

LOGO

# Mr Blair's Poodle

*An agenda for reviving the House of Commons*

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THIS PAPER BEGAN LIFE IN conversation in the tearoom with the then shadow Leader of the House, Gillian Shepherd, and developed as a submission to Philip Norton's Commission on "Strengthening Parliament".<sup>1</sup> Both gave me a good deal of helpful guidance. I have also drawn on a number of ideas suggested to me by colleagues and to all of them I am very grateful. I would like to thank the House of Commons library, particularly Oonagh Gay and Barry Winetrobe and Richard Cracknell. I would like to thank Lewis Baston for some thorough historical research, Julian Glover for his extremely valuable help, particularly with Chapter 6, and Tim Bainbridge for some helpful suggestions. Ann Marsh and Martin McElwee gave me superb editorial support. I am indebted to several House of Commons clerks. They have taught me much of what I know about parliament and discovered a good deal of what I don't. Responsibility for everything is mine.

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<sup>1</sup> In July 1999 William Hague established the Commission and asked Lord Norton of Louth to chair it. Its terms of reference are: "To examine the cause of the decline in the effectiveness of Parliament in holding the Executive to account, and to make proposals for strong democratic control over Government."

## MR BLAIR'S POODLE

In 1908, Henry Chapman MP claimed that the House of Lords was the “watchdog of the constitution”, to which Lloyd George replied, “You mean it is Mr Balfour’s poodle.”<sup>2</sup>

It is the House of Commons which today has become the poodle of the Prime Minister. The ever more efficient exercise of executive control has left the Commons gravely weakened. He controls one House and appoints the other.

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<sup>2</sup> Quoted in *Phrase and Fable*, Cassell, 1997.



# **SUMMARY OF RECOMMENDATIONS**

## **1. Prime Ministerial appearances before the Chairmen of Select Committees**

The activities of modern Prime Ministers, for which they are directly responsible, should be subject to detailed committee scrutiny. Therefore, the Prime Minister should appear once a month before a committee composed of the Chairmen of existing departmental Select Committees. This committee should provide advance notification of the main proposed areas of scrutiny, as is customarily done by Select Committees before the appearance of other Cabinet Ministers. (See page 40).

## **2. Select Committee membership independent of Whips' Office**

The Committee which selects the Chairmen and members of Select Committees should be independent – in appearance and in fact – from the Whips' Offices. Applications for membership of all Select Committees should be put in the public domain, allowing scrutiny of the decisions of the Committee of Selection. The post of Chairman of each of the Select Committees should be made by secret ballot. (See page 42).

## **3. Bills to be subject to pre-legislative scrutiny**

All Bills should be published in draft by the Government and subjected to pre-legislative scrutiny by the relevant Select Committee. The motion on second reading should be taken on the basis of the Bill as amended by the Select Committee, thereby requiring the Government to explain subsequent amendments to it. (See page 47).

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### **4. Scrutiny of departmental expenditure and financial performance**

Select Committees should examine the expenditure of the relevant department and its financial performance. They should be able to draw on National Audit Office expertise. (See page 45).

### **5. Reform of Standing Committee procedures**

Ministers should be subject to cross-examination akin to that in Select Committees. Officials should be permitted to answer questions of detail on the Minister's behalf. Expert witnesses should also be called to comment on Bills. (See page 50).

### **6. Timetabling of legislation**

Parliamentary business should be timetabled, formalising customary practice via the "usual channels". The greater certainty afforded the executive for the passage of its legislation should only be granted in exchange for thorough Select Committee reform, as suggested above. (See page 52).

### **7. Improved scrutiny of secondary legislation**

A new category of "super-affirmative" instrument should be introduced which would be subject to pre-legislative scrutiny procedures. A sifting committee should be created to decide which instruments required it. (See page 55).

### **8. Time for committee work**

As a consequence of increased committee work, the full House of Commons should meet less, leaving one day a week for committee work. (See page 58).

### **9. Debates on Select Committee reports**

Most non-emergency debates on the floor of the House should be on the basis of reports from Select Committees, encouraging more informed debate and linking the Chamber to the Committee Corridor. (See page 58).

## RECOMMENDATIONS

### **10. Order of speaking and length**

The Speaker should publish her proposed running order for speakers before the start of debates (as the Lords does now), while leaving discretion to vary it in the hands of the Chair. Speeches should normally be restricted to 10 minutes. (See page 59).

Chapter 6 contains further proposals.

## CHAPTER ONE

# INTRODUCTION

THERE ARE THREE MAIN ASPECTS to Parliament's decline. First, only a few decades ago Parliament shaped public opinion and was the fulcrum of national debate about the actions of government. It does so no longer – the role has been largely usurped by the media. Secondly, it is now widely accepted that the executive is exerting greater dominance over Parliament than ever before. Thirdly, the executive is itself also dominated to an unprecedented degree by the Prime Minister. The demise of Cabinet government weakens Parliament almost as much as the Prime Minister's disdain for and neglect of the Commons itself.

This amounts to a transformation of the relationship between the executive and Parliament. The origins of some of the changes go back decades; others originate with the Blair premiership, which is reconstituting parts of the executive into a quasi-Presidency.

Does this matter? I believe it does, for several reasons. First, Parliament has safeguarded freedom and limited government for hundreds of years – many of our liberties stem from parliamentary tussles with successive governments. Parliament is probably less well-equipped to engage in these battles now than ever before in peace-time.

Secondly, constitutional change has been put at the centre of British politics by the Labour Government in the last few years. Standing still is not an option for Parliament. Labour has taken the country and Parliament on a constitutional journey with no clear idea of how to arrive at an end-point, nor even what the end-point should be. A more effective House of Commons should be part of any new constitutional settlement.

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Thirdly, Parliament's primary function of providing legitimacy for government, which underpins political stability, must be protected. If the task of forcing the executive to explain its actions is taken from Parliament by the media, and if the MPs are to be relegated to the role of local ombudsmen, Parliament's capacity to undertake this crucial constitutional function will be eroded. 'Parliamentary government' will decline further.<sup>3</sup>

This paper suggests how Parliament should react to the new executive supremacy. Reviving Parliament in the face of it is a major undertaking. It is important to be clear about the objective of reform and to be realistic about the scope for change. Chapter 2 asks what Parliament is for, examines the extent to which it fulfils its purpose or to which the executive has taken over. Chapter 3 puts the changes which have occurred in historical context, exploring the long roots of the executive's current ascendancy. Chapter 4 examines some more recent developments, focusing on the relationship between Parliament, the Prime Minister and the media, showing how the latter two carry considerable responsibility for Parliament's recent further decline. Chapter 5 sets out some practical limits to what is either achievable or desirable with parliamentary reform. Chapter 6 makes some suggestions for bolstering the Commons, elaborating on and adding to the summary of proposals set out at the start of this paper.

The paper is not a comprehensive survey of areas in need of reform. Many are left undiscussed. It largely ignores the impact of both the European Union and devolution on the Westminster

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<sup>3</sup> An excellent description of parliamentary government is provided by John Griffith and Michael Ryle: "Despite the control the Government can exercise over the House of Commons by the use of its majority, Ministers can obtain the parliamentary legitimation they require for their own business only if they also allow opportunities and procedures for debate or other forms of scrutiny on both the business they must initiate and on matters brought forward by others. This is the meaning of the phrase 'parliamentary government': not government by Parliament, but government through Parliament." *Parliament: functions, practice and procedures*, 1989.

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Parliament. This is not to belittle their importance. Indeed, the long-term relationship between Parliament and both of these may prove unsustainable, unless further reform is undertaken. Likewise the effect on Parliament of the coming into force of the Human Rights Act is scarcely discussed. This, too, may require further change in order to render it sustainable.

The paper does not examine the recent changes to the composition of the Second Chamber nor the impact of those changes on the Commons. In what follows 'Parliament' is used almost synonymously with the Commons, reflecting the current political reality – the interim Chamber lacks the moral authority to challenge the executive in the Commons. Nonetheless, as I have argued elsewhere, a Second Chamber with democratic legitimacy could play a major parliamentary role in the future and could address many of Parliament's current shortcomings.<sup>4</sup> Nor does the paper make proposals for changes to the relationship between parliamentary *party* democracy and Parliament itself, although it is the actions of party which, as much as anything perpetrated by the executive at the expense of Parliament, is capable of stifling constructive thinking and independence of mind. Nor do I examine more than cursorily three current vogue subjects: 'honesty' in politics, the cost of politics and the related issue of the number of MPs.

Instead, the paper concentrates on one issue: the relationship between the legislature and the executive. It argues that Parliament should be put back nearer the centre of British politics. But this does not require a radical shift in the balance of power between the executive and Parliament. Parliamentary democracy does not, nor should it, mean government by

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<sup>4</sup> Largely as a consequence of the 1999 House of Lords Act the Second Chamber is acquiring some of the features of a quango, shedding those of a fully-fledged legislature. I have said something about this elsewhere, for example, *Reforming the Lords: A Conservative Approach*, CPF, 1998 and "Reforming the Lords: The Democratic Case" in *The Rape of the Constitution?*, ed Keith Sutherland, Imprint Academic, March 2000.

## INTRODUCTION

Parliament. Once elected, governments should generally be allowed to get on with the job. Strong governments, capable of taking and implementing difficult decisions, have a lot to commend them.<sup>5</sup> Parliamentary reform should not be used as an excuse to hamstring the executive.

The two real litmus tests for the efficacy of any proposals for reform are more practical: first, whether the reforms force the executive to explain its decisions more than it does now; secondly, whether they make Parliament more meaningful to a wider public.

To achieve either we must put substance before form. It must be recognised that a parliamentary style or procedure which worked even only a quarter of a century ago, and especially in the age of limited franchise and a small executive of nearly a century ago, may well be inappropriate for the 21<sup>st</sup> Century. Restoring the form will not recover the substance.

Parliament must respond directly to the changed political culture. With the Prime Minister now occupying such a dominant role in the executive, Parliament should put the post of Prime Minister nearer the centre of its activities. An ascendant executive has largely succeeded in evading the responsibility to explain its policies to Parliament. At the same time, and to some degree aided by the executive, the media has supplanted some of the role in British political life formerly performed by Westminster. Parliament must find some way of responding to these developments. Only by reforming itself can Parliament in the 21<sup>st</sup> Century avoid slipping from the effective to the dignified part of the constitution.

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<sup>5</sup> The miserable experiences of the French Fourth Republic, post-war government in Italy, and the consequences of recent electoral reform in New Zealand should be studied by those who argue merely for the “strengthening” of Parliament and a concomitant diminishing of the executive.

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## CHAPTER TWO

### WHAT IS PARLIAMENT FOR?

IN THE 1860S, WALTER BAGEHOT set out his views on the various functions of the House of Commons. He said they were:

- i. choosing or maintaining and dismissing the government and guiding it;
- ii. expressing the mind of the people;
- iii. teaching the nation;
- iv. informing the government of grievances and complaints;
- v. legislation.<sup>6</sup>

It would be reassuring to be able to suggest that reform should take us back to the halcyon days of Bagehot's mid-19<sup>th</sup> Century world. Unfortunately that will not do. Several of Bagehot's suggested roles sit uneasily in the 21<sup>st</sup> Century, underpinned as so much of what he wrote was by paternalism and a belief that "the masses of Englishmen are not suited to elective government."<sup>7</sup>

Furthermore Bagehot misses out several functions that Parliament should perform in the 21<sup>st</sup> Century. A contemporary Parliament should:

- i. form and provide legitimacy for government;
- ii. legislate;

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<sup>6</sup> See W. Bagehot, *The English Constitution*, Watts 1964 (originally published 1867).

<sup>7</sup> Quoted in Ferdinand Mount, *The British Constitution Now*, p 47.

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- iii. legitimise taxation and spending;
- iv. perform a representative link between individual constituents and the executive;
- v. require the government to explain its actions by exercising powers of scrutiny.

### **Forming and legitimising the government**

The first of these, similar to Bagehot's, is the most important. It is through Parliament that the executive obtains the consent to govern, the vital ingredient in the stability of any polity. Without consent civil strife must surely follow.

Parliament has performed this function well for a long time and – perhaps contrary to popular perception – has particularly excelled itself in the past 20 years. No Prime Minister fell in peacetime as a result of parliamentary activity from 1924 to 1979. Since then two fell in succession, and a third tottered for much of his time in office directly as a consequence of the actions of fellow parliamentarians.

The poll tax saga and the parliamentary party-led demise of Mrs Thatcher are object lessons in the relative strengths of the battalions in the British constitution and illustrated the checks in the British constitution on overweening executive authority. It is true that the legislation found its way on to the statute book but as soon as its effects were seen on the ground, both the policy and its chief architect were jettisoned in short order. Moreover this was achieved without overturning the electorate's clear desire, reaffirmed in the 1992 election, and arguably in 1997 as well, to stay with most other Conservative policies.

Far from diminishing Parliament, or implying failure of the constitution as some have suggested,<sup>8</sup> the playing out of the death throes of the Thatcher administration undoubtedly buttressed it. Mrs Thatcher's dismissal was a 'no confidence' vote in the

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<sup>8</sup> See David Butler, Andrew Adonis, and Tony Travers, *Failure in British Government: The Politics of the Poll Tax*, Oxford University Press, 1994.

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leadership, rather than in the government as a whole. Her rejection by her party was a quintessentially parliamentary act. Part of what people feel Parliament ought to do has for a long time been largely the responsibility of intra-parliamentary party democracy.<sup>9</sup>

Both the major political parties have engaged in thoroughgoing reform of themselves over the past decade. The effect of these changes to party structure on Parliament is a major subject in itself and not discussed in this paper. Suffice to say that, where power over preferment or reselection has been further centralised by parties, Parliament's ability to think independently is likely to have been compromised.

The current Prime Minister's control of his Party is firmer than that of any Prime Minister in living memory. It is as much of a threat to constitutional restraint of the executive as the more often adduced formal weakenings of parliamentary accountability. These include reducing Prime Minister's Question Time to one day a week, announcing changes to government policy directly to the media and the unprecedented packing of the House of Lords.<sup>10</sup>

### Legislation

Parliament's legislative process is substandard. A powerful, though somewhat indigestible, critique of it was published by the Hansard Society in 1992.<sup>11</sup> The whole legislative process could have been invented – indeed, to a large extent it was – by people determined to ensure that the executive got its laws with the minimum of effective scrutiny. Highly partisan second reading debates are understandable, and often appropriate, but line by line scrutiny in Standing Committees (of which more on page 50), which broadly

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<sup>9</sup> Particularly since the growth of modern mass parties in response to the extension of the franchise – see Chapter 3.

<sup>10</sup> 202 life peers have been created since 1997. Margaret Thatcher created 203 in the period from 1979 to 1990.

<sup>11</sup> See *'Making the Law'*, The Report of the Hansard Society Commission on 'The Legislative Process', London, The Hansard Society for Parliamentary Government, 1992.

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replicates the parliamentary rituals of the floor of the House in miniature, frequently achieves little. “Desperate”, “dire”, “a pointless ritual”: these were the reactions I have had from colleagues on both sides of the House when I have spoken to them about Standing Committees.

Parliament’s scant attention to the laws it makes would matter less if the executive did a good job in preparing them before they came to Parliament. The opposite is often the case, something about which the judges and other lawyers increasingly complain.<sup>12</sup> Many of the proposals in Chapter 6 seek to address this major problem.

### **Legitimising taxation**

On tax and spending Parliament does what the government tells it to do. Budgets can generate a lot of heat and noise but they are unstoppable juggernauts, generally nodded through. It is rare for government clauses to be substantially amended, except by the Treasury itself. Finance Bill scrutiny was even guillotined in 1997.

This may all sound like appalling executive supremacy but there is a good case for permitting the government to get the cash it needs. Successive governments’ accumulated commitments cannot simply be left unfunded. Moreover, a more pro-active “tax and spend” Parliament could easily become even more prey to vested interest groups than the executive. There is nothing inherently attractive about pork barrel politics.

In any case, Parliament’s role on tax and spend is not as bleak as it first appears. The razzamatazz of budget day provides a momentary focus in the calendar when the electorate are asked to consider how the public sector pays its bills. And, even if *ex ante*

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<sup>12</sup> For example, “Legislation is becoming increasingly inaccessible... and...impossible to understand. Unintelligible legislation is the negation of the rule of law and of parliamentary democracy” (James Goudie QC, *The Times*, 20 August 1991). Lawyers are constantly “trying to find out what [statute law] is in force, when it came into force...and when they have found out, what the hell it means.” (Jane Hern, the Law Society, *The Independent*, 30 March, 1992). Quoted in *Making the Law*, op cit., p.1.

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scrutiny is poor, Parliament's *ex post* efforts are not. Gladstone's scrutiny system, largely devised in the 1860s, is still in operation: departments set out their expenditure plans over three years in annual reports; Parliament votes turn on the basis of itemised estimates; the National Audit Office (NAO) then checks that those departments have done what they said they would do with the money;<sup>13</sup> the Public Accounts Committee then reports to Parliament on the basis of the NAO's work. On the whole, the *ex post* system works.

### The constituency link

MPs are fulfilling their role as the link between Parliament and the electorate in their constituencies more vigorously than at any time in Parliament's history. Indeed the increase in the attention paid by MPs to their constituents, often at the expense of Westminster duties, is one of the least talked about but most significant Parliamentary developments of the last 30 years. A new role has been created for them – that of local ombudsman.

MPs spend more time in their constituencies than ever before.<sup>14</sup> They write far more letters<sup>15</sup> (the fact that new technology helps them is almost certainly more than offset by the fact that the letter writers have the same equipment). They engage more closely in business formerly considered the preserve of local councillors.

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<sup>13</sup> Since the National Audit Act 1983, the National Audit Office has done more than merely check that departments have done what they said they would do with the money; the 1983 Act requires it to examine economy, efficiency, and effectiveness, supplementing their “bread-and-butter” job with value-for-money work.

<sup>14</sup> See *Representing the People? MPs and constituency work*, Greg Power, Fabian Society, October 1998.

<sup>15</sup> In the 1950s MPs were still only receiving 10 to 15 letters a week. In the 1960s this had risen to between 25 and 74 letters a week. According to Parliament's postmaster there was a four-fold increase in mail between 1964 and 1997, implying incoming correspondence for some MPs of as much as 300 letters per week. Derived from Greg Power, *op cit*. Since the election I have received on average 290 a week; it is on a rising trend.

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This last is particularly prevalent among the growing number of MPs (more heavily represented on the Labour benches) who have worked in local government or have been councillors. It represents a transformation from half a century ago, when quarterly visits to the constituency could be considered diligent.<sup>16</sup>

MPs have a new job. It will grow further with on-line political participation and 'e-democracy'. In an age in which, throughout the Western world, it appears that politicians are held in declining esteem, there is a lot to be said for the constituency link. Those who bewail the decline in turnout tend to ignore the increased voter participation in politics implied by the huge increase in MPs' constituency work, as well as increased participation in single issue pressure groups. It is the formal structures and traditional institutions of political life which are in decline, not overall political activity.

MPs have not, on the whole, discouraged the development of their new jobs. On the contrary, many find it rewarding, too; they want to do their best for constituents, even when they are substituting for others, particularly local councillors. Knowledge gleaned locally enriches Westminster.

However, this work comes at a price. Its value for MPs and Parliament is probably more ambivalent than for constituents. It is growing year by year and reduces the time available for playing an effective parliamentary role. There is an inescapable tension between fashionable proposals to reduce the size of Parliament

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<sup>16</sup> The following story illustrates the scale of the transformation: "A Labour newcomer in 1945 told of his first visit to the constituency after the election. A top-hatted stationmaster met him to ask whether he would be following the previous Member in paying his annual visit at that time of year. [Another Labour MP of the era] A V Alexander hardly ever visited his Sheffield constituency during or after the war, producing such disgruntlement that his successor George Darling was elected on a radical promise of quarterly visits. When he was later appointed PPS to Arthur Bottomley, the constituency wrote to absolve him even from that promise 'in the light of his heavy duties.'" Roy Hattersley, *Who Goes Home*, Little, Brown, 1995.

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(whether on grounds of cost, efficiency or pandering to the unpopularity of politicians<sup>17</sup>) and the increasing burden of constituency work.

### **Scrutiny of the Executive**

Bagehot scarcely referred to the need to scrutinise the executive. This, it seems to me, both with respect to legislation and implementation, is an increasingly important role for Parliament and one which it currently neglects. Scrutiny<sup>18</sup> is the prerequisite of government by explanation.

Governments, like individuals, do not rush to volunteer explanations for their decisions. They do so often only when encouraged, required, and pressured. Parliament rarely achieves any of these and the electorate is short-changed as a consequence.

The tools currently at Parliament's disposal are not up to the job. Prime Minister's Question Time is generally more theatre than scrutiny. The majority of debates on the floor of the House, particularly those which are whipped on both sides, are largely ignored by the media and a wider public. Too much of the Select Committee system is worthy but also ignored. The legislative process, as already discussed, is deficient in many respects and disfigured by the parody of Standing Committees. Secondary legislation, burgeoning every year, is often scarcely examined at all.<sup>19</sup> Rarely is much extracted from monthly oral questions to Ministers. Written Parliamentary Questions<sup>20</sup>, even though now

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<sup>17</sup> Opinion polls, for what they are worth, suggest that politicians as a class are unpopular but not in their capacity as local MPs.

<sup>18</sup> The term 'scrutiny' can easily become a substitute for clear thinking about Parliament's role, little more than a mantra. 'Proving' or 'testing' the government's actions and policies are near synonyms, in the sense meant here. Scrutiny is the means by which 'government by explanation' is forced upon the executive.

<sup>19</sup> See page 55.

<sup>20</sup> Written Parliamentary Questions are not answered during Parliamentary recesses and for much of that time, the Table office is not even staffed.

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bolstered by the Code<sup>21</sup>, still enable Ministers to avoid releasing much valuable information lest it prove embarrassing. The Labour Government's post-election *volte-face* on the Freedom of Information Bill, and its decision to draw almost all the teeth of its original draft Bill, suggests that it wants to keep things that way.

### **Conclusion**

Parliament is in decline and needs reform. It fails adequately to perform several of the tasks the electorate expects of a modern parliament. In particular, its scrutiny of legislation and of executive action has serious shortcomings. But turning the clock back to Bagehot is not an option. Those who are already convinced of this can safely skip Chapter 3, which traces the origins of the executive's current supremacy and seeks to dispel the myth of a "golden age" to which we should seek to return. For the unconvinced, some history is essential.

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<sup>21</sup> The Code of Practice on Access to Government Information. This was first introduced in 1994, following the 1993 White Paper, 'Open Government'.

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## CHAPTER THREE

# THE ORIGINS OF EXECUTIVE SUPREMACY

### **The myth of the “golden age”**

It is tempting, for Conservatives in particular, to hunt for some golden parliamentary age and seek to reconstruct it. But the “golden age” view is mistaken. The 19<sup>th</sup> Century “golden age”, in as much as it ever existed, was itself a period of dramatic constitutional reform. It is not recoverable.

In as much as the “golden age” ever existed the case for it can best be made for the period 1832 to 1867. Governments were made and unmade on the floor of the House; parliamentarians understood the distinction between support for a government’s measures and support for its Ministers; the Commons basked at the centre of national attention. The Westminster system in the 19<sup>th</sup> Century (and even more in the 18<sup>th</sup> Century) was representing property at a time when property was the chief source of power. While Britain was represented by a small and unified political group, a “political nation” that was on dinner party terms with itself, Parliament worked extremely effectively.

Nonetheless, even this “golden age” barely shone, lasting less than half Gladstone’s political life and tarnished by mass public opposition from the likes of the Chartists. The growth of mass democracy brought with it a widening of executive activity. Its seemingly inevitable corollary was the growing power of the executive within Parliament, leaving the “political club” inadequately equipped to cope.<sup>22</sup>

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<sup>22</sup> This is not to belittle the club’s achievements. For many decades it worked remarkably well in coming to terms with popular calls for reform, in 1832, and

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The widening of the franchise brought about the development of party programmes and with them clear legislative commitments. This turned the passage of Bills into a more clearly identifiable party activity and placed the executive in a much more central role in Parliament. Manifesto promises and party discipline were both the consequence of a wider franchise. If the mid-19<sup>th</sup> Century Parliament was a “golden age” it was probably ultimately incompatible with mass democracy.

By 1872 Disraeli, in his Crystal Palace speech, and Gladstone in his Midlothian campaigns of 1879 and 1880, were setting out party platforms outside Parliament. These speeches were the direct result of the enlarged franchise, pushed through by the Conservatives in 1867. They marked the beginning of the end of the “political club”, and the outward trappings of a golden parliamentary age. They also inadvertently marked the road towards executive supremacy.

### **The road to executive supremacy**

The origins of executive supremacy lie in the need to adapt the workings of a club to running a modern industrial state, accelerated by two World Wars. Parliament’s decline since the Second World War is more glaring at least partly because the post-war era witnessed the sharpest rise in the growth of the state and hence the need for a large executive to run it.

The three main building blocks of executive supremacy today are timetabling, the use of Standing Committees, and the executive’s near total control of standing orders. It is worth briefly examining the historical origins of each.

Timetabling was the unintended constitutional fall-out of the Home Rule crisis. Parliamentarians still suffer from the consequences. Until the 1870s the timetabling of Commons

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again in 1867 and in absorbing the rise of the Labour Party and the death of liberalism in the early 20<sup>th</sup> Century. This was a considerable achievement: no other comparable country managed it – even the United States fought a civil war. The House of Commons is part of the explanation for the relative peace in recent British (although not Irish) history.

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business was in the hands of MPs, governed by an informal code of restraint through which the government was usually allowed to get its business. After 1875, Charles Stewart Parnell led an assertive Irish nationalist party which made inventive use of the permissive procedures of the House to obstruct government business. The two main parties responded – through convention, rather than legislation – by introducing the guillotine, which allows the government to take control over the timetabling of an individual Bill.<sup>23</sup>

Timetabling was introduced with the full co-operation of the opposition front bench, which anticipated using the new powers itself. There was also a reward: in return for giving the government control of the parliamentary timetable, the official opposition was given a ration of parliamentary time – ‘supply days’.<sup>24</sup> The ‘usual channels’ – co-operation between government Ministers known as business managers (the Leader of the House and the Chief Whip and their opposition counterparts) – became firmly established as a normal part of parliamentary life at about this time to ensure the efficient flow of parliamentary business.<sup>25</sup>

Standing Committees were introduced at the behest of the front benches, against backbench opposition, as a means of accelerating the legislative timetable. They first arrived, rather haphazardly, in 1883. For the next 20 years most legislation

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<sup>23</sup> Although Parnell started the process in 1875, the first use of the guillotine was not until the 1881 Session, when an urgency resolution allowed a Minister of the Crown, by a Motion which declared that the state of public business was urgent (the Question upon such a Motion had to be decided by a majority of 3:1 in a House of not less than 300), to vest in the Speaker “the powers of the House for the regulation of its business”. The Speaker then became a one man Business Committee. The Bills first dealt with in this way were the Protection of Person and Property (Ireland) Bill (1881) and the prevention of Crime (Ireland) Bill (1882).

<sup>24</sup> These were first formally introduced in 1902, with a ration of 20 per session.

<sup>25</sup> There is no precise date for the establishment of the “usual channels”. See John Sainy and Gary Cox, ‘Identification of Government Whips in the House of Commons 1830-1905’ in *Parliamentary History*, 1997; and *Parliament, Party and Politics in Victorian Britain* by T A Jenkins, 1996.

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continued to be taken through its Committee stage in a Committee of the Whole House. But from 1907 the formal Standing Committee system – the bane of backbench life today – was introduced.

In retrospect it is clear that the surrender of control of the parliamentary timetable to the executive was a constitutional *coup d'état*. Although partly unintended, it has been the source of parliamentary weakness ever since. Once begun, the process of usurpation was unstoppable.

In 1902, that process took another step with the introduction of Standing Orders – ‘Balfour’s railway timetable’ – in which the government decided which subjects could be raised and how much time could be allocated to them. At the same time the capacity of the Upper House to check the Commons, on the wane since the widening of the franchise, diminished sharply; the 1911 Parliament Act signalled the supremacy of the Commons. The First World War, with its need for emergency enabling acts and restrictions, led to further executive encroachment.

Parliament was all but surrendering to the executive but concerns were being raised. The Haldane Committee on the Machinery of Government<sup>26</sup> recognised the need for parliamentary accountability in 1918 and recommended more use of committees. But in response only the Estimates Committee was restored (it had briefly existed before the Great War) in 1921.

Lloyd George was not interested in the Haldane Report. With his personal Secretariat he dominated the executive from Downing Street. He was scarcely under the control of the rest of the Government, let alone Parliament, something redolent of the ‘strong centre’ now being created by the current Prime Minister in Number 10 and the Cabinet Office.<sup>27</sup>

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<sup>26</sup> Haldane Committee 1918 Cmnd 9230. Its main recommendations related to the reorganisation of the civil service.

<sup>27</sup> Mr Blair would do well to recall that Lloyd George’s over-mighty executive was brought down in 1922 by a parliamentary revolt, albeit of its coalition partner the Conservative Party. It will be chiefly from within the Labour Party that the

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### **Executive dominance consolidated**

Most of the last century saw a consolidation of executive dominance. In the inter-war years, the political culture became steadily more executive-minded: as Prime Minister, Ramsay MacDonald felt no compunction in stressing that Parliament's role was to expedite legislation. In April 1931, Beatrice Webb lamented 'an emasculated House of Commons' in which the task of an MP amounted to:

...passive listening to one debate after another, with the sole relaxation of walking through the division lobbies according to the party Whips.<sup>28</sup>

Several British institutions were also created in ways that made parliamentary scrutiny ever harder. Among them were the BBC, London Transport, municipal electricity and gas and Imperial Airways.

Nonetheless parliamentary independence was not dead: Churchill's lonely rearmament crusade; Harold Macmillan, representing Stockton through the great recession; Oswald Mosley and his New Party; Anthony Eden, resigning over appeasement, are examples. But there was little support for strengthening the Commons against the incursions of the executive. In the crisis atmosphere of the 1930s, calls for reform were generally in the direction of executive discretion, not parliamentary accountability. In the age of the great dictators, the unspoken belief that too much democracy was a dangerous thing informed much of parliamentary and executive life.<sup>29</sup>

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decisive challenge will come to this latest assemblage of Prime Ministerial power. Even so, when Mr Blair is toppled it is unlikely to upset the trend towards executive dominance, any more than in the long run did the demise of Lloyd George or Mrs Thatcher's ousting in 1990.

<sup>28</sup> Quoted in *Political Quarterly* 1931, Vol II p 1-22.

<sup>29</sup> Its legacy is still with us in the form of the European Commission, the brainchild of those who, having experienced the dictators, feared too much democracy and believed that bureaucrats could substitute for political direction.

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In the 1930s, influential figures in public life, including many in the Labour Party and on the radical side of the Conservative Party, even considered abandoning the traditional system of parliamentary accountability altogether and substituting it with an Enabling Act, granting the executive almost untrammelled discretion. The Second World War understandably further strengthened the executive at the expense of the Commons. Despite the resonance of the 1940 Norway debate and Winston Churchill's speeches, the Commons intervened little, meeting infrequently and leaving the executive to run the country. Nonetheless, even the threat of imminent defeat was not enough to trigger calls for the suspension of Parliament and the mere fact of its existence at this time reflected the depth of commitment to parliamentary democracy.

The post-war Labour administration, anxious to enact its sweeping enlargement of the State without too much parliamentary obstruction, immediately asserted its supremacy. The Attlee Government used the exigencies of the early post-war years to justify the transfer to peace-time not only of many temporary war-time planning measures but executive-minded approaches to Parliament as well. It set up the 1945 Select Committee on Procedure, increased the use of Standing Committees and routinely extended the use of the guillotine to committee proceedings. The Statutory Instruments Act of 1946 regularised the procedures for delegated legislation and laid the foundations, partly inadvertently perhaps, for the huge increase in secondary legislation.

On their return the Conservatives largely accepted their constitutional, as well as their economic, inheritance. The nadir of Parliament's self-esteem in relation to the executive came with the report of the Select Committee on Procedure in 1959. This report "set itself against any alteration of the 'balance' between the Executive and the House".<sup>30</sup> This was a time when backbenchers

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<sup>30</sup> For a vivid description of the executive-mindedness of R A Butler, and even the Labour Opposition, see Peter Hennessy, *The Hidden Wiring*, p 144 –145, Victor Gollancz, 1995.

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sank whisky and soda through the night as they voted the way the Whips wanted.

After the war the independent backbencher became an endangered species. Apparently the Whips felt confident enough to kick MPs who stepped out of line to the ground.<sup>31</sup> From 1945 to 1970 no government was defeated as a result of dissenting votes by its own backbenchers.<sup>32</sup> Significantly, this was also the time when the rapidly developing news media industry seized the initiative to provide the main forum for political debate in Britain.<sup>33</sup>

### **The legislature fights back?**

At this point a fight back – of sorts – began. By the 1970s the executive had succeeded in obtaining almost total control of the floor of the House<sup>34</sup> and so reformers looked to the need to create “scrutiny hoops” elsewhere. As a result, most of the fight back concerned the creation of committees rather than procedure.

By far the most important of these were Select Committees. The origins of the modern Select Committee system lie in a Conservative decision in 1956 to establish the Select Committee on Nationalised Industries. This proved successful at gathering public evidence and cross-examining Ministers much more thoroughly than could be achieved on the floor of the House. It was a harbinger for the development of specialist committees. The return of Labour to office in 1964 brought hopes of more

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<sup>31</sup> “Colonel Walter Bromley-Davenport [a Whip], a boisterous character, had told one of our Members not to leave the House because he was unpaired. The Member refused, whereupon the Whip gave him a hefty kick which brought him to the ground.” Edward Heath, *The Course of My Life*, Coronet Books, 1998, p 151.

<sup>32</sup> Philip Norton, *Dissension in the House of Commons*, Macmillan, 1975. Nevertheless, an amendment to the 1965 Finance Bill was carried against the Government by 180 to 167 votes and there were four minor defeats in 1950-51 caused by abstentions.

<sup>33</sup> See Chapter 4.

<sup>34</sup> Standing Order 14, which begins “save as provided in this order, government measures shall have precedence at every sitting,” is the clearest possible statement of executive supremacy.

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substantial reforms to the committee system, as well as to the House of Lords. These partly derived from the work of a group of 10 Labour backbench MPs, led by Reg Prentice, which was subsequently published in *Socialist Commentary*.<sup>35</sup> Richard Crossman's reforming period as leader of the House (1966-1968) owed something to these proposals.

Crossman's legacy on parliamentary reform was significant and included the creation of specialist Select Committees on agriculture, education and science and technology. Although these were widely criticised within a few years, for going native and for failing to attract widespread public interest, it was commonly accepted that future changes would build on them.<sup>36</sup>

The most important committee reforms since then were those introduced in the early months of the Thatcher administration in 1979.<sup>37</sup> The origins of those reforms lay not only in the acceptance that specialist committees had some value, whatever their defects, but also in increasing acceptance of the shortcomings of parliamentary scrutiny on the floor of the House, vividly described in the Procedure Committee Report of July 1978. The Thatcher/St John-Stevas/Pym reforms created a formal system of departmental Select Committees, shadowing government departments, later supplemented by "cross-cutting" committees such as those on Public Administration and Environmental Audit. Their record has been mixed. Too often their work is ignored by the press and undermined by the executive. Some of the proposals in Chapter 6 are designed to improve them.

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<sup>35</sup> Cited in *Parliament under Pressure*, p 201.

<sup>36</sup> For a fuller description of this period see the first rate account by Peter Riddell in *Parliament under Pressure* p 200ff.

<sup>37</sup> Parliamentary reform is most likely to gain acceptance immediately after a change of government and before 'executive ease' sets in. Or, as Ferdinand Mount has put it, 'Proposals for constitutional reform are often 'the poetry of the politically impotent', planned in opposition but implemented once in power with waning enthusiasm: Ferdinand Mount, *op. cit.*, p 2.

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Notwithstanding these reforms, the 1980s saw further encroachments of the executive into parliamentary independence. The use of guillotine motions escalated<sup>38</sup> and the increasingly dominant position of the Prime Minister within the Cabinet affected the mood of the House, too. At the same time the declining public attention given to the floor of the House led to several suggestions to revive it. Foremost among these was the introduction of television.

The 1989 decision to televise the Commons has done nothing to recover the chamber's status. The public have not been attracted by what they have seen. Few would bring broadcasting to an end but it has not helped Parliament recapture the initiative from the media, arguably the reverse. Nor has it strengthened Parliament's hand with the executive.<sup>39</sup>

Over the last few years, while the newly televised House of Commons has enhanced its reputation for spectacular occasions – the change of Prime Minister in November 1990 and the traumas over the legislation implementing the Maastricht Treaty being the clearest examples – only rarely has Parliament altered the course of government business, even when the government had no majority. In 1995-96 all 43 Government Bills were passed. The about-turn on the closure of much of Britain's remaining coal mining industry in the autumn of 1992 was arguably an about-turn inspired by Parliament, although even this was partly the result of public protest.<sup>40</sup> Nonetheless, the parliamentary arithmetic of the Major administration probably did result in some Bills not being introduced at all.

The 1990s at least saw some minor reforms designed to improve scrutiny. The most important, although it has won little notice, was the introduction of the Lords Committee on the Scrutiny of Delegated Powers, which is performing well. Another attempted reform was the alteration in sitting hours of the House

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<sup>38</sup> See Figure 3.

<sup>39</sup> See Chapter 4.

<sup>40</sup> See John Major, *The Autobiography*, p. 668-671, Harper Collins, 1999.

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recommended by the Jopling Committee. However, its effect on Parliament's scrutiny work has probably been minimal.

The 'fightback' of the legislature, such as it is, has been encouraged by steadily stronger criticism of the way Westminster goes about its business. The 1992 Hansard Society Commission on the Legislative Process provided damning evidence of the failure of the House to scrutinise government Bills. Its recommendations provided some of the impetus, now on the wane, for the programming of government Bills, a procedure used for the Scotland Bill, the Wales Bill and the Financial Services Bill.

In the wake of the 1997 election, criticism became louder still.<sup>41</sup> A fixation on the part of the Government with the media; tight party control of Labour MPs; a majority which allowed the Government unparalleled freedom of action; all three have subjugated the Commons, to the protests of many, including the Speaker. Many argued that the Government's sidelining of Parliament was deliberate.

Some of these changes are reversible with a change of government. Others, particularly devolution, will have a permanent impact. The transfer of many powers to Scotland has already curtailed Westminster's ability to hold the Government to account. Devolution in Northern Ireland, if it endures, and aspects of Welsh devolution, may have a similar effect. Exchanges on the floor of the House illustrate this.<sup>42</sup>

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<sup>41</sup> See, for example, Lord Lester in *The Times* 1 July 1999 and Robin Oakley in *The House Magazine* March, 1999.

<sup>42</sup> For example:

**Mr Michael Fabricant (Lichfield):** If he will make a statement on the state of tourism in Wales...

**The Parliamentary Under-Secretary for Wales (Mr Peter Hain):** I had responsibility for this matter until 1 July. In difficult circumstances, the industry in Wales has performed well. We have allocated an additional £1 million to the Wales tourist board. Quality standards in the bed-and-breakfast sector...

**Madam Speaker:** Order. The Minister said that he had responsibility until 1 July. Is it not a devolved matter?

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Another effect of devolution, raised by the Royal Commission on the Reform of the House of Lords, is the likely growth of skeleton legislation, empowering the executive to govern through statutory instruments. For example, since the Welsh Assembly can only make secondary legislation it is likely to press for Bills at Westminster which legislate only nominally, leaving the Assembly to implement the detail through Statutory Instruments.<sup>43</sup> This will affect England, too, but the Statutory Instruments will remain unscrutinised.

Some much oversold changes have also been made to the House of Lords, with the removal of a little under half of the politically active hereditary peerage and the publication of proposals for further change. But there is widespread scepticism that the changes made, or even those promised, will lead to any significant improvement in parliamentary scrutiny.

All this has left Commons reform neglected. A little progress has been made by the Select Committee on Modernisation, established after the 1997 election, but its output has been somewhat disappointing.<sup>44</sup> It has concentrated too much on headline-grabbing proposals such as reshaped debating chambers and introducing electronic voting, and not enough on more fundamental Parliamentary reform. Its most visible achievement, the second Commons chamber in Westminster Hall, has met at best with a mixed reception from MPs and the media.

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**Mr Hain:** I understand that, Madam Speaker. I was just explaining that it is a devolved matter, but I was talking about what had gone on until 1 July.

**Madam Speaker:** Yes, but if it is a devolved matter, we must pass on.

**Mr Hain:** It is indeed, from 1 July.

**Madam Speaker:** Thank you.

(Hansard 7 July 1999, col 1013).

<sup>43</sup> *A House for the Future*, Royal Commission on the Reform of the House of Lords, p 69, HMSO, January 2000.

<sup>44</sup> This is despite its spirited aim, set out in its Second Report of 1998-99, HC 194: 'We wish to restore [the chamber] as a place where the executive is held properly to account by Members; where Government policy is first announced and tested and where the terms of trade between Government and House are shifted back to the House'.

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### **Conclusion**

The origins of the executive's current domination of Parliament lie in the late-19<sup>th</sup> Century and much of the 20<sup>th</sup> Century saw further consolidation. The lion's share of these changes are not in practice reversible – a golden parliamentary age cannot, and, in its 19<sup>th</sup> Century guise, should not be restored.

Two other recent developments, so far scarcely discussed, have further entrenched the executive's supremacy. The first is the growing ascendancy of Prime Ministerial government. The second is the usurpation by the media of the scrutiny roles formerly performed by parliamentarians. They are the subject of the next chapter.

## MR BLAIR'S POODLE



## CHAPTER FOUR

# THE NEW THREATS TO PARLIAMENT

### **Parliament and the Prime Minister**

While the executive has come to treat the consultation of Parliament as a formality, the government's chief executive – the Prime Minister – has come to treat consultation with the rest of the executive in similar vein.

Tony Blair dominates the executive more and bothers with Parliament less than any Prime Minister in modern times. Cabinet government is an irrelevance, even more than at the height of the Thatcher era; Ministers matter less than Downing Street advisers; the dissemination of most government information is now controlled directly from Downing Street.<sup>45</sup>

Number 10 Downing Street has been radically restructured and its powers enhanced since the election. Its position in Whitehall, and the Prime Minister's pre-eminence within it, have no parallel in peacetime. Only Lloyd George's Garden Suburb, assembled during the First World War and Churchill's similar team, created during the Second World War, are remotely comparable.

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<sup>45</sup> This view is now widely accepted. Matthew Taylor, Labour's former Director of Policy, wrote that special advisers 'speak of a culture in which the approval of advisers in Number 10 or Number 11 is more important than the opinion of the Ministers they serve. Although important detailed work takes place in cabinet committees, it is widely accepted that cabinet government is now dead.' *Prospect*, May 2000, p 41. Peter Hennessy has written in a similar vein: "The Cabinet has become even more peripheral than under Thatcher at her most tigress-like ... Cabinet committees ... have also ceased to be the place where ... policy-making is carried out ... The full cabinet plus standing co-ordinating Cabinet committees – a model operated in varying geometries by all Prime Ministers from Churchill to Major – is now effectively at an end." *Independent*, 20 May 2000.

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Since the election the Prime Minister's private office has doubled in size and is now more akin to the "cabinet" of a continental President. The number of advisers has tripled, as has the number of staff working on media and presentation. The Number 10 machine, the heart of government, is now directly answerable to two party political appointees.<sup>46</sup>

What distinguishes Tony Blair even from the Lloyd George and Churchill comparisons, borne of the unique pressures of war, is the current Prime Minister's neglect of, even disdain for Parliament. The decline of Prime Ministers' activity in Parliament is of long standing<sup>47</sup> but it has sharply accelerated since 1997. Except to make statements<sup>48</sup> and his weekly Prime Minister's Questions, Tony Blair rarely visits the Commons. In the first two full Parliamentary sessions, the Prime Minister led his Government in debate on the floor of the Commons on only three occasions – less often than any Prime Minister in recent history (see Figure 1).

He also rarely appeared in the House to vote, giving MPs, particularly those on his own side, little opportunity to buttonhole him informally. His voting record is inferior to that of any Prime Minister since the War, as Figure 2 demonstrates.<sup>49</sup> Tony Blair's contact with the Commons is little more than tokenism.

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<sup>46</sup> See Appendix B for a diagram showing the new lines of accountability and setting out the radically reformed structure of Number 10.

<sup>47</sup> For a historical perspective, see "The Decline of Prime Ministerial Accountability to the House of Commons 1868-1990" by P. Dunleavy & G.W. Jones in *Prime Minister, Cabinet and Core Executive*, R.A.W. Rhodes & P. Dunleavy (eds), 1995.

<sup>48</sup> Tony Blair has averaged a similar number of statements to that of Prime Ministers since the Second World War. He made 13 statements a year in his first two years as Prime Minister, dominated by reports on European summits. The annual average for Prime Ministers' first two full sessions since the War was 12.

<sup>49</sup> Note that, in Figure 2, the 1969-70 figure covers only divisions from 28 October 1969 to 26 March 1970. It therefore excludes divisions between this date and the end of the session on 29 May 1970. It also omits the short pre-election sessions of 1973-74 and 1978-79. The 1982/83-1986/87 figures are House of Commons Library estimates based on the first 100 divisions of each session -- the Library was unable to obtain full figures for this period. The 1987/88-1998/99 figures come from the Campaign Lobbydata database. The 1997/98 figure excludes divisions between 27 July 1998 and 18 November 1998. The 1997/98 session was an very long one and the figures shown cover more than a full calendar year.

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### Parliament and the media

Parliament's decline at the hands of the media is almost as important as that suffered at the hands of a Presidential executive. The media has largely supplanted Parliament in two crucial roles: as the forum for national political debate and as the primary source of information about the activities of the executive.

When a wider public considers a contentious political issue, it does not turn to reports of Parliament in the newspapers, still less Hansard or parliamentary broadcasts. Parliament no longer shapes public opinion.<sup>50</sup> The heart of political debate lies in forums designed to appeal to the electorate by television and radio producers: the Today programme, Newsnight, Sunday's political TV and radio programmes, Question Time, Any Questions?, news programmes and current affairs investigative journalism. These, in turn, take their lead, to a far greater extent than is commonly appreciated, from the printed media.

A second media-inspired change is more insidious – but it is one that Parliament can do something about. Most information which is in the public domain about the executive is fed directly to the media, and does not come via Parliament. Alastair Campbell's enlarged and centralised media operation in Number 10<sup>51</sup> – which controls the output of the press offices of Whitehall departments<sup>52</sup> – together with his twice-daily press briefings, are the main source of the public's information, and almost all that the government wants the press to know. Furthermore, much of what the executive would

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<sup>50</sup> Nevertheless, Parliament is still probably capable at a time of national crisis of acting as the focal point for the national mood, as it did, for example, at the time of the Falklands crisis. Or, as Edmund Burke put it, "what the great inquest of the nation has begun, its highest Tribunal will accomplish." (*The Writings and Speeches of Edmund Burke*, edited by Paul Langford, Vol VII page 270).

<sup>51</sup> This now comprises a 'media monitoring unit' and a strategic communications unit, as well as a press office, containing 29 staff in all. There were eight press officers in 1995, now there are 14, plus seven in the Strategic Communications Unit and a further eight in the Research and Information Unit. See Appendix B.

<sup>52</sup> See the Public Administration Committee Report HC770 1997-98 on recent developments in the Government Information Service (GICS), particularly Appendix 7. In a formal sense, centralisation followed the publication of the Mountfield Report (Report of the working group on the GICS), 1997.

## THE NEW THREATS TO PARLIAMENT

rather the public did not know is squeezed out of the executive as a consequence, not of the action of parliamentarians but of media-led enquiries, investigations and leaks often by Ministers against one another and sometimes by officials.

This is a huge contrast with parliamentary life even as little as 40 years ago. Until the last few decades, far more of that information came via parliamentarians who tabled questions, cross-examined Ministers on the floor of the House and forced explanations of policy from Ministers in debates. Much less information was made public than today, but for most of it, Parliament was the conduit. The press sat in their Gallery because, if they did not, they might miss news.

Today the Gallery is empty. When the press are after ‘a story’ their first port of call is part of the executive, not Parliament. When they need a “parliamentary” comment on what they have found they ring up MPs and ask for “a quote”.

The increased activities of the media, and particularly their success in bringing more light to bear on executive action than Parliament has been able to achieve, has, for the most part, enhanced democracy. But from an MP’s perspective it is a mixed blessing. As citizens MPs should welcome it, but as parliamentarians they should respond: scrutiny is our territory.

Many MPs have demanded that all information should be provided to the House, where appropriate in statements, as used to be largely the case. This direct approach is unlikely to achieve much. Parliament has no practical means of restoring a monopoly over government announcements, still less can it exert direct control over the relationship between the executive and the media. The incentives on the executive to ignore parliamentary strictures will always be too great and penalties – at worst an apology – always too small. Such pleas for better executive behaviour, although worthy, largely miss the point.<sup>53</sup>

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<sup>53</sup> See Appendix A for a recent complaint made by Madam Speaker about announcements made outside the House of Commons.

## MR BLAIR'S POODLE

The executive's behaviour is a symptom of a wider phenomenon. The needs of the press will continue to be put before parliamentary formalities by Whitehall as long as the press has a greater capacity to knock the executive off course with a hostile write-up. Quite simply, for the executive in general and for the Prime Minister in particular, the media matters more. Their behaviour is understandable. It will remain the case as long as the wider public prefers to take its politics almost entirely in processed form from the media, rather than 'raw' from Parliament.

This is why attempts to cajole broadcasters into taking more of an interest in the floor of the House will also fail. The media will follow their audiences. Judging from the verdicts of TV viewers and radio listeners the public prefer the political exchanges of TV interviews to debates on the floor of the House. They enjoy watching points scored, but not in a style which more befits election hustings – at least not most of the time. If this were not so TV producers would simulate parliamentary-style debates in studios or merely relay highlights of Parliament.<sup>54</sup>

Parliament's demise at the hands of the media is not the biggest of its problems but it is perhaps the most illustrative of what is wrong. Unless Parliament can make its own deliberations relevant to the electorate of the 21<sup>st</sup> Century, it will be ignored. Unless the scrutiny of the executive can be improved to the point where the media come to MPs first, they will continue to be bypassed. It is therefore by reference not just to the roles of Parliament described at the beginning of this chapter, but also the likely effects on the media's presentation of Parliament to a wider public, that most proposals in Chapter 6 should be judged.

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<sup>54</sup> The arguable exception is, of course, Prime Minister's Questions, the ultimate in "bear garden" politics.

# THE NEW THREATS TO PARLIAMENT



## CHAPTER FIVE

# THE REALM OF THE POSSIBLE

HAVE THE PRECEDING CHAPTERS understated Parliament's problems? Chapter 3 described the encroachment of the executive on parliamentary discretion over the past 125 years and Chapter 4 described the more recent growth of Prime Ministerial power and the usurpation by the media of several roles formerly considered Parliament's preserve.

That would be bad enough. Many contend that the situation is worse, and that the developments of the last 50 years, in particular, have led to the erosion, or even loss of parliamentary sovereignty. If this were the case no amount of parliamentary reshuffling could rescue the situation. Even if implemented, the proposals of this paper would be largely decorative. Parliament would be a busted flush.

### **A loss of sovereignty?**

Much ink in recent times has been spilt on the issue of Westminster's alleged loss of sovereignty, a good deal of which has misunderstood its nature. For sovereignty cannot be eroded, pooled or chipped away. It either exists or it does not.

Sovereignty lies at Westminster. The erosion to which people allude is an erosion of power. Much power has shifted to the courts, to the institutions of the European Union, to quangos and other institutions, but Westminster remains sovereign.

All these erosions of power can be reversed. While this is the case, sovereignty is unaffected. If power is handled poorly by the bodies to which it has been delegated, Parliament has the authority

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to reform them and to hand the power to other institutions, or reassert direct control. Ultimately, this is as true for the EU as it is for the lowliest quango.

### **The loss of power**

Nevertheless, Westminster has ceded considerable powers, the reassumption of which would require a massive constitutional and political upheaval.

Much power has flowed to judges in the last few decades. For example, in 1981, 558 applications for leave to apply for judicial review (the primary mechanism by which judges get involved in the public sphere) were made. By 1997, this had risen to 3,848. In 1998, it leapt to 5,039, of which 58 per cent were allowed to proceed. Judges have thus assumed a role – once to a far greater degree the preserve of parliamentarians – of scrutinising the executive. Their involvement in judgements widely perceived to be laden with political content will undoubtedly increase in the next few years with the incorporation of the European Convention on Human Rights into UK law.

The EU's activities also increasingly invade what was once thought to be Westminster's legislative monopoly. Devolution is transferring power away from Westminster to Edinburgh and Cardiff. Belfast may follow. The continued rise in the number of quangos and their ilk also puts the exercise of public power at one remove from Parliament.

Parliament has also been a casualty of processes largely beyond government control, stripping both Parliament and the executive of effective power. The most salient example travels under the much overworked term of "globalisation", which includes the internationalisation of economic decision-making.

All these developments have left Westminster apparently diminished, yet their common feature is that it is not just the legislature, but also the executive, which has been a casualty of these changes. The power of the executive has been diminished as well.

## THE REALM OF THE POSSIBLE

Those who are wary of centralisation should not necessarily bemoan dispersals of power. Some of them can form a counterweight to executive supremacy, often a greater danger in our polity. Conservatives in particular should welcome the dramatic increases in personal freedom and choice which are accompanying globalisation and the growth of the internet, just as they welcomed capital liberalisation, privatisation and deregulation.

It is also important not to confuse a decline in effective parliamentary power with a decline in Parliament's authority over the executive. For example, the delegation of monetary policy to the Bank of England in 1997, and the re-emergence since the late-1980s of the balanced budget principle may appear to curtail Parliament's day to day supervision of interest rates and borrowing. In reality, they restrict the scope for often pernicious executive discretion.

### **The realm of the possible**

In terms of sovereignty, Parliament is not a busted flush. But this does not mean that it would be sensible to attempt to turn the clock back. To try to recover most of its lost powers would require difficult decisions with potentially undesirable consequences – whether it meant the abandonment of the EU, the dissolution of the devolved bodies, the erection of protectionist barriers against the forces of globalisation or whatever. In any case, such ideas are not in the realm of practical politics for the time being.

Nonetheless, Parliament's position has been threatened by constitutional change. The incoming Labour Government's decision to alter the relationship between Parliament and the executive, on one hand, and the courts, devolved bodies and the EU on the other is having profound consequences. It is worrying that the Government's measures have betrayed no overall plan, no sense of the need to achieve constitutional stability and balance.

The task of achieving that stability, though, is not within the scope of this paper. The aim of the next Chapter, with its proposals for reform, is more modest – to enhance Parliament's ability to hold the executive to account, at least somewhat, and to

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encourage government by explanation, recognising that in a political age in which many of the incentives as well as the pressures of the executive are towards centralisation of authority at Number 10, reform must work in the realm of the possible.

## CHAPTER SIX

### STOPPING THE ROT

SEEKING TO REVIVE A PARLIAMENTARY golden age is unrealistic and probably undesirable, but stopping the rot is achievable. Parliament should at least be capable of ensuring that the executive governs by explanation. Scrutiny of the executive should not only be more thorough, it should be more digestible to a wider public. On both counts, Parