77, *The Civil Service* (535). Hereafter Expenditure Committee, *The Civil Service*

be required to consider relevant appropriations.⁴⁵⁸ This was both a call for a Haldane-style reform on departmental lines, and a demand for a more rigorous approach to parliamentary control of spending, of the sort that had been intended by the Procedure Committee of 1968-69 when it proposed the establishment of the Expenditure Committee, but was not achieved.

But, in general, the light of committee reform seems to have burnt rather dimly in the mid- and late-1970s; in 1978 John P. Mackintosh MP, a leading advocate of a more effective legislature, characterised the public mood in respect of the public sector, including Parliament, as 'not innovative or reforming'. Parliament, according to Mackintosh, had not taken a lead on positive change; the work of the Procedure Committee itself had been disappointing, failing to produce 'any clearcut analysis of the problem or proposed list of reforms'.⁴⁵⁹ In August 1976, the clerk Michael Ryle commented, along with S. A. Walkland, an academic supporter of reform, that the Procedure Committee had started its work 'with no clear directions or guidelines'.⁴⁶⁰ Even this most confirmed of clerk-reformers thus did not see this Procedure Committee as a prime opportunity for a major step forward on committee reform. Ryle was in fact impressed by the recent progress of select committees, noting that there had been 'a truly significant extension of the work of select committees of enquiry, not only in number but also on the range and depth of their investigations'.⁴⁶¹ Neither did the most senior House officials suggest there was a pressing need for committee

458 Ibid, p. lxx This would come close to the system described below as one of 'Garrett' committees, which would have a special responsibility to consider in detail the government's plans for expenditure in a structured fashion. See Chapter Six below

459 John P. Mackintosh, 'Foreword' in John P. Mackintosh (ed.), *People and Parliament* (Farnborough: Saxon House, 1978), p. xii

460 S.A.Walkland and Michael Ryle, 'Introduction' in S.A. Walkland and Michael Ryle (eds), *The Commons in the Seventies*, pp. 8-9

461 Ibid., p.22

reform, like some of their predecessors. Whereas Sir Gilbert Campion gave oral evidence to the 1945-46 Procedure Committee as well as working behind the scenes for reform, Sir Richard Barlas, Clerk of the House in the late 1970s, provided no oral evidence to the 1977-78 Procedure Committee.

Press reporting when the Procedure Committee was first established also indicates that the select committee reform dog did not bark, at least to begin with. The strong impression from *The Guardian's* coverage of the 2 February 1976 debate is that the main theme was how to 'streamline' the House, as *The Guardian* put it, with the emphasis on better legislative processes to involve backbenchers more, and with only a relatively modest role for specialist committees.⁴⁶² The US committee model was reported by *The Guardian* as being explicitly rejected by Short. In June 1976, Peter Hennessy, then Lobby Correspondent of the *Financial Times* but later a distinguished contributor to the academic literature on committee reform, listed some of the likely main themes of the Procedure Committee as being 'the streamlining of the legislative process, more suitable working hours and improved research services for MPs'. He said that 'Perhaps the most fruitful area the committee will scrutinise is the possibility of increasing the amount of framework legislation that comes before the Commons'.⁴⁶³ This was seen as helping MPs to take a more strategic role and leaving the details to statutory instruments. In the summer of 1976, within government and within Parliament and outside, it is clear from the evidence that the assumption was that the Procedure Committee had been set up above all to ease the passage of legislation while also focussing legislative scrutiny on the most important issues. *The Economist* mentioned the idea of more specialist committees among a number of other issues for

462 *The Guardian*, 'First steps to streamline House', 3 February 1976

463 *Financial Times*, 'Powell in Commons reform study team', 11 June 1976

reform in May 1976, but it was by no means at the top of the list, coming well below time limits on speeches and the number of supply days for the opposition parties.⁴⁶⁴

Analysis of the written evidence sent to the Procedure Committee for its wide-ranging 1976-78 inquiry suggests that few Parliamentarians, and fewer outsiders, were much exercised by the state of the committee system. Of 56 submissions made to the Committee only about a quarter, 15, concentrated largely on select committee issues, seeking a consolidation, rationalisation or expansion of the system. Of these, eight came from Members of Parliament and four from the Clerk's Department, giving a strong impression that, on select committee issues, the House was talking to itself rather than listening to voices of outsiders calling for reform. Again the main demand was for select committees to be given a fuller role in the consideration of legislation. There was little call for the extension of the administrative and policy scrutiny work of committees which was ultimately the most prominent outcome of the Procedure Committee's work. The evidence in this Chapter suggests why; although there were a number of complaints from those who believed the Expenditure Committee was not achieving what it had been intended to do to control spending, its work and the work of other select committees was accepted as moderately useful.

Only one submission on select committees was sent to this Procedure Committee from interest groups - a joint paper from the Council for the Protection of Rural England and Friends of the Earth, which called for a standing select committee on roads. Of greater interest to those submitting evidence to this Procedure Committee was improvement to legislative processes; there were 25 submissions dealing with that.

464 *The Economist*, 'A second-rate parliament for ever', 29 May 1976.

Interest groups such as the Association of Metropolitan Authorities, the National Association of Citizens Advice Bureaux and the Consultative Committee of Accountancy Bodies contributed their views on improvements to legislation.

In the spring of 1977, however, one sign emerged of increased parliamentary interest in work on select committees. Over half of the House, an unusually large number of MPs, signed an early day motion (No. 222) urging the establishment of a foreign affairs select committee. The Conservative MP Christopher Brocklebank-Fowler was the chief and persistent advocate for the committee, but other signatories of the EDM included ‘a considerable number of Privy Councillors and former Ministers’.⁴⁶⁵ Foreign and Commonwealth Office Ministers and officials were in support of the idea, with the Foreign Secretary David Owen telling Michael Foot in March 1977 that such a committee could ‘provide the Government with a welcome opportunity to explain and justify its policies to a Parliamentary forum’.⁴⁶⁶ Inevitably, Foot was less enthused by the idea of a foreign affairs committee, and the fact that the Procedure Committee had not finished its work gave Foot the perfect excuse to swat away the enthusiastic Mr Brocklebank-Fowler when he pressed his case in June 1977.⁴⁶⁷ Little more was heard of the idea until the Procedure Committee reported in the summer of 1978.

The select committee system as a whole appeared to be working fairly well, according to the Expenditure Committee, which gave itself a reasonable report in assessing its achievements in 1979.⁴⁶⁸ It claimed, among other advances occasioned by the

465 Hansard, *HCD*, col. 1406, 7 April 1977

466 TNA, PREM 16/1268 ‘Proposal for a Select Committee on Foreign Affairs – Letter from the Foreign Secretary to the Lord President’, 25 March 1977

467 Hansard, *HCD*, cols. 580-81, 16 June 1977

468 Third Report from the Expenditure Committee, Session 1978-79, *Work of the Expenditure Committee during the First Four Sessions of the Current Parliament* (163)

Committee's work in the 1974-79 Parliament: additional information included about housing and defence spending in the Public Expenditure White Paper, an 'impetus towards remedial action' in the implementation of fishing regulations, improvement in defence medical services, and the reversal of a decision to cancel an order for medium-lift helicopters.⁴⁶⁹ There was also a significant case in which, according to the Committee, an Expenditure Committee report formed 'a focus and catalyst for informed opinion outside Whitehall'. This was the report on the National Land Fund, which was given 'unanimous support' by heritage organisations. But this report also prompted Members of both Houses to present their own Bills to implement some of the Committee's recommendations. The resultant legislation, the National Heritage Act, duly became law in 1980 - an example of the Expenditure Committee directly influencing policy.⁴⁷⁰

The impression of a gradually re-awakening Parliament of committees is reinforced by developments at the other end of the Palace of Westminster. The 1970s saw something of a revival in select committee activity in the Lords as well as the Commons. Rhodri Walters observes that from 1970 onwards, the Lords began for the first time in decades to set up its own committees on public policy other than Bills; in 1974 came the establishment of a more permanent select committee to examine European legislation.⁴⁷¹ This and succeeding committees, Walters says, were to 'form the core of a permanent Lords committee system'. In addition, the Lords began from about 1977 onwards to establish ad hoc committees on significant policy issues, including a Bill of Rights and Unemployment.

469 Ibid., pp. x-xi

470 Ibid., pp. xii-xiii. See Hansard, *HCD*, cols. 55-166, 3 December 1979.

471 Rhodri Walters, 'The House of Lords' in *The British Constitution in the Twentieth century*, pp. 224-25

Committee activity on the scale described needed substantial human resources to support it, and the House of Commons tried to keep up with demand during the 1970s. In total 53 full-time staff (including 25 clerks) serviced the seven Committees which had external investigatory roles, including 11 working for the European Legislation Committee.⁴⁷² Laugharne observes that ‘In the 1970s the practice of appointing specialist advisers was expanded and consolidated’.⁴⁷³

There are indications, however, that the House was still struggling to provide the staff to do the select committee job during the 1970s; a substantial number of current or ex-Whitehall staff acted as clerks during the decade. The contribution of the former MI6 officer, Tim Milne, has already been noted. Four of the seven clerks serving Expenditure and the clerk of the Public Accounts Committee in 1977 were formerly civil servants, and four of the five on European Legislation were seconded from the Service. The term used by many clerks to describe the retired civil servants who joined them was ‘retreads’, perhaps a gentle and classically clerkly pun on ‘retired’. The word was usually employed with a certain affection; retreads usually came and went after a few years and usefully helped to fill gaps as select committees became more active after 1960 - but they did not pose any threat to career progression among the permanent cadre of clerks.⁴⁷⁴

Some of the 1970s retreads were also very senior. David Hubback, Clerk of the General Sub-Committee in the late 1970s, had retired in 1976 as Deputy Secretary in

472 Procedure Committee 1978, vol. III Appendix 37, p. 118

473 Laugharne, *Parliament and Specialist Advice*, p. 43

474 Help from Whitehall had of course been a regular feature of select committee life since at least the 1930s. See Chapter One

the Department of Trade and Industry. John Marnham, Clerk of the Trade and Industry Sub-Committee at the end of the 1960s, had been Assistant Under-Secretary of State in the Colonial Office and from 1966-1967 in the Foreign Office. He had been British Government Representative in the West Indian Associated States in 1970-1973 and Ambassador to Tunisia from 1973-1975. In some ways, the personal links between some senior Whitehall people and the House's committees were therefore already fairly substantial before the departmental system was established. Pragmatism in response to the demands of the busy select committees trumped any constitutional purism, helping to oil the wheels of the slowly improving select committee machinery.

Conclusion

This Chapter has noted the shortcomings of the select committees of the 1970s, including their patchy coverage of government business, the irrational and complicated format of the key Expenditure Committee and the small number of Chamber debates which committees succeeded in securing for their reports. But the Chapter also contains qualitative and quantitative evidence of 1970s committees' vigour and willingness to address complex and difficult issues. It is surprising that this is the first time that such evidence has been collected in this form and quantity.

Those involved as clerks in the work of the pre-1979 select committees today express a variety of views about the committees' effectiveness, and in some cases have a clear sense that the system was still not up to the job. However, assumptions were changing. The move to Parliament-long composition for select committees was an advance that left a permanent mark, a recognition that the late-1960s ministerial meddling in the work of the Agriculture and other committees was no longer possible. By the late

1970s select committees were also being judged by expectations that were much higher than they had been just 20 years before, which accounts perhaps for some of the complaints about their effectiveness. The case of Harold Lever and Chrysler also demonstrates that select committees could make political waves in ways that would have been unheard of in the 1950s. The Labour Cabinet's January 1976 irritation with burgeoning select committees may, indeed, have been influenced by the simultaneous stand-off over Lever's possible appearance before the Trade and Industry Sub-Committee.

The figures suggest that increasing numbers of MPs took part in committee inquiries during the decade and that they attended select committee meetings in reasonable numbers. More specialist advisers were appointed, augmenting the expertise available to committees; more evidence was taken in public and committee visits, important occasions for committee bonding, appear to have become more common. Committees sometimes pressed for evidence to be given even when Ministers were unwilling to provide it. It is also clear that some senior politicians, including Cabinet Ministers, felt that there were already too many committees and that they held too many meetings. Yet very little of this 1970s activity and institutional progress has registered with those who have written on the development of select committees.

This Chapter has suggested that this paradox may be explained in part by the political situation of the time. The tight arithmetic of party balance in the House, especially in the late 1970s, meant that public and political attention was focussed largely on whether the government would survive a key vote in the Chamber; the deliberations of select committees did not seem of great interest to the public or the press. Yet it was

that very government vulnerability that appears to have facilitated a key advance for committees during the decade; the decision taken in 1974 to appoint select committees for a whole Parliament, which was highly significant in assuring their independence and helping them plan their work better. In this sense, Norton is correct to identify the dissent of the 1970s as important in the development of select committees. However his account requires some modification. While Norton claims that the dissent led MPs to press for the select committee change that took place in 1979, in fact the effect of dissent was more immediate and the transmission mechanism was different. In 1974 the whips eased their burden straight away by giving the *existing* select committees a new institutional permanence, thereby incidentally insulating them from interference. This was sensible party management rather than a peasants' revolt. Like the 1960s, the 70s were a decade of modest but significant steps forward in the development of select committees.

Chapter Four: The Process of Select Committee Reform, 1978-79

This Chapter considers the process by which the 1979 reform of select committees came about. It begins by tracing how the Procedure Committee decided to make its recommendations for reform of the select committee system, and continues with an examination of the wider response to those recommendations in Parliament and government. This and the preceding chapter provide clear evidence that assumptions in Westminster and Whitehall about the role of select committee had changed fundamentally since the dismissive days of the late 1950s. MPs, Ministers and civil servants in the late 1970s mostly accepted that investigatory select committees were there to stay. The 1978 Procedure Committee recommendations thus fell on fertile ground. The main research questions to be addressed in this Chapter concern: the motivation behind the Procedure Committee's call for substantial restructuring and reform of the system of select committees; the extent to which select committees changed as a result of the reform; which factors determined the nature and extent of the change to the operation of the select committee system; and which roles were played by Parliament and Whitehall in establishing the new system.

The Procedure Committee gets to work

The Select Committee which was appointed in June 1976 to carry out the review of Procedure seemed at first to offer little challenge to government. The Chairman chosen by the whips was a solid government loyalist, Sir Thomas Williams, Member for Warrington.⁴⁷⁵ Williams was a barrister who continued to work during his time as a

⁴⁷⁵ The Government had initially considered someone very different as Chairman of the Procedure Committee: on 4 March 1976, Short had written to Edward Heath, the former Prime Minister, asking whether he would wish to chair the Committee. TNA, PREM 6/1788, 'Letter to Rt Hon

Member and who in 1981 was appointed a circuit judge and left the House. Williams was thus in some ways the embodiment of the ‘gentleman amateur’ part-time MP and thus unsuited to lead a reforming committee. Williams was an amiable presence but not regarded as a dynamic or reforming one. He was also unwell for much of the Committee’s life and his place in the chair was regularly taken by the senior Conservative Sir David Renton. The choice of Enoch Powell, now an Ulster Unionist and still a procedural traditionalist, as a member of the Committee, indicated that any reform, especially select committee reform, would have a hard time.

However the procedural conservatives were not to have it all their own way. For one thing, the closeness of the parliamentary arithmetic meant that the new Committee’s composition was finely balanced between government and non-government Members, and a core of back benchers of ability and independence and relative youth had escaped the attentions of the whips to join the Committee.⁴⁷⁶ The most assiduous attendees included the Conservative Kenneth Baker and Labour’s George Cunningham, John Garrett and Michael English. Baker, a future Home Secretary, was Chairman of the Hansard Society, which had been advocating parliamentary reform for some time, and Garrett was already known as a prominent parliamentary and administrative reformer, with experience of advising the 1960s Fulton Committee on the Civil Service among other bodies. English was the Chairman of the General Subcommittee of the Expenditure Committee which was undertaking a major inquiry on the Civil Service at around the same time. Another Labour Member, Giles Radice, was

Edward Heath from E. W. Short, 4 March 1976’. Heath’s reply was presumably negative but is not known

⁴⁷⁶ Almost half of the members of the Committee had first entered the House in or after 1970.

W.A. Proctor, ‘The House of Commons Select Committee on Procedure, 1976 to 1979’, *The Table*, 47 (1979), p. 17

to acquire a reputation as a doughty parliamentary reformer. Norman Lamont was a Conservative member who was to hold senior positions in the Thatcher and Major governments of the next two decades. The solid quality of the Committee's membership provided a good basis for cross-party backbench reformism.

However there was little interest in the Committee at higher political levels. Michael Foot told Callaghan on 2 December 1976 that 'the official Opposition, through the usual channels, expressed very limited enthusiasm for the Committee and would happily have seen it forgotten.'⁴⁷⁷ When Foot gave evidence to the Procedure Committee on 20 December 1976, almost all the questioning, as agreed, centred on the legislative process and how it could be improved. There were few questions about the scrutiny and investigative role of select committees, although Foot said that he was 'suspicious of select committees, partly because they work on a non-partisan basis'.⁴⁷⁸

The priority which the Procedure Committee originally gave to the question of legislative efficiency is clear; it was only in May 1977, fully eleven months after it had been established, that the Committee held its first hearing specifically about select committees. At around this time, there was a change in the committee secretariat, with Bill Proctor, a young clerk from the Journal Office, taking over from Clifford Boulton (who was later to become Clerk of the House). Soon the Committee made perhaps its most important decision on the nature and functions of select committees. It had heard evidence in January 1977 from the Clerk of the Canadian House of Commons, Alistair

477 TNA, PREM 16/1788, 'Minute to the Prime Minister from Michael Foot: Select Committee on Procedure' 2 December 1976

478 Procedure Committee 1978, Vol II, p. 68

Fraser.⁴⁷⁹ Impressed by Fraser's account, the Committee resolved to explore the possibility of reproducing at Westminster the 'standing committees' of the Canadian House, which examined legislation and the financial estimates as well as scrutinising the administrative activities of ministries. In this way the Canadians had gone some way to establishing the system of all-purpose committees envisaged by Harold Wilson in his 1964 Stowmarket speech, but later rejected in the Crossman reforms and ignored in subsequent developments. A Procedure Committee Sub-Committee on the issue, led by Kenneth Baker, visited Ottawa in June 1977. But the Sub-Committee gave a negative verdict on the Canadian committees, reporting in July 1977 that they were expected to do three things but in fact this resulted in them 'not doing all three well'. The report feared that if the system was imported that would 'almost inevitably mean the suffocation of some of our select committees by legislation and a great diminution in the financial and more general work presently done by them'.⁴⁸⁰

The Procedure Committee now moved swiftly to decision. In the middle of October 1977, while the House was still in recess the Procedure Committee met (in itself a sign of the Committee's capacity for work and engagement with the issues) and agreed in outline, 'after lengthy discussion' the proposals it would put to the House about the future structure of select committees. They were broadly that 'the Expenditure Committee and its sub-committees, together with most other existing investigative select committees, should be replaced by a series of twelve new select committees "each charged with the examination of all aspects of expenditure, administration and

479 Ibid., pp. 97 to 112. Evidence from foreign witnesses, although rare, was not unheard of in the early 1970s. For instance, for the experience of the Defence and External Affairs Sub-Committee of the Expenditure Committee, see Chapter Three

480 Procedure Committee 1978, Vol. I, Appendix A, p. 4. Report to the Select Committee on Procedure by Sub-Committee A: 'The Process of Legislation in the House of Commons of Canada'

policy in a field of administration within the responsibilities of a single government department or two or more related departments”⁴⁸¹.

Having reached this important decision of principle, the Procedure Committee completed its evidence-taking sessions in November 1977 and embarked on a lengthy period of drafting. There were in total 68 separate meetings of the Committee and on average 13 out of a total of 16 Members of the Committee attended - a remarkably high proportion.⁴⁸² There was much discussion about details of drafting and many votes took place, but the general approach on select committees was agreed. This concentration on drafting was a highly unusual way of working for a select committee; most committees spend the bulk of their time in taking oral evidence rather than deliberating on reports. The Committee was also prepared to flex its constitutional muscles. Just before Christmas 1977 Bill Proctor wrote on behalf of the Committee to the Head of the Home Civil Service, Sir Douglas Allen, asking him to submit to the Committee a Memorandum ‘explaining what general advice and guidance the Civil Service Department give to other Government departments and agencies about the treatment of requests from House of Commons select committees for the provision of papers and records ... and for the attendance of departmental witnesses’.⁴⁸³ Proctor also asked for copies of ‘all circulars or other papers’ containing such guidance. After some discussion, the most recent Guidance was provided to the Committee, which published it in its Report, in the spirit of openness.⁴⁸⁴ But it was clear that the request

481 Proctor, ‘The House of Commons Select Committee on Procedure’, p. 20

482 Ibid., p. 18

483 TNA, PREM 16/1788, ‘Select Committee on Procedure: Letter to Sir Douglas Allen from W. A. Proctor’, 14 December 1977

484 Procedure Committee 1978, Vol. I, p. 38, Appendix D, ‘Memorandum of Guidance for officials appearing before Select Committees’. This was known as GEN 76/78. The origins of the Guidance are rather obscure; the relevant House of Commons Library Standard Note (SN/PC/2671) merely states that ‘Earlier drafts of the Rules had clearly existed in the 1970s’.

had put the Chairman in a difficult position. Julian Moore, Private Secretary to Lord Peart, former Leader of the House of Commons reported that Williams had said the request for the memorandum had been ‘imposed on him by his Committee (one or two of whom wanted to instigate a trial of strength)’.⁴⁸⁵ This was an important victory for an assertive Committee.

The Procedure Committee reports

When the Procedure Committee reported on 3 August 1978, its key judgment on select committees echoed the sentiments of the 1918 Haldane Report in saying that the House ‘should no longer rest content with an incomplete and unsystematic scrutiny of the activities of the Executive merely as a result of historical accident or sporadic pressures’.⁴⁸⁶ Therefore ‘there should be a reorganisation of the select committee structure to provide the House with the means of scrutinising the activities of the public service on a continuing and systematic basis’. The Procedure Committee recommended the establishment of the following select committees, each covering the expenditure, administration and policy of one or more departments:

- Agriculture
- Defence
- Education, Science and Arts
- Energy
- Environment
- Foreign Affairs
- Home Affairs

485 TNA, PREM 16/1788, ‘Select Committee on Procedure – CSD Memorandum of Guidance: Letter from J. K. Moore to K. R. Stowe’, 27 January 1978

486 Procedure Committee 1978, Vol. I, p. lii

- Industry and Employment
- Social Services
- Trade and Consumer Affairs
- Transport
- The Treasury (including for these purposes the Civil Service Department)⁴⁸⁷

One interesting feature of this recommended pattern is that it is not strictly ‘departmental’; several of the proposed committees would, like their Expenditure Committee predecessors, cover the activities of two or even more departments. This was the case with the suggested committees on Foreign Affairs, Trade and Consumer Affairs, Home Affairs and Treasury. In this sense, although it was much more comprehensive in its coverage, the Procedure Committee’s system was similar to the pattern of the Expenditure Committee. In the event, as noted below, the new committee system which emerged was slightly different from that proposed by Procedure.

Other key Procedure Committee recommendations were aimed more directly at the heart of the constitutional relationship between the House and the government. These included the proposals that nominations for the membership of the new committees should be entrusted to the all-party Committee of Selection rather than the whips, and that all departmental Estimates should be referred to departmental select committees (but not that Estimates should be formally approved by them, which would have imposed too much of a burden). It was also recommended that select committee chairmen should be paid an additional salary, that they should be able to appoint specialist advisers and seek advice from the Exchequer and Audit Department (the

487 Ibid., p. lv

forerunner of the National Audit Office) and that the House should allot eight days per session to debate on the Reports of select committees.⁴⁸⁸ There was a significant recommendation that standing committees examining legislation should be able to take evidence in public, like a select committee, before moving on to consider a Bill clause by clause. The Report also recommended that select committees should be given strengthened powers and clearer enforcement procedures to help them in the vital task of securing access to information held by the government. Select committees' exercise of the existing powers in this area were, the report said, hampered 'by their inability to order the attendance of Ministers or to order the production of papers by at least the great majority of government departments' and by the absence of 'any effective means' of enforcement.⁴⁸⁹

This was a comprehensive set of proposals. Having made them, the Committee then ensured that the report's message came through loud and clear. The report, and especially the introduction, had been designed to be trenchant enough to attract media interest. The Introduction sounds a clear alarm, warning that 'the balance of advantage between Parliament and Government in the day-to-day working of the Constitution is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of our parliamentary democracy'. The capitalisation of the word 'Constitution' is enough to demonstrate that this warning is to be taken seriously. Nevertheless the report's recommendations on select committees

488 During the 1970s, the number of Chamber debates on select committee reports was usually in single figures, with about half considering 'domestic' committees which were responsible for the House's internal administration and services. Only a small number concerned 'policy and administration' issues

489 These powers, highly complex in operation, hedged about with exceptions and with enforcement subject to the whip-influenced agreement of the House, were seen by some as one of the key issues for reform: *The Observer*, 'The battle for Whitehall', 6 August 1978. Procedure Committee 1978, pp.xciii-xciv

built firmly on existing practice. The report goes on to make this clear: for instance it says ‘a new balance must be struck, not by changes of a fundamental or revolutionary character ... but by changes in practice of an evolutionary kind, following naturally from present practices’.⁴⁹⁰ While the call to constitutional arms raised the report’s profile, the Committee’s underlying gradualness was very important in ensuring that many of the recommendations were accepted by government. Several Procedure Committee members, especially Michael English and John Garrett, were, as noted earlier in this Chapter, experienced in the ways of reform, and probably aware of the patience often required by those who advocated it. In addition, the restrained nature of the reform also helped the House adjust step-by-step to more active select committees. For all its restraint, however, the report had an immediate media impact, with a succession of news and comment pieces drawing special attention to the key recommendations on select committees.⁴⁹¹

Media coverage of the inquiry had been steady before, but it increased substantially with the publication of the report. Substantial news pieces were accompanied by supportive editorials across the serious ‘broadsheets’. This level of interest in a report on the procedure of the House was unusual, if not unprecedented. But there were some dissenting voices in the media. Writing in July 1979, the respected commentator Alan Watkins of *The Observer* lamented the demise of the Nationalised Industries Committee, which he saw as constitutionally important because it enabled Parliament

490 Ibid., p. viii

491 There was an outbreak, rare at the time, of pre-briefing of the media: for instance *The Observer*, ‘MPs seek tighter grip on Whitehall’, 30 July, 1978; On publication, *The Times*, 4 August 1978, said that the Report ‘may prove to be a historic document in British parliamentary history’; *The Economist* 5 August 1978, called it ‘a milestone of parliamentary reform’. *The Guardian*, 4 August 1978, reported that ‘MPs seek more control over government machine’

to monitor companies for which there was no direct ministerial responsibility.⁴⁹² More broadly, Watkins wondered whether ‘perhaps it does not greatly matter how the committees are organised’. This is a point to which this thesis will return.

The Clerk of the House from 1976-79, Sir Richard Barlas, was a supporter of reform, although much more cautious than his predecessors Campion and Fellowes. It was highly unusual for a Clerk to give a public interview, but Barlas did so in *The Times* in the autumn of 1978.⁴⁹³ Barlas indicated that the men (and a few women) whose professional responsibility it would be to make the departmental committee system work were in favour of change. When *The Times* journalist Peter Hennessy asked Barlas for his views of the proposed departmental committee system, he said: ‘I think the clerks on the whole were impressed by the report of the Procedure Committee. The present set-up is not planned at all and something must be done about it’. The timing of Barlas’s clear statement of support is a little surprising; he was speaking publicly as an official at a time when the government had still not stated its position on the Procedure Committee recommendations. It is also worth noting the clerklly precision with which Barlas chose his words in the interview; when he said that the clerks were ‘on the whole’ in favour of reform, he hinted at the doubts of some in his own ranks about the new system. Neither was Barlas in favour of giving committees the powers and functions of their hyperactive Washington counterparts, or of ‘aping the worst practices of Washington’s Capitol Hill’, to use Hennessy’s words. The 1950s era of

492 *The Observer*, ‘New watchdogs - but don't expect too much’, 1 July 1979. Apart from the Nationalised Industries Committee, the report called for the abolition of the Committee on Science and Technology, the Overseas Development Committee, the Race Relations and Immigration Committee and the Committee that oversaw the work of the Parliamentary Commissioner for Administration (the Ombudsman). The latter committee was not in fact abolished. In each case, the Procedure Committee recommended that the work of an abolished committee should be taken on by one of the new departmental committees

493 *The Times*, ‘Discreet skill that keeps the parliamentary show rolling’, 7 November 1978.

the U.S. Senate Sub-Committee notoriously chaired by Joseph McCarthy was still quite fresh in the mind, and for the same article *The Times* was told, unattributably, that the clerks were determined to avoid ‘shades of Cohn and Schine’, a reference to the work of McCarthy’s assiduous assistants in his search for Communism in the U.S. government.

Despite the Procedure Committee’s enthusiastic public reception, select committees of all types continued to be regarded with suspicion by some senior political figures. On 18 September 1978 the Prime Minister, James Callaghan, produced for his Cabinet colleagues a Memorandum on the question of inquiries into the breaking of sanctions against the illegal Rhodesian regime of Ian Smith during the 1960s.⁴⁹⁴ There had already been one report into the matter, by the senior lawyer Thomas Bingham, but there was pressure for a further inquiry. There was naturally concern among Labour Ministers that the actions of the Labour governments of the late 1960s would come under scrutiny. Using ministerial arguments that had almost acquired the status of holy writ since the Marconi affair six decades before, Callaghan gave short shrift to the idea of a select committee of inquiry: ‘the overriding objection [to such inquiries] is that almost certainly any such Select Committee would be likely very quickly to divide on Party lines and thus defeat the purpose of a dispassionate objective inquiry’. But Callaghan went further, warning that ‘producing Cabinet papers to a Select Committee would establish a very significant and dangerous precedent, e.g. would it be possible thereafter to refuse the Expenditure Committee permission to see the relevant Cabinet papers underlying a policy decision?’ On 21 September 1978, the Cabinet agreed with Callaghan’s opinion, the Conclusions for that day recording candidly that there was

494 TNA, CAB 129/203/16, ‘Rhodesian Sanctions: Further Inquiry: Memorandum by the Prime Minister’, 18 September 1978

among Ministers ‘wide support for the view that a Select Committee of the House of Commons would be an unsatisfactory form of inquiry. It would be difficult for the Government to control’.⁴⁹⁵

The Government Responds

The Procedure Committee had spoken trenchantly and its proposals had achieved a high profile. But there was still no guarantee that the key recommendations on departmental committees would be supported by the government. Indeed all the evidence is that the fundamental contention of the report - that Parliament was weak and the government strong - was completely at odds with the opinions and current experience of almost all the Cabinet, and especially of the Prime Minister and the Leader of the House of Commons. The government response occurred in two quite distinct phases - first the upper echelons of the Civil Service accepted it in a stately and unhurried fashion, and then it was agreed by Ministers - but it was to be a new set of Ministers.

