

## Speech to House of Lords – 12.01.23- Curbing Government powers and the questions no-one asks

In the Lords debate (Jan 12<sup>th</sup>) on rising Executive power -the question no-one (except one) asked, let alone answered. Lord Howell of Guildford (Con)

My Lords, I have a simple question to add to this excellent debate: are we set up, as a Parliament of two Houses, to achieve increased parliamentary scrutiny of the ever-swelling activities and plans of the modern Executive? We all want to see that and are all striving to find ways to do so, as the noble Baroness has just reminded us.

In putting that question forward, I will use not my own words but those of my noble friend Lord Hill of Oareford, a former Leader of the House. On Tuesday, he asked “does a session in front of the Treasury Select Committee amount to proper accountability? Is the TSC properly set up and resourced to provide proper scrutiny? Clearly, the answer to both questions is no.”—[*Official Report*, 10/1/23; col. 1346.]

My answer is also no. In fact, I extend that to most of our hard-working departmental committees, all working under present limitations as they are. If we want proper evaluation of the stream of statutory instruments, many of which are highly technical, we must recognise that that stream is bound to increase as regulation, the powers of regulators and things such as complex trade agreements become ever more fast-changing and require more rapid responses.

In the 1970s, some of us took the decision that Parliament, as it then operated, could no longer call the Government to account effectively or really examine their swelling powers—that was 50 years ago. After a prolonged debate and some experiment, the Select Committee system for each department that we have today was set up and the old, weak Estimates Committee system was swept away. That innovation, agreed by all sides in Parliament and fully supported by the Executive, of which I then happened to be a part, has done extremely well over 40 years and helped shed new light on—and, in some cases, sharply limited—the expanding executive activity and acquisition of powers which is going on all the time and worries us so much.

However, in the digital age of far greater executive power and control which has come about since then—everything shifting and evolving ever faster—the parliamentary system of scrutiny, of both legislation and executive programmes, clearly needs further strengthening in many ways.

My belief is that, to match that greater spread and depth of complexity, we need a far stronger committee system in both Houses.

The Hansard Society rightly questions whether our clumsy and antique system of negative and affirmative procedures—we have all lived through endless examples of those—really work any more. Do they have any teeth? My instinct is they do not. The Hansard Society also wants a sifting committee to decide which SIs should really be scrutinised in depth. I can see what it is thinking, but that really misses the point: the sheer complexity of government and the need to move ever faster to keep up, especially on the regulatory and trade fronts, requires much more specialised focus to sift those instruments effectively than anything that can be provided by one single committee.

Trade agreements are living and changing processes; they cannot be fixed arrangements nowadays. We need all departmental committees to have the resources and powers to go in depth into those matters because, in the modern conditions of the digital age, that is what is necessary. To plunge deeply and effectively into the executive powers being sought, establishing whether they should have proper scrutiny and of what kind, requires the sort of intense questioning from many sides that only a very well-resourced committee with real powers and good relations with the media and public can deliver. Our committees are under-resourced for the modern age and underpowered, compared with the committees of any other Parliaments.

In my last few seconds, I add the reflection that the first power needed is one which most committees in most other free Parliaments in most other countries have: some control over the legislative agenda. To the best of my knowledge, we at Westminster, supposedly the mother of Parliaments, are almost the only Parliament in which the legislative agenda and programme is left almost entirely under strong executive control. That too should change.

1.26pm

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