On 2 August 1978, Sir John Hunt wrote to Ken Stowe in the Prime Minister’s Office, preparing the way for the publication of the Procedure Committee report. Hunt’s minute shows that he was determined to ensure that the Civil Service would be able to put its stamp fully on the government’s response. He said: ‘the Committee has operated over a period of increasing interest in the powers of Parliament vis-a-vis the Executive, in procedural matters generally and in such related matters as open government and official information. We may therefore expect early pressures in the autumn for a response to its recommendations’. The Prime Minister was happy enough

⁴⁹⁵ TNA, CAB 128/64/12 ‘Conclusions of a Meeting of the Cabinet’ 21 September 1978

with Hunt's plans for producing a response, but he noted drily in a manuscript comment on the Committee's proposals: 'Not much here I would agree with (whether in Govt or Opposition!).'⁴⁹⁶

Neither did the Civil Service speak with one voice. Sir Douglas Wass, Permanent Secretary at the Treasury, expressed his anxieties about the idea of a system of departmental committees in a letter to Sir Ian Bancroft, who had succeeded Douglas Allen as Head of the Home Civil Service on 1 January 1978. Wass said that the Procedure Committee's recommendations could imply 'major' and 'irreversible' changes in the constitutional relationship between Parliament and the Executive, and in the role of the Civil Service.⁴⁹⁷ Wass later recalled that he had himself always been 'treated courteously by select committees', but that he was anxious that if other staff with less experience of giving evidence were asked about economic and financial policy, 'and put in a difficult position, it could be very awkward'.⁴⁹⁸ Wass's attitude to the idea of a system of departmental committees had, he said, been heavily influenced by an incident in June 1975 involving a Treasury Deputy Secretary, Lawrence Airey (later Sir Lawrence). Appearing before the Trade and Industry Subcommittee of the Expenditure Committee, on the issue of the future of the British Leyland Motor Company, Airey had been subjected to 'extremely unpleasant' questioning; he had, said Wass, been 'put over the barrel' and had returned to the Treasury 'a very shaken man'.⁴⁹⁹

496 TNA, PREM 16/1789, 'Procedure Committee Report: Minute to K. R. Stowe from Sir John Hunt, 2 August 1978'

497 TNA, CAB 164/1424, 'Letter to Sir Ian Bancroft from Sir Douglas Wass, 1 September 1978'

498 Author's interview with Sir Douglas Wass

499 Fourteenth Report from the Expenditure Committee, Session 1974-75, *The Motor Vehicle Industry*, 617-II, pp. 125-43, Questions 2518-2651. The most vigorous and hostile questioning (especially Questions 2538-2577) came from Robin Maxwell-Hyslop. Maxwell-Hyslop, a long-serving member of the Committee and a keen proceduralist, pressed Airey and his colleagues hard on whether the Treasury had been aware that government support for the loss-making British

Writing to a Cabinet Office colleague on 8 September, Sir John Hunt said that ‘The Treasury are clearly in a very negative mood about the Report’.⁵⁰⁰ But Wass and his Treasury colleagues were not alone in Whitehall in being concerned about the implications of the proposed committees. The Home Office Permanent Secretary, Sir Robert Armstrong, who wrote to Hunt on 4 October, regretted that he was not able to be present at the Permanent Secretaries’ meeting, but offered his view.⁵⁰¹ Armstrong identified ‘a major - perhaps the major - question’ [Armstrong’s emphasis] about the departmental committee proposals, which was whether Ministers would be content to see the development of a system which would ‘increase the exposure of their departmental policies and actions to parliamentary scrutiny, and transfer from them to their officials (and presumably not only the very senior officials as hitherto) a considerable part of the task of detailed exposition and defence’.⁵⁰²

But those government officials who harboured doubts about the Procedure Committee proposals did not generally find that their political masters or indeed the very top leadership of the Civil Service had much sympathy. Wass said later ‘I don’t think any of us had the feeling that Ministers were very concerned about [the idea of a departmental committee system]. They had other things on their minds’. Wass recalled that he had briefed Healey about the Procedure Committee report but the Chancellor had not said much in response.⁵⁰³ David Faulkner, the Cabinet Office Under Secretary

Leyland might contravene the anti-dumping provisions of the General Agreement on Tariffs and Trade [GATT]. Comments from author’s interview with Sir Douglas Wass

500 TNA, CAB 164/1424, ‘Procedure Committee Report: Minute from Sir John Hunt to Bill McIndoe’, 8 September 1978

501 TNA, CAB 164/1424, ‘Letter from Sir Robert Armstrong to Sir John Hunt’, 4 October 1978

502 For Armstrong’s involvement with these same issues in the mid-1980s, see Chapter Six

503 Author’s interview with Sir Douglas Wass

responsible for legislation and parliamentary reform, later indicated that his department put parliamentary reform low on its list of priorities, saying: ‘the Procedure Committee report slipped through, in a way, without anybody thinking very much about it. I don’t remember other people in the Cabinet Office taking it particularly seriously’. Faulkner said that he worked on select committee reform ‘without very much interference’ from senior officials including Hunt.⁵⁰⁴

When the permanent secretaries met to discuss the issue in Conference Room A of the Cabinet Office on the afternoon of 5 October 1978,⁵⁰⁵ the Treasury argued that their Ministers at least ‘would be likely to be unwilling to accelerate the trend towards a wider role for select committees’. The Treasury’s main concern, it was said, was with the potentially disruptive effect of new committees on the development and presentation of economic and financial policy. The 5 October meeting also recognised that safeguards would be needed for the constitutional position of officials under any new system; it was argued by one or more permanent secretaries that ‘if the proposed new structure were accepted, Ministers might wish to press for the establishment of firm conventions governing the relationship between Departmental officials and the committees’. Although the record of 5 October does not attribute comments, it seems very likely that it was Armstrong who made that general constitutional point, while Wass raised the issue of potential disruption to the presentation of economic policy. But when Hunt summed up the discussion, he said that most of those present ‘were prepared to go along with the proposed system of Departmental select committees,

504 Author’s interview with David Faulkner

505 TNA, CAB 164/1424. ‘Government Response to Report of Select Committee on Procedure: Minutes of a Meeting held ... on Thursday 5 October 1978’

either because they positively welcomed it or because there were no convincing arguments which could properly be deployed against it’.

Up to this point the government’s response to the Procedure Committee had been almost exclusively considered by civil servants working behind closed doors. However party politics intervened on 8 October 1978 when the Conservative Party’s Spokesman on House of Commons Affairs, Francis Pym, came out in favour of the Procedure Committee recommendations. In a speech to the Cambridge University Conservative Association, Pym said that ‘A major objective of the next Conservative Government must be to re-establish Parliament’s authority’.⁵⁰⁶ Among other things, Pym promised action on the ‘important proposals’ of the Procedure Committee, of which the ‘most significant’ were perhaps the departmental select committee recommendations. He gave a ‘clear pledge that in the first session after a general election the next Conservative Government will present to Parliament positive proposals ... and give the Commons an opportunity to come to a firm conclusion’.

Despite the Treasury’s anxieties, most in Whitehall saw the risks of the proposed system as manageable. In a paper prepared for Cabinet in October 1978, the civil servants on the Official Committee on Parliamentary Procedure (PPO), judged that the Procedure Committee’s report was ‘essentially ... conservative’, putting forward its proposals ‘within the context of the existing Parliamentary relationship between the Executive and the Legislature’. Indeed the PPO paper almost regarded the Procedure Committee’s report as something of a damp squib, a missed opportunity for Parliament

⁵⁰⁶ Conservative Central Office News Service, release 1284/78, 8 October 1978

to make its case for reform, not touching upon wider constitutional issues and not really a ‘fundamental review’ as originally envisaged.⁵⁰⁷

The paper admits that there was ‘a difference of view’ on PPO about whether the Procedure Committee proposals would represent ‘a significant change’ or ‘rather a formalisation of existing practice’ with the subject committees of the Expenditure Committee. Departments that had not already been regularly and closely scrutinised by the Expenditure Committee were more likely to harbour concerns; the Treasury had clearly expressed anxiety over the possibility of ‘substantial areas of economic and financial management’ becoming the subject of public sessions, especially at a time of great economic uncertainty. From this point of view, the timing could hardly have been more sensitive. This winter of 1978 -79 became known in the UK as ‘The Winter of Discontent’, with trade union disputes in both private and public sectors reaching a new level of bitterness. It was felt in the Treasury that public airing of uncertainties about the government’s economic management could increase instability at home and abroad. Just as importantly, the PPO paper observes that an expanded select committee system could affect Ministers’ relations with Parliament. Ministers ‘do not have the initiative; the choice in timing of business is in the hands of the Chairman rather than the Whips’.⁵⁰⁸

Other changes which would follow in the wake of reform would, according to PPO, centre largely on concerns that there would be ‘greater pressure for the release of Government information, for example, details of economic projections, which

507 TNA, CAB 129/204/9, ‘First Report of the Select Committee on Procedure, Session 1977-78: Note by the Secretary of the Cabinet. Report of Official Committee on Parliamentary Procedure’, 23 October 1978

508 PPO Report, 23 October 1978

Ministers have hitherto resisted'. This reflected experience of some of the requests of the Expenditure Committee and turned out to be prophetic in terms of the demands of the future Treasury Committee.⁵⁰⁹ Reorganisation of select committees, therefore, appeared to hold some dangers for civil servants, though they would still be on reasonably familiar territory, with cases such as that of Harold Lever and the Chrysler inquiry still fresh in the official mind. In general, Whitehall did not see major problems with the idea of the new committees; in the spring of 1979, all but one of the 14 Permanent Secretaries surveyed by Vilma Flegmann believed that the principle was, as Flegmann put it, 'unexceptionable'.⁵¹⁰

However, officials *were* concerned about the implications of some other Procedure Committee recommendations, including the proposal that a select committee, as distinct from the whole House, should have the formal right to order Ministers' attendance or to instruct them to produce papers. PPO pointed out that Ministers 'refusing to comply with such orders and seeking the backing of the whole House for their decision would start from a disadvantageous position'.⁵¹¹ PPO considered that Ministers might wish to resist the Procedure Committee's recommendation on this point; as noted below, that was exactly what they did. Another area of concern for PPO was the Procedure Committee's suggestion of increased staffing for select committees: this might be expensive and the new system might risk 'an unacceptable shift of power to select committees'.⁵¹² The actual increase in staffing under the new committee system would be fairly modest, but the establishment of arrangements for

509 Ibid.

510 Vilma Flegmann, *Public Expenditure and the Select Committees of the Commons* (Aldershot: Gower, 1986), p. 34

511 PPO Report, 23 October 1978

512 Ibid.

funding the House through the new House of Commons Commission, entirely made up of MPs, rather than directly from a Treasury subvention, might represent a significant change, as the government could no longer tighten the purse strings as a way of curbing scrutiny.⁵¹³

This fairly clear steer from officialdom, chiming with support from the official Opposition in the form of Pym's Cambridge speech, was still not enough to persuade Michael Foot that departmental committees would be beneficial.⁵¹⁴ Other Ministers shared Foot's view. Despite - or perhaps because of - the Conservative Party's support for committee reform, Cabinet members were in October 1978 generally opposed to the departmental committees, some arguing, as Cabinet members had in 1976, against the basic premise of the Procedure Committee report - that the balance between Parliament and government was weighted in favour of government.⁵¹⁵ The idea that Parliament was at bay before the executive was thus seen by some as 'a wrong assessment' and the minute records comments to the effect that 'nothing would be achieved by reducing the power of the Executive beyond the limit where it could act under our present Parliamentary system'. Callaghan summed up, noting that 'the majority of those who had spoken were opposed to the Procedure Committee's recommendations' on this issue. Nevertheless, Cabinet agreed to arrange a debate 'early in the new Session'. However, in the greater scheme of things, arguments about Select Committees were not the top priority of anyone in or around government that

513 See Michael Ryle, 'The Changing Commons', p. 654. The drawbacks of the pre-1978 system of funding the House had been set out in 1976-77 in Expenditure Committee, *The Civil Service*, p. lxix

514 Foot maintained his opposition to the last. Callaghan's Private Secretary Philip Wood told the Prime Minister on 25 October that Foot 'remains strongly opposed to the extension of the system of Select Committees'. TNA, PREM 16/1789, 'Minute by Philip Wood to the Prime Minister: Select Committee on Procedure', 25 October 1978

515 TNA, CAB 128/64/16 'Conclusions of a Meeting of the Cabinet' 26 October 1978

day. Neither Tony Benn nor Bernard Donoughue, assiduous diarists both, mentioned the Cabinet discussion of the Procedure Committee report in their diary entries for the day, giving prominence instead to economic issues, including the European Monetary System and what Donoughue called the Cabinet's 'huge agenda on public expenditure'.⁵¹⁶

The House debates reform

The Procedure Committee report was finally debated on the floor of the Commons in February 1979. The Shadow Leader of the House, Norman St John-Stevas, said that the 'function of controlling and checking the Executive is not being performed by Parliament as it should be. We have, in effect, a professional Government and we still have an amateur legislature'.⁵¹⁷ Stevas urged the government to put down motions for the establishment of the departmental committees and let the House decide. Michael Foot was not persuaded: once again he rehearsed his arguments against a more powerful committee system: 'if we set up the 12 Committees to examine the matters proposed in the report on a regular basis we shall have not merely a further draining away of attention from the Chamber ... but the strength of Parliament being increasingly transferred to such Committees, thereby injuring the position of individual Members'.⁵¹⁸ Sydney Irving, Labour MP for Dartford, raised a number of concerns about the potential effects of a departmental committee system, including the risk that some committees would become 'so intimately involved with their Departments that their power to attack, where necessary, would be blunted'.⁵¹⁹ Irving

516 Bernard Donoughue, *Downing Street Diary: Volume Two: With James Callaghan in No 10* (London: Pimlico, 2008), pp. 380-81. Tony Benn, *Conflicts of Interest: Diaries 1977-80* (London: Hutchinson, 1990), p.380

517 Hansard, *HCD*, col.283, 20 February 1979

518 *Ibid.*, col. 293

519 Hansard, *HCD*, col.59, 19 February, 1979

also warned against over-specialisation and the growth of a two-tier House, suggesting that unless a Member belonged to a committee, he or she would have to be ‘courageous’ to become involved ‘in a fundamental way on the Floor of the House in a debate on a subject on which a Committee had spent a long time in dealing with a Department and its problems’.⁵²⁰ Later chapters will assess to what extent Irving’s apprehensions turned out to be justified.

However, most Members were in favour of change. The most distinctive contribution came from the now-converted Enoch Powell, who emphasised his support for the bodies he had criticised 12 years before, saying that ‘the recommendation on Select Committees stands out from the rest of the report as the one section in which all elements of that Committee found themselves in almost total agreement’. Powell indicated, like others, that the proposals were largely evolutionary, with select committees the next step in a lengthy process of rational development, starting with the establishment of the Public Accounts Committee in 1861 and moving inexorably on to further stages through the Estimates and Expenditure Committees until the present day, when the obvious next move was to a coherent system of departmentally-related committees.⁵²¹ Some Members, Powell added, feared that the new Committees would be ‘like the political branch of the Red Army in which every military commander has a politician assigned to him’. But Powell was confident that ‘That fear is groundless’. Most other Members who spoke also welcomed the report, including the Conservative William Benyon, to whom it was ‘like a breath of fresh air’.⁵²²

520 Ibid.

521 Hansard, *HCD*, col. 338, 20 February 1979

522 Hansard, *HCD*, col. 148, 19 February 1979

The generally supportive tone of the Commons debate did not bring the Procedure Committee proposals any nearer to realisation. The key element missing was support from the government, a government that was in any case in its death throes after the socially disruptive strikes of the ‘Winter of Discontent’. On 28 March 1979, Callaghan’s Government lost a vote of confidence, the catalyst being the failure to achieve devolution to Scotland and Wales.⁵²³ The election was then set for 3 May 1979. It is noticeable that both major party manifestoes for the 1979 General Election indicated support of some kind for the Procedure Committee’s proposals. Labour promised ‘major improvements in the legislative process, including new methods of considering Bills in committee, and of scrutinizing the work of government through select committees’. The Conservative Manifesto said that Parliament’s traditional role of controlling the Executive had been weakened, and that the party would among other things ‘give the new House of Commons an early chance of coming to a decision’ on the proposals of the Procedure Committee.⁵²⁴ These pledges led the Civil Service and the House administration to conclude that reform was now very likely to happen. Representing the permanent officials of the Commons, and reflecting his own cautiously positive assessment of the proposals, Sir Richard Barlas asked for a meeting with Sir Ian Bancroft, the Head of the Home Civil Service. This took place on 10 April, while the electoral battle still raged across the country, with ‘Implementation of the Procedure Committee Report’ top of Barlas’s agenda.⁵²⁵ Barlas ‘indicated that he was expecting any government after the election to implement the main

523 Hansard, *HCD*, cols. 461-590, 28 March 1979

524 *The Labour Way is the Better Way*, Labour Party Manifesto 1979
Conservative Party General Election Manifesto 1979 [Both accessed on 10 June 2015 from
Politicsresources: <http://www.politicsresources.net/area/uk/man.htm>]

525 TNA, CAB 164/1426 ‘Note for the Record of a Meeting between Sir Ian Bancroft and Sir Richard Barlas on Tuesday 10 April 1979’, 12 April 1979

recommendations of the Procedure Committee's report and this would have significant staffing implications for the House of Commons'. He asked Bancroft to explore with him the best way to recruit staff 'to meet the needs of additional select committees to mark Government departments'. The request was for an additional three or four people at middle to senior rank, and Bancroft agreed to put out a 'trawl' - Whitehall-speak for a vacancy notice.

The meeting between Bancroft and Barlas is more interesting for what it reveals about Barlas's underlying attitudes to some of the recommendations of the Procedure Committee. While he backed the reorganisation of the committee structure, Barlas was, according to the Note of the meeting, opposed to two other important proposals. His view of the recommendation that committees should have their own powers to send for persons, papers and records was scathing: he believed that 'it was wrong of Select Committees to badger civil servants for papers and information ... If they indicated they could not make disclosure, the right constitutional way for committees to proceed was by raising complaints with Ministers on the floor of the House.' He described the suggestion that committees should 'compel' Ministers to appear before them as 'insulting, constitutionally doubtful and irrelevant, since Select Committees had no penal power'.⁵²⁶ Barlas offered 'any advice or assistance to CSD (Civil Service Department) or Cabinet Office officials briefing on this aspect of the Procedure Committee's recommendations'. Bancroft said he would 'pass this message on'. Barlas also said he was not in favour of the Procedure Committee's suggestion of evidence-taking, select-committee-style Public Bill Committees to examine

⁵²⁶ Ibid.

legislation. No reason is mentioned in the Note of the meeting, but one might speculate that Barlas feared that such evidence sessions would hold up the progress of legislation. It is clear that Barlas's reformism was very limited. This exchange also demonstrates how close (sometimes) was liaison between House staff and civil servants. There was a natural wish to make new systems work, for instance by providing staff where necessary. But there was wariness on both sides and a shared caution about radical measures. Members of the Procedure Committee might indeed not have been happy if they had learned that Barlas was prepared to go as far as briefing government officials to help those officials resist their recommendations. This was certainly a good example of what Peter Hennessy calls 'the hidden wiring' of the constitution at work.

Thatcher and the Select Committees

On 8 May 1979, a few days after she moved into Downing Street in the wake of her clear General Election victory, Margaret Thatcher's Private Secretary Mike Pattison wrote to John Stevens in the Office of Norman St-John Stevas, now Chancellor of the Duchy of Lancaster (and Leader of the House of Commons). Pattison noted that the Conservative Party Manifesto had contained a commitment to giving the House an early chance of deciding on the Procedure Committee proposals, and sought 'early advice' on handling. Pattison said the Prime Minister was 'conscious that there is likely to be interest expressed early in the new Parliament about the reorganisation of select committees proposed in the report'.⁵²⁷ An Early Day Motion (EDM) urging implementation of the Procedure Committee recommendations was soon circulating in the Commons and attracting scores of signatories.

⁵²⁷ TNA, CAB 164/1426, 'Letter on House of Commons Procedure, Mike Pattison to John Stevens', 8 May 1979.

Pattison's letter must have come as good news to Stevas, who says in his book *The Two Cities*, 'From the first, I was a reformer'.⁵²⁸ But Thatcher's recognition of unfinished business did not mean that she placed committee reform high on the list of priorities, any more than did her predecessor Callaghan. Although Stevas's department considered a very rapid timetable for the House to debate the establishment of the new committees, John Stevens warned Stevas on 10 May that such a timetable 'would be a bit of a "bounce", which might not matter if the PM were keen to move quickly - as she is not apparently'.⁵²⁹ The word 'bounce' is a potent sign of Whitehall concern about the possible risks of rushing to action while key colleagues were still unconvinced. Stevas sent his advice to Thatcher on 24 May.⁵³⁰ In his minute, Stevas painted a (perhaps slightly exaggerated) picture of possible Conservative vulnerability if the House was not given its promised chance to vote on the proposed committees: 'The consequences of going back on our undertakings would be extremely serious for the Government politically ... The House would become a hornet's nest and we should have acute difficulty in getting our business through'. To bolster his point, Stevas said that he had discussed these matters with the Chief Whip, Michael Jopling 'who is in full agreement with this analysis'.⁵³¹ However, Stevas's minute also recognised the likely objections of Cabinet colleagues, accepting that the powers of the committees needed to be restrained 'so that matters of security and the safety of the State do not come within their scope'. He also recommended against committees 'being able to

528 Norman St John-Stevas, *The Two Cities* (London: Faber and Faber, 1984), p. 54

529 TNA, CAB 164/1426, 'Note by John Stevens on a Minute from P. J. Harrop to Chancellor of the Duchy of Lancaster', 10 May 1979

530 TNA, CAB 164/1426, Minute on 'House of Commons Procedure' to the Prime Minister from the Chancellor of the Duchy of Lancaster', 24 May 1979

531 Stevas names Jopling as one of his 'powerful supporters in Cabinet'. Stevas, *The Two Cities*, p. 56

“order” the attendance of Ministers or the unrestricted production of papers’. Like other advocates, Stevas also stressed that the proposed changes would be ‘evolutionary in character’. They would not represent a major shift away from the Chamber, but they were ‘right in principle’ and ‘in accordance with Conservative philosophy on the protection of the liberty of the subject’, demonstrating the importance of the Manifesto commitment on the matter.

Stevas asked for early action, with a paper on the establishment of the committees to go to Cabinet on 14 June. His sense of urgency was overwhelming, as he made clear later: ‘I realized that I would have to act swiftly ... The Prime Minister did not give a high priority to institutional reform and, as a natural executive, looked askance at any proposals for strengthening parliamentary power. I knew too that Ministers, as they grew established in their departments, would take a similar view’. Crucially, the Civil Service machinery to support an early move to departmental committees was firmly in place. Stevas later paid tribute to the work of the officials who had paved the way with such thoroughness.⁵³²

Thatcher was not, however, convinced by Stevas’s arguments. The National Archives file shows that Sir John Hunt drafted, in long hand, advice to the Prime Minister on the Stevas minute, but that on 31 May Hunt’s private secretary Martin Vile put the draft back to the Cabinet Secretary with a note attached.⁵³³ Vile told Hunt that he had held the draft back from typing ‘in case you wished to amend to take account of *obiter dicta* on Select Committees by the PM to Nick Sanders [Thatcher’s private secretary], namely that she does not like Departmental Select Committees; is worried about the

⁵³² Ibid., p. 55

⁵³³ TNA, CAB 164/1426, ‘Note from Martin Vile to Sir John Hunt’, 31 May 1979

implications for defence and security issues; thinks they will stimulate demand for more public expenditure; will not have a Committee on Northern Ireland'. It was therefore entirely natural that the final version of the minute that Hunt eventually sent to Thatcher on 1 June was cautious.⁵³⁴ There was generally little of the tendency to 'push her along when she was not quite ready' which one close observer, quoted by Peter Hennessy, identified in Hunt's relationship with Thatcher in the last six months of his career.⁵³⁵

Hunt's paper set out for the Prime Minister the opposing arguments in a balanced way and gave full weight to the risks posed by departmental committees to collective ministerial responsibility, and to 'the importance of the House as a whole'. On the other hand Hunt reminded the Prime Minister of the 'widespread feeling inside and outside the House' that the new committees were necessary to improve scrutiny of government. He pointed out the extra burdens on ministers of the new committees, though he also said that 'most departments take a relatively relaxed view about the matter'. Hunt made the important point that 'these risks which [sic] exist with the present Select Committees ... 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'. Hunt had grasped a key point; Whitehall would not find it difficult to adjust to committees that had simply been reorganised, but if select committees were given substantially more powers to press for, or indeed order, evidence from departments, that could have much more serious consequences for the balance of forces between Parliament and Ministers. Only in one passage does Hunt

534 TNA, CAB 164/1426, 'House of Commons Procedure: Minute from Sir John Hunt to the Prime Minister', 1 June 1979

535 Peter Hennessy, *Whitehall*, p. 663

appear to ‘push’ the Prime Minister, saying that ‘An early debate on these recommendations would do much to relieve the pressure represented by the 250 signatories of the early day motion.’⁵³⁶

Thatcher and Stevas met to discuss the issue on 4 June, and Mike Pattison minuted the meeting in a letter to John Stevens of Stevas’s office on 5 June.⁵³⁷ Stevas is recorded as setting out for Thatcher the need for early action and explaining that he saw ‘little scope for changing the proposed package for the structure of Select Committees’, though he was ‘confident of securing important safeguards in respect of their powers’. Other ‘safeguards’ involved limiting numbers of sub-committees and ensuring that ‘security considerations were properly handled’. The letter recorded that Thatcher agreed with Stevas that the question should come before Cabinet on 14 June, but it also made clear that there were divergent views on important issues. In forthright style the Prime Minister ‘instructed the Chancellor of the Duchy to submit for that discussion a thorough paper, which should set out in detail the arguments for and against both the existing structure of Select Committees and the proposed new structure, and which should also consider some reasonable alternative proposals’. The Prime Minister, the note said, had drawn attention to ‘a number of possible criticisms’. She was especially concerned that the new committees would ‘reinforce the rigid demarcation of business between departments, and would become pressure groups for increased spending by the departments which they monitored’. The latter point was perhaps one that carried some weight with Thatcher; she may have been aware that

536 TNA, CAB 164/1426, ‘House of Commons Procedure: Minute from Sir John Hunt to the Prime Minister’, 1 June 1979

537 TNA, CAB 164/1426, ‘Letter to John Stevens from Mike Pattison’, 5 June 1979

the Expenditure Committee had not really done much to discourage spending, and she must have feared that the new committees would be even less frugal.

In addition to managing Thatcher's scepticism, Stevas had to deal with objections from another source. Lord Hailsham of St Marylebone, now the Lord Chancellor, wrote to the Prime Minister on 8 June, supporting the overall thrust of committee reform, saying 'I agree generally with what he [Stevas] says'. However Hailsham insisted that the activities of select committees 'must not be allowed to threaten the independence of the Judiciary'. He urged that the committees' scope 'should expressly exclude them from discussing the appointment and conduct of the Judiciary, and confidential communications between them and the Lord Chancellor on judicial matters'. More generally, Hailsham was apprehensive about the 'additional burden which the new system will impose, both on Ministers and on officials'. This was especially a problem for small departments such as his own, particularly those that not been subject to previous select committee scrutiny. The Lord Chancellor therefore wondered whether it would be possible, at least at the beginning of the new scheme, to leave out smaller Departments such as his own and the Law Officers'. However, Hailsham emphasised that he was not opposed in principle to the eventual inclusion of these departments in the committee system.⁵³⁸ His letter was the product of a private conversation with Stevas, who wrote later that 'the price of the Lord Chancellor's acquiescence [was] an agreement to leave his department out of the supervisory system. I did not approve of this in principle but felt it was a price worth paying to get the bulk of the reform measures through'.⁵³⁹ A similarly pragmatic private conversation led to support from the Home Secretary, William Whitelaw - the Minister with prime responsibility for

538 TNA, CAB 164/1426, 'Letter to the Prime Minister from the Lord Chancellor', 8 June 1979

539 Stevas, *The Two Cities*, p. 56

many of the sensitive security issues which had helped to feed Thatcher's scepticism on committee reform.⁵⁴⁰

Stevas worked rapidly on his Cabinet paper and produced a final version that went to Cabinet for the 14 June meeting.⁵⁴¹ The paper went through Cabinet without a great deal of discussion, as Hailsham's arguments won the day; the Lord Chancellor's Department and the Law Officers' Department were to be excluded from the scope of the new Home Affairs Committee. So both Thatcher and Hailsham had put restraining hands on Stevas's shoulder.⁵⁴² More widely at senior ministerial levels, the response to the Procedure Committee aroused few strong feelings either way. The senior Cabinet Office official David Faulkner said later of the select committee reforms, 'We put papers forward, they went to Cabinet and they were more or less nodded through. I don't remember any significant opposition, nor do I remember any significant support'.⁵⁴³

This undramatic Cabinet reality was well hidden when, on 25 June 1979, Norman St. John-Stevas opened the House's debate on the Standing Orders establishing the new committees. He said:

Today is, I believe, a crucial day in the life of the House of Commons. After years of discussion and debate, we are embarking upon a series of changes that could constitute the most important parliamentary reforms of the century ... One truth abides and that is that parliamentary government has been one of the great contributions of the British nation to the world's civilisation, and we would do well to remember that.⁵⁴⁴

540 Ibid.

541 TNA, CAB 129/206/16, 'Cabinet Minute, "House of Commons Procedure: Memorandum by the Chancellor of the Duchy of Lancaster"', 11 June 1979

542 TNA, CAB 128/66/6, 'Conclusions of a Meeting of the Cabinet' 14 June 1979

543 Author's interview with David Faulkner

544 Hansard, *HCD*, col. 35, 25 June 1979

However, amid the enthusiasm for the new arrivals, several observers noticed that, in some respects, things had not changed very much. Very early in the life of the new system, David Judge pointed out the limits of what had been implemented, observing that 'From the outset the government carefully circumscribed the powers of the departmental committees. Those recommendations of the 1977-78 Procedure Committee which were designed to challenge executive control did not find reflection in the standing order relating to the new committees'.⁵⁴⁵ The clerk R.S. Lankester also discerned no fundamental advance in powers when he wrote about the departmental committees in their first months.⁵⁴⁶ In some important ways, the new landscape looked very like the old landscape.

Conclusion

This Chapter has demonstrated that the 1979 reforms were never intended to be fundamental. The 1970s was not a period when stronger select committees were a prominent demand of parliamentary reformers, other MPs, Ministers or outside interest groups. The new departmental committees matched the mood, representing incremental change disguised as revolutionary reform, almost a sheep in wolf's clothing. The Procedure Committee report was seen by the Committee's own members as evolutionary rather than revolutionary. That they came to be regarded by some commentators as epoch-making was a presentational triumph for the Procedure Committee, giving the recommendations a gratifyingly high profile.

⁵⁴⁵ David Judge, *Backbench Specialisation in the House of Commons*, p. 197

⁵⁴⁶ R.S.Lankester, 'The Remodelled Select Committee System of the House of Commons', *Contemporary Review*, 238 (1980), pp.19-24.

The Committee's rhetoric nevertheless did cause some problems for reform. Jim Callaghan, Douglas Wass and Robert Armstrong all took the report's revolutionary message at face value and grew concerned at the implications, whether for the government's political programme or for Civil Service neutrality. However, in the final analysis these were isolated voices; by 1979, after nearly 20 years of increasingly active select committees, most in public life simply accepted select committees as part of the landscape, voicing neither enthusiasm nor opposition. Apart from those few senior figures who harboured practical and constitutional doubts (soon assuaged), the Civil Service believed that the departmental select committees were a sensible rationalisation that could be accommodated with modest adjustments. Taken as a whole, the final result of the process was to prove even less of a challenge to the *status quo* than that. The outcome of reform was also full of unintended consequences. The original objective of the Labour Government of 1974 in setting up the Procedure Committee, under the amenable Sir Thomas Williams, had been to make Ministers' lives easier and speed the progress of legislation - a classic 'efficiency' reform. In the event what they, or rather the successor government of Margaret Thatcher, got was a modest and tolerable strengthening of the machinery of parliamentary accountability - an 'effectiveness' reform.

There were a number of key moments in the process of reform, including the Procedure Committee's pragmatic decision to advocate departmental select committees that concentrated on scrutiny rather than trying to replicate the overburdened Canadian committees, and the conversion of Enoch Powell to the cause of more powerful committees. The decision to restructure the system, rather than to expand it substantially, meant that the number of MPs involved in select committees

rose only slightly; backbenchers were not overstretched by the demands of the new committees. It was made clear by the Procedure Committee that ‘we do not believe that our proposals should impose significantly greater demands on Members as a whole’.⁵⁴⁷ In fact, the Committee envisaged that the new system would initially mean an increase of just 15 in the total number of MPs who would be involved in select committees at any one time.⁵⁴⁸ In the event, the figures for actual committee membership and attendance in the 1980s would turn out to differ little from the figures for the 1970s. Significantly, too, the human resources of the Clerk’s Department could grow gradually without causing a staffing crisis.

Although some in the media were excited by the idea of reform, other observers recognised how conservative the changes actually were. Ministers, whether Labour or Tory, did not generally like the prospect of new committees but were not too worried about them. Francis Pym’s Cambridge speech in October 1978 set the tone of acceptance and Labour did not disagree. Stevas’s astute and pragmatic discussions with Jopling, Hailsham and Whitelaw had reaped their reward, but the window of opportunity for even this modest reform had been a narrow one. Writing later, Stevas noted that ‘As the weeks and months [of 1979] passed, so my ministerial colleagues’ criticisms [of the new committees] grew’⁵⁴⁹; by the autumn of 1979 ‘both the Prime Minister and individual Ministers had had enough of my select committees’.⁵⁵⁰ It had been a close-run thing.

547 That is, a rise from 105 to 120 in the numbers involved in those investigatory select committees where change was proposed. Procedure Committee 1978, Vol. I, pp. lxx-lxvi

548 This is different from the total involved in select committees of all kinds over a whole parliamentary session; because of turnover and with the addition of ‘domestic’ and other non-investigatory committees, that number was always much larger.

549 Stevas, *The Two Cities*, p. 57

550 *Ibid.*, p. 59

It is also important to remember precisely what the 1979 reforms did *not* achieve. Many of the key recommendations of the Procedure Committee, including stronger and clearer powers for select committees, guaranteed Chamber debates and the use of evidence-taking in legislative committees, were either not implemented or not implemented fully at any time in the 1980s. These recommendations and others could have made a big difference to the relationship between the government and Parliament, but, in the event, the new committees basically preserved the constitutional *status quo*. It is indeed interesting and ironic that some of the positive press coverage of the report focussed on precisely these challenging but unimplemented Procedure Committee recommendations. Some of the big headlines and laudatory editorials of August 1978 were therefore giving a warm welcome to reforms that did not actually happen for many years.⁵⁵¹

551 Ultimately, most of these reforms did come about, but only 30 years later, between about 2006 and 2009

**Chapter Five: Select Committees in the 1980s: Measuring Activity and
Assessing Progress**

This Chapter sets out to answer a number of questions about the impact of the new departmental select committees on the political landscape and on the relations between Parliament and the Executive. Firstly, it asks what the available statistics tell us about the activities of select committees between 1979 and 1990. The other questions concern various aspects of the progress made by select committees *as institutions* during the decade, particularly: what resources were available to select committees; how did select committees relate to outside interest groups; and whether the committees included members with an independent cast of mind.

The Chapter begins with a summary of the relevant literature, including the views of those who argue that the 1979 reforms represented a radical and fundamental change in the relationship between government and Parliament, and goes on to test these propositions against the evidence of the statistics on the activity and impact of select committees.

The political significance of select committees in the 1980s

In 1995 Peter Hennessy rated the 1979 select committee reforms as ‘not just the most significant parliamentary development of the postwar period, but the single most important clawback in terms of the relative influence of the legislature and the executive since the Balfour reforms of 1902’.⁵⁵² The journalist Hugo Young described the departmental committees as ‘a major innovation which ensured that a government

552 Hennessy, *The Hidden Wiring*, p.153

which showed great resistance to all forms of openness and accountability was sometimes invigilated quite uncomfortably. Before long, the appearance of ministers and officials testifying to these committees became a commonplace spectacle'.⁵⁵³ Philip Norton regarded the new committee structure as having 'a qualitatively as well as quantitatively different nature to previous such structures'.⁵⁵⁴ This assessment of the significance of the 1979 reforms continues to dominate comment on the development of committees. For example Meg Russell said in 2011 that 'The modern select committees were established shortly after the 1979 general election, in what is widely seen as the last major reform to strengthen the Commons against the executive.'⁵⁵⁵

However, as Chapter Four has demonstrated, some people directly involved in the 1979 reforms, in both Westminster and Whitehall, saw them in a much more mundane light. They emphasised the lack of fundamental procedural innovation and the continuing limitations on both powers and resources available to select committees even after 1979. Why therefore have so many commentators assessed the new departmental select committees as being such an important departure? A clue to this divergence between perceptions of the significance of reform lies in the wider background of writing about the Thatcher Governments of the 1980s. The core of many if not all accounts of the period is the dominance of the government, and of Thatcher in particular, especially after victory in the Falklands conflict of 1982. Norman St John-Stevs called her 'the most commanding Prime Minister of modern

553 Hugo Young, *One of Us: A Biography of Margaret Thatcher* (London: Macmillan, 1989), p.209

554 Philip Norton, 'Behavioural Changes', p.43

555 Meg Russell, 'Never Allow a Crisis To Go To Waste': The Wright Committee Reforms to Strengthen the House of Commons', p.615

times ... Convinced of both her own rectitude and ability'.⁵⁵⁶ Her first Lord Chancellor, Lord Hailsham, was surprised by 'the extent and duration of Margaret Thatcher's hegemony of British politics' over the decade from 1979.⁵⁵⁷

Parliament could not avoid being affected by such a determined figure with a clear (and eventually commanding) majority. Dissent, so rife in the Chamber of the Commons in the 1970s, was much less in evidence there during the 1980s (though experience in the House of Lords was very different). There were six government defeats in the Commons during the Heath era between 1970 and 1974 and 59 during the Labour administrations of Wilson and Callaghan between 1974 and 1979, but that number dwindled to just one government defeat in the Commons during Mrs Thatcher's first Parliament in Downing Street, 1979-1983. In the Lords there were 25 defeats in 1970-74, 362 between 1974 and 1979 and 45 between 1979 and 1983.⁵⁵⁸ Where was there for dissenters to go after 1979? It could be argued that, as the Chamber of the Commons lost its potency as an arena where government could be defeated, committees had the opportunity to take up the fight. Hawes for instance asserts that 'select committees, in a number of notable examples [in the 1980s], became the main focus of opposition, especially to some of the radical measures in [Thatcher's] third term'.⁵⁵⁹ However, as Chapter Six makes clear, dissent against the broad principles of government policy was not the predominant feature of the reports of select committees in the 1980s. Many committees considered the details of implementation rather than confronting key principles of Thatcher's policies.

556 *The Daily Telegraph* 'Prime Ministers rise and fall but the Cabinet abides', 7 August 1986

557 Lord Hailsham, *A Sparrow's Flight: The Memoirs of Lord Hailsham of St Marylebone* (London: Collins, 1990), p.407

558 Philip Norton, 'Behavioural Changes', p. 27.

559 Hawes, *Power on the Backbenches? The Growth of Select Committee Influence*, p. 206

There were sound institutional and constitutional reasons why the 1980s might have been a propitious time for select committees. The idea that Thatcherism might enhance the status of Parliament as against that of other constitutional actors is suggested by Brian Harrison, who has argued that ‘As vehicle for articulating opinion, Parliament gained substantially from Thatcherism, which firmly asserted Westminster’s primacy over other areas of the political system: over party activists, pressure groups, local authorities, and the civil service’.⁵⁶⁰ The constitutional battlefield might thus be seen as having been cleared by Thatcher’s rigorous attitude to some of the political players and methods of the 1960s and 1970s and by her total absence of interest in further constitutional reform. In one sense, Parliament now had few competitors as a place where political battles could be fought. This would theoretically give the new departmental select committees, along with other parliamentary institutions, real political momentum and weight. In theory at least, then, the 1980s should have been a time when MPs made very good use of select committees to regain a part of the influence they had lost when the Thatcher Government was returned. The next section uses quantitative means to help assess what actually happened.

The quantitative evidence on the effects of the 1979 reform: statistics of activity

The previous section has set out some of the arguments of those who believe that there were fundamental discontinuities between the pre-1979 committee pattern and the departmental select committees of post-1979. Do the statistics relating to committee activity and to the response of the wider House and of Whitehall bear out this view?

⁵⁶⁰ Brian Harrison, *The Transformation of British Politics, 1860-1995* (Oxford: Oxford University Press, 1996), p. 373. Similar points are made in Robert Saunders, ‘Crisis? What crisis? Thatcherism and the seventies’, in Ben Jackson and Robert Saunders (eds), *Making Thatcher’s Britain* (Cambridge: Cambridge University Press, 2012), p.34

First, the average numbers of Members serving on select committees, and similar bodies, rose slightly after the reform, reaching 300 or over in the early years of enthusiasm for the new system, especially 1981 and 1982. Although comparisons are difficult, however, it is clear that the numbers of members on these committees during some sessions in the 1980s may have been only slightly higher or indeed were sometimes *lower* than in the peak sessions of 1974-75 and 1975-76, when there were over 290 on such committees.

Table 1: Number of MPs serving on select committees, Chairmen’s Panel (for standing committees) and Court of Referees, 1979-1990

Session	Number of MPs on select committees etc ⁵⁶¹
1979-80	277
1980-81	309
1981-82	310
1982-83	267
1983-84	276
1984-85	275
1985-86	307
1986-87	289
1987-88	275
1988-89	262
1989-90	272

Source: *Returns of Select Committees*

⁵⁶¹ From 1982-83, figures are for select committees only

The number of select committee inquiries increased considerably after 1979; there were for instance 41 in Session 1977-78 but 96 in Session 1985-86, roughly equivalent years in that neither included a General Election.⁵⁶² However, the number of meetings rose much less, from 413 to 509 in those same Sessions. The average number of investigatory committee meetings ‘per sitting day’ in Session 1985-86 was 3.2, only a modest rise from the 2.7 meetings per sitting day of the pre-reform Session of 1977-78.⁵⁶³ This was partly because, although the departmental committees were more numerous, they did not usually meet more frequently than their exact pre-reform equivalents. Work was perhaps more intense, but the main burden was placed on the staff rather than committee members. The Industry and Trade Committee met 38 times in Session 1980-81 against the 45 meetings of the Trade and Industry Sub-Committee in 1977-78, for example. But the main post-1979 ‘loss’ in terms of meeting numbers came with the abolition of the Nationalised Industries Committee, the Race Relations and Immigration Committee, the Science and Technology Committee and the Overseas Development Committee. These committees had held 167 meetings in 1977-78, about 40 percent of the total, and although they were partly replaced by sub-committees of Foreign Affairs and Home Affairs, their work was not all directly replicated in the post-reform era.

But the crude numbers of meetings, inquiries and members of select committees can never indicate the degree of enthusiasm for their work. The level of members’ attendance at meetings is a much better measure of commitment to the cause. In December 1982 the Liaison Committee of Select Committee Chairmen published a report on the progress of the new system. This contrasted select committee attendances

562 Michael Rush, *Parliament and Pressure Politics*, p. 138

563 Rush, *The Role of the Member of Parliament Since 1868*, p. 196

in the years before the 1979 reform and the three years after it.⁵⁶⁴ The average attendances for earlier committees equivalent to the post -1979 committees were as follows:

Session 1969-70: 64 percent

Session 1972-73: 65 percent

Session 1977-78: 57 percent

The report notes that in 1979-80 there was a change to the situation, with the new departmental committees achieving overall 79 percent attendance, and in 1980-81 and 1981-82 the attendance proportions were 75 percent and 73 percent respectively. This would appear to be an open-and-shut case of the new system enthusing backbenchers who had, before 1979, been distinctly lukewarm about select committee scrutiny. However, closer examination of the figures for the whole of the 1980s tells a nuanced story. The average attendances in selected sessions from the late 1970s to the later 1980s for a variety of roughly equivalent select committees are set out in Table 2 below, which has been collated from the relevant *Returns*.

⁵⁶⁴ First Report from the Liaison Committee, Session 1982-83, *The Select Committee System* (92), p.8

**Table 2: Select Committee Meeting Attendance Averages, Selected Sessions
1977-78 to 1989-90**

Subject of Committee or Sub-Comm⁵⁶⁵	Ave. Att. 1977-78⁵⁶⁶	Ave. Att. 1978-79⁵⁶⁷	Ave. Att. 1979-80	Ave. Att. 1980-81	Ave. Att. 1981-82	Ave. Att. 1984-85	Ave. Att. 1986-87⁵⁶⁸	Ave. Att. 1989-90
Treasury etc issues	73	76	92	88	85	78	70	72
Defence and Foreign Affairs	63	55	72 (Def) 81 (For Aff)	72 (Def) 69 (For Aff)	82 (Def) 74 (For Aff)	74 (Def) 75 (For Aff)	73 (Def) 67 (For Aff)	69 (Def) 74 (For Aff)
Home Affairs ⁵⁶⁹	68	61	92	84	75	76	73	68
Industry/Trade	65	76	84	81	71	60	71	79
Soc Services	65	70	73	66	70	66	63	80

⁵⁶⁵ Expenditure Committee Sub-Committee averages do not count the record of the main Committee Chairman, who was entitled to attend ex officio

⁵⁶⁶ Expenditure Committee Sub-Committees. Before 1979, the Expenditure Sub-Committee on overseas affairs was mainly concerned with defence issues, so there was no real equivalent to the Foreign Affairs Committee

⁵⁶⁷ Expenditure Committee Sub-Committees. The General Election of 3 May 1979 curtailed this Session

⁵⁶⁸ The General Election of 11 June 1987 curtailed this Session

⁵⁶⁹ Various sub-committees of the Expenditure Committee and the Race Relations and Immigration Committee

The amount and quality of media comment at the time of the 1978 Procedure Committee report, and the hopes held out for the new system on the backbenches, have already been noted. It might be expected that such a positive environment would enthuse select committee members and perhaps make them more likely to attend committee hearings, especially as the numbers of ministerial witnesses increased substantially in the early 1980s. This certainly happened in the very first years of the new system, with significant increases in members' attendance across the board in 1979-80 and 1980-81. In most cases, the average percentage of committee members attending a meeting rose from a figure in the 60s to one in the 70s or higher. The new Foreign Affairs Committee saw an average attendance of over 81 percent while the Treasury and Civil Service Committee did even better, with 85 percent attendance on average. The pattern varies considerably from subject to subject, but it appears possible that the novelty of the departmental committees in the first years made these committees more popular with their members than the equivalent pre-1979 sub-committees. However, by the middle of the decade attendances had in some cases returned to roughly the level of their Expenditure Committee equivalents; attendances for a number of committees were in fact rather lower under the new arrangements. Policy areas that were to a some degree new to select committee scrutiny, such as foreign affairs and much of home affairs, did well in terms of attendance by Members for much of the 1980s. But the reorganisation into departmental committees clearly did not in itself do much to promote greater participation by members during the 1980s.

Another interesting question is the extent to which the first select committees of the new era brought in new blood. The number of newly-elected MPs who served on a

select committee or similar body in the 1979-80 Session was 47, out of a total of 277, or just under 17 percent of the total. There were in all 77 MPs who were first elected in 1979, out of a total in the House of Commons of 635 - just over 12 percent of the whole House. So the majority of newly-elected Members served on a select committee during 1979-80, and the proportion was slightly higher than one would expect from the numbers of new entrants in the House as a whole.

Thus the *supply* side of select committee operations, their activities in terms of inquiries and the involvement of MPs, expanded after 1980. Members were slightly more productive than in the 1970s, though they probably did not spend a great deal more time on select committee work, because meetings did not increase greatly in number. On the other hand there is evidence that the *demand* side - the readiness in the wider Commons and Lords political and policy 'marketplace' to consume material and ideas from select committees - did not change much.

Committees and the Chambers of the Lords and Commons

Parliamentary committees can be solipsistic and inward-looking bodies. The physical separation between the committee room and the floor of the House can be highly significant. Both Enoch Powell and Michael Foot had of course argued at various times during the 1960s and 1970s that a proliferation of select committees would distract and enfeeble the House, dulling the necessary edge of party contention and lulling backbenchers into acceptance of tame compromises. Powell changed his mind as the 1977-78 Procedure Committee pressed on. But the fears expressed in 1978 and 1979 by, among others, Sydney Irving were real. Irving was apprehensive that the House would divide itself into two - on the one hand a specialised body of

knowledgeable committee Members producing erudite reports that were of little or no interest to the bulk of their colleagues or the wider public, and on the other a Chamber of 'second-class' non-experts, debating generalities. In his gloomy vision, the two sides of Parliament would have little connection with each other, and as a consequence Parliament as an institution would become ever more irrelevant to the outside world. To what extent were Irving's fears justified?

The numbers, calculated for this thesis from the Hansards of the day, are clear. There were 14000 chamber references (in both Houses) to the precise phrase 'select committee' in the 1970s, but 21000 in the 1980s. This is hardly surprising given the high profile of the new system but does not tell us much in itself. The figures for individual years reveal a little more. The last complete year of the old dispensation, calendar 1978, saw 1705 references to 'select committee' in both Chambers. It might have been expected that 1980, the year when the new departmental committees really set to work, would have seen a large number of Chamber references as Members considered the implications for parliamentary life. However, there were only 1664 mentions in that year, with a small increase to 1899 references in 1981 and just 1811 in the year 1982. Thus in the first years of the new system committee reform does not seem to have excited the imagination of a large number of Members, beyond those who were directly involved with the work of a select committee.

After the Election year of 1983, with its unsurprising fall to 1663 Chamber references to 'select committee', the year 1984 saw a modest increase to 1971. It is worth pausing at this point to compare that figure with the level of interest shown in the 'pre-reform' year of 1976 when there were actually more chamber references to the words 'select

committee', a total of 1996. Thus, the crude quantitative evidence from the parliamentary chambers suggests that eight years of consideration and wide-ranging committee reform had not had a great deal of wider parliamentary impact. The reforms of the 1960s and early 1970s seem, by this measure, to have been more important in focussing political attention on committees than the introduction of the 'departmentally-related' system in 1979.

The furores of the mid-1980s, associated with the aftermath of the Falklands and the Westland affair, certainly seem to have made an impact on the chambers; in 1985 there were as many as 2736 chamber references to 'select committee' while in 1986 there were 2679 references. But after the untypical 1987 with its General Election and only 1885 mentions, the trend in 'select committee' references declined gently again in 1988, with 2284. A small increase took place in 1989, to a total of 2466 references. So the chambers were, by the late 1980s, rather more alive to select committees than they had been in the mid-1970s, but the underlying upward trend was fairly slow.

So much for the broad measures of parliamentary interest. What sort of impact did select committees have on the more senior echelons of the political elite, and specifically on the Chamber work of Cabinet Ministers in both Houses? Figures for 1981 show an increase on the 1970s in the extent to which Cabinet Ministers mentioned the words 'select committee' in their parliamentary contributions in debates and questions, with 146 references, very roughly 30 percent more than the average for the late 1970s. However, a large proportion of the references tended, as in the 1970s, to be made by the Leader of the House, with 55 in the name of Francis Pym (who took

over from Stevas on 5 January 1981). Few other Cabinet Ministers made substantial reference to select committees.

What is revealed by a closer analysis of references of all kinds in the Chamber of either House of Parliament to the committees covering the four key policy areas examined here in slightly more detail - defence, external affairs, home affairs, and Treasury and related matters? To take one example, the total of Lords and Commons Chamber references to the Home Affairs Committee (including those which described it in different ways, such as 'the Select Committee on Home Affairs') rose quickly from 1981 onwards. There were 73 references in 1980, 117 in 1981, 139 in 1982 and even 114 in the Election Year of 1983 (when the House was dissolved for several weeks and there was a further gap until the committees were appointed). In 1985 there were 131 references, but in 1988 there were just 100 references and there were 127 in 1989. Interest in the Home Affairs Committee therefore seems to have increased rapidly in the early part of the decade, but perhaps eased off towards the end. The Foreign Affairs Committee made less of an impact in the Chambers, being mentioned 64 times in 1985 and only 37 times in 1989. This was despite continuing high productivity in terms of reports.

It is also worth noting that the departmental select committees were not the only such bodies that had an impact on the Chambers during the 1980s. References in the Lords and Commons Chambers to the phrase 'Public Accounts Committee' rose strongly, from 1173 in the 1970s to 1928 in the 1980s. This may have had something to do with the PAC's own 1980s reform, the passage of the National Audit Act 1983, which widened the scope of the work of the Comptroller and Auditor-General to include

‘value-for-money’ studies, examining the effectiveness, efficiency and economy of public spending. These studies had the potential to raise politically-interesting questions about administration that were not strongly encouraged by the much narrower previous legislation. The PAC’s work probably became more interesting to MPs as a result.

What of more extensive and detailed references to select committees in the parliamentary chambers? Debates specifically about, or merely mentioning, select committee reports, had been a fairly regular occurrence before 1979, with between two and four debates each session on reports by a variety of committees including Expenditure and Nationalised Industries. The level of participation in these debates by both members and non-members of committees was not high, although in 1977-78, during debates on select committee reports, in one case 12 non-members referred to the work of the Nationalised Industries Committee on the British Steel Corporation, and in another case nine non-members spoke on the work of the Expenditure Committee on preventive medicine.⁵⁷⁰ In this respect the 1979 reforms appear to have made little immediate difference, with numbers of debates on committee reports hovering between three and five per session until 1983. In 1984 a clerk, Malcolm Jack, lamented the small number of debates in the Chamber, saying that ‘The lack of the automatic right for debate on committee reports in the House of Commons itself is undoubtedly one of the major weaknesses that at present remains unremedied. It is essential that the work of committees should find its way to the House - they work for the House rather than themselves. It is no use if committee work remains isolated and detached from the mainstream debating in the chamber’.⁵⁷¹ This was in some respects

570 Hansard, HCD, cols. 1624-1754, 9 March 1978; cols. 659-792, 12 June 1978

571 Malcolm Jack, ‘Parliament’s role as a check on Government’, *Parliamentary Affairs*, 38/3 (1985), p. 303. Jack was Clerk of the House from 2006 to 2011

the purist view of a clerk who was setting out the strictly-defined role of committees in reporting to the Commons as a whole. However, it also chimed with the call of the 1978 Procedure Committee for eight allocated committee debates on the floor of the House in each session.

There were certainly occasions after 1979 on which select committee reports attracted widespread attention from Commons colleagues. The Social Services Committee's report on Perinatal and Neonatal Mortality was debated in December 1980 and there were contributions from ten non-Committee members.⁵⁷² But this early impact may have represented a high point. Table 3 shows that the average number of non-committee members who mentioned a select committee report in each Commons chamber debate on a report was hardly changed by the reform of 1979.

⁵⁷² Hansard, *HCD*, cols. 532-97, 5 December 1980

**Table 3: Commons Chamber debates on select committees, 1980s - participation
by non-committee members**

SESSION	Debates on floor of the House related to departmental select committee reports	Total numbers of non-committee members mentioning the relevant committee in the debates	Average number of non-committee members mentioning the relevant committee in the debates
1979-80	3	12	4
1980-81	4	18	4.5
1981-82	5	21	4.2
1982-83	5	8	1.6
1983-84	15	47	3.1
1984-85	13	57	4.4
1985-86	15	50	3.3
1986-87	4	14	3.5
1987-88	20	55	2.8
1988-89 ⁵⁷³	19	50	2.6

Changes to procedure on supplementary estimates, giving opportunity for more debates on select committee reports, came into effect in 1983-84, which accounts for

⁵⁷³ Up to 17 October 1989 only

the increase in debates. However, despite the 1979 reforms, most Members appear to have shown very little interest in using the reports of select committees as the basis for further policy discussion. Many Commons select committee debates of the 1980s were still sparsely-attended ‘sad occasions’, to echo David Pring’s words of 1977.⁵⁷⁴

In addition, for most of the decade, the House authorities did little to fire enthusiasm for debates on select committee reports. After the dismissal of Norman St. John-Stevas early in 1981, successive Leaders of the Commons proved lukewarm supporters at best. Francis Pym, who had been instrumental in promoting the idea of a new system within the Conservative Party, was unimpressed with the reality when he succeeded Stevas as Leader; the general verdict, he told *Contemporary Record* in 1987, was ‘a reserved one: the committees had not added much strength to Parliament vis-a-vis the executive or produced any very tangible results’.⁵⁷⁵ On the other hand, Pym acknowledged that they had helped to widen knowledge and created ‘a store of information on numerous topics of current interest’. Over the intervening years, Pym said, the committees had ‘developed and matured’ and had become ‘a permanent feature of parliamentary activity’. But neither Pym, nor his successors as Leader of the House, John Biffen and John Wakeham, showed much keenness for giving select committees more time in the Chamber. In general, the unenthusiastic post-Stevas Leaders of the House experienced little difficulty in fending off requests for debates on committee issues. Statistics contained in an answer to a Parliamentary Question on 10 December 1984 by the then Leader, John Biffen, for example, reveal that not one

574 See above, p.171

575 *Contemporary Record*, Spring 1987, p.16

report of a departmental committee had been the subject of a debate in the Chamber during the previous Session.⁵⁷⁶

But there is also the issue of quality as well as quantity of impact. Did the inquiries carried out by these committees after the reforms of 1979 in fact significantly strengthen the capacity of the House to hold Ministers to account, perhaps by providing new information which was used in debates? The evidence here is mixed, to judge by the evidence of the pre-1979 Expenditure Committee Sub-Committees on home affairs and its successor Home Affairs Committee. Because reports on home affairs were relatively infrequent during the era of the Expenditure Committee, the subject was raised rarely in the Chamber during the 1970s. The greater productivity and higher profile of the Home Affairs Committee brought it to the attention of both Houses in the 1980s. On occasions, as with the 'sus' law inquiry, a Home Affairs Committee report would be widely seen as having at the very least encouraged government to change the law.⁵⁷⁷ But most exchanges on the floor of the House about select committees continued to be routine rather than illuminating. Backbenchers, of either main party, do not seem during the 1980s to have had the resources or perhaps the inclination to make full use of the increasingly large amounts of material that issued from select committees.

Whitehall's response to the new committees

The Whitehall system mobilised quickly to ensure that departments took action both to minimise the risk of falling foul of the new committees, and to increase the chance

⁵⁷⁶ See Hansard, *HCD*, col.648, 23 February 1981; Hansard, *HCD*, col.76W, 1 March 1983; Hansard, *HCD*, col. 366W, 10 December 1984

⁵⁷⁷ Gavin Drewry, in *The New Select Committees*, 1989, p. 199

that amicable working relationships would develop. One clerk who was involved at the time suggested later that, in the early days of the new system, Whitehall was ‘dead nervous’ about the departmental committees, and recalled that committee members and staff were summoned by Secretaries of State in the first few weeks after appointment in 1979, for ‘a meet and greet, with sherry and sausage rolls’. This marked a change in attitude. Significantly, the clerk said ‘I don’t think that would have happened to the old [committees]’.⁵⁷⁸

Peter Hennessy, citing his own ‘audits’ as a journalist at the time of select committee operation and impact on Whitehall, said that the departmental committees had ‘raised the level of the *Whitehall* game’ compared with the 1970s, with increased departmental workloads and better preparation for sessions. He quotes a phrase used by the senior official Sir Leo Pliatzky, who said in August 1980 that it was his impression that ‘the pips are beginning to squeak in the Treasury in meeting all these demands, not simply for appearances but for asking questions and submitting memoranda’.⁵⁷⁹ The following section tests this proposition.

What do the figures reveal about the response of Whitehall to the work of the new committees? Again the pattern varies from subject to subject; some departments were assiduous, for instance, in producing memoranda for departmental committees. The Foreign Office sent the Foreign Affairs Committee an average of 50 memoranda per Session between 1979 and 1983, with a further 30 on average going to the Overseas Development Sub-Committee.⁵⁸⁰ Other departments who provided generously

578 Interview with clerk (on condition of privacy), 1 May 2015

579 Peter Hennessy, *Whitehall*, pp.332-33

580 Hansard, *HCD*, col. 368W, 10 December 1984

included those covered by the Trade and Industry Committee, which sent an average of 43 memoranda annually, and the Treasury and Civil Service Committee, also with 43 a year. The Home Affairs Committee received just nine on average a year, although its Race Relations and Immigration Sub-Committee merited 15 annually. Compared with these substantial numbers, other committees did less well; the Employment Committee received just two on average a year, and the Environment Committee 12. It is difficult to account for these wide variations; some departments may already have provided adequate information in published sources, and committees may therefore have been satisfied with fewer specially-compiled memoranda. Some committees may have been particularly persistent, or particularly lax, in following-up on questions that were not fully answered in oral evidence.

What of oral evidence from government departments? There were 238 appearances by civil servants before the TCSC in the 1979-83 Parliament but that was only a small increase on the 223 officials who appeared before the General Sub-Committee of the Expenditure Committee and ad hoc select committees on Treasury topics between February 1974 and March 1979. The Defence and External Affairs Sub-Committee of the Expenditure Committee took evidence from a total of 479 civil servants between 1974 and 1979, while its successor committees, Foreign Affairs and Defence, saw a combined total of 598 officials in the next Parliament between 1979 and 1983, a significant but not huge increase. In some instances the new committees of the 1980s actually took evidence from *fewer* civil servants than did their predecessors. This was the case for example with committees dealing with trade and industry matters. The Trade and Industry Sub-Committee of the Expenditure Committee and the relevant Nationalised Industries sub-committee took evidence from about 170 civil servants

between 1974 and 1978-79, while the Industry and Trade Committee in the 1979-83 Parliament saw just 57.⁵⁸¹ In some policy areas, officials were less exposed in the early 1980s than they had been in the 1970s. The anxieties of Armstrong and Wass about the greatly increased exposure of civil servants to the new committees were thus not borne out.

Away from the excitements and pressures of oral hearings, the numbers of Whitehall staff dealing routinely with select committees did not appear to have risen very much, if at all, after 1979. There is a shortage of detailed information about most departments' staffing for select committee work, but the Ministry of Defence (MoD) and the Foreign and Commonwealth Office, two of the busiest departments in parliamentary terms, always assigned just a handful of middle-rank and junior officials to select committee liaison during the early and mid 1980s.⁵⁸² Margaret Thatcher told the House in January 1986 that 'six individuals are reported by Departments to have spent more than half their time solely on this work [departmental committee liaison]' in the previous year. The workload had not 'changed markedly' since the last major survey in 1980-81.⁵⁸³ One statistic in particular demonstrates the comfortable way in which Whitehall accommodated change; in 1975-76 the Ministry of Defence deployed four officials mainly on Expenditure Committee business, while in 1981 only three MoD officials were similarly engaged on Defence Committee matters. Those numbers then decreased further, from three to two, at one point during the decade. Even at a time of reductions in Civil Service manpower, this was a modest and consistent

581 The pre-1979 figures are the author's. The 1979-83 figures are from Geoffrey Lock, in Drewry, *The New Select Committees*, 1989, p.327

582 Hansard, *HCD*, col. 641W, 16 January 1986; Hansard, *HCD*, cols. 114-15W, 7 May 1981; Hansard, *HCD*, cols. 246-7W, 5 April 1982

583 Hansard, *HCD*, col.628W, 16 January 1986

burden, mostly felt at middle to junior level, and some Departments, such as the MoD, found it slightly easier to manage select committees in the 1980s than they had in the previous decade.

One aspect of select committee life did change radically after 1979; in many policy areas, there were more ministerial appearances in front of select committees after the reform than before it. For example Foreign Office Ministers appeared just 12 times before the Defence and External Affairs Sub-Committee between 1974 and 1979, while 27 appeared before the new Foreign Affairs Committee in the next Parliament up to 1983 - a significant increase under the new system. Ministerial appearances before the Treasury-focussed select committees also increased substantially, with only six Ministers appearing before the General Sub-Committee in the 1974 to 1979 Parliaments, but 21 between 1979 and 1983 in front of the Treasury and Civil Service Committee. For other subjects the change was, however, less noticeable. There were 15 ministerial appearances on trade and industry matters before the Trade and Industry Sub-Committee of Expenditure (which also took in agriculture and fisheries) and the equivalent parts of the Nationalised Industries Committee between 1974 and 1978-79, against 20 for the Industry and Trade Committee in the 1979-83 Parliament. The new Defence Committee saw nine Ministers in the 1979-1983 Parliament, while its predecessor had taken evidence from eight Ministers in the late 1970s. The strongest impression that emerges from these figures is that government Departments did not find liaison with the new committees a serious extra call on their resources. Flegmann found in 1984 that officials believed that 'The burden of giving oral evidence to select committees has shifted dramatically from civil servants to Ministers since 1979.'⁵⁸⁴

584 Vilma Flegmann, *Public Expenditure and the Select Committees of the Commons*, p. 36

The Whitehall pips may have squeaked when the new committees arrived in 1980, and Ministers were undoubtedly busier in the committee rooms, but the evidence is that Whitehall was not unduly stretched by these demands.

The length of time taken by departments to respond to committee reports in the Sessions between 1980 and 1984 also gives a flavour of how relatively easily Whitehall adjusted to the new phenomenon. In evidence to the Procedure Committee of 1977-78 the Clerk's Department noted in frustration that in the 1970s 'the delay in awaiting the [government] reply is often such that public interest in the report evaporates'.⁵⁸⁵ But the new committees sometimes received a response fairly quickly; Defence Committee reports in the early 1980s receiving responses taking between 69 and 116 days, while responses to the Foreign Affairs Committee took between 52 and 153 days. The heritage of a highly active Expenditure Committee Defence and External Affairs sub-committee may well have helped to speed replies -these departments may just have been used to working with committees. The Trade and Industry departments, which worked hard at producing memoranda, were also prompt at responding to reports - they took between 47 and 150 days. On the other hand, responses to Agriculture Committee reports took much longer, with intervals ranging between 89 and 279 days. In general, however, the reports produced by the new committees did not place a major extra burden on Whitehall.

What about the impact of the 1979 committee reform at the very highest political level - the Cabinet? The figures for references to the words 'select committee' in Cabinet papers (memoranda submitted and Cabinet Conclusions recorded) in the 1970s were

585 Procedure Committee 1978, Vol. II, p. 114

impressive: 230 between 1970 and 1979. Between 1974 and 1979 there were 150 references. But in the early 1980s, the numbers of Cabinet references to 'select committee' actually fell, by more than 50 percent. Between 1980 and 1986 there were just 66 references to those words.

It might of course be possible that, while the *quantity* of Cabinet references fell after the 1979 reforms, the *quality* of those references improved. Sometimes a document would be included in Cabinet circulations of papers purely for information (examples in this period include attaching the final versions of White Papers or responses to the Ombudsman which had already been agreed in principle). But at other times a memorandum would require agreement by Cabinet and would make substantive mention of the views of select committees which needed to be taken into consideration. However these nuanced figures for substantive references tell the same story as the crude statistics. Between 1974 and 1979, there were as many as 70 substantive references to the term 'select committee' in Cabinet papers, along with a number of routine mentions. But there were only 37 substantive references to 'select committee' made in Cabinet papers between June 1979 and the end of 1984. Thus the statistical evidence at least suggests that the Labour Cabinets of the late 1970s were twice as likely to consider select committee matters as the Conservative Cabinets of the early 1980s.

It appears also that, while the public profile of select committees was enhanced by the Westland inquiries, the impact of that affair on Cabinet discussion was limited. The Cabinet papers for 1985 and 1986 made public in 2014 contain very few references to select committees. Even if Cabinet references to the departmental select committees

up to the end of 1986 are included in the count, the numbers are small – three references to the Home Affairs Committee, one to the Industry and Trade Committee, four to the Foreign Affairs Committee, six to the Treasury and Civil Service Committee and no references at all to the Social Services Committee or the Transport Committee. This suggests a contrast in style between two Prime Ministers, neither of whom had much interest in, or sympathy for, select committees; whereas in the late 1970s an irritated Callaghan was forced to consider select committee issues of various sorts in Cabinet, in the early- and mid-1980s Thatcher was able largely to ignore them.

But this is surely about more than the different personalities of the two Prime Ministers. The lack of Cabinet references to departmental committees in the 1980s is an interesting and surprising finding, especially in light of the large claims that have been made for the political importance of the 1979 reforms. Select committees appear to have had more impact on the work and thinking of senior Labour Ministers *before* the reforms than they had on leading Conservative Ministers *afterwards*. Judged by this imperfect measure of recorded Cabinet exchanges, therefore, the impact of select committees at the highest political level appears actually to have decreased with the advent of the new system. At the very least, these figures cast doubt on the conventional account of the political effects of the 1979 select committees.

Select committee developments during the 1980s

This section looks at various aspects of the development of select committees as *institutions* during the 1980s. There is certainly evidence that they were in this respect more active, if not more influential, at the end than at the beginning of the decade, but the picture is mixed.

Resources

After the upheaval of the 1979 reform, the House became more interested in the work of the committees and what they cost, and Sessional Returns of statistics of committee activity rapidly became more elaborate during the early 1980s. This was probably prompted by the public interest generated by the Procedure Committee, and a related concern that the new departmental committees should not be too expensive. The Return for 1978-79 listed only the numbers of meetings and the attendance records of the members of each committee.⁵⁸⁶ From 1979-80 onwards the returns recorded the costs incurred by each committee, and by 1987-88 the return covered also staff, specialist advisers, witnesses, details of visits including numbers of both Members and staff who took part, the number of divisions during committee proceedings, and the number of Chamber debates.⁵⁸⁷ With an average of between four and five staff, not all of them qualified to advise on policy, furthermore, the new committees still lacked the resources to compete in the policy sphere with government departments and the growing number of pressure groups and think-tanks.

Whereas the resources provided for select committees by the Clerks Department (not all of them clerks with a policy role) rose only modestly, the specialised expert resources available to Committees increased strongly as soon as the new bodies were established. In June 1981 Francis Pym, the new Leader of the House, told the Commons that the cost of specialist advisers to select committees had risen from just £ 26,662 in 1977-78 and £ 27,092 in 1979-80 to as much as £126,937 in 1980-81. The number of days worked by the specialists increased from 944 in 1977-78 and 939

586 Select Committee *Returns* 1978-79.

587 Select Committee *Returns* 1979-80. *Sessional Return* 1987-88

in 1978-79 to 2,425 in 1980-81.⁵⁸⁸ These advisers had a wide variety of working patterns - some were frequently involved in briefing and report-drafting whereas perhaps the majority had a much more peripheral role, being consulted regularly but not every week. The numbers of days worked is therefore much more important, as a gauge of the impact of advisers on the work of committees, than the global total of advisers employed. Interestingly, these figures suggest that costs increased over four times while days worked rose by less than 150 percent. That might indicate that more senior (and expensive) advisers were being employed than was the case before 1979. This increase in permanent, and, most particularly, part-time staff was out of all proportion to the increase in the numbers of Members involved on select committees and to the rise in the level of their attendance. This may not have put advisers 'on top' rather than 'on tap' for committees, but it was certainly a noticeable development.⁵⁸⁹

Perhaps more important than the number of staff, permanent and temporary, deployed on committees, was their attitude to their work. A clerk who served one of the new committees sensed that there were much higher expectations for the departmental system than for the old; he later described a meeting in the very early days of the new era at which David Pring, Clerk of Committees, surprised his clerkly colleagues by saying that in serving the new committees they should 'kick some ass ... be sharper-elbowed, call people in, be a bit more American'. Some clerks were said to have 'blinked' at this unaccustomed language from the 'elegant' Pring.⁵⁹⁰ This was of course the same man who had helped to set out detailed proposals for a departmental system as long ago as 1961; Pring could have been forgiven for betraying his excitement at

588 Hansard, *HCD*, col. 195W, 25 June 1981

589 See Chapter Six below for evidence of the prominence of the specialist advisers who worked for the Treasury Committee during the 1980s

590 Interview with clerk (on condition of privacy), 1 May 2015

the arrival of the reform he had himself foreshadowed nearly two decades before. Another clerk who worked on select committees at the time spoke later of a sense at the time that the new committees ‘didn’t need to be hidebound in terms of how to do the job ... there was a feeling that they could innovate and that this was entirely to be encouraged’.⁵⁹¹

The outside world – select committees, interest groups and the media 1980-1989

This section examines the evidence for two aspects of relations between the select committees and the outside world; interest groups and the media. Austin Mitchell MP, who chaired the Sub-Committee of the Treasury and Civil Service Committee for a time during the decade, optimistically believed that the new committees had developed ‘a real strength and a permanent role by linking MPs up to the only sector which really influences government policies - that “lobby” of specialised opinion, expertise and sectional interests which clusters around each area of policy’.⁵⁹² This suggests that the new select committees were more influential than their predecessors because they made better use of the influence of outside organisations and lobbies. The enthusiasm of Mitchell for the role of departmental committees in focussing the parliamentary activities of interest groups must however be set against the judgement of one 1980s author who wrote at some length about ‘Pressure Group Politics’. Writing in 1989, Michael Moran cautioned against the use of the term ‘lobby’ in respect of pressure and interest groups: ‘That term derives from the practice of entering the lobby of the legislature to accost Parliamentarians. Nowadays Parliament is of only minor

591 Interview with clerk (on condition of privacy), 21 April 2015

592 Austin Mitchell, ‘Inside the Commons Treasury Committee: The Report on the Civil Service’, *Parliamentary Affairs*, 40/4 (1987), p. 468

importance to many powerful groups. “Lobbying” has become a useful shorthand to describe the general attempts made by groups to influence government’.⁵⁹³

Other writers have been unimpressed by the evidence for departmental select committees in the 1980s as arenas for the interplay of interest groups and policy. Jordan and Richardson, in their 1990 study of the activities of pressure groups, hardly mention select committees in a chapter on Groups on Parliament, devoting much space instead to more informal all-party groups, which are often specifically established and funded by commercial or charitable organisations to promote discussion of issues of special concern to the organisation. Jordan and Richardson describe these groups as ‘a means of group support of sympathetic members’.⁵⁹⁴ They also identify ways in which interest groups worked with opposition parties during the standing committee stages of Bills to press for amendments. The authors describe the campaign mounted by the Association of Metropolitan Authorities in the middle of the decade against abolition of the Authorities. There is no mention of select committee inquiries as a means of exerting influence on policy.⁵⁹⁵

The experienced select committee member Alf Dubs could still advise lobbyists in 1988 that ‘Generally speaking there is no point in asking MPs to support a particular [committee] investigation where (i) there has already recently been a full enquiry by, say, a royal commission or (ii) where there is no perception that a real problem exists, or (iii) where the issue is at the centre of controversy between the main political

593 Michael Moran, *Politics and Society in Britain: An Introduction*, Second Edition (Basingstoke and London: Macmillan, 1989), p. 122

594 A. G. Jordan and J. J. Richardson, *Government and Pressure Groups in Britain* (Oxford: Clarendon Press, 1990), p.254

595 Ibid.,p. 25

parties'.⁵⁹⁶ The numbers tend to bear out this judgement. A survey of 'outside organisations' carried out in the summer of 1986 suggested that such organisations were likely to regard individual backbench MPs as their most important parliamentary contacts (nearly 50 percent of organisations placed them first in this respect). For these public organisations seeking to influence Parliament, select committees came second in terms of importance, but they were a long way behind individual backbench Members (only 15.9 percent ranked select committees as first in importance in Parliament).⁵⁹⁷ All this is further put into perspective when one examines the ranking of 'sources in influencing public policy' by the organisations which took part in this 1986 survey. Parliament is seen as the most important influence on public policy by a mere 7.6 percent of these bodies, outstripped by Ministers, civil servants, the media and 'public opinion'.⁵⁹⁸

But perhaps the most important development in the field of outside influence in the 1970s and 1980s was the growth of commercial lobbying companies providing a service for a fee to corporate clients.⁵⁹⁹ According to one prominent paid lobbyist, the influence of many select committees at the end of the 1980s was relatively weak. Charles Miller, whose book on lobbying went into two editions in the late 1980s and early 1990s, gave select committees a mixed review. On the one hand he said that their expertise was 'improving' with the influx of more specialist advice and that they provided 'useful scrutiny of public bodies' but on the other hand the 'executive may

596 Alf Dubs, *Lobbying: An Insider's Guide to the Parliamentary Process* (London: Pluto Press, 1988), p.114

597 Rush, *Parliament and Pressure Politics*, p. 254

598 *Ibid.*, p. 272

599 The main repository of information about the House, *Dod's Parliamentary Companion*, included a section on Parliamentary Consultants (basically lobbyists) for the first time in 1987. By 1989, there were 36 names on the *Dod's* list, three times the original number.

ignore their work' and they 'usually work too late to influence policy'. Committee reports were 'rarely debated' and 'the extent to which they can influence Whitehall depends largely on the forcefulness of the Chairman and the media's own pressure'. For this prominent professional influencer motivated by the need to provide commercially sound advice to his (often corporate) clients, select committees were just one channel of influence, and not by any means the most effective.

Miller indeed provided a table to present his own, subjective, judgements of the relative usefulness to those of various Whitehall and Westminster players, and select committees mainly achieved just 3 out of 10 on the scale of influence, on the same level as the Parliamentary Private Secretaries who supported Ministers in the House and special advisers to Ministers (this was the pre-Blair era when such advisers had not acquired their later prominence). Backbench party committees achieved an influence rating of 6 whereas all-party groups (very often established by interest groups) rated only 2. Ministers received a 7 and officials an 8 - showing the importance of implementation detail and the lower priority of broad policy for most corporate clients. The only occasions when select committees were seen by Miller to deserve a higher rating - a 6 - was when they were able to 'attract public attention to their reports'.⁶⁰⁰ Again the importance of media coverage to select committees is strongly suggested.

Miller's ratings are hardly scientific, but they do suggest a general order of magnitude. For the busy public affairs executive, select committees were a sensible target and a useful arena, but if a choice had to be made between a visit to a relevant departmental

⁶⁰⁰ Charles Miller, *Lobbying: Understanding and Influencing the Corridors of Power*, Second Edition (Oxford: Basil Blackwell, 1990), pp. 40, 55

official and lunch with a committee chairman, Miller's guidance would have been to go for the official - a sign of the relatively weak direct influence of select committees on policy. The popularity of Miller's work suggests that he was listened to in the burgeoning ranks of the public affairs industry. Miller's views also show the significance of timing. The pre-1979 committee inquiries were often criticised for taking too long and turning into 'Royal Commissions'. The 1979 reforms did not remove the risk completely; the time taken over the procedure for committee inquiries continued in the 1980s to lead in some instances to a loss of influence as the caravan of policy formulation and public attention moved on.

So much for relations between select committees and interest groups. What of the impact of the committees on the media? As a starting point, the annual average number of references to the words 'select committee' in *The Times* between 1970 and 1979 was 328, while the average number of references in *The Guardian* and *The Observer* in those years was 265. After the 1979 reforms interest from these serious 'broadsheet' newspapers rose noticeably. During the 1980s, the average annual number of *Times* references rose to 398, while on average *The Guardian* and *The Observer* referred to 'select committees' 401 times a year during that decade. The increase in interest in *The Times* was modest, but the rise in coverage in the liberal or left-leaning papers was very substantial - more than 50 percent. It might be tentatively suggested that select committees offered to the left an opportunity to criticise a dominant Conservative Prime Minister; the usually Conservative-supporting *Times* might have been less enthusiastic.

Table 4 below shows the immediate and longer-term effects of the new committees on the parliamentary coverage of these two newspapers; there was a clear rise for both in 1980 and 1981 was also a good year for select committees, in *The Times* at least. The decrease in references in 1982 may have been a result of coverage of the Falklands conflict elbowing committees out of the parliamentary pages, and naturally enough the figures fell in the Election years of 1983 and 1987, when committees did not exist for large parts of the year. But there was certainly a wave of media interest; one clerk who worked on committees at the time later described the initial press attitude to the new bodies as ‘extremely generous’ because ‘almost anything you did they said was wonderful whereas the Expenditure sub-committees they had paid no attention to at all’. Some journalists, the clerk said, acted as ‘cheerleaders’ for the new system, even where committees perhaps did not perform as well as had been hoped.⁶⁰¹

Table 4: Selected newspapers, references to the phrase ‘select committee’ 1980-1989

⁶⁰¹ Interview with clerk (on condition of privacy), 1 May 2015

Year	Times	Guardian and Observer
1980	546	473
1981	502	323
1982	357	316
1983	264	283
1984	377	407
1985	463	486
1986	423	551
1987	273	263
1988	311	359
1989	467	513

The pattern of press interest as indicated by these figures (which have been collated for this thesis from the online newspaper archives) fluctuated considerably; there was for example a clear ‘Westland’ effect. For the highest-profile of the ‘Westland’ select committees, Defence, there was a clear increase in press interest in the middle of the decade, but it was not sustained through the decade. Whereas in 1984 *The Times* mentioned ‘Defence Committee’ or ‘Defence Select Committee’ on 43 occasions, the number of references rose to 51 in 1985 and 76 in 1986; however, the figure went back down to 50 in 1987 (at least partly an effect of the General Election) and to 62 in 1988 and 40 in 1989. *The Guardian* and *The Observer* showed even more interest in Westland; numbers of references to the Defence Committee in the two papers rose from 83 in 1984 to 106 in 1985 and a staggering 164 in 1986. However, in 1987 numbers fell to 85 and there were 65 *Guardian* and *Observer* references in 1988 and 73 in 1989. Given the deep uncertainty of the geopolitical situation in the late 1980s,

with rapid changes in Europe including the fall of many communist regimes, and doubts being cast over the future of NATO, this lack of media interest in the work of the Defence Committee is particularly striking evidence of the failure of committees to make themselves routinely relevant to current events. When there was a strong select committee story, like Westland, the media were very interested, but there was little sense in the 1980s that committees were seen as continuous sources of news and authoritative comment.⁶⁰²

Membership

One thing that might have affected the atmosphere in select committees during the 1980s would have been active management by the Prime Minister and her whips to prevent dissidents being appointed to committees. It is first worth putting this question into a wider context. There was for instance little sign of Mrs Thatcher being a 'reward/punisher' when it came to appointing to ministerial posts; she did not seem to exclude from office Members who had a reputation for dissent.⁶⁰³ The picture for select committees is however slightly more complex. Several leading social liberals from the Tory benches held places on select committees for long periods during the 1980s. These included Nicholas Scott, described by the doyen of parliamentary biographers Andrew Roth as 'a hero of the Tory wets' who 'fought with his characteristic mixture of charm and principle to fend off Margaret Thatcher's more radical schemes and was the initial host of "Nick's Diner", the dining club where wets

602 One commentator suggested in 1992 that the press was 'lukewarm and somewhat inattentive' towards select committees. Ralph Negrine, 'Reporting Parliamentary Committees: the Investigation of the Rover Group Sale to British Aerospace', *Parliamentary Affairs*, 45/3 (1992), p. 400

603 J. Richard Piper, 'British Backbench Rebellion and Government Appointments, 1945-87' *Legislative Studies Quarterly*, 16/2 (1991), p.227

let off anti-Thatcher steam'.⁶⁰⁴ Scott was a member for two years of the Environment Committee, which covered such sensitive left-right issues as local government finance and housing.⁶⁰⁵ Robin Squire, a former Council leader once described as 'a user-friendly Tory wet',⁶⁰⁶ was a member of the same committee throughout the 1979-83 Parliament. The even more sensitive Treasury and Civil Service Committee included during the same Parliament the 'outspoken and populist' Anthony Beaumont-Dark who 'did not always confine his aspersions to his political enemies'. Beaumont-Dark once said of the Cabinet Minister Leon Brittan: 'Some ministers do not know where the sparking plug goes, yet they are made Secretary of State for Industry'; Lord Young, Employment Secretary from 1985 to 1987, was, according to Beaumont-Dark not 'in touch with reality... if he thinks this country can survive on service industries and tourism and import all its manufactured goods'.⁶⁰⁷

Another independent-minded member of the TCSC from 1979 was Richard Shepherd, who was a leading rebel on a number of issues, notably freedom of information, and sufficiently admired for his independence to be crowned as *The Spectator's* Backbencher of the Year in 1985. Kenneth Baker was an active Conservative member of the reforming Procedure Committee of 1977-78 who joined the TCSC in 1979. It was therefore not surprising that the Committee was so awkward during the 1983 General Election. Indeed, the tendency for independent-minded members to make their way on to the TCSC continued. After the 1987 Election, Beaumont-Dark was joined on that committee by Nicholas Budgen (Backbencher of the Year 1984) who

604 'Obituary: Sir Nicholas Scott', *The Guardian*, 7 January 2005

605 Scott was an assiduous Committee member with a 97 percent attendance rate. Drewry, *The New Select Committees*, p. 161

606 'MPs with time on their hands', *The Guardian*, 9 June 1993,

607 'Obituary: Sir Anthony Beaumont-Dark', *The Telegraph*, 4 April 2006

was described at the time of his death as ‘an incorrigible rebel’, though he came from a theoretically Thatcherite right-wing tradition as an adherent of the views of Enoch Powell.⁶⁰⁸

Yet it would be misleading to conclude from this evidence of Thatcher’s (and the whips’) tolerance towards Conservative select committee dissenters that it was the departmental system that was itself responsible for giving government backbenchers the opportunity to be awkward. Chapter Three notes the independent-minded makeup of the Procedure Committee of 1977-78, while the Expenditure Committee of the time had its share of Labour mavericks, including Brian Sedgemore and Michael English. Other 1970s select committee members were hardly conventional by the standards of the time; Maureen Colquhoun, who was the first openly lesbian MP at a time when attitudes were still far from progressive, was a member of the Expenditure Committee from 1975, replacing the prominent left-winger Jo Richardson. These may be isolated instances, but they show that governments had been finding it hard to exercise complete control over select committee membership for some time - or perhaps that governments had not cared too much. Whatever the reason, select committees in the 1970s were certainly not made up exclusively of trusted loyalists.

Nevertheless, it is clear that although independent-minded MPs (and possibly also those with the most determined mindset) could win places on select committees, the whips still played a big role in the selection of committee members. The Procedure Committee of 1977-78 had sought a new and more independent system of select committee appointment through the Committee of Selection; but the evidence is that

⁶⁰⁸ *The Guardian*, ‘Arch-rebel Budgen dies at 60’, 27 October 1998

selection for the new committees did not work out like that. In the 1999-2000 Session, the Liaison Committee complained that the pre-1979 practices had continued into the new era, and ‘the Committee of Selection - itself heavily influenced by the Whips - has nominated Members to serve on select committees in the same way as Members to serve on standing committees or private Bill committees - primarily on the basis of lists supplied by the Whips’.⁶⁰⁹ Chairmanships were especially prized under the new system, as under the old, and Labour’s John Golding, first Chairman of the Employment Committee from 1979, acknowledged that ‘At the beginning the chairmanships were to a considerable extent stage-managed by the Whips’ Office.’⁶¹⁰

Nevertheless committee membership was one area in which small-scale but significant procedural reform continued on its incremental way. In early 1980 the membership boundary between select committees and the front benches was clarified when the Committee of Selection removed an Opposition front bencher, Alan Williams, from a place on the Welsh Affairs Committee. Williams resisted, but the House upheld the Committee’s decision. At the same time a Parliamentary Private Secretary, an aide to a Minister, was removed from the Energy Committee.⁶¹¹ These decisions drew a clear constitutional line between the exclusively backbench membership of (almost all) select committees and members of the front benches. Small though they were, these decisions importantly preserved a distinct sphere for backbenchers on committees.

609 First Report from the Liaison Committee, Session 1999-2000, *Shifting the Balance* (300), p. ix

610 John Golding, ‘The Chairman’s View-2’ in Dermot Englefield (ed.), *Commons Select Committees: Catalysts for Progress?: Understanding the New Departmental Select Committees, 1979-83* (Harlow: Longman, 1984), p.28

611 ‘Parliamentary Developments, January-March 1980’, *Parliamentary Affairs*, 33/1 (1980), p. 245

Conclusion

The advent of the new departmental committees almost coincided with the beginning of Margaret Thatcher's period in power. When assessing the impact of the committees in their first decade, it is important to remember that crucial political fact. As this Chapter has shown, the contrast between the dominance and executive-mindedness of the new government and the newly reorganised and consensus-driven committees was obvious. The statistics demonstrate that members of the committees were assiduous attenders for the first few years of the new system, and were keen to trumpet early successes, especially when, like the changes to the 'sus' law, they showed the House defying the general direction of Thatcherite policy. Inquiries, reports and committee visits multiplied during the decade, while the Chamber of the House heard more references to select committees, and parts of the media gave them enthusiastic coverage. For some backbenchers, 1980s select committees seem to have provided an opportunity to exercise again the sort of influence they enjoyed on occasions in the Chamber during the 1970s, but usually without the attendant risk of offending the whips. Some clerks welcomed the new system and were keen to make it work effectively to hold Ministers to account. The fact that the committees were much more likely than their predecessors to take evidence from Ministers shows that this was generally achieved.

However the picture was still very mixed. The figures and the analysis of them presented here indicate that the 1980s as a whole saw no real long-term boost to numbers of MPs on committees or to their attendance rates. This suggests that it is right to be sceptical about claims for the distinctiveness of the post-1979 committees. Staffing resources for committees improved somewhat over the decade, but the

numbers of permanent staff did not increase much; a large part of the greater productivity of committees may have been a result of the work of specialist advisers, who cost the House a lot more in the 1980s than they had in the 1970s. The 1980s saw an increased flow of reports but no substantial rise in the numbers of meetings; committee members were working at about the same level but seemingly on a wider variety of topics. Yet the vigour of the supply side of the committee system was not matched by increased demand or interest in the wider political world. Debates in the Chamber on committee reports continued to be relatively rare and normally sparsely attended during the 1980s. After an anxious first few weeks under the new system, government departments found that it was fairly easy to monitor and plan their responses to select committee activities. Above all, the evidence presented here suggests, unlike some previous studies, that the impact of committees at the very highest political level was limited; the significant drop in Cabinet references to committees in the early- and mid-1980s indicates that the departments were doing a good job in managing the issues raised by committee inquiries, without the need for discussion at senior level.

There is also a point about sources. The widespread interest shown in the 1980s in the new pattern of committees, not least by the Study of Parliament Group which asked Gavin Drewry to produce his comprehensive survey of the new system, brings its own problems for the historian.⁶¹² As Chapter Three makes clear, select committees were often highly active during the 1970s, and at times they could make an impact on the political scene. However, much of their activity was not recorded because the interest

612 Drewry's book paid due attention to previous committee history; it contained a summary of select committee developments before 1979. Priscilla Baines, 'History and Rationale of the 1979 Reforms', in Drewry, *The New Select Committees*, 1989, pp. 13-36

in the costs of the Expenditure Committee and other committees never reached a wide public audience. Things were very different with the post-1979 pattern of committees; aware of the higher public profile created at the time of the Procedure Committee, the House authorities went to great lengths to record committee activity and what it cost. Annual returns of information on select committees became ever fuller and more detailed during the 1980s. Faced with this weight of new evidence of committee activity, it is perhaps not entirely surprising that some historians have tended to exaggerate the significance of 1979.

Chapter Six: The Influence and Impact of Select Committees on Political Issues **during the 1980s**

The previous two chapters have explored aspects of the transition between the pre- and post-1979 system of select committees: firstly, the political and administrative process by which Parliament and government came to make the reform, and second, the statistical comparisons between committee and related activity in the 1970s and 1980s. This Chapter presents some 1980s case studies of committees at work, including examples of clear influence by select committees on the policy landscape, as well as instances where committees appear to have had a less impressive record on major issues.

The main research questions to be addressed in this Chapter concern three main issues in respect of select committees in the 1980s. First, it looks at the choices of inquiry made by the new departmental committees and secondly it considers the influence the committees exerted on public policy and on the wider political landscape. Finally, it assesses the performance of select committees in dealing with some of the main domestic and international issues during the decade.

Committees' choice: Policy influence or the Power of the Purse?

The new departmental committees enjoyed a great deal of discretion in their choice of subject, as the Procedure Committee had recommended. The committees' orders of reference allowed them to examine departmental spending, administration, policy or all three. As this Chapter makes clear later, the committees interpreted this as also

allowing them to investigate allegations of scandal and failure. There was something of a campaign in favour of the first category of inquiry; in the late 1970s John Garrett MP was prominent among those who argued for a more financially effective select committee system, one based on rigorous and meticulous examination of the spending and therefore the work of departments, but which would inevitably perhaps downplay consideration of policy. In a Memorandum to the 1977-78 Procedure Committee Garrett had set out his proposal for committees, replacing both the Expenditure Committee and the PAC, to be set up to 'parallel the organisation of government departments' which would, among other things examine 'accounts for proper authorisation and regularity ... the financial administration and expenditure control systems of reporting organisations ... expenditure plans and programmes and to assess their objectives and results ... the efficiency and effectiveness of the management of reporting organisations ... [and] issues of national policy raised by the activities of the reporting organisations'.⁶¹³ This was a development of the original concept for the Expenditure Committee, which had been undermined during the 1970s by Members' incorrigible tendency to favour examination of policy over scrutiny of expenditure and administration. On the introduction of the new departmental system Garrett must have hoped for more rigour in the scrutiny of spending and performance by the new departmental system. But experience of the new era was clearly discouraging; in 1982 Garrett complained that select committees 'go for events and issues of the day' such as the 'sus' law. But they tended to avoid the 'slow grinding task' of examining matters such as prison spending programmes.⁶¹⁴ A 1984 survey of MPs carried out by Vilma Flegmann confirmed that Members 'did not rate their achievements in improving the parliamentary scrutiny of public expenditure very high'. Whitehall officials told

613 Procedure Committee, 1977-78, Vol. III, p. 148

614 Hansard, *HCD*, col. 91, 15 February 1982

Flegmann in the same year of their ‘disappointment’ at the lack of interest shown by committees in departmental expenditure, despite the improvement in government financial information provided through the Financial Management Initiative programme which was introduced in the early 1980s.⁶¹⁵

Although Garrett was relatively pleased by the financially rigorous approach taken by the Treasury and Civil Service Committee (TCSC) his remarks reveal a great deal about the persistent conservatism of MPs in using select committees. As noted above, in the 1970s, the inquiries carried out by the General Sub-Committee of the Expenditure Committee, TCSC’s predecessor, had put the emphasis on such ostensibly technical subjects as the government’s expenditure plans and financial accountability to Parliament. There was some reference to economic policy, especially in the report on expenditure plans, but it was not prominent in the inquiry titles or recommendations.⁶¹⁶

In his 1982 remarks, Garrett was showing the frustration of those reformers who sought a more coherent approach to scrutiny based on the ancient and fundamental parliamentary power of the purse. Others who shared Garrett’s vision of structured and financially-based scrutiny included Edward du Cann, an experienced committee chairman, the clerk Michael Ryle who had been promoting such ideas since the 1960s,⁶¹⁷ and the academic Ann Robinson (soon to be a Conservative candidate) who

615 Flegmann, *Public Expenditure and the Select Committees of the Commons*, pp. 31.,37

616 See for example the Second Report from the Expenditure Committee, Session 1977-78, *The Government's expenditure plans 1978-79 to 1981-82* (Cmnd 7049) (257)

617 Ryle later expressed frustration that committees argued for more spending on their departments rather than trying to impose financial discipline. Second Report from the Select Committee on Procedure, Session 1989-90, *The Working of the Select Committee System* (19) [hereafter Procedure Committee 1989-90], p. xi

at the time expressed mild exasperation at the apparent lack of interest of MPs in ‘the control and scrutiny of public expenditure’.⁶¹⁸ There were other comments urging financial rigour along similar lines, the Liaison Committee in 1983 saying, ‘The examination of departmental Estimates has been the bedrock of the House’s earlier committee systems, and should be of this one’.⁶¹⁹ But by the end of the decade, the 1989-90 Procedure Committee had to note with disappointment the limited efforts of select committees in pursuing the power of the purse:

Just over half [of the departmentally-related Select Committees] claimed in their memorandum to have devoted some attention to the scrutiny of expenditure, whilst the rest did not make any direct mention of the subject ... The coverage of expenditure by the departmentally-related Select Committee system as a whole appears to have been rather patchy.⁶²⁰

The culture of the House of Commons continued to be resistant to structured and co-ordinated scrutiny. The view taken by the 1989-90 Procedure Committee of the Ryle/Garrett/Robinson idea of select committees systematically examining public spending was summed-up in the dismissive conclusion of its report:

We are sceptical, however, about Mr Ryle’s other suggestion, that the Treasury Committee should assume functions akin to those carried out by the Treasury itself in seeking to elucidate, if not resolve, some of the main competing *interdepartmental* spending priorities. Such an exercise, by appearing to subsume the role of Government, could become very political in the broadest sense and would therefore be likely to degenerate into a purely partisan debate.⁶²¹

Realistic though it is in the light of the preferences of MPs, this passage appears timid; the Procedure Committee regards as risky the very suggestion that the House of Commons should attempt to examine the overall shape of public expenditure. Yet

618 Ann Robinson, ‘The Financial Work of Select Committees’, in Drewry, *The New Select Committees*, 1989, p. 318

619 First Report of the Liaison Committee, Session 1982-83, *The Select Committee System* (92), p. 11

620 Procedure Committee 1989-90, p. x

621 *Ibid.*, p. xii

examining estimates and granting supply is and has always been recognised as constitutionally a central task for the Commons. In its wording the Procedure Committee passage harks back 30 years, closely resembling the equally curt and equally irrational dismissal by the 1958-59 Procedure Committee of the notion of a committee on colonial affairs.

What might be called ‘Garrett’ scrutiny - a systematic update and extension of the old power of the purse for the twentieth century - contrasts with what might be termed ‘Gadfly’ scrutiny, which emphasises policy influence, and very importantly, the ability to respond quickly to events in the political world. The departmental committees could have chosen to take the structured route advocated by Garrett, Ryle and Robinson, but instead followed events and made policy and administration their main targets. This speaks directly to one of the main themes of this thesis - the question whether the creation of a system of departmental select committees actually made as much difference as its advocates have claimed. Garrett’s evidence to the 1977-78 Procedure Committee suggested that a departmental system of select committees offered the opportunity to establish a rigorous approach to scrutiny based on a methodical and painstaking dissection of expenditure. That chance, if it had ever existed, was not taken. In the 1980s the House arranged its committees into rational bodies covering government in a superficially structured way, but they did not work as organised Garrett-style accountability mechanisms. In fact, the new committees, in favouring policy analysis over financial scrutiny or performance accountability, mirrored in many ways the piecemeal approach of the 1960s and 1970s committees. Thus they chose freedom of manoeuvre ahead of coherence of approach, as the rest of this Chapter makes clear.

Select committee influence and impact in the 1980s: some case studies

There are some examples of 1980s select committees that exerted a specific influence over the direction of policy, or a less direct impact over the political environment. These were cited at the time as demonstrating the distinctive value of the new departmental system.⁶²² However the reality is often slightly more complicated.

The Canadian constitution

There was an important intervention in the early 1980s by the Foreign Affairs Committee (FAC) in the issue of the ‘patriation’ of the Canadian constitution - the process by which the Westminster Parliament disentangled itself from direct involvement in the affairs of that country.⁶²³ The fact that Canada’s constitution was set out in a nineteenth-century Act of the Westminster Parliament was anathema to the Canadian Prime Minister, Pierre Trudeau, who pressed the UK government to renounce Westminster’s hold over Canada. Various problems emerged with the proposed legislation, including difficulties over a possible Canadian Bill of Rights and concerns over protection of the interests of Canada’s provincial governments (especially that of the French-speaking province of Quebec) and native Americans. During a lengthy inquiry, the Committee revealed unease at several aspects of the U.K. government’s original proposals for patriation, and they were significantly changed in the final Canada Act 1982.⁶²⁴ This raising of the alarm by the Committee was seen by

622 See especially the appendices to the report of the Procedure Committee 1989-90, which include assessments by committees of their own effectiveness

623 For a broader perspective on the Canadian background to the 1982 patriation, see Alain-G Gagnon, ‘Canada: Unity and Diversity’, *Parliamentary Affairs*, 53/1 (2000), pp. 12-26.

624 See these FAC reports on the issue: First Report, Session 1980-81, *British North America Acts: the Role of Parliament* (42); Second Report, Session 1980-81, *Supplementary Report on the British North America Acts: the Role of Parliament*, (295); First Report, Session 1981-82, *Third Report on the British North America Acts: the Role of Parliament*, (128)

many MPs as highly valuable. For example Labour's George Foulkes paid tribute to the FAC for having 'fired the warning shots to the peoples and Government of Canada, indicating that the original package would not have been passed by the House and Parliament'.⁶²⁵ From the government side, the Lord Privy Seal, Humphrey Atkins, welcomed the Committee's 'lucid' report.⁶²⁶

Writing in *The New Select Committees* survey volume a few years later, C. Y. Carstairs concluded that in the development of the patriation legislation the government had provided 'enough time for the FAC to go into the matter in depth'. This may, according to Carstairs, have 'played a significant part in bringing about the result that the Bill which eventually came before Parliament did so in a form different from, and less objectionable to much Canadian opinion than, the [original] measure adumbrated in 1980'.⁶²⁷ But Carstairs does not accept that this significant level of legislative influence was a distinctive result of the introduction of the new system, saying that 'These circumstances owe nothing in principle to the 1979 changes. The action taken by the FAC [over Canada] could equally have been taken by the Defence and External Affairs Sub-Committee of the Expenditure Committee, had it still existed'.⁶²⁸ Carstairs might also have cited the mid-1970s Select Committee on Cyprus as an actual recent example of a Commons select committee that tried (without in its case any success) to influence key political and military developments in a Commonwealth country.⁶²⁹

625 Hansard, *HCD*, col. 353, 17 February 1982

626 Hansard, *HCD*, col. 294, 17 February 1982

627 C. Y. Carstairs, 'The Foreign Affairs Committee', in Drewry, *The New Select Committees*, 1989, p.175

628 Ibid.

629 The Government's generally negative *Observations* on the Cyprus Select Committee report are contained in Cmnd 6579 Miscellaneous No. 26 (1976) of Session 1975-76, Report from the Select Committee on Cyprus

But the FAC's work on Canada also echoed a much earlier precedent which has been noted above - the select committees of the 1920s and 1930s which examined questions of Imperial political development. In a way, the FAC's Canadian inquiries in the early 1980s were therefore a revival of a 50-year-old tradition by which committees were given the responsibility to clarify thorny questions about the relationship between the UK and its imperial or former imperial possessions. The 1979 reforms established an effectively permanent committee to look specifically at foreign affairs - a highly significant development. But there was Commons scrutiny of such major and delicate questions well before 1979.

The 'sus' law

The 'sus' law inquiries of the Home Affairs Committee in 1979-80 also attracted appreciative comment as an example of an early success for the new system. The issue was the perception of discriminatory use of section 4 of the Vagrancy Act 1824 to arrest 'suspected' persons who were allegedly loitering with intent. Young black men, for example, felt strongly that the police were treating them unfairly in their application of this section. After a rapid Home Affairs Committee inquiry (carried out by its Race Relations and Immigration Sub-Committee) in the first part of 1980 the Committee concluded that 'sus' did indeed operate unfairly in relation to black people and that the Committee 'do not consider that the public interest is best served by an offence which inevitably leaves a significant proportion of those convicted with a sense that their conviction was unjust'. Following a strong Committee recommendation for a change in the law, the Home Office accepted the need for amendment of the Vagrancy Act.⁶³⁰ The Criminal Attempts Bill which repealed the

⁶³⁰ Second Report from the Home Affairs Committee, Session 1979-80, *Race relations and the "Sus" law* (559), p. xii; Hansard *HCD*, cols.1763-1821, 5 June 1980. The history of this episode is

'sus' law was enacted on 27 July 1981. The example of the 'sus' law was also significant in that the government agreed to establish a 'special' standing committee which took evidence from witnesses in 'select committee' mode before turning to detailed consideration of clauses. This was a rare 1980s instance of the implementation of a 1977-78 Procedure Committee recommendation that such evidence-taking sessions should be used to improve scrutiny of legislation.

This policy intervention by the Home Affairs Committee was seen by some commentators as a distinctive feature of the new system, and it is noticeable that it might be seen as a liberalisation of legislation in this field at a time when the government were generally taking a much firmer line.⁶³¹ The Criminal Justice Act 1982, for instance, introduced what became known popularly as the 'short, sharp shock' for young offenders - a tougher penal regime. The 'sus' law reform promoted by the Home Affairs Committee thus represents something of a counterpoint to the generally rightward trend of criminal justice policy, lending credibility to the claims of the new system to be effective in influencing the direction of events.⁶³² It may also have helped that the Committee were perhaps knocking at a half-open door; one observer later suggested that William Whitelaw, the then Home Secretary, was thinking of abolishing 'sus' anyway. The Committee's inquiry may thus have helped Whitelaw to increase pressure on the police to accept that change was needed.

But such initiatives were not altogether new. As noted in Chapter Three above, the Race Relations and Immigration Committee had examined 'police/immigrant

set out in Gavin Drewry, 'The Home Affairs Committee', in Drewry (ed.), *The New Select Committees*, 1989, p.199

631 For example, the then Speaker, George Thomas, in the First Hansard Society Lecture in 1982; reproduced in *Parliamentary Affairs*, 35/4 (1982), p.350

632 See the Second Reading debate on what became the Criminal Justice Act 1982: Hansard, *HCD*, cols. 294-307, 20 January 1982

relations' in 1971-72, and while their recommendations were less successful than the ones produced by the HAC in 1979-80, the general conclusion was the same; that police needed to establish better relationships with young black people. The 1971-72 recommendations included a number of small-scale suggestions for improving communications between police and the black community, but there were also much more contentious proposals on issues such as repeal of a Race Relations Act 1965 section on incitement to 'racial hatred'.⁶³³ The 1979-80 'sus' law report, with its policy proposals, could certainly have been produced a decade before by the Race Relations Committee. In this respect the willingness of select committees to challenge the government and other public authorities on sensitive issues of both home and foreign policy was established well before 1979.⁶³⁴ It is interesting that the later 'sus' inquiry succeeded in amending the legal situation, whereas its earlier equivalent had failed to achieve such change. Two factors may have played a part in the Home Affairs Committee's 1980s success; one was the higher media and public profile of the new Committee, which may have given it the advantage over the old Expenditure Committee when it came to exerting pressure on opponents of change, and the other was the series of riots, some involving large numbers of black youths, which drew sharper attention to the problems in the early 1980s.

There were other cases where the work of post-1979 select committees made a difference in the Commons Chamber and sometimes beyond. But the impact could be

633 Report from the Select Committee on Race Relations and Immigration, Session 1971-72, *Police/immigrant relations* (471), pp. 74-5

634 Police/immigrant relations in England and Wales. *Observations* on the report of the Select Committee on Race Relations and Immigration, 1973, Cmnd 5438. It is worth noting that media coverage of the 1971-72 inquiry including the report was substantial, although not as heavy as the coverage of the 1979-80 Home Affairs Committee inquiry into 'sus'

complicated, and there could be unintended consequences or debate about whether the intention of the Committee had been reflected in the government response. For example in 1983 the government accepted a recommendation of the Education, Science and Arts Committee which would give Ministers the opportunity to fund developments in local authority schools, in a way that would, according to the government, 'more appropriately ... reflect in the financial mechanisms the balance of statutory responsibilities between central and local government'.⁶³⁵ Sir Keith Joseph, the Education Secretary, welcomed the proposal at Second Reading of a Bill that was, he said: 'principally concerned with implementing that Select Committee recommendation'. But Giles Radice, the Opposition Education spokesman, disputed Sir Keith's account, saying that, while the Secretary of State quoted the Select Committee in his support, the Committee's report 'makes it clear that the kind of educational specific grant that they were recommending was for "pump priming", to use their phrase, or additional money. They were not considering a scheme such as that which the Secretary of State has put into the Bill'.⁶³⁶ Several Conservatives, including current or former members of the Committee, however, disagreed with Radice's characterisation of that recommendation, and welcomed the Bill as reflecting the Committee's view. In the event, Labour voted against the Bill, which nevertheless received its Second Reading and became law as the Education (Grants and Awards) Act 1984. This demonstrates how hard, and indeed controversial, it can be to try to trace select committee impact on policy; in this case the report appeared to be a pretext for the government's preferred action rather than a separate influence on policy.

635 Hansard, *HCD*, col. 629, 14 November 1983

636 *Ibid.*, col.639

At other times a select committee could make recommendations on technical or second-order (though still substantial) policy issues, most of which would be taken up with alacrity by both government and opposition. Though there were disagreements on some points, this was generally the case with a Home Affairs Select Committee report on the Representation of the People Acts which was published in April 1983.⁶³⁷ The main issues were the accuracy of the electoral register, the extension of the franchise to British citizens resident abroad, changes in absent voting arrangements, and an increase in the deposit required of a candidate at a parliamentary election, with a reduction in the threshold for forfeiture.⁶³⁸ The government praised the thoroughness of the Committee's inquiry and accepted the bulk of the recommendations, stressing its own non-partisan attitude on the subject.⁶³⁹ The Chamber debate on the subject revealed a number of disputes between government and Opposition about aspects of the proposals, but no-one argued against the need for legislation. The outcome was the Representation of the People Act 1985, which covered many of the issues raised by the Select Committee. This appeared to be a vindication of the new departmental committee system and its capacity to tackle semi-technical, but still potentially contentious, issues in a fairly non-partisan way. Yet it is also perfectly possible to imagine this work having been carried out by a select committee before 1979. It is also important to recognise that direct select committee influence was usually exerted only through the promotion of specific amendments to legislation. None of these instances of successful committee action involved generalised or broad-brush criticisms of the trend of policy. Committees seemed to operate effectively where they worked with the

637 First report from the Home Affairs Committee, Session 1982-83 (32). The Government response was Cmnd 9140 of 1983-84

638 Hansard, *HCD*, cols.1017-92, 27 June 1984

639 *Ibid.*, col.1082

flow of policy change and proposed moderate or small deviations in the direction of that flow.

This was perhaps also the case with Next Steps Agencies, one of the most distinctive innovations of the Thatcher era, which gave greater autonomy to parts of departments, many of which had a primarily administrative or service role. The Treasury and Civil Service Committee gave strong support to the initiative, believing that it could help improve service quality and clarify responsibilities, and the Committee carried out regular monitoring of its development from the start. However, given doubts about the effect of the new agencies on ministerial accountability, not all select committees were effective in the late 1980s in scrutinising the work of the agencies. One writer in the mid-1990s said that Parliament was still ‘feeling its way in asserting its scrutiny rights over these new bureaucratic forms’.⁶⁴⁰

There was therefore an air of realism among select committees about the extent of what they could achieve. The Procedure Committee report on the system in 1989-90 appeared to be in no doubt that the departmental system in the 1980s had achieved great things, providing ‘a far more rigorous, systematic and comprehensive scrutiny of Ministers’ actions and policies than anything which went before’.⁶⁴¹ However the report was less forthright when it looked at the evidence in more detail; summarising the thoughts of select committee chairmen on their effectiveness and in particular their *influence* during the decade, the report said: ‘In evaluating the extent of their influence on the government, many of the Select Committees were at pains in their evidence to

640 Barry Winetrobe, ‘Next Steps and Parliamentary Scrutiny’, in Philip Giddings (ed.), *Parliamentary Accountability: A Study of Parliament and Executive Agencies* (London: Macmillan, 1995), p.47

641 Procedure Committee 1989-90, pp. xxi

set limits on what might realistically have been expected of them'.⁶⁴² The chairmen of the Energy, Agriculture and Transport Committees all said that limitations on resources prevented them matching the policy work of government departments.

Select committee performance in dealing with major political issues in the 1980s

These examples of policy impact and/or influence must be seen beside other cases in which 1980s select committees encountered mixed success in addressing some of the major issues of the day. This section examines the approach taken by select committees to a number of events and issues: economic policy in the early years of Thatcher's administration; the Falklands conflict of 1982; gas privatisation; and the Westland helicopters affair of 1985 and 1986.

Select committees: aspects of economic policy

Treasury Ministers implementing the sometimes rigorous and austere economic policies of Mrs Thatcher's Government were often irritated by the Treasury and Civil Service Select Committee (TCSC) during the 1980s. The Committee in fact spent much of its time looking at the details of expenditure and accountability to Parliament, in the manner of its direct pre-1979 predecessor the General Sub-Committee, but it inevitably attracted most attention and caused most ministerial annoyance when it addressed economic policy. Quite a few of the limited number of references to select committees in Cabinet papers for the period 1979 to 1984 concern complaints from one Chancellor of the Exchequer or other about the allegedly discourteous or unreasonable behaviour of the Committee.

⁶⁴² Ibid. p. lxxiii

The usual bone of contention between the Treasury and the Select Committee was the effectiveness of the government's reliance on monetary targets and public expenditure restraint as key elements of economic policy.⁶⁴³ As noted in Chapter Five, select committees did not trouble the Cabinet's minute-takers much during the first five or six years of the Thatcher Government. One exception came in April 1981 when the then Chancellor Sir Geoffrey Howe complained to his Cabinet colleagues that a TCSC report which was critical of the government had been agreed 'because of absences by Conservative members'.⁶⁴⁴ Howe was dismissive of the quality of the report, which was 'unlikely to do serious damage to the Government' and which 'did not reflect to the credit of the Committee'. Nevertheless the incident was 'illustrative of the difficulties which had arisen, largely because of the attitude or absence of the government's own supporters, in several of the Departmental Select Committees'.⁶⁴⁵ The Prime Minister summed up the discussion by reiterating the government's 'concern that its own supporters on Select Committees should attend all meetings and ensure that the Government's views were adequately represented both in discussion and in any published reports'.⁶⁴⁶ Clearly the enthusiasm of Conservative members for the new Committee had its limits.

Howe's successor as Chancellor, Nigel Lawson, also had an abrasive relationship with the Treasury Committee. He had been Financial Secretary to the Treasury from 1979

643 See for example Nigel Lawson, *The View from No.11: Memoirs of a Tory Radical* (London: Bantam Press, 1992)

644 This was a reference to the Fifth Report from the Treasury and Civil Service Committee, Session 1980-81, *The 1981 Budget and the Government's expenditure plans 1981-82 to 1983-84*, (232)

645 TNA, CAB 128/70/15, 'Conclusions of a Meeting of the Cabinet' 9 April 1981, p. 2

646 Ibid., p.3

to September 1981, then Energy Secretary until June 1983, when he took over as Chancellor from Howe. Lawson was exasperated by a number of TCSC actions, including the Committee's failure (as he expresses it in his autobiography) to 'understand' his arguments about the effects of the business cycle on the Public Sector Borrowing Requirement.⁶⁴⁷ Equally, Lawson defended his tight financial policies aimed at reducing inflation against criticism from the Treasury Committee. Lawson's ire was directed particularly at the academic specialist advisers who were a feature of the work of the General Sub-Committee before 1979, but whose numbers expanded considerably after the establishment of the new Committee.⁶⁴⁸ Lawson has especially harsh words for the Committee's argument in 1981 that the effect on employment of anti-inflation measures could be quantified, attacking the 'mechanistic do-it-yourself formulae' the Committee applied. The culprits were seen by Lawson as 'Eastern seaboard academics in the United States' - no doubt influential with the specialist advisers to the Treasury Committee. This dispute has to be seen in the context of the statement signed, also in 1981, by 364 leading economists attacking the Thatcher government's policies.⁶⁴⁹ Lawson's comment is that the statement's timing was 'exquisite' because from around the time it was published the economy began a 'prolonged phase of vigorous growth' - thus undermining, in his view, the arguments of the experts.

These rare demonstrations of Cabinet anxiety reveal the lack of confidence of a government still not sure that its economic strategy would work either financially or

647 Nigel Lawson, *The View from No.11*, p.71

648 Ibid., p.101. Lawson made no secret of his irritation at the numbers of advisers available to the TCSC; when Peter Hordern observed in the House in May 1980 that there were three TCSC economists, 'all of whom have contrasting opinions', Lawson immediately interjected, 'There are five'. Hansard, *HCD*, col.1673, 1 May 1980

649 Nigel Lawson, *The View from No.11*, pp. 97-8

electorally, and they also demonstrate the scope for select committees to play a role in the debate. With its five (admittedly part-time) economists, the TCSC could certainly deploy specialist intellectual firepower on a scale not open to other committees, but it may have been the headline-grabbing potential of committees that Howe, Lawson and the others in the Treasury feared more than their substantive policy impact. It was possible, with select committees, for governments to consider they had won the intellectual argument while losing the political battle.

But the committees did not always have the media whip hand. The TCSC report was highly sceptical about the assumptions for economic growth and control of the money supply contained in the Budget. However, its impact was weakened by muddled presentation, with *The Times* noting the large numbers of Conservative Committee members ‘queuing to challenge the report’ at a chaotic Committee press conference and the Chairman, Edward du Cann, facing a ‘storm’.⁶⁵⁰ The *Guardian* was kinder to the report⁶⁵¹ but in general Ministers had nothing much to worry about from its conclusions. Indeed it is clear that the prominent media profile of the new committees was not an unmixed blessing for the system; quite a high proportion of the post-1979 media articles concerned the problems encountered by committees in achieving consensus and thereby maintaining their credibility.⁶⁵²

The political significance of committees was again demonstrated by Lawson’s actions, as Energy Secretary, in relation to an Energy Select Committee inquiry into North Sea

650 *The Times*, ‘Mr Du Cann walks into a storm on Budget report’, 9 April 1981

651 *The Guardian*, ‘MPs rule out early recovery’, 9 April 1981

652 An example from the same month as the Treasury Committee debacle was the difficulty reportedly being experienced by the Environment Committee as it tried to agree a report on council house sales: *The Guardian*, ‘Feuding on Select Committee may scotch report’, 16 April 1981

oil in 1981 and 1982. Lawson notes that he went ‘to considerable lengths to cultivate’ the Conservative members of the Committee, to ensure that they rejected the idea that North Sea oil extraction should be deferred.⁶⁵³ His cultivation was successful, the Committee’s report giving the notion short shrift. But it would be wrong to conclude that this episode demonstrates that 1980s committees were acquiring an influence with Ministers which had never been available to predecessor committees; the example of the 1972 ministerial discussions with the Chairman of the Science and Technology Committee about its inquiry into research and development shows that ‘cultivation’ was nothing new.

Particular problems arose from publication during the 1983 General Election campaign of a draft Treasury Committee report which was seen (and described by the Labour Opposition) as highly critical of government policy.⁶⁵⁴ The fact that the Treasury Committee Chairman was Edward Du Cann, who was also Chairman of the ‘1922’ Committee of Conservative backbenchers, baffled Howe, who said that ‘du Cann’s performance has remained hard to understand or explain’.⁶⁵⁵ The political impact of the 1980s Treasury Committee on both Lawson and Howe was clear: for example the index to Lawson’s autobiography contains 13 references to the Committee, and some of the passages are quite extensive, and acid in tone.⁶⁵⁶ It is interesting then to compare that with the absence of the Expenditure Committee from the index of the autobiography of his 1970s predecessor, Denis Healey.⁶⁵⁷ By this crude measure, the increased exposure of Ministers to the post-1979 Treasury

653 Nigel Lawson, *The View from No.11*, p. 187

654 Geoffrey Howe, *Conflict of Loyalty*, (London: Pan, 1995), pp. 261, 291

655 Ibid. It was no surprise that the Labour Member Bryan Gould later said that he was ‘delighted’ at the publication of the report: Hansard, *HCD*, col. 620, 29 June 1983

656 Nigel Lawson, *The View from No.11*, p.71, pp.301-02, pp. 562-63

657 Denis Healey, *The Time of My Life* (London: Penguin, 1990)

committee did have an effect on their thinking, or at least on their mood. It might also be that Lawson, a former journalist, was particularly sensitive to the media attractiveness of the new committee, as well as its ability to employ some of the academic critics of government policy. The informal but unbiddable power of publicity was perhaps more important than the formal but now largely theoretical power of the purse.⁶⁵⁸

Nevertheless, it is hard to discern much actual select committee influence on the direction of economic and indeed industrial policy during the 1980s. Andrew Likierman of London Business School, himself an adviser to the Treasury Committee in the early 1980s, said in 1988 that: ‘the reports of the Treasury and Civil Service Committee have provided good material for major economic debates, but the government has shown little inclination to respond to the committee's major policy suggestions. To have done so would have been to acknowledge failures in the central part of the government's economic strategy’.⁶⁵⁹ The Treasury Committee sometimes came to conclusions that were very much at odds with the government's view, but realism usually characterised the approach of the select committees covering economic and financial issues - a fact noted by several of Drewry's monitors. For instance, at a time when British industry was losing a considerable proportion of its output, the Industry and Trade Committee during the 1979-83 Parliament:

deliberately avoided investigating the central policy questions of its associated departments such as those surrounding government industrial strategy, competition policy, protectionism, and so on. Rather than attempting theoretically-based analysis in such areas, the Committee believed

658 One member of the Public Accounts Committee, Barry Jones, noted at the time that whereas before Christmas 1979 the PAC was ‘frequently broadcast’, the coming of the new committees had diverted media attention away. There ‘was not even standing room’ at a recent TCSC hearing with the Chancellor. Hansard, *HCD*, col.1670, 1 May 1980

659 Andrew Likierman, ‘Information on Expenditure for Parliament: An overview and future directions’, *Parliamentary Affairs*, 41/3 (1988), p. 369

it could be more effective by examining particular industries or practical policy concerns'.⁶⁶⁰

In the early 1980s John Golding's realism also led him, as Chairman of the Employment Committee, to avoid confrontation with government; he accepted that select committees 'should not see themselves as alternative centres of policy-making'.⁶⁶¹ About the Energy Committee of the 1980s it was said that: 'Evidence of an overt and direct effect upon policy-making is difficult to come by. Four of the Committee's reports elicited specific responses during the [1979-83] Parliament, though most of these tended to be rather bland and negative.'⁶⁶² Given that these key areas of economic policy were so controversial during Thatcher's premiership, it is notable that, with occasional exceptions such as the TCSC report during the 1983 Election, there was no real challenge to the direction of policy, and no substantial changes appear to have been made to the government's approach as a result of select committee recommendations.

The Falklands Conflict: Committees 'going off at half-cock'?

This section assesses the response of the select committee system to the 1982 Argentine invasion of the Falkland Islands and their retaking by a British Task Force. The conflict, caused by a long-standing dispute about sovereignty over the Islands, was a crucial event for the Thatcher premiership, military victory establishing her as

660 J.M. Lee and Donald Shell in Drewry, *The New Select Committees*, 1989, pp.217-18

661 John Golding, 'The Chairman's View-2' in Dermot Englefield (ed.), *Commons Select Committees: Catalysts for Progress?*, p.29

662 Martin Burch in Drewry, *The New Select Committees*, 1989, p.138

the dominant political force for the rest of the decade. But the initial inattention of government, especially the Foreign and Commonwealth Office, to the possibility of invasion attracted considerable criticism and calls for a variety of inquiries. Hugo Young described the affair as ‘arguably the most disastrous lapse by any British government since 1945’.⁶⁶³ The Falklands was a test for the government, but it was also to be a test for the new committee system.

The invasion took place on 2 April 1982. On 5 April, 1982, the Foreign Affairs Committee (FAC) resolved to ‘undertake, at an appropriate time, an inquiry into the events that led up to the invasion of the Falkland Islands and matters related thereto’.⁶⁶⁴ But the appropriate time was a long way away. A Commons Chamber debate on 7 April 1982 heard sceptical comments from Labour’s George Cunningham about the ability of the FAC to tackle such matters with discretion. Cunningham said that:

The investigation should be conducted by a Committee of the House, but a small Committee specially created for its very special and demanding purpose. It should be composed of senior Members who have held senior office in relevant posts ... Let us not mince words. I do not want highly sensitive material to be going to the Select Committee on Foreign Affairs’.⁶⁶⁵

Meanwhile the government was moving to establish its own inquiry, and after consulting with the leaders of the opposition parties the Prime Minister announced on 6 July the appointment of a Committee of Privy Councillors ‘To review the way in which the responsibilities of Government in relation to the Falkland Islands and their dependencies were discharged in the period leading up to the Argentine invasion of

663 Hugo Young, *One of Us*, p.258

664 *Minutes of the proceedings* of the Foreign Affairs Committee, Session 1981-82, 533, p.xiii

665 Hansard, *HCD*, col. 998, 7 April 1982

the Falkland Islands on 2 April 1982'.⁶⁶⁶ The Inquiry was to be chaired by Lord Franks, a former Ambassador to the United States and Provost of Worcester College, Oxford, and its members included three other members of the House of Lords, Sir Patrick Nairne, who was a retired Permanent Secretary and a solitary MP, the former Labour Home Secretary Merlyn Rees. The Commons therefore was very much a junior partner in the inquiry, with the FAC nowhere to be seen.

Two days later, on 8 July, a member of the FAC, Labour's George Foulkes, criticised in the House the composition of the Franks Inquiry panel as being likely to take the side of the 'Establishment', and commented on the response to the issue from the Chairmen of his Committee (Sir Anthony Kershaw, Conservative) and of the Defence Committee (Sir Timothy Kitson, Conservative). Foulkes acknowledged the FAC's decision to inquire 'at an appropriate time', but said he was surprised that:

the Chairman of the Foreign Affairs Select Committee and the Chairman of the Defence Select Committee are not arguing that their Committees, which they chair with great distinction and experience, should deal with the matter ... In the United States, a Senate Foreign Relations Committee would be dealing with the issue in public with the Executive appearing before it. We would be all the better for that.⁶⁶⁷

But Foulkes's call for public hearings by the two select committees received no support from his FAC colleague Anthony Grant, a Conservative. Summarising what some Members perceived as the shortcomings of the new system, Grant said that 'the Falklands inquiry, composed as it is of Privy Councillors - whether one likes it or not - will have access to material that would not be available to our Select Committee ...

666 Hansard, *HCD*, col. 51W, 6 July 1982

667 Hansard, *HCD*, col. 492, 8 July 1982

any inquiry by the Select Committee would inevitably go off at half-cock and would be much more second rate than what is proposed'.⁶⁶⁸

Foulkes responded to this by saying that he had consulted the clerk to the Foreign Affairs Committee who had confirmed that 'special arrangements have been made in the past for both the Defence and Foreign Affairs Select Committees to see and to read privileged, confidential and, in some cases, even more highly classified information as part of their exercise'.⁶⁶⁹ Foulkes was pointing out that the FAC did not lack the powers or procedure to do the job. Although the constitutional role of Commons committees was very limited compared with that of their Capitol Hill cousins, there was nothing to prevent an inquiry - apart from the absence of political will. Party allegiances here trumped commitment to scrutiny. The case for a select committee inquiry had in fact already been damaged by the intervention in the debate of Roy Jenkins, Leader of the Social Democratic Party, who raised the ghost of the 1913 'Marconi' select committee, which, he said, had 'by sheer partisanship, devalued the whole concept of Select Committees'.⁶⁷⁰ Apart from Foulkes, very few other speakers in the debate mentioned select committees. The long-established suspicion of such committees as vehicles for scrutinising scandal and failure was still firmly in place, despite all the hopes invested in the new system.

Nevertheless, there were Falklands-related inquiries by both the Foreign Affairs Committee and the Defence Committee. The FAC started taking evidence on its Falklands inquiry on 10 November 1982, more than seven months after the invasion,

668 Ibid.

669 Ibid.,cols.492-93

670 Ibid.,col. 487

and there was no public evidence session with a Minister until 21 February 1983, when Cranley Onslow, the FCO Minister of State, appeared.⁶⁷¹ That was nearly a year after the invasion. This was part of a thorough programme of evidence-taking which took the Committee to the Falklands and New York, but the FAC were not able to agree a report before the House was dissolved on 9 May 1983. *The Guardian* ran an article on 19 May 1983, in the middle of the General Election campaign, which claimed that, just before dissolution, the FAC had been ‘approaching a consensus in favour of some sort of leaseback arrangement with Argentina’ for the Islands (which would probably have seen sovereignty over the islands ceded to Argentina with Britain leasing them back, either without a time limit or for a limited number of years). But three Conservatives were said to have adopted ‘filibustering’ tactics and the attempt to produce a report was abandoned.⁶⁷² This account would almost certainly have been prompted by briefing from frustrated Labour MPs, but there is no reason to doubt that it is broadly accurate; in the end, no Report appeared at the time, although there was a substantial leak of the contents of highly critical sections of a draft report during the Election campaign.⁶⁷³ Consensus appeared dead in this part of the new departmental committee system at least.

There was a delay in the appointment of the new FAC after the General Election of 9 June 1983, but the new Committee took more evidence before finally producing its Report in December 1984, over two-and-a-half years after the invasion of the

671 Foreign Affairs Committee, Minutes of Evidence, Session 1982-83, 21 February 1983. HC31-xiv

672 *The Guardian*, ‘Critical Falklands report “blocked”’, 19 May 1983

673 *The Guardian*, ‘Falklands policy “offers no future”’, 27 May 1983

Falklands.⁶⁷⁴ The FAC were not able to come to a conclusion on the main diplomatic point at issue - the validity of the rival claims to the Islands by Britain and Argentina. However, the Committee concluded that the invasion had 'seriously weakened' the strength of Argentina's claim and that the UK government's opposition to any talks with Argentina about the sovereignty of the Islands was 'no doubt prudent in the present situation'.⁶⁷⁵ At senior ministerial level, the impact of the report was minimal. The relevant Cabinet note was just six lines long and recorded the assessment of Baroness Young, Minister of State at the FCO, that the report 'was not an entirely helpful document but could have been worse'. The Foreign Secretary, Sir Geoffrey Howe, was absent. No other Minister appears to have made any remark. At such a distance from the events of the spring of 1982, Cabinet interest in the views of the Select Committee was non-existent.⁶⁷⁶

Some media coverage judged that the Committee had come up with fairly bland conclusions. *The Guardian* claimed that the FAC had 'ducked the issue of whether Britain or Argentina has the strongest legal claim to the Islands'.⁶⁷⁷ However, though the Report bore 'all the hallmarks of a compromise between the Tory and Labour members ... it offers little comfort to Mrs Thatcher' because the FAC judged that 'some sort of accommodation with Argentina is not only inevitable ... but also desirable'. *The Guardian's* editorial of the same day, headed 'Oh fudge our help in ages past', criticised the Report's alleged inconsistencies, calling it 'a ludicrous exercise in schizophrenia' and full of 'supreme illogic'. The Committee was said by the editorial to 'lack the spunk (or suicidal impulse) to reach plain conclusions'. *The*

674 Fifth report from the Foreign Affairs Committee, Session 1983-84, *Falkland Islands* (268)

675 *Ibid.*, p.lxi

676 TNA, CAB 128/79/18, 'Conclusions of a Meeting of the Cabinet' Thursday 13 December 1984, p.4

677 *The Guardian*, 'MPs urge positive Falklands line', 13 December 1984

Times ran a straightforward descriptive article on the Report⁶⁷⁸ but there was no editorial comment in that paper. Other papers such as the *Financial Times* made no mention of the Report at all. In terms of media coverage, this was not the FAC's finest hour.

In March 1985 the Commons, in an evening adjournment debate, considered the Report and the government's White Paper which was its response.⁶⁷⁹ The Foreign Secretary, Sir Geoffrey Howe, welcomed the bulk of the Report, telling the House that it was:

encouraging that the Select Committee has taken the same view as the Government on so many of the subjects about which I have been speaking. The Committee's support fortifies us in our resolve both to fulfil our commitments to the islanders and to persevere in the search for better relations with Argentina.⁶⁸⁰

The debate lasted less than three hours and, of the 13 backbench speakers, five were current members of the Committee. As the debate took place late on a Thursday, by which time, in the normal way of things, some Members may have departed for their constituencies, the poor turnout was hardly surprising. There were no protests at this scheduling. At the end of the debate there was no vote of any sort. Press coverage, as usual with evening debates, was very modest.⁶⁸¹

But by this time public and media interest in the bigger geopolitical and strategic issues associated with the Falklands had in any case faded, to be replaced in some quarters by a fascination with the sinking during the Falklands conflict of the Argentine

678 *The Times*, 'Commons inquiry sheds doubt on Britain's legal claim to Falklands', 13 December 1984

679 Hansard, *HCD*, cols.492-530, 14 March 1985

680 *Ibid.*, col.499

681 *The Guardian*, 'Sovereignty stand on Falklands "could cause rift with allies"', 16 March 1985; *The Times*, 'Search for Constructive Response', 15 March 1985; *The Times*, 'Falklands: now for normality' 16 March 1985

warship *General Belgrano*. The ship was said to have been sailing away from the warzone at the time of its sinking, an allegation which raised questions about the conduct of the conflict by Britain. In the same month that its tardy and rather tame Report on the key Falklands issues was neglected or derided by much of the media, the FAC held a series of high-profile hearings about the *Belgrano* incident. Documents provided by Tam Dalyell, a Labour Member (although not, significantly, a member of the FAC) who doggedly pursued the issue of the *Belgrano* over many years, prompted the Committee to take evidence from some of the main figures involved. Some of these sessions were broadcast live. Press comment about the hearings showed the level of interest in the case, for instance when John Nott, who had been Defence Secretary at the time, publicly disagreed with the account of Lord Lewin, then Chief of Defence Staff, about the rules of engagement that applied at the time.⁶⁸² When Lewin admitted to giving misleading information to the Committee about the incident, interest was further encouraged.

The frustrations of some select committee members are exemplified by the account of the long-standing Labour MP and former Nationalised Industries Committee Chairman Ian Mikardo, who joined the FAC in 1983, ‘specifically in order to try to persuade that Committee to carry out an in-depth investigation into the Falklands affair’.⁶⁸³ Mikardo describes the way he convinced the Conservative-majority Committee to inquire into the *General Belgrano* sinking. But, according to Mikardo, the inquiry was ‘hampered by the fact that the government were engaged in a cover-up of the false information and the no-information which they had given to the House’

682 *The Guardian*, ‘Nott denies peace hopes dead days before Belgrano sinking’, 6 December, 1984; *The Times*, ‘Nott dismisses accusations on Belgrano sinking’, 6 December 1984; *The Times*, ‘Belgrano delay for defence chief’, 17 January 1985

683 Ian Mikardo, *Backbencher*, p.206

around the time of the sinking. Eventually, the report was issued, according to Mikardo, heavily influenced by the Conservative members, 'owing something to the spotlight of investigation and a lot to the manipulation of a whitewash-brush'.⁶⁸⁴ The Labour members 'realised that the only way in which we could project our analysis of events would be to write a complete report, a minority report, of our own'. The Labour draft report, detailing what Labour members claimed were the 'untrue' statements made by Ministers, was voted down, but published in the final record of proceedings.⁶⁸⁵ Press comment was mixed at best.⁶⁸⁶ *The Guardian* editorial concluded that 'Because Foreign Affairs MPs split on party lines, their contribution to the pantheon of Belgranobilia doesn't help anybody much', while *The Times* believed that, despite the dissent expressed by the Labour minority, the thoroughness of the Committee's inquiry and its failure to find any serious errors or grave deceptions by Ministers should lead to the affair being 'left to the peace of the deep'. Overall, though, a select committee that cannot produce an agreed report must lose credibility and authority.

The Falklands case demonstrates well that it was not always, and perhaps not often, the policy influence of a committee that constituted its chief political importance. While the FAC's main Falklands Report of 1984, the product of lengthy consideration over more than two years, received hardly any serious notice, and was in fact the target of some derision, its hurriedly-arranged *Belgrano* hearings hit the headlines and some at least felt that the evidence sessions offered a kind of closure in a case that was seen

684 Ibid., p.208

685 Third report from the Foreign Affairs Committee, Session 1984-85, *Events surrounding the Weekend of 1-2 May 1982* (11)

686 *The Guardian*, 'MPs to issue two reports on Belgrano', 22 July 1985; *The Guardian*, 'Belgrano's sinking splits MPs', 25 July 1985; *The Guardian*, 'Aspects of incompetence' 25 July 1985; *The Times*, 'Reports clash on Belgrano sinking', 25 July 1985; *The Times*, 'Deep Waters Run Dry', 25 July 1985

by some as illustrating the flaws in Mrs Thatcher's approach to decision-making. The hearings focussed public attention on Parliament at a time when the Opposition was having difficulty making an impact on an increasingly confident government. Select committees could in this way offer an alternative and cross-party challenge to executive dominance, even when the events under scrutiny were in the fairly distant past. But the ability of the Committee to agree its own way forward was cast into some doubt by the failure to agree a single report on the Falklands. It is significant that the *Belgrano* hearings were prompted not by FAC members but by another backbencher blessed with unlimited persistence.

The Defence Committee adopted a more focussed approach and was able to move more quickly on Falklands issues. By the end of July 1982 it had started taking oral evidence on its inquiry into 'The Handling of Press and Public Information during the Falklands Conflict', a subject about which there had been severe criticism from journalists and others frustrated by the unwillingness of the Ministry of Defence to take the media into its confidence. The report was published in December, just as the FAC began to take evidence on its own Falklands inquiry.⁶⁸⁷ The Committee concluded that 'the basic goals of information policy during war time were met' but criticised vetting of articles by the military as 'inconsistent' and attacked failures of communication between Downing Street and the MoD. The media reaction was generally positive.⁶⁸⁸ *The Guardian* said that the Committee had done 'tolerably enough' in 'measuring and weighing some extraordinary grey areas' in the complex

687 First Report from the Defence Committee, Session 1982-83, *The Handling of Press and Public Information during the Falklands Conflict* (17)

688 *The Guardian*, 'Ministry "right to mislead media in Falklands war"' 17 December, 1982; *The Guardian*, 'Blue sky and a grey area' 17 December, 1982; *The Financial Times*, 'Falklands Censorship "Acceptable"' 17 December, 1982; *The Times*, 'Truth The Survivor', 17 December, 1982.

relationship between the media and the military. *The Times* found the Committee's recommendations for controlling the flow of information in future conflicts 'sensible' and supported its judgements on a number of issues. The Ministry of Defence responded fairly quickly and positively to the detailed recommendations of the Committee, publishing its Observations in March 1983.⁶⁸⁹ Thus the Committee had gained the agreement of some of the main media and the Ministry within a few months. It had been a competent exercise in the creation of consensus where before there had been a fair amount of disagreement.

The Defence Committee also considered *The Future Defence of the Falkland Islands* in another rapid inquiry. A report was agreed on 12 May 1983, the day before Parliament was dissolved, but it did not see the light of day until the middle of June, just after the re-election of the Conservatives. The report took a broad strategic view of the commitments to the Falklands at a time when the Cold War was continuing and the country's other responsibilities were manifold. On a key point, it concluded 'It is important that the commitment in the South Atlantic does not indefinitely absorb an unduly large part of scarce defence resources' and confessed that:

Had the decision as to the future defence of the Islands rested with us, we would have had the difficult task of reconciling the vast sums of money planned to be spent there with the restraints on expenditure applied elsewhere within the defence budget to meet equally important political obligations.⁶⁹⁰

Media reporting was not extensive, with *The Guardian* grateful for the information gleaned by the Committee about the substantial cost of the Falklands garrison, but *The*

689 Ministry of Defence. The handling of press and public information during the Falklands conflict. *Observations* presented by the Secretary of State for Defence on the first report from the Defence Committee, 1983, Cmnd 8820

690 Third Report from the Defence Committee, Session 1982-83, *The Future Defence of the Falkland Islands*, (154), pp. iv and vi

Times apparently less concerned about the spending.⁶⁹¹ The fact that the Chairman of the Committee, Sir Timothy Kitson, had retired at the Election no doubt helped to lower the temperature and suppress media interest. The government responded in October 1983, saying that ‘Forces deployed to the South Atlantic remain committed to NATO’ while accepting that distance was a constraint on the speed of deployment.⁶⁹² The MoD had clearly taken the Committee seriously and addressed its arguments, although the Ministry’s response was constrained by the political necessity (reinforced by Thatcher’s recent re-election) of maintaining a substantial garrison on the Islands to deter possible Argentine attacks. This was clearly a well-informed and well-considered report, but it had virtually no political influence or impact. The stakes were simply too high for a select committee to change or even modify the course of policy.

The Falklands episode demonstrated that the new committees suffered the same sort of frustrations as the pre-1979 vintage, but also that Members continued to be adept at employing procedural devices to make their point against government. Contentious subjects, however, also continued to carry the risk of undermining the unity and therefore weakening the credibility of committees. A failure to agree a report, or the production and publication in the minutes of the Committee of what was in effect a substantial ‘minority report’ (although that is not a term countenanced by the House) could reveal divisions, harm a committee’s reputation and distract a committee from less controversial but possibly more influential work. The new committees were trying

691 *The Guardian*, ‘Falklands drain on NATO’, 15 June 1983

692 Ministry of Defence. The future defence of the Falkland Islands. *Observations* presented by the Secretary of State for Defence on the third report from the Defence Committee, 1983, Cmnd 9070

to carry out the bigger policy tasks which were their responsibilities, but in many ways they continued to be as vulnerable to problems and frustrations as the old ones.

The responses to the issues raised by the Falklands differed noticeably between the two committees. Foreign Affairs tried to take a broad view of the issue, in line with its clear responsibilities as one of the most distinctively policy-oriented of the new committees. The evidence suggests that the Foreign Affairs Committee struggled at times to adjust to this broad and demanding remit. Unlike some other post-1979 departmental committees (including the Defence Committee), it could call on few recent precedents or guidelines for some of its inquiries. The sort of major diplomatic and strategic issues raised by the Falklands affair had rarely been addressed before by the House, or at least not in such detail. This was to some extent new territory for MPs and the evidence of the Falklands inquiries suggests that they were not completely at home there. On the other hand, the Defence Committee took the pragmatic route on the Falklands, looking back to examine the controversial media handling of the conflict by the Ministry of Defence and looking forward to assess the future defence needs of the Islands. In terms of credible reporting and recommendations, and political and media impact, the Defence Committee probably got it right. Direct influence on policy was another matter entirely.

Gas privatisation

This section looks at how the select committee system dealt with gas privatisation. Privatisation of nationalised industries became, after 1982, one of the hallmarks of the Thatcher premiership. Hundreds of thousands of jobs were moved from the public sector to the private sector during the decade, with companies such as British Telecom, British Petroleum, Enterprise Oil and Jaguar among the subjects of privatisation. In

some ways this could be seen as a diminution of Parliament's power of the purse, as many billions of pounds in economic activity was moved out of the scope of the House's control. Change on this scale had inevitable constitutional significance. To what extent did the new select committees monitor this highly significant development at the time, and did they have any influence on the formulation of the policy?

In one sense, the broad political debate on public and private ownership was impoverished by the 1979 reforms, with the Nationalised Industries Committee a casualty of the changes. The intention of the 1978 Procedure Committee had, however, been to preserve the work of the Nationalised Industries Committee, whose functions, it suggested, should in future 'be undertaken by the appropriate departmentally-related committees; in the case of the nationalised industries, common problems should be considered by a joint sub-committee representing the select committees most directly concerned with the industries'.⁶⁹³ The Nationalised Industries Committee was duly abolished, but little happened to replace it; no joint sub-committee was ever established and in 1983 the Liaison Committee recommended that the power to do so itself be abolished.⁶⁹⁴ The attempt of the 1978 Procedure Committee to maintain co-ordinated scrutiny of nationalised industries was therefore unsuccessful. One significant result was that the work of one of the best-regarded of the pre-1979 committees came to an end without adequate replacement. More important is the fact that, instead of having machinery already in place to subject the government's privatisation philosophy and policy direction to rigorous analysis, the select committee system had to respond in haste to proposals as they came up. Another

693 Procedure Committee 1978, Vol. I, p. cxxv

694 First Report from the Liaison Committee, Session 1982-83, *The Select Committee System* (92), p.16

important point is timing; privatisations were not a major feature of the 1979-83 Parliament, but they came thick and fast after 1983. From then on, the select committee system appears to have had difficulty keeping up.

A significant measure of gas privatisation had already occurred in the early 1980s, with the privatisation of Wytch Farm in Dorset, the largest inshore gas field in Western Europe. In the summer of 1981 the government announced its intention to oblige the nationalised British Gas Corporation (BGC) to dispose of its interest in Wytch Farm. BGC was opposed to the sale of a very profitable asset, a spokesman saying: 'We are bitterly disappointed. The reward for initiative, enterprise, hard work and success is to be told to "sell off"'.⁶⁹⁵ The sale was seen by many commentators as a test case for the government's privatisation policies, which were then much less ambitious than they became later in the decade.⁶⁹⁶ Nevertheless a Directive for sale under the relevant Act was approved by Parliament in July 1981, and came into force on 13 October 1981.

In July of 1981 the Energy Committee had announced that it would seek written evidence on Wytch Farm from the Department of Energy and the Corporation, 'with a possible view to further, oral evidence at a later date'.⁶⁹⁷ Memoranda were provided by BGC and the Department, and published by the Committee in a report agreed in February 1982. Along with the Memoranda, setting out the very differing views of the government and the BGC, the Committee published a one-page report which noted the dispute but made no judgement as to the merits of the sale. The report went on 'As

695 *The Guardian*, 'British Gas is forced to sell oil interest', 27 June 1981

696 *The Guardian*, 'The battle for Wytch Farm could well turn into a monetarists' High Noon', 29 June 1981; *The Times*, 'Labour to fight sale of oilfield', 29 June 1981

697 First Report from the Select Committee on Energy, Session 1981-82, *The Disposal of the British Gas Corporation's Interest in the Wytch Farm Oil-Field*, (138), p. v

... Parliament has already come to a decision on the matter, and because of our other commitments, we do not wish at this stage to go beyond publishing the relevant evidence'. However, the Committee did say that 'we think it right to stress the need to ensure that the sale produces the maximum return for the nation'.⁶⁹⁸ The Committee's 'other commitments' included a major inquiry into the key contemporary issue of North Sea oil depletion policy, so it would not be right to be too critical of its response on Wytch Farm, but it is hard to avoid noticing that the report was published late in the process and added very little to public enlightenment. There was little press coverage at the time of the report, and only the occasional minor reference to the Committee in Chamber debates on Wytch Farm in either 1981 or 1982. After a delay, the sale was completed in 1984.

Very soon privatisation was being planned for the whole of BGC. The government announced on 7 May 1985 that it had decided to transfer ownership of BGC to the private sector.⁶⁹⁹ Only two members of the Energy Committee spoke during the Commons announcement - Robert Hayward and Peter Rost, both Conservatives who raised questions of detailed design of the privatisation rather than issues of principle. In July 1985, the Energy Committee, pursuing its earlier broader concerns, published a report which criticised the lack of 'a coherent strategy for the development and depletion of the United Kingdom's gas resources'. The Committee recommended that the government should publish a White Paper to set out a framework for that policy and urged that the coming privatisation proposals for BGC should 'make plain how this national monopoly will be used to ensure the optimal development and use of our

⁶⁹⁸ Ibid.

⁶⁹⁹ Hansard, *HCD*, cols.637-47, 7 May 1985

indigenous gas resources'.⁷⁰⁰ This was a direct question, if not a challenge, to the government. The government failed to rise to the challenge. No such major document was produced until 48 hours before the Second Reading of the relevant Bill on 10 December 1985. In that debate there were only 11 references to the Energy Committee in total, and only four mentions by non-committee members. The Committee had made little impact on gas privatisation up to now.

In a report published in January 1986, the Committee called for stronger regulation of the privatised British Gas than that proposed by the government. The Committee's general view was that 'where there is a monopoly, or the threat of monopoly power, there should be regulation sufficient to provide a proxy for the normal disciplines of competition'.⁷⁰¹ Accordingly, the Committee called on the government to ensure that the new regulator of the gas industry should have powers to scrutinise a wide range of the activities of gas companies and to require greater disclosure of information by companies than would be required in a truly competitive market.⁷⁰² The report was clear: 'Every effort must be made to establish the regulator as independent of commercial or political pressure'.⁷⁰³ The report also discussed process, and in particular the alleged failure of the government to consult the Committee and the House as a whole on the proposal to privatise the gas industry. The report lamented the failure of the government to take up the Committee's recommendation in its July 1985 report that a gas White Paper should be produced: 'there seems no good reason

700 Seventh Report from the Energy Committee, Session 1984-85, *The development and depletion of the United Kingdom's gas resources* (76) pp. lv-lvi

701 First Report from the Energy Committee, Session 1985-86, *Regulation of the gas industry* (15)

702 Ibid., p.xxxiv

703 Ibid., p.xxxv

for omitting this pre-legislative stage'.⁷⁰⁴ The government's response to that report⁷⁰⁵ was criticised by the Committee because 'it evades most of the strategic and long-term issues that the Committee raised'.⁷⁰⁶ Finally in this catalogue of ministerial indifference, there was the fact that 'the meat of the government's regulatory proposals were not made available to the House until ... late on 9 December 1985, less than twenty-four hours before the Second Reading Debate [on the relevant legislation] was published'.⁷⁰⁷ The Report makes clear that the principle of privatisation was not at issue.⁷⁰⁸ Media coverage of the report focussed mainly on the Committee's call for stronger post-privatisation regulation and on the concern of some MPs, including Conservative Members, that the proposals did little to encourage competition.⁷⁰⁹

The government's response, published in March 1986, set out the rationale behind gas privatisation and answered the Committee's points.⁷¹⁰ There were some concessions to the Committee's recommendations, including one on the promotion of competition⁷¹¹ and another on allowing import of gas.⁷¹² However, the government rejected the Committee's key proposal that the regulator should have a duty to promote competition in all the activities of British Gas.⁷¹³ This was a detailed and respectful response to the Committee, but it came very late in the process of privatisation; the government's approach throughout was characterised not by awareness of the

704 Ibid., p.vii

705 *First Special Report* from the Energy Committee, Session 1984-85 (621)

706 Energy Committee, *Regulation of the gas industry*, 1985-86, p.viii

707 Ibid.

708 Ibid., p. ix

709 The Financial Times, 'British Gas Privatisation Plans Sharply Criticised', 20 January 1986; *The Guardian*, 'MPs seek strengthened gas consumer protection' 22 January, 1986; *The Times*, 'MPs want gas monopoly curbs', 22 January 1986

710 Department of Energy, *Regulation of the gas industry*, March 1986, Cmnd 9759

711 Ibid.,p.10

712 Ibid.,p.12

713 Ibid.,p.10

requirements of Parliament but by its determination to privatise gas in the way it wished to, and on a very tight timetable. The Committee's views were one of many considerations, and were not given any particular priority.

But the Committee's members were not quite finished with gas privatisation. It may have been a feeling of being sidelined that inspired the majority of Committee members to combine to put down some amendments to the Bill at Committee Stage. Largely unsuccessful in exercising their role as a Committee influencing policy through the conventional means of inquiry and report, they stuck together to try to exert direct influence in the passage of legislation.⁷¹⁴ The attempt was not successful, but it did show some *esprit de corps* and at least some sense of constitutional innovation.⁷¹⁵ British Gas plc was incorporated as a public limited company shortly afterwards, on 1 April 1986. On 24 August of that year, the property, rights and liabilities of the British Gas Corporation, apart from British Gas 3 percent Guaranteed Stock which was held by the Treasury, were transferred to British Gas plc under the Gas Act 1986.

Parliament, including its select committees, then went silent on the British Gas privatisation, except that the Public Accounts Committee kept under regular review whether value for money was achieved in the share sale, with questions raised on issues concerned with the financial implications of implementation such as the capital structure of the new company, the nature and phasing of share sales, and the

714 *The Guardian*, 'MPs to press for gas sell-off changes', 13 March 1986

715 *The Guardian*, 'Gas Bill dissent', 18 March 1986

underwriting of the share offer.⁷¹⁶ Thus the PAC, its work somewhat expanded by the National Audit Act of 1983 (effectively, to include value-for-money inquiries and not just, as before, purely financial investigations), was just as important in scrutiny of privatisation as the new Energy Committee, if not more so.

Westland

The Westland affair concerned the travails of Britain's only large helicopter manufacturer, which was facing bankruptcy in the mid-1980s. The argument was whether the solution to Westland's problems lay in partnership with an American company (favoured by the Westland Board and supported by Mrs Thatcher and the Trade and Industry Secretary Leon Brittan) or an arrangement with a group of European companies (preferred by the Defence Secretary Michael Heseltine). The affair saw not only dissension between Cabinet Ministers, but also the leaking to the media by a Department of Trade and Industry official of part of a (legally-privileged) letter from the Solicitor-General.

The official Opposition made little impact in the affair. The attack on Thatcher's handling of the affair mounted in the Chamber on 27 January 1986 by the Opposition Leader, Neil Kinnock, was seen as having been a failure.⁷¹⁷ By way of contrast a government amendment passed after an earlier debate on the same issue had put the new committee system centre stage, recognising 'the competence of departmental

716 For example see the Thirty-fourth report from the Committee of Public Accounts. Session 1987-88, *Sale of government shareholdings in British Gas Plc, British Airways Plc, Rolls-Royce Plc and BAA Plc* (211)

717 See Charles Moore, *Margaret Thatcher: The Authorized Biography. Volume Two: Everything She Wants* (London: Allen Lane, 2015), pp. 485-86. Mrs Thatcher later called Kinnock's speech in the 27 January debate 'long-winded and ill-considered'. Margaret Thatcher, *The Downing Street Years* (London: Harper Press, 1993), p. 435

Select Committees of the House of Commons to consider the issues raised by these [Westland] developments'.⁷¹⁸ The robust questioning in oral evidence of Sir Robert Armstrong, now Cabinet Secretary and Head of the Home Civil Service, by Dr John Gilbert of the Defence Committee led to intense public interest.⁷¹⁹ The Defence Committee's inquiry was judged to have been 'a much needed tonic for the select committee system'.⁷²⁰ Hugo Young called the Committee's Fourth Report of that Session 'the best record' of the affair.⁷²¹ It is thus not surprising that the Westland experience was seen by Hennessy as a 'breakthrough' for select committees.⁷²² No fewer than three committees - Trade and Industry, Defence and Treasury and Civil Service - examined different aspects of the affair.⁷²³

The committees' inquiries were varied. The Trade and Industry Committee took evidence during most of 1986 on the sponsoring role of the Department of Trade and Industry on Westland. It concluded that there was a 'lack of co-ordination on matters of major policy formulation between two departments of State' and that it was 'disinclined to attach much credence' to the evidence of one witness, the businessman Alan Bristow, whose conduct before the Committee it described as 'unacceptable'.⁷²⁴ There were also concerns about share dealings in Westland at the time of the affair. But the report came out late in the day, in March 1987, and received limited press

718 Hansard, *HCD*, cols. 1082-1174, 15 January 1986

719 Fourth Report from the Defence Committee, Session 1985-86, *Westland Plc: the Government's decision-making* (519). Hennessy, *Whitehall*, pp. 333, 335 captures the pugilistic mood of the Committee's evidence sessions

720 Gavin Drewry, *Contemporary Record*, Spring 1987, p.18

721 Hugo Young, *One of Us*, p.556

722 Hennessy, *Whitehall*, p. 335

723 Drewry, *The New Select Committees*, 1989, pp. 411-17

724 Second report from the Trade and Industry Committee, Session 1986-87, *Westland plc*, (176), p. x

coverage.⁷²⁵ Though there had been substantial press interest in the evidence sessions, the overall impact of the Trade and Industry Committee on the Westland Affair was limited.

The Defence Committee produced a critical report on the government's handling of the affair in July 1986, but it had had to work without important evidence. In particular it was prevented from taking evidence from named civil servants allegedly involved in the leak of the Solicitor-General's letter. The government's view was that, as Sir Robert Armstrong had carried out his own internal inquiry, an appearance before the Select Committee would amount to double jeopardy. The Committee did not accept that argument, but had to acquiesce in the government's refusal to allow such evidence to be given.⁷²⁶ Gavin Drewry, writing shortly afterwards, observed that the current official guidance for civil servants on giving evidence to select committees - the so-called 'Osmotherly rules' - insisted that officials must be constrained by collective and individual ministerial responsibility.⁷²⁷ That meant effectively that very little could be said to committees about the internal workings of departments. After negotiations between the government and the Committee, Sir Robert Armstrong, who had not been involved directly with many of the events, gave evidence instead of the civil servants closely involved. Armstrong could in no way provide the evidence required for the Committee to carry out a comprehensive forensic examination of the facts. Neither did the publication of the Defence Committee report in late July 1986 make big waves in Downing Street. Thatcher's Press Secretary Bernard Ingham wrote to Nigel Wicks,

725 Generally the papers ran small pieces on the Trade and Industry Committee report in a less-than-prominent position. Examples included *The Times*, 'Clean-Up Demand after Westland', 11 March 1987 and *The Guardian*, 'Ministries attacked over Westland', 11 March 1987

726 Defence Committee, *Westland Plc: the Government's decision-making*, p. lxvi

727 Drewry, *The New Select Committees*, 1989, pp. 388-89. The rules were named after E.C.B.

Osmotherly, a Cabinet Office official who drafted the version circulated to Whitehall in May 1980

her Principal Private Secretary, that when he met the parliamentary journalists on the day of publication for his regular briefing of the 'lobby', there was 'Remarkably little interest' in the report from the small gathering of reporters. Thatcher's biographer Charles Moore judges that, by the time the report came out, 'The heat had gone out of the issue.'⁷²⁸ It was the last day before the House rose for its summer recess, and the beaches beckoned.

The Sub-Committee of the Treasury and Civil Service Committee was inquiring into issues relevant to Westland at the same time as the Trade and Industry and Defence Committees. In particular, it was considering the accountability of civil servants to Parliament. There is an intriguingly detailed account of the way the Sub-Committee inquired into the Civil Service in the mid-1980s from Austin Mitchell, who chaired it at the time. The operation of the Civil Service as an institution was a subject which could not, by definition, properly be investigated by a single departmental committee. For one thing, the Service naturally crossed all departmental boundaries. The basic corporate management of the whole Service was in the 1970s and early 1980s divided between the Treasury and the Civil Service Department (abolished in 1981). In its inquiry the Treasury Committee Sub-Committee was not therefore acting as a departmental committee. And appropriately there had been a previous inquiry, in 1976-77, into the Civil Service, carried out by the General Sub-Committee of the Expenditure Committee.⁷²⁹ The 1985-86 TCSC inquiry was thus not in any essential way a product of the 1979 reforms.

728 Charles Moore, *Margaret Thatcher : The Authorized Biography: Volume Two*, p. 489.

Ingham does not mention this Defence Committee inquiry in his lengthy account of the affair. *Kill the Messenger* (London: HarperCollins, 1991), pp. 333-38

729 Expenditure Committee, *The Civil Service*, Session 1976-77

Mitchell recalled that the TCSC Civil Service inquiry ‘began almost accidentally’. Though the three ‘Westland’ committees liaised with each other, the Treasury Committee’s decision to investigate the Service at the time when the Defence Committee raised the issue of civil servants’ accountability to Parliament was a fortunate coincidence rather than anything planned. The Civil Service had played ‘a subordinate role to the [Committee’s] main preoccupation of economics and financial policy’ during the early 1980s. But Mitchell was ‘on the look out for a new enquiry subject in the summer of 1985’. An inquiry into the European Monetary System (EMS) was finishing and a look at the Civil Service was ‘likely to be less political and controversial than an EMS report that had strained committee unity to the maximum’. It was a topical subject because of ‘Ponting, GCHQ and the government’s own attitude to the Civil Service’.⁷³⁰ Nevertheless the subject did not arouse strong party political dissension like economic issues, the core of what made Thatcher’s policies controversial, and this made Civil Service matters ‘non-controversial enough for a pre-election study’.⁷³¹ Mitchell said that both Conservatives and Labour wanted an effective Civil Service. Eventually, in the summer of 1985, it was decided that the Sub-Committee should inquire into the Armstrong Memorandum setting out the duties and responsibilities of civil servants, and into the manpower requirements of the Service. The first witness, in November 1985, was Sir Robert Armstrong himself. There were two TCSC reports which challenged the government’s view that officials could only give very limited evidence to select committees, as they represented their

730 Mitchell, ‘Inside the Commons Treasury Committee’, p.469. Clive Ponting was a senior civil servant in the Ministry of Defence who sent to Tam Dalyell MP two official documents about the sinking by a British naval vessel of the Argentine warship General Belgrano. Ponting was unsuccessfully prosecuted under the Official Secrets Act and resigned from the Civil Service in February 1985. In 1984 the Government banned civil servants at the Government Communications Headquarters from joining a trades union.

731 Ibid., p.470

Ministers. But the government responded very negatively. One thing emerges straight away from the TCSC inquiry; the processes of inquiry selection had not been changed by the advent of the new departmental system; in many cases, the work programmes of committees in the 1980s, as before, owed more to the vagaries of political fashion and management of Members' demands than to any overarching plan or strategy.

We have already noted the very limited effect of the Defence Committee report on the work of the Number Ten press office. The impact of the Westland affair on the business of Cabinet, at first catastrophic, ended up being just as modest. The Cabinet Conclusions naturally have a long passage on the Cabinet meeting of 9 January 1986, which saw the resignation of Michael Heseltine amid considerable rancour.⁷³² But there was no substantial mention of Westland in the Cabinet Conclusions after that, despite the high public profile in the spring of 1986. This may say more about Mrs Thatcher's way of running her Cabinet than it does about the political salience of the Westland affair, but it is well worth noting. As we saw in Chapter Five, the Cabinet's insouciance over Westland was part of a more general 1980s trend.

How important was Westland in the development of the select committee system? There is no doubt that the affair brought select committee inquiry into the heart of government and its processes in a way that had not happened for many years. The forensic quality of some of the questioning and the clarity of the Defence Committee report were widely recognised. The Committee had stood up to the most dominating Prime Minister of the era and had won some important battles, not least for the public's attention. The report, and to a limited extent the work of the Treasury and Civil

732 TNA, CAB 128/83/1, 'Conclusions of a Meeting of the Cabinet' 9 January 1986, pp.1- 6

Service Committee, showed that a select committee could acquire constitutional weight as an investigating body. Oliver and Austin concluded at the time that the Defence Committee inquiry was ‘a humbling experience for the government and the Committee was certainly more searching than the full House was or could have been ... The new system of select committees is beginning to show its actual and potential worth’.⁷³³ Peter Hennessy records the revived media and parliamentary interest in the Westland fallout in the autumn of 1986, when the government attempted to, as Hennessy put it, ‘remove civil servants from beyond the reach of the select committees’, arguing in its response to the Defence Committee report that such committees were not suitable forums for ‘inquiring into or passing judgement upon’ their actions or conduct. This contention sparked ‘outrage’ in the House, and that was not confined to the opposition benches.⁷³⁴ The Westland affair also showed that some of the 1979 committees could collaborate to pursue different but complementary inquiries. The Defence Committee report records that it had been ‘careful to keep in close touch’ with the Trade and Industry Committee and with the Treasury and Civil Service Committee.⁷³⁵

All this certainly raised the profile of select committees, but this impact needs to be set in context. As we have seen, the highly public furore over the attendance of significant witnesses had been foreshadowed ten years before in the Chrysler/Lever affair. Indeed, the continuity between the 1970s and 1980s is further underlined by the fact that the clerk of the Defence Committee at the time of Westland, Robert Rogers, had also been the clerk of the Trade and Industry Sub-Committee of Expenditure at

733 Dawn Oliver and Rodney Austin, ‘Political and Constitutional Aspects of the Westland Affair,’ *Parliamentary Affairs*, 40/1 (1987), p.36

734 Peter Hennessy, *Whitehall*, pp. 333-35

735 Defence Committee, Fourth Report 1985-86, p.vi

the time of Chrysler/Lever.⁷³⁶ In addition, select committees possessed no real power to enforce attendance of named witnesses. The government's refusal to allow specific civil servants to appear in the Westland affair, Oliver and Austin concluded, was among the factors that made the role of the Defence Committee, 'rather less penetrating than it might have been'. Similar conclusions were reached by Chris Painter, who suggested that Westland demonstrated the inconsistency of the Thatcher Government's application of constitutional conventions. While the Prime Minister (and Michael Heseltine) breached doctrines of both collective and individual ministerial responsibility in their conduct of the affair, these doctrines were quickly and determinedly deployed to block select committee attempts to question civil servants whose actions were central to their inquiries.⁷³⁷

Ironically but unsurprisingly, the recalcitrant Prime Minister in 1986 was Margaret Thatcher, who as Leader of the Opposition in 1976 had advanced the radical proposition that requests to Ministers to appear before parliamentary Select Committees should be regarded as 'mandatory'.⁷³⁸ The Westland episode suggests that little had changed for select committee powers in ten years. It is clear that committees' scope for inquiry and powers to enforce their access to papers and persons had not essentially improved since Harold Wilson refused to allow Harold Lever to give evidence on Chrysler.⁷³⁹ Drewry concluded in 1987 that the 1979 reform of select

736 Robert Rogers was Clerk of the House of Commons from 2011 to 2014, and was created Baron Lisvane in 2014

737 Chris Painter, 'Thatcherite Radicalism and Institutional Conservatism', *Parliamentary Affairs*, 42/4 (1989) pp 472-73

738 See Chapter Three

739 Of course, the difference between 1975-76 and 1985-86 was that Lever was a Minister, not a civil servant, but the point on the limitations of select committees' powers remains valid. Seventh Report from the Treasury and Civil Service Committee, Session 1985-86, *Civil servants and Ministers: duties and responsibilities* (92)

committees had ‘barely scratched the old constitutional orthodoxies’.⁷⁴⁰ The conflict between select committees and the government on the question of civil servants’ accountability had been sharpened by Westland, but by the end of the decade there appears to have been a clear winner - the government. Peter Hennessy, giving evidence to the 1989-90 Procedure Committee inquiry into select committees, filleted the principles ostensibly followed by government in relation to evidence-giving by civil servants before select committees and concluded that ‘If [government departments] literally stuck to this rule book, they would only be able to tell [select committees] only what was in Written Answers, oral questions, White Papers - and they could confirm the day of the week and the time of day’.⁷⁴¹ It is also interesting to note the involvement of Sir Robert Armstrong in the various aspects of the Westland affair and the related inquiries undertaken at the time by select committees; he had of course been one of the small number of officials who in 1978 had warned of the possible constitutional effects of the new committees.⁷⁴²

As a consequence of the Westland exchanges, the Procedure Committee of 1989-90 was worried that, if it pressed for a change to the conventions on access, the outcome would be rules that ‘whilst superficially less restrictive, would then be applied rigorously and to the letter’.⁷⁴³ A few years later Peter Hennessy judged that on Westland the Defence Committee ‘had the Thatcher administration on the run. Yet, it failed to deliver the final *coup de grace*’.⁷⁴⁴ Tony Wright, who, as chair of two key committees, later played a distinguished part in the development of the system, refused

740 Drewry, *Contemporary Record*, 1987, p.18

741 Procedure Committee 1989-90, p. xxi

742 See Chapter Four

743 Procedure Committee 1989-90, pp. xxxix – xl

744 Peter Hennessy and Frank Smith, *Teething the Watchdogs: Parliament, Government and Accountability* (Glasgow: Strathclyde Papers on Government and Politics, 1992), p.5

to see Westland as a watershed, judging that the Defence Committee inquiry demonstrated rather that 'little could be glimpsed of the basis upon which policies were being made before the door was shut again and business as normal resumed'.⁷⁴⁵ Constitutional understandings were not challenged. The failure of the select committee system to make any impression on this set of rules is testimony to the limited progress made following the Westland confrontations between departments and the committees.⁷⁴⁶

The Westland Affair, by appearing to epitomise the arrogance of a government that had become over-used to exercising power, had made a huge impact on the consciousness of the political class and on the media, yet there was no sustained 'Westland effect' on MPs' participation in the Defence Committee or in the select committee system as a whole. Defence Committee had an 85 percent attendance average in 1985-86, but the General Election Session of 1986-87 saw an average of 73 percent and the average remained at about that level to the end of the decade. By the late 1980s many percentage committee attendances had settled at an average in the low or mid 70s.⁷⁴⁷ This compared with average attendance rates of just under that figure on the equivalent committees in the late 1970s. Effectively the first ten years of the new committees had seen an average attendance increase of less than one member per select committee meeting, compared with that achieved by the unlamented Expenditure Committee and its irrationally-organised sub-committees. These figures

⁷⁴⁵ Wright, *Citizens and Subjects*, p. 47

⁷⁴⁶ For a contemporary discussion of the frustrations suffered by committees see Andrew Gray and William I. Jenkins 'Public Administration and Government', *Parliamentary Affairs*, 40/3 (1987), pp. 301-303. Media coverage emphasised the limitations of select committee powers, eg. *The Times*, 'Civil servants face curbs on evidence after Westland', 14 October 1986

⁷⁴⁷ Michael Jogerst, *Reform in the House of Commons: The Select Committee System* (Lexington: University Press of Kentucky, 1993), p.195

confirm that Westland was not, in terms of its long-term impact on parliamentary scrutiny, quite the seismic event it at first appeared to be.

Permanent secretaries and the new system

The overall verdict of senior Whitehall figures on the first decade of the new departmental committees was mixed. The Treasury Permanent Secretary, Sir Douglas Wass, had expressed his misgivings about the possible results of the new system in 1978, as noted in Chapter Four. But by 1983, when he delivered the BBC Reith Lectures, Wass had begun to take a more relaxed view of the committees in action. He recognised that ‘Whitehall’s instinctive prejudices’ had caused many civil servants ‘including, I regret to say, myself’ to view the notion of departmental committees with concern.⁷⁴⁸ This was because of doubts over breaches of confidentiality and ‘because too we were apprehensive that officials under public examination would become politically exposed’. After three years or so of the departmental system, however, Wass acknowledged that ‘most of these fears have not been realised’.⁷⁴⁹ Civil servants had for instance not been pressed by committees on policy issues which were solely appropriate for Ministers. Good and useful work had been done by the new system, and Ministers and officials had ensured that, faced with the prospect of defending policies before departmental committees, they were ‘rigorous in formulating [their] justification for it’. He had seen this beneficial effect at work in the Treasury as they prepared for policy announcements.

748 Sir Douglas Wass, *Government and the Governed: BBC Reith Lectures 1983* (London: Routledge and Kegan Paul, 1984), p.68

749 Ibid., p.69

However, Wass felt that the actual performance of the new committees in scrutinising government had not been very impressive. The examination of witnesses had been ‘superficial’ and officials had found it too easy to ‘stone-wall’ committees - refusing repeatedly to answer a question. There were signs of inadequate preparation and a tendency for some members to read out, without fully comprehending them, questions drafted by special advisers. Inappropriate behaviour by special advisers included using the committees ‘to assert a purely personal viewpoint, or to elicit information of value to themselves rather than to the committee’.⁷⁵⁰ It is clear from Wass’s remarks that the suspicion of the economists employed as advisers by the Treasury and Civil Service Committee was not confined solely to Ministers.

Sir Frank Cooper, who had been Permanent Secretary at the Ministry of Defence until 1982, said in 1987 that the new committees had produced much more factual information than previously and that ‘we are certainly better off with them than without them’.⁷⁵¹ But Cooper noted that the Public Accounts Committee, where Permanent Secretaries appeared in their own role as Accounting Officers, played a much bigger role in the work of those most senior officials than departmental select committees. Senior reputations have always depended at least partly on performance before the well-briefed PAC. Cooper interestingly suggested that ‘middle-ranking officials quite like to appear in front of select committees, not least because one result is to put more factual information on the table than might otherwise be the case’. The impression is that officials who were leading on a policy sometimes actually enjoyed the chance to explain in public the rationale behind it.⁷⁵² It is also worth pointing out,

⁷⁵⁰ Ibid.,p.71

⁷⁵¹ Ibid.,p.17

⁷⁵² *Contemporary Record*, Spring 1987, p. 18

however, that there had been many select committee appearances by civil servants in the 1960s and the 1970s. Again, the somewhat expanded post-1979 system is clearly revealed as an evolutionary step rather than a radical leap. Whitehall, from Permanent Secretaries to junior liaison officers, therefore found the challenges posed by the new select committee relatively easy to overcome.

Conclusion

Select committees had a number of policy successes during the 1980s. These included the change to the 'sus' law, influence on the patriation of the Canadian constitution and important work on the Representation of the People Acts. The Westland Affair of 1985-86 showed that committees could be effective forensic inquirers (thus contradicting the venerable post-Marconi assumption that select committees should not examine cases of failure and scandal). Expectations of the committees were raised during the 1980s and it is clear that committees were rather more likely to take on large and controversial topics than their 1970s predecessors.

Yet, as Russell and Benton and others have recognised, the implementation of select committee recommendations can be a complicated process, with the intentions of the committee not always clearly defined or achieved. The 1980s saw a number of examples of that, including the contested interpretation of the Education Committee's recommendations which surrounded the House's consideration of the Education (Grants and Awards) Act 1984. The 1980s did not see a select committee golden age in which party contention was subordinated to cross-party agreement; on some subjects, it was politics as usual both on the committees and in the world outside. On economic policy, the Treasury and Civil Service Committee managed to get under the

skin of Chancellors, but perhaps at the expense of being put in the political firing line and risking its credibility. By refusing to stick with 'safe' subjects, the Committee could and did make an impact with the media, but it seems to have had little if any influence on the direction of policy. Numbers of MPs serving on select committees rose slightly to begin with, but there was no sustained increase in attendance. Select committees were mentioned on the floor of the House of Commons more regularly than in the 1970s, but 1980s debates on committee reports did not attract many MPs. While Ministers now appeared much more often to give evidence, Cabinet and the Civil Service both took the new committees in their stride. The added value of the 'departmental' committee structure was thus real but limited; it gave rationality and clarity to the system, and it probably encouraged committees to seek evidence from 'their' Ministers, which helped to bolster ministerial accountability, and thereby to increase committee impact. But departmental committees as such did not contain any magic ingredient; they were effective partly because the committees of the 1960s and 1970s had laid a sound foundation and in the process had emboldened MPs. The 1980s Foreign Affairs Committee inquired into a number of major international issues which could probably not have been considered by any of the 1970s Expenditure sub-committees. But the FAC's performance on the Falklands suggested that it was still coming to terms with its new and ambitious remit; the Defence Committee, maintaining the pragmatic focus of its Expenditure Committee predecessor, succeeded in its inquiries on both the Falklands and Westland with their specific concentration on limited issues. It was therefore still the case that committees were usually most effective when they were not too ambitious. The constitutional tectonic plates underlying select committees did not move much during the 1980s.

Conclusion: Reform by Small Steps: Select Committees 1960 to 1990

The subject of this thesis has been the development of investigatory select committees of the House of Commons in the twentieth century, with special focus on the period between 1960 and 1990. It has addressed the following main issues: how effectively select committees operated in both Whitehall and Westminster; how select committee reform was promoted, and who promoted it; and whether the reforms of 1979 made it, as has been claimed, a watershed year for select committees.

The analysis in this thesis is original partly because it is based on a wider definition of the possible political and parliamentary roles of select committees than other studies. A number of writers have tried to assess the influence of committees on the policy debate, but this thesis, while not neglecting policy influence, also examines committees' development as parliamentary institutions from 1960. It also tries to place select committee development more firmly in the context of political change during the period than has been the case with previous studies. Throughout, the thesis makes much greater use of statistics to support its argument than many previous studies of select committees. Above all, it casts doubt on some received wisdom about the course of select committee development in the twentieth century.

The Standard Narrative

It is worth rehearsing at this point some of the main features of what might be described as the standard narrative about select committees in the second half of the twentieth century. This account underlies the thinking of many, though not all, of those who have written on select committees and whose views have been mentioned in this thesis.

Firstly, the narrative is heavily, though not always consciously, influenced by the recommendation in the 1918 Haldane report for parliamentary committees to scrutinise the work of individual departments. The Haldane vision of a comprehensive coverage of Whitehall by departmentally-related committees came to be seen as the gold standard for reform. Second, there is a focus on the personality of Richard Crossman, who is widely regarded as the main force behind the select committee reforms of the mid-1960s. The travails of the Agriculture Committee and some other ‘Crossman era’ committees are then assessed as proof that the 1960s reforms were a failed experiment, an ultimately futile attempt to reach the Haldanian ideal.⁷⁵³

Next, the Expenditure Committee of the 1970s is viewed in this standard narrative as failing either to control spending or to provide a comprehensive range of opportunities for MPs to scrutinise policy and administration. Meanwhile, the conditions for true reform are judged to have developed in the 1970s as increasingly unbiddable backbenchers of both main parties flexed their muscles in the voting lobbies.⁷⁵⁴ The 1978 Procedure Committee recommendations on select committees were, on this view, well timed to take advantage of the rebellious aftermath of the Heath, Wilson and Callaghan Governments. The comprehensive coverage of the post-1979 select

⁷⁵³ The arguments for this point of view are summarised on pp.77-78 above

⁷⁵⁴ See p.156 above

committees, fulfilling a long-held demand for a comprehensive approach to scrutiny, is thought of as having helped to produce a rise in activity, with reports, visits and specialist advisers growing rapidly in number. Policy achievements such as the changes to the 'sus' law and FAC's influence on the Canadian constitution 'patriation' debate are considered by some to be distinctive products of the new system. According to this narrative, the Westland affair of 1985-86 demonstrated that the departmental committees had come of age and were able to hold a confident and assertive government effectively to account. The fulfilment in 1979 of the Haldane vision of parliamentary committees mirroring all departments, it is suggested, brought a new vigour to scrutiny and perhaps began to strengthen Parliament in its dealings with government. This standard narrative is by no means wrong on every point, but the evidence in this thesis does strongly suggest that it needs substantial modification.

Setting the scene: House of Commons select committees up to 1960

Chapter One sets the scene, tracing the broad outlines of select committee history up to 1960, using a combination of secondary sources and primary sources including Hansard, and both formal and informal Cabinet papers. This Chapter identifies three broad categories of investigatory parliamentary committee which apply to all periods of history:

- Committees which inquire into government scandal or failure;
- Committees which examine the propriety and/or efficacy of public spending;
- Committees which scrutinise policy and administration.

The Chapter notes that the House of Commons was a house of committees from a very early date. This was not a simple development; in his history of procedure Campion describes backbench scepticism and suspicion towards the work of some select committees in the early modern era, seen as packed with men put there by the King or the Queen. Suspicion of such groups, gathered in small rooms away from the transparency of the Chamber, continued to be a feature of parliamentary opposition to committees well into the twentieth century. Michael Foot, a fierce opponent of select committees as Leader of the House in 1978, was in that respect a new Elizabethan.

But despite these doubts there is plenty of evidence of a relatively vigorous and well-populated non-partisan sphere of parliamentary action on select committees during the centuries before 1900. The Victorian architects of the new Palace of Westminster indeed recognised the importance of committees by providing the new building with two corridors of committee rooms. The establishment in 1861 of the Public Accounts Committee was promoted by the great statesman William Gladstone and epitomised the mid-Victorian attitude to committee scrutiny of public spending. There were many references to select committees in the Chambers of both Houses in the mid-nineteenth century.

However, the virtues and achievements of the often powerful and respected select committees of the seventeenth, eighteenth and nineteenth centuries were apparently forgotten by many in the early and mid twentieth century. Judging by the figures for select committee activity, Members' interest in committees was much reduced. The fate of the Marconi committee, riven by party feeling, seemed to exemplify the weaknesses of all committees dealing with alleged misbehaviour; their vulnerability

to party-politicking, their inability to achieve consensus on issues that mattered. The period between 1913 and 1950 was dominated by two World Wars, and the consequent growth of government resources and activity. During the World Wars select committees were indeed seen by senior Ministers as useful sounding boards on a range of complex and contested matters. But after both Wars select committees appear to have faded from the picture.

The twentieth-century decline in parliamentary interest in select committees is all the more baffling because the heavyweight Haldane report of 1918 set out proposals for committees to examine the policy and administration of individual departments - something very similar to the committee system as reformed in 1979. From the 1920s onwards the Labour Party, which had been the only one of the two major parties even to consider select committees as a cornerstone of parliamentary reform, began to see them as possible threats to the success of a radical legislative programme. The 1945 Attlee Government embraced social and industrial legislation as an engine of change and showed impatience with any notion that Parliament's main function was to act as a check on the executive. There were few complaints by backbenchers of any party as select committees atrophied.

By the early 1950s, of the three types of committee identified, the 'failure and scandal' committee which had been a substantial part of the early history of parliamentary investigation had virtually disappeared, and 'policy and administration' committees were also rare; only the 'power of the purse' committees continued to operate with some regularity. But seasoned observers such as Campion could argue that even the respected machinery of the Public Accounts Committee had all but seized up.

Parliament and its financial committees were widely regarded for much of the first half of the twentieth century as failing to do their essential job of questioning the government's use of public money. The need for expert assistance to committees had been recognised on occasions by reform-minded individuals during the early twentieth century, but little had been done to equip them with what they needed. Where it was provided, help often came from Whitehall and was seen by at least some Ministers as usefully enabling government to 'steer' the activities of committees.

The years between 1930 and 1960, however, did see the development of a view among some commentators and a few politicians that committees were the most sensible place for scrutiny of certain aspects of policy and administration. However the backbench bodies that seem to have emerged most strongly during that period were not all-party select committees run by the House, but party subject committees. In a sense, then, Haldane's vision of a Parliament matching the organisation (if not the resources) of Whitehall first came closest to realisation in a party context. Even when they came from prominent figures such as Lloyd George, suggestions for a systematic expansion of all-party select committees tended in the first half of the twentieth century to fall foul of government and political scepticism and apathy, and especially the opposition of the whips. Debates on select committee reports were rare and ill-attended. The number of select committees remained tiny and their remits were usually limited to the constitutionally 'safe' subject of budgetary or other financial matters. The Procedure Committee of 1958-59, in (narrowly) failing to recommend a committee to examine the extremely sharp current issues around colonial policy, epitomised the triumph of the government over the scrutineer. The debate on those 1958-59 Procedure Committee proposals demonstrated that objections to select committee policy scrutiny

came both from those who believed that a policy issue should be left for Ministers (or officials on Whitehall committees) to consider, because they had the necessary knowledge of the subject, and from those who felt that an issue was too important to be taken off the floor of the House. This was a deadly combination for the idea of select committee scrutiny. The standard narrative, by pivoting the argument on the reforms of 1979, fails to reflect the extent to which apathy had affected the attitudes of the political class to select committees by 1960.

But it is also clear that the years between about 1920 and 1960 constituted a highly unusual period in the history of the House of Commons. Ironically, at precisely the period when government was becoming ever more active and ever more expensive, the Commons largely gave up on committees, thus turning their back on one means of scrutinising that burgeoning activity. This is not the main theme of the thesis, but it may be that Members did not feel able to challenge departments because of the growth of government; the small band of generalists in the House, both Members and clerks, perhaps felt unable to match the well-resourced and sometimes specialist analysis of the Civil Service, and gave up the fight.

Three decades of select committee change, 1960-1990

The rest of the thesis concentrates on the period between 1960 and 1990, a time of much change for select committees.

Chapter Two uses Prime Ministers' and Cabinet papers as well as Hansard to describe the gradual growth of political interest in select committees after 1960. The diaries of Richard Crossman, Leader of the House of Commons when a number of new select committees were appointed in the mid-1960s, are also used, along with records of media coverage.

Chapter Three traces the development of the Expenditure Committee during its brief lifetime of nine years from about 1970, and notes the work of other committees including a number appointed to examine specific policy issues. Making particular use of Cabinet papers, and of the internal working papers of some committees as well as media articles and interviews with clerks who served committees at the time, the Chapter puts select committee development into the context of a turbulent political period.

Chapter Four employs a range of primary sources to illuminate the process by which the new system of departmentally-related select committees was proposed and introduced in the late 1970s. The sources include Cabinet and Prime Ministers' papers and Cabinet Office papers concerning the consideration of the proposals by Whitehall. Media articles are used to demonstrate the effectiveness with which the Procedure Committee of 1978 promoted its reforms to the public.

Chapter Five examines the statistical evidence on the activity and impact of the new select committees in their first decade from 1979, looking at the sessional returns made by committees to the House as well as Cabinet papers and media coverage.

Comparisons are drawn between the figures for committee work in the 1970s and the equivalent figures under the new dispensation in the 1980s.

Chapter Six contains case studies which illustrate the work of departmental select committees during the 1980s. Sources include committee reports and government responses to them, Hansard and media coverage.

The next sections consider the broad research issues raised in the thesis: committee effectiveness, the nature of reform and reformers, and whether 1979 was the key year for reform.

A. How effectively did select committees operate in both Whitehall and Westminster?

The effectiveness of House of Commons select committees in the early 1960s was limited. These committees engaged only modest numbers of Members, held few meetings and published few reports. The Estimates Committee, the main committee scrutinising government, was theoretically restricted to financial matters, although in fact members often used the estimates to raise questions of administration and indeed policy.

But the 1960s saw a significant change in the social and educational make up of the House of Commons. The influx of Members with skills in the arts of persuasion and analysis is one of the most likely explanations for the 1960s trend towards a more committee-based House. As government became more involved in national economic and social life, there was also a belated acknowledgement that Parliament had to catch

up, with a particular emphasis on the role of the ‘specialist’ committee of MPs in testing the performance and assumptions of Whitehall. As demonstrated in Chapter Two’s analysis of Cabinet papers, senior Ministers started to notice select committees; politicians such as Wilson and Crossman began to take these committees seriously as forming a distinct parliamentary institution, rather than a series of unconnected and temporary collections of MPs. Many politicians of the 1960s captured the scientific spirit of the age in treating reform as an ‘experiment’ - Parliament not perhaps blazing in the white heat of constitutional progress but with the test tube at least undergoing a gentle warming. The exciting but rather tentative nature of the committee experiment also suited both Parliament (which, as noted, had too few resources to staff all committees and had to have help from Whitehall) and the Executive. They were fragile, but most of the Crossman-era committees survived in some form, partly because the environment for such committees was becoming more benign. That environment was reflected in the catalogue of small but significant procedural changes identified by the clerk Clifford Boulton in *Parliamentary Affairs* in the autumn of 1969. More public evidence sessions, more generous committee travel opportunities and the appointment of a senior clerk who would be able to argue in the House administration for the needs of committees were all helpful.

These relatively small but practical forward steps, all taken during the 1960s, were important in helping to install, or re-install, select committees as an accepted and effective part of the machinery of the House. By the end of the 1960s the idea of select committee scrutiny, if not entirely yet the reality, was firmly entrenched in Westminster. It is especially striking to contrast the 1960s Cabinets’ (albeit grudging) acceptance of select committee activity with the Morrisonian dismissal of the 1940s

and the Butlerian disdain of the 1950s. Above all, the Commons was now ready to become once more a House of committees. Yet the standard accounts of select committee history pay little attention to such evidence, preferring to emphasise, for example, the failure of the Agriculture Committee to survive government disapproval in the late 1960s.

The 1968-69 Procedure Committee made proposals to tie select committee scrutiny to the emerging, more sophisticated system of long term expenditure control and planning that was being introduced in Whitehall. It is intriguing and instructive to recall that at the time of the publication of that report in 1969, newspapers carried very similar headlines to the ones which greeted the publication of the 1978 Procedure Committee report that is seen today as such a watershed, with much optimistic talk of a change in the relationship between Parliament and government.⁷⁵⁵ The result of the Procedure Committee recommendations was the Expenditure Committee which started its work in the early 1970s. However, the hopes in the headlines were not fully realised, as they would not be after the 1978 report. Investigatory select committees continued to suffer from a number of weaknesses during the 1970s. For example, the coverage of government activities was very patchy, with employment and foreign policy issues and some home affairs issues for example rarely examined. Although the remit of the Expenditure Committee allowed it, surprisingly few Ministers gave evidence to select committees. There was very little examination of legislation by the committees who might be expected to have specialist or detailed knowledge of the relevant issues; this inevitably limited the policy impact of such committees. Departments often failed to respond in timely fashion to committee reports, again

⁷⁵⁵ See above, pp. 125-26

reducing their potential impact. The number of reports per year was often small - sometimes just one or two per session. Analysis of estimates or other aspects of government spending or budgeting was rare.

The structure and operation of the 1970s Expenditure Committee were not conducive to the growth of a committee *esprit de corps*. For example, a sub-committee could work hard on a report for many weeks only to see it amended by the whole Expenditure Committee, most of whose members had not been present at evidence sessions. Staffing was felt to be inadequate, with a particular shortage of specialist advice. There was little select committee follow-up to past reports, so Departments could feel free to neglect recommendations even where they had accepted them. Too many debates on select committee reports were held on the adjournment or on 'take-note' motions, limiting their impact with other Members and allowing departments to avoid making any commitments. For some debates, attendance was in single figures. These shortcomings were noted from time to time during the decade as the high hopes of 1969 for the Expenditure Committee were seen to remain unfulfilled. Academic interest in select committees of this period has been slight, but where it exists it has often been dismissive. Ann Robinson laments the failure of the Expenditure Committee to have any real impact on public spending, though her work reveals that the Committee did examine a substantial number of policy issues.

But not all 1970s committees were equal. In some senses, the structure of the Expenditure Committee sub-committees, covering two or more departments, meant that the Expenditure Committee was the direct forerunner of the true departmental committees of the 1980s. It is also interesting that the 'non-departmental' (or, to use

the term beloved of New Labour in the 1990s, ‘cross-cutting’) Nationalised Industries Committee, concentrating during the whole of its life from 1956 to 1979 on a number of issues about management, finance and governance, did rather better, in the opinion of many in the political classes at least, than the ‘quasi-departmental’ Expenditure Committee of the 1970s. This success may have been due to the political salience of nationalised industries at a time when a large part of British heavy industry was in public ownership, but the Committee also filled a recognised gap in accountability; without the Committee it would have been difficult or impossible for Parliament to hold to account the managers of these large concerns. The examples of the Nationalised Industries Committee, the Public Accounts Committee and indeed the Science and Technology Committee all demonstrate that a committee did not need to have a ‘departmental’ remit to be successful. Indeed, even after 1979, some ‘departmental’ committees actually covered two or even more departments, so the new ‘departmental’ system was in some respects not so different from the old.

Despite the problems, it is clear from the evidence that substantial progress towards more effective select committees had been made between 1960 and 1979. A Member who, for instance, had been first elected in 1959 and who left the House in 1979 would have seen a very significant change in the amount of select committee activity. As institutions, select committees, including the sub-committees of Expenditure, were much stronger and considerably more active than they or their equivalents had been twenty years before. Reports of the 1970s often contained substantial conclusions and recommendations on policy issues, and the figures in Chapter Three indicate that select committees during the 1970s found some success in having recommendations accepted.

But the thesis also argues that the effectiveness of committees as institutions should not be judged solely or mainly on their influence in the policy process. The political weight of committees should perhaps rather be assessed on the amount of time and effort expended on them by MPs, on the resources that were devoted to them, and on whether MPs and Ministers and the world outside generally took any notice of their work. This thesis finds that there had been increases in committee resources and (noticeably) references in the Chambers of both Houses. There was no overwhelming call for reform of the select committee system in the mid or late 1970s. This was perhaps partly because reasonable progress had been made on select committees in the past 20 years - perhaps too slow to be widely noticed, let alone celebrated, but nevertheless real and sustained. By focusing on 1979, the standard narrative misses these important if workaday developments.

Taken together and placed in a broader historical context, this evidence reveals a House that by the mid-1970s was becoming more and more used to investigatory committee work, with proportions of Members involved in such a committee regularly reaching late Victorian levels for the first time in a century, with sometimes as many as 40 percent of all MPs (and of course a higher proportion of backbenchers) active in a select committee of some kind. By the beginning of 1979, the investigatory select committees of the House of Commons covered most areas of government activity. Members were now prepared to turn up to meetings more frequently, with a small but important group attending 20 or more in a Session, probably the most important aspect of this progress. Committees were now a consistent feature of parliamentary life.

Chapter Two notes one of the main shortcomings of the 1960s 'Crossman' committees, as identified by the Procedure Committee of 1968-69 - that there was uncertainty about whether they would last beyond the end of the current parliamentary session. The Parliament-long select committees of the late 1970s were therefore an improvement, helping to embolden members and certainly aiding the medium-term planning of committee business. The Lever and British Steel financial forecast cases demonstrated that select committees recognised their rights to gather evidence and publicly challenge government and its associated bodies. Select committee evidence was generally taken in public in the 1970s - a clear advance on the situation in the 1950s. This all helped to institutionalise committees and fix them in the public eye, causing a minor but not insubstantial movement in favour of Parliament in its conflict with the Executive. The sheer scale of some 1970s inquiries was impressive - for example the 800-plus pages of evidence and appendices gathered by the Race Relations and Immigration Committee for its inquiry into Education in the early 1970s. In this way a considerable volume of information about government activities was being gathered from a wide variety of official witnesses and others.

The lack of a pre-1979 committee to consider foreign affairs was certainly a blatant omission; however some committees showed considerable energy and assertiveness in tackling one of the biggest foreign policy issues of the twentieth century - the implications of the UK's accession to the European Economic Community in 1973. On occasions, it even took them across the Channel to Brussels where committees showed self-confidence in questioning the UK's new European partners. The contrast between Whitehall's stern resistance to the Agriculture Committee's wish to visit Brussels in 1967, and its facilitation of the Expenditure Sub-Committee visit in 1973,

shows how far officialdom had moved in the intervening years to recognise the role of Parliament in scrutinising the Executive. And despite its transience, the ad hoc committee on Cyprus (1975-76) pressed for powers to do its job properly. These were clear signs of MPs' confidence in the rights of committees.

The public reach of 1970s select committees was however not broad or deep. There was still little discussion of select committee reports in the chambers of either House of Parliament, and media coverage was still relatively modest, although on occasions the work of a committee such as that on abortion or Cyprus could make big headlines. But in the circumstances of the time, the committees' fairly low public profile was hardly surprising. At a time when the government's life was regularly threatened by defeat on the floor of the Commons, the efforts of select committees, often consensual and constructive, were not overwhelmingly the stuff of headlines. The excitement of close Commons votes, especially after Labour came to power in 1974, was such that much of the House's more considered and consensual activity appeared simply dull; yet it is clear that the work of committees frequently touched on highly important issues.

B. How was reform promoted and who promoted it?

Richard Crossman, whose name became most closely associated with the mid-1960s reforms, was important in promoting the new committees, but the evidence presented in Chapter Two shows that much of the work and thinking had already been done when he took up his post as Leader of the House in August 1966. Labour-supporting

intellectuals and politicians, from Haldane himself ⁷⁵⁶ to Jowett and from Laski to Crick, had long advocated committee reform. It is also clear that Harold Wilson had done quite a lot of thinking about select committees several years before he gave Crossman the chance to make reform happen. Anthony Howard was therefore probably right in saying that Crossman's claim to being 'the godfather of the Commons Specialist Committee system is a little tenuous'.⁷⁵⁷ The origins go back to before the Crossman era.

The demand for reform of British institutions in the post-Suez climate could not help but affect attitudes to Parliament. Chapter Two argues that major steps towards more effective scrutiny were made during the early 1960s, with 1964 a crucial year in the history of select committees. Wilson's Stowmarket speech, in which he advocated more active committees, set a tone on the political front, and the formation of the Study of Parliament Group brought together an alliance of reformist academics and clerks that would be highly significant for the future. The 1964-65 Procedure Committee raised the profile of reform, maintained some media interest and generally kept up the momentum towards stronger committees. The growing calibre of the members of the Procedure Committees of the 1960s itself demonstrated that service on select committees was worthwhile. The 1964-65 Procedure Committee vote against the cross-party institutional conservatism of the senior Labour figure Michael Foot and the Conservative former Chief Whip Martin Redmayne was important in maintaining progress on select committees.

756 Haldane was Lord Chancellor and Leader of the House of Lords in the Labour Government of 1924

757 Anthony Howard, *Crossman: The Pursuit of Power* (London: Jonathan Cape, 1990), pp. 282-83

There is also a more general point; few MPs have been persistent parliamentary reformers; the vagaries of election and the fact that constituents often care little about such matters are usually enough to deter enthusiasm for procedural change. John P. Mackintosh and Tony Wright were rare exceptions. On the other hand, the permanent staff of the Commons played an important and hitherto little-noticed part in the development of select committees during the twentieth century. While not all clerks were natural reformers, the substantial interventions in the reform debate of two of the leaders, the Clerks of the House, Campion and Fellowes, are notable as showing the way House officials made the case for reform. The public and semi-public activism of such clerk-reformers had two main effects on the parliamentary reform debate: it gave reform ideas some practical credibility, and it provided the campaign for change with some continuity, the long careers of clerks allowing them to continue to press and develop proposals over many years. But the clerks also helped to make sure that select committee reform in the second half of the twentieth century was both gradual and generally acceptable. The success of the Study of Parliament Group in maintaining the profile of reform from the 1960s onwards also demonstrates the power of alliances between practitioners and academics, many of whom also gave evidence to committees.

The thesis also analyses the impact on committees of the turmoil which affected the world of British politics, including Parliament, in the 1970s. During the decade, select committees, without publicising it much, were among the few parliamentary institutions to be reasonably removed from the contemporary partisan turbulence. In contrast to the divisive debates in the wider political environment, the *parliamentary* reform climate of the 1970s was much less radical and polemical than that of the

1960s, when root-and-branch change was often in the air. The reforming Procedure Committee report of 1978 reflected that, combining a vigorous public promotion of reform with a *sotto voce* indication of the deeper truth - that the new departmental committees would be based firmly on existing procedure and would differ only to a limited extent from the range of committees that had existed since the mid- 1960s. The Report was therefore written and promoted to appeal to two audiences. To those MPs and clerks who were eager for change, and to some academic and media commentators, it was sold as a major reform, the historic completion of a 60-year process which began with Haldane. It was they who would tell the story in years to come, which is perhaps why some corrective is now needed to restore a sense of proportion to our assessment of the reforms and their political and constitutional implications. To government Ministers and some in the higher reaches of the Civil Service, on the other hand, the Procedure Committee's proposals were portrayed as select committee business as usual, though given a more rational basis that spread the burden of departmental responses more equitably. The verdict of Whitehall on the Procedure Committee reform proposals was clear; the reforms proposed were evolutionary and in some ways indeed conservative. The last point is another that does not come through clearly, if at all, in standard accounts which see 1979 as the key date.

The collaborative Barlas-Bancroft meeting of April 1979 demonstrated that the reforms were a balanced package that was completely in line with traditional parliamentary gradualism. In the event what finally emerged in the summer of 1979 was a watered-down version of already fairly conservative proposals. The government rejected or failed to implement fully proposals where they risked upsetting the balance of power and influence between Parliament and the government. The House in 1979

was left in effect with the Stevas-Hunt reforms, a more coherent, rational and better-resourced version of the Expenditure Committee, which Whitehall could and did easily live with. The way Whitehall and Westminster managed (and sometimes collaboratively staffed) the select committee scrutiny process over this 30 years of change, with former or seconded civil servants as clerks and committee members sometimes meeting Ministers over ‘sherry and sausage rolls’, reveals a legislature and an Executive co-operating in Judge’s ‘exceptional constitutional mixture’.

In this respect an important move came with the establishment in the late 1970s of the House of Commons Commission, which for the first time gave the House control over its own expenditures. Select committees, with their regional and international visits, staffing needs and lengthy reports, could be expensive and that could cause friction. One example of such friction had come in 1968, when the Treasury, which at that time had a direct role in determining the level of spending on committees, was accused by the Clerk of the House, Sir Barnett Cocks, of interfering with decisions about the level of committee staffing.⁷⁵⁸ From 1978 onwards, that could no longer happen. Liberated from this influence of the Treasury on their own operations, the select committees of the 1980s were thus able to spend what they believed was required, as long as they could persuade their own colleagues that it was necessary. Numbers of reports, advisers and visits all increased from 1979, and the fact of parliamentary financial autonomy must have been a contributory factor in that.

758 The Chancellor of the Exchequer had a seat on the relevant body. See H.V. Wiseman, ‘The New Specialised Committees’ in *The Commons in Transition*, p. 209. Since the establishment of the Commission, the House has usually followed the general lines of Whitehall spending restraint.

C. *Was 1979 a watershed year for select committees?*

The reforms of 1979 were clearly important in the development of select committees. The continued existence in the twenty-first century of the ‘departmental’ committee structure, arrived at after the failure of a series of twentieth century reorganisations to establish a settled pattern of committees to examine spending, administration and policy, is itself evidence of success. Instead of undergoing regular upheavals and reorganisations, departmental committees were and are stable. This has offered clear advantages: relationships between departments and committees can be built up, agendas can be planned and issues followed through.⁷⁵⁹ The new system also brought large numbers of Ministers to the select committee witness table for the first time for many years. This was a significant improvement on the situation in the 1960s and 1970s, exposing the Executive to a new level of scrutiny and strengthening accountability. The new committee structure from 1979 specifically gave shape to the system and matched available resources to responsibilities better than previous systems. Corporate memory was retained, so the committees of the 1980s and after were therefore fully and securely permanent *institutions* whereas before 1979 their ‘permanence’ was conditional.

However, a long-term perspective is always useful when assessing the historical importance of change, especially in an institution as conservative as Parliament. There were good reasons why select committee activity grew from the mid-1960s onwards, notably a change in the social make up and professional status of the House of Commons. There was also some encouragement from senior figures in both the Labour Government of 1964 to 1970 and the Conservative Government of 1970-74. For

⁷⁵⁹ Most committees now have programme planning meetings or seminars at the beginning of each Parliament, and often at the beginning of each Session

example, contrasting the dismissive words about select committee scrutiny uttered by Herbert Morrison in the 1940s and the encouragement given to reform by Richard Crossman in the 1960s says a great deal about how far Labour moved towards acceptance of reform. Equally, setting the negativity of the 1950s Rab Butler against the gentler attitudes of the early-1970s William Whitelaw indicates a moderate warming towards committee inquiry in the Conservative high command.

Philip Norton suggests that the origins of the 1979 select committees lay at least partly in the 1970s atmosphere of backbench dissent. Interesting questions might be raised on this point.⁷⁶⁰ To what extent does the tendency to dissent work itself out in select committees? Are committees arenas where such dissent is encouraged, or are they better seen as mechanisms for managing dissent, where unhappiness can be expressed in ways that are relatively harmless to the objectives of the front benches? These would be fruitful subjects for further study. However, the evidence in this thesis suggests that the select committees of 1979 had a longer gestation than is proposed by Norton; the dissent of the 1970s, though important, was perhaps less decisive than he contends. One indication lies in the composition and actions of successive Procedure Committees from 1960 onwards. Even the tentative 1958-59 Procedure Committee had shown signs - soon snuffed out in a narrow party-lines vote - of wanting a specialist committee on the sensitive issue of colonial affairs. But the 1960s saw two strong Procedure Committees moving in the same reformist direction as Crossman in advocating more and better committee scrutiny. The cadre of reformers active on the 1977-78 Procedure Committee was therefore following an already established tradition; the make-up of that Committee was in itself tribute to the growing ability of

⁷⁶⁰ The debate about the reasons for the 1970s growth in backbench dissent is summarised in Rush, *The Role of the Member of Parliament Since 1968*, pp. 176-79

mid-century Parliaments to stand up for themselves, despite attempts by the whips to ensure that committees were studded with loyalists. The small-scale, step-by-step nature of 1960s and 1970s progress, enshrined in the densely-packed pages of the volume of Standing Orders, was easily missed by academics, but it was none the less important. The absence of drama was, and is, a key feature of much reform of Parliament.⁷⁶¹

This changing political climate may have helped select committees put some constitutional stakes into the ground during the 1970s, on such matters as the provision of sensitive defence information to select committees, and committee rights to call for evidence from the Minister they wanted. Some important issues about the powers and privileges of parliamentary committees had therefore been raised. These are points which have not been fully explored in previous accounts. And 1979 brought no fundamental strengthening of select committee powers. The new departmental committees often struggled, like the pre-1979 ones, to garner information from sometimes unwilling officials.

Numbers are also very important. If 1979 had in fact brought a fundamental change, the figures relating to select committee activity among MPs, to committee impact on the work of the Chambers of both Houses of Parliament, and to the work generated by committees in Whitehall, would all have shown a clear, substantial and sustained increase after 1979. The evidence presented in this thesis suggests that there was only a limited and halting increase in some of the key measures. For instance, the figures make it clear that it was already commonplace for officials to appear before select

⁷⁶¹ Gavin Drewry calls this ‘the traditional, incrementalist philosophy of parliamentary reform’. Gavin Drewry, ‘Reports of Committees’ *The Modern Law Review*, 42/1, (1979), p. 83

committees well before 1979, and that the increase in numbers of official appearances after that date, though noticeable, was not large. Numbers of committee reports certainly increased substantially in the 1980s, but as a measure of the impact of select committees on the lives of members, the tally of reports should not be seen as perfect. The vast majority of the time of a modern select committee is given over to oral evidence, and the involvement of many members in report drafting is minimal.

So the 1979 reforms, launched with a fanfare, were in retrospect less a spectacular *démarche* than a sensible reorganisation. It is worth reflecting, also, on whether a committee system based on a departmental structure *necessarily* provides a more rational, planned and effective format for scrutiny than other approaches, such as that adopted by the cross-cutting Nationalised Industries Committee. Firstly, some Departments can be rather chaotic, dominated by sudden changes of policy direction imposed by pressing political necessity rather than logical thought - the Home Office perhaps being a case in point. In those circumstances a committee which tries to 'mark' the department will have to respond quickly to events rather than planning its work coherently. Some order might also be imposed by the House obliging departmental select committees to carry out 'core tasks' - for example scrutinising each year the annual report of its department by means of an evidence session with the Minister and/or the Permanent Secretary, or inquiring each year into the performance of at least one public body sponsored by the Department. This requirement is actually now in place, but it was only imposed from 2002 onwards. In the 1980s, then, the departmental link did little in itself to give intellectual coherence to the work of select committees. The departmental structure was in any case probably not that important to most MPs; they have always been less interested in the rules and frameworks that

underpin the systems of scrutiny than in having the chance to hold Departments to account. MPs are also less likely to be interested in the work of a whole Department than in particular topics; for example, in policing, or immigration, rather than the work of the Home Office as a whole.⁷⁶² For the bulk of MPs, the ‘departmental’ nature of the new committees therefore probably mattered little.

The Haldane approach to reform suggested that scrutiny based on departmentally-related committees should be a distinctive and indeed essential component of the machinery of Parliament, matching the departments of state. The ‘Haldanian’ reforms of 1979 indeed gave the scrutiny system a stability and confidence it had previously lacked, and provided an important base for the better organisation of investigatory work. Norton and Hennessy and others who have argued for the constitutional importance of the departmental committees are in one sense right to celebrate them; they were far more active, influential and widely known than the select committees of the late 1950s. But without the other advances which came during the 1960s and 1970s, notably ‘permanent’ committee composition, a somewhat clearer sense of committee powers to call for persons and papers, and public evidence sessions, the introduction of a departmental structure would have made little difference.

There was a fair amount of continuity in the work of select committees before and 1979; Ann Robinson traces connections between the inquiries carried out in the 1979-83 Parliament by the new Treasury and Civil Service Committee and those undertaken by its predecessor. She said that reports on ‘Both *Monetary Policy* and *Efficiency and*

⁷⁶² This may especially have been the case in the 1970s and 1980s when the responsibilities of Departments like Environment and the Home Office were even more miscellaneous than they now are

Effectiveness in the Civil Service were ... grand-children of reports from the Expenditure Committee'.⁷⁶³ The committees themselves also showed signs of continuity. The former Overseas Development Committee of pre-reform days lived on fairly confidently in an FAC Sub-Committee, which in the 1979-83 Parliament was responsible for no fewer than nine out of the 21 reports completed by the FAC. Four members of the old Overseas Development Committee in fact joined the FAC. With a mixture of Conservative and Labour members, the Sub-Committee was in its way a symbol of the survival of consensus, often arguing in favour of aid, in contradiction to the more extreme tenets of Thatcherism. Some indeed felt the new system of committees was not intrinsically different from the old. Dr Edmund Marshall, who was Chairman of the Trade and Industry Sub-Committee of the Expenditure Committee from 1976 to 1979 and a member of the Home Affairs Committee in the 1979-83 Parliament, said in 2013 that the new committees were 'merely a cosmetic exercise' which had changed little.⁷⁶⁴ There were also continuities in committee staffing before and after 1979, with some of the ex-civil servants who worked on committees in the previous era staying on. In 1979 David Hubback, who had been Clerk to the General Sub-Committee of Expenditure, became Clerk to its direct successor, the Treasury and Civil Service Committee. John Marnham, having served the Trade and Industry Sub-Committee of Expenditure, became Clerk of the new (or revived) Agriculture Committee. The new parliamentary committee system therefore was maintained partly on support from old civil servants.

763 Ann Robinson, 'The Treasury and Civil Service Select Committee' in Drewry, *The New Select Committees*, 1989, p.273

764 Author's interview with Dr. Edmund Marshall

Performance also showed continuities; the reform of 1979 emphatically did not eliminate the ‘patchiness’ complained of by the 1978 Procedure Committee. In some cases the post-1979 committees struck out on a new path, while in others the continuity with the 1970s was much more marked. The performance of select committees, in fact, remained inconsistent, a point apparent from the 1983 and 1989 volumes edited by Drewry. Except in a few cases such as Westland, the new pattern never came to resemble a *system* of committees. The Liaison Committee never truly liaised between committees to increase the overall effectiveness of scrutiny in the House of Commons; there were occasional reports surveying performance but no attempt to make the whole greater than the sum of its parts. Committees, now enjoying a Parliament-long existence and therefore freedom from the political pressures that brought about the demise of the Agriculture Committee in the late 1960s, were certainly able to set their own programmes and to pursue their own inquiries. This did help to promote a new or renewed sense of assertiveness in individual committees; but it did nothing for the overall coherence of parliamentary scrutiny.

Despite the boost given by the high-profile Westland hearings, the figures for members’ attendance at select committees do not suggest a widespread growth in MPs’ involvement in committee work after the middle of the decade. This may have had less to do with any lack of interest in their work than with a growth in the number of alternative activities to fill their days. Philip Norton, in a memorandum to the 1989-90 Procedure Committee, praised the performance of the new committees. But he also listed a number of pressures which were making it more difficult for MPs to find time for select committees; these included the growing demands of constituency work, especially letters from constituents, increasing amounts of legislation, more

parliamentary questions, and the demands for scrutiny of European Community measures.⁷⁶⁵ The wider Commons and Lords saw no great rise in the number of Chamber debates on select committee subjects. References in Hansard continued to be generally records of superficial points and process questions rather than deep consideration of a committee's arguments and evidence.

The fact that there were fewer Cabinet discussions about select committees in the first few years of the 1980s than in the equivalent period of the 1970s may have come about because, with the new departmental committees, issues that had previously required Cabinet consideration were now managed by departments. Dealing with select committees had, by the mid-1980s, apparently become 'business as usual' for government departments, and especially for Ministers. The enthusiasm of Foreign and Commonwealth Office Ministers and officials for the idea of a foreign affairs committee in 1977 suggests that forward-thinking departments could even then see the potential value to departmental objectives of a stable and permanent parliamentary point of contact. Institutionally, the introduction of departmental committees may have been an advance for parliamentary scrutiny; they quickly became accepted as an essential part of the landscape in both Westminster and Whitehall, and could get answers direct from Ministers. But the very low-key nature of most of the encounters they had with government showed how few political waves most select committees were making at the highest level.

In its gradual enhancements of select committees in the second half of the twentieth century, the House was returning to a norm. The dip in committee activity seen in the

⁷⁶⁵ Procedure Committee 1989-90, Vol. II, p. 141

early and mid-twentieth century, and especially between 1920 and 1960, was probably an aberration in the history of Parliament, indicating a dramatic and atypical loss of confidence in the House's ability to press detailed questions on government. During the 1960s, that began to be reversed, and the process continued in the 1970s. The statistical pattern is in some ways remarkably consistent over many years; over 40 percent of MPs sat on select committees of all kinds for much of the nineteenth century and the very early twentieth, but between the wars and in the 1950s the proportion fell to 30 percent or under, before rising to 40 percent again for almost every year of the 1960s, 1970s and 1980s. The advent of departmental select committees made remarkably little difference to this fairly stable picture of committee participation. The intention of the supposedly revolutionary Procedure Committee was initially to place a mere 15 extra MPs on to committees.

There is another point which casts some doubt on the value supposedly added by the post-1979 system. Oddly, the debate on select committees has taken a very different turn from that on government. Much fairly recent writing about government has argued that 'departmentalism' is one of the key reasons for poor performance and lack of coordination in Whitehall.⁷⁶⁶ This includes a Labour Government White Paper of 1999 and *Making Government Work*, produced in March 2001 by the (quintessentially non-departmental) Public Administration Select Committee.⁷⁶⁷ A recent study by King and Crewe notes the number of times in the twentieth and twenty-first centuries that policy failures have been caused by the tendency of disparate parts of government to

766 For a discussion of New Labour's espousal of such coherence in government, see D. Kavanagh and D. Richards, 'Departmentalism and joined-up government', *Parliamentary Affairs*, 54/1 (2001), pp. 1-18

767 *Modernising Government*, 1999, Cm 4310. Seventh Report from the Public Administration Select Committee, Session 2000-01, *Making Government Work: The emerging issues* (94), pp. vi - ix

act like ‘sovereign states, with each department and agency having its own history, outlook and interests, sometimes co-operating with other departments, sometimes competing with them and much of the time carrying on independently of them, as though their bureaucratic neighbours did not exist’.⁷⁶⁸

Parliament, including its select committees, did too little in the 1980s to challenge this solipsistic individualism of Whitehall departments. One clerk with experience of select committees both before and after 1979 said later that ‘one of the inherent vices of the departmentally-related select committee system is that the committee sees the world through departmental goggles’. This departmental ‘capture’, the clerk said, tended to encourage the ‘pretensions’ of a department, which might see itself as ‘directing that entire sector of national life’, which would be a ‘nightmare’. The evidence in this thesis indeed shows that Whitehall had long possessed the capacity to achieve ‘capture’; the existence of 36 departmental liaison officers in 1949 demonstrates that government departments had been for many years alive to the need to monitor and if necessary guide committees, and even to provide staff. The arrival of departmentally-related committees in 1979 therefore caused barely a ripple on the surface of the Whitehall waters; the anxieties of officials like Wass and Armstrong were rapidly shown to be baseless. Whitehall could cope with the new committees, because they did not challenge the *status quo*.

Another select committee shortcoming persisted into the 1980s - a failure to follow up issues that came up during inquiries. One civil servant told Flegmann in 1984 of departmental committees at times ‘opening the cupboard but not noticing the

⁷⁶⁸ Anthony King and Ivor Crewe, *The Blunders of our Governments* (London: Oneworld, 2013), p. 305

skeleton'.⁷⁶⁹ So it was no surprise that some assessments at the end of the first decade of departmental select committees were less than enthusiastic. Tony Wright suggested in 1994 that although they had much 'useful work' to their credit, the 1979 departmental committees had 'certainly not redressed the balance of the constitution'. This was because with 'a dominant executive and a legislature disciplined by partisanship' the doctrine of ministerial responsibility 'sets the limit on any serious exploration of the policy options'.⁷⁷⁰ Wright here concurs with those critics of the 1979 reforms, like Judge, who believe that the effects of such internal reforms would always be limited by the constitutional realities of the 'Queen in Parliament', the close intertwining of government and legislature. In the mid-1990s Peter Hennessy, while applauding the departmental committees as 'a huge enterprise, a new sub-estate (if not quite a full estate) of the realm', nevertheless called for further strengthening, including support from the financial experts of the National Audit Office (already provided for the Public Accounts Committee), better information for committees and an agreement that committees should examine both legislation and expenditure plans.⁷⁷¹ Michael Ryle, one of the leading clerk-reformers, gave a downbeat assessment of the policy influence of select committees in 1989, when a book he jointly wrote with Professor J.A.G. Griffith contained this: 'Select committees have not made a general impact on government policies. Nor can it be said that departments today are making policy decisions in a distinctly different way from that of 10 years ago because of the existence of the departmentally-related committees'.⁷⁷² This

769 Vilma Flegmann, *Public Expenditure and the Select Committees of the Commons*, p. 37

770 Wright, *Citizens and Subjects*, p. 47

771 Peter Hennessy, *The Hidden Wiring*, pp. 154, 158

772 J.A.G.Griffith and Michael Ryle, with M.A.J. Wheeler-Booth, *Parliament: Functions, Practice and Procedures* (London: Sweet and Maxwell, 1989), p. 430

evidence reinforces the impression that the reform of 1979, although an advance, was not a step change in terms of committee performance and culture.

A key parliamentary area largely untouched by select committees or select committee culture during the 1980s was legislation. One of several challenging recommendations of the 1977-78 Procedure Committee that were not really implemented during the 1980s was that the House should use select committee methods of scrutiny in committee stages of Bills. In theory at least this would have enabled evidence to be taken to enhance the consideration of legislation and improve the final policy product. This would have been one way of making the work of committee and Chamber merge, but that happened only rarely. The whips of the 1980s never allowed the select committee culture of cross-party consensus to jeopardise the passage of crucial Bills. Whatever their structure, and however impressive the specialist intellectual firepower at their disposal, committees that are effectively restricted to analysing, post hoc, policy and administration rather than debating legislation will always be onlookers rather than players in the great game of politics. The departmental committees of the 1980s made very little difference to that basic fact of parliamentary life. Therefore the strictures of David Judge against what he calls ‘timorous’ internal reforms are at least partly justified.⁷⁷³ To use the language of Sir Derek Walker-Smith in 1976 - without direct influence on legislation, select committees were still in the 1980s a ‘shadow’ of what they could have been.⁷⁷⁴

773 Judge lists a series of Acts ‘with profound constitutional significance’ that became law during the 1980s, ‘all revealing minimal parliamentary impact’ of any sort, including influence from select committees. These Acts included the legislation that introduced the highly controversial community charge, almost universally known as the poll tax. See Judge, *The Parliamentary State*, p. 215

774 The use of select-committee style evidence sessions during the committee stage of Bills increased from 2006 onwards with the institution of Public Bill Committees. One writer has suggested that the legislative process has been ‘revitalised’ by this change. Jessica Levy, ‘Public

The frustrations felt by Norman St John-Stevas and others after ten years of the departmental committees reflected a lack of tangible influence and a feeling that credibility was still limited. Constituency work had become a bigger burden on MPs during the 1980s and party and all-party groups had remained significant forums for discussion of policy. It must therefore be doubted that reform of 1979 actually constituted such an ‘important clawback in terms of the relative influence of the legislature and the executive’ to use Peter Hennessy’s term. It is also clear that the hopes of those who pressed for a close relationship between select committees and the Chamber of the Commons, in particular for regular debates on reports, were not realised. During the 1980s the whips continued to be relatively uninterested in what happened in committee rooms. This left committees free to grow in confidence, to challenge departments and to reach vigorously out to the world beyond Westminster and Whitehall. But committees never had much influence over the rest of the House. The parallel lines of development - select committees and the House as a legislature - stretched into the distance. In a sense, the fears of a two-track House, expressed by Sydney Irving in February 1979, had been realised.

Despite such shortcomings, however, some progress had been made. The improvements to select committees from 1960 to 1990 had somewhat strengthened Parliament in its constitutional relationship with government, and by the end of the 1980s the committees had become established parts of the parliamentary landscape. Their role could no longer be ignored or dismissed out of hand, as it had in the 1950s. But changes to process, powers and procedure were only part of the reason for

Bill Committees: An Assessment. Scrutiny Sought; Scrutiny Gained’, *Parliamentary Affairs*, 63/3 (2010), pp. 534-544

progress. The influential twentieth-century economist J.M. Keynes noted the importance in the financial marketplace of what he called investors' 'animal spirits' - feelings which inspire action whether it is rational to act or not.⁷⁷⁵ Similar feelings can pervade the political marketplace, and the 'animal spirits' associated with the 1979 reforms were distinctive and new, giving an unspecific and perhaps ill-founded but nevertheless pervasive sense that MPs could now make a difference. Vilma Flegmann found in 1984 that MPs 'believe that Governments now frequently wait for [select] committees to express their views before final decisions are made', although she gives no examples of such influence on government behaviour.⁷⁷⁶ The existence of such feelings, justified or not, may be related to the fact that 1979 also saw the arrival at Downing Street of Margaret Thatcher. Firstly, the new committees seemed to offer an opportunity for backbenchers to challenge the growing executive dominance of the assertive new Prime Minister. Second, the rhetoric of Stevas gave the committee reforms a radical air that matched the radicalism of Thatcher herself. Rhetorically, then, the 1979 reforms were highly appropriate to an age of change. But at the same time the committees appeared, rightly or wrongly, to offer a return to a possibly imagined earlier age when Parliament's backbenchers were confident challengers to government.

During the 1980s, a significant number of Members therefore came to feel that the departmental committees *belonged* to them, and to Parliament. In the context of Mrs Thatcher's emergence as a determined and executive-minded Prime Minister, the committees offered a pleasing contrast, and one that was well worth applauding. But

775 For a discussion of the origin of the term, see 'Correspondence', *Journal of Economic Perspectives*, 6/3 (1992), pp. 207-212

776 Vilma Flegmann, *Public Expenditure and the Select Committees of the Commons*, p.32

it was in truth something more fundamental that was being celebrated: the step-by-step, 30-year advance of select committees from their 1950s nadir to the (relatively) sunlit uplands of 1990.

APPENDIX A

**Numbers of meetings held by investigatory committees in selected policy areas,
selected Sessions 1971-72 to 1981-82**

Session	Subject Area	Number of meetings	Number of reports
1971-72	Environment and Home Office Sub-Committee (Expenditure)	27	1
	Race Relations and Immigration Committee	28	1
	Defence and External Affairs Sub-Committee (Expenditure)	38	3
	Public Expenditure Sub-Committee (General) (Expenditure Committee)	18	3
Total of meetings and reports for relevant committees		111	8

APPENDIX A CONTINUED

Session	Subject Area	Number of meetings	Number of reports
1975-76	Education Arts and Home Office Sub-Committee (Expenditure)	30	1
	Race Relations and Immigration Committee	29	0
	Violence in the Family	23	1
	Defence and External Affairs Sub-Committee (Expenditure)	33	7
	Cyprus	7	1
	Overseas Development	24	2
	General Sub-Committee (Expenditure)	39	3
Total of meetings and reports for relevant committees		185	15

APPENDIX A CONTINUED

Session	Subject Area	Number of meetings	Number of reports
1976-77	Education Arts and Home Office Sub-Committee (Expenditure)	29	1
	Race Relations and Immigration Committee	18	1
	Defence and External Affairs Sub-Committee (Expenditure)	27	3
	Overseas Development	26	2
	General Sub-Committee (Expenditure)	35	2
Total of meetings and reports for relevant committees		135	9

APPENDIX A CONTINUED

Session	Subject Area	Number of meetings	Number of reports
1981-82	Home Affairs Committee	36	7
	Home Affairs: Sub-Committee on Race Relations and Immigration Committee	22	n/a
	Defence Committee	40	2
	Foreign Affairs Committee	36	5
	Treasury and Civil Service Committee	35	6
	Treasury and Civil Service Committee Sub-Committee	25	n/a
Total of meetings and reports for relevant committees		193	20

APPENDIX B

Witness appearances before investigatory committees covering four key policy

areas,

1970-79

‘General’ Sub-Committee issues – Treasury and related matters, eg tax credits,

Civil List and Corporation Tax

Session	Ministers	Other members of Commons or Lords	Civil Servants	Outside witnesses
1970-71	0	2	18	4
1971-72	1	0	31	4
1972-73	0	2	50	47
1973-74	0	0	0	0
1974	0	1	5	5
1974-75	3	0	68	165
1975-76	1	0	32	11
1976-77	0	5	51	43
1977-78	1	1	62	0
1978-79	1	0	5	8
Totals	7	9	322	287

APPENDIX B CONTINUED

Defence issues (covered by Defence and External Affairs Sub-Committee)

Session	Ministers	Other members of Commons or Lords	Civil Servants Inc. military	Outside witnesses
1970-71	1	0	94	0
1971-72	1	0	104	1
1972-73	1	0	23	1
1973-74	0	0	69	0
1974	0	0	5	0
1974-75	0	0	57	1
1975-76	6	0	92	20
1976-77	1	0	6	0
1977-78	0	0	86	2
1978-79	1	0	21	11
Totals	11	0	557	36

APPENDIX B CONTINUED

Foreign Affairs (covered by Defence and External Affairs Sub-Committee of Expenditure Committee and Select Committee on Overseas Development – and in one case by Trade and Industry Sub-Committee of Expenditure on South African workers) Figures also include witnesses for ad hoc committee on Cyprus

Session	Ministers	Other members of Commons or Lords	Civil Servants	Outside witnesses
1970-71	0	0	0	0
1971-72	0	0	16	0
1972-73	0	0	12	15
1973-74	0	5	39	108
1974	0	0	12	5
1974-75	0	0	20	0
1975-76	4	0	48	40
1976-77	1	0	37	9
1977-78	7	0	84	71
1978-79	2	0	11	12
Totals	12	5	279	260

APPENDIX B CONTINUED

**Home Affairs (covered by various Sub-Committees of Expenditure Committee,
the Select Committee on Race Relations and Immigration and various ad hoc
committees)**

Session	Ministers	Other members of Commons or Lords	Civil Servants Inc. Staff of Prisons	Outside witnesses
1970-71	0	0	0	0
1971-72	0	0	4	217
1972-73	0	0	0	0
1973-74	0	0	0	0
1974	0	0	6	26
1974-75	0	1	8	40
1975-76	0	0	0	0
1976-77	0	0	37	25
1977-78	2	3	107	77
1978-79	0	0	0	0
Totals	2	4	162	385

APPENDIX C

Select Committees: Mentions in Lords and Commons Chambers

Decade	References to 'select committee', Lords and Commons Chambers
1800s	174
1810s	224
1820s	352
1830s	1583
1840s	1772
1850s	3493
1860s	5554
1870s	5276
1880s	5724
1890s	4910
1900s	5324
1910s	4154
1920s	3607
1930s	4672
1940s	3981
1950s	4970
1960s	7401
1970s	14041
1980s	21058
1990s	23063

Source: Hansard 1803-2005⁷⁷⁷

⁷⁷⁷ Hansard 1803-2005 <http://hansard.millbanksystems.com/> [Accessed February 2015]

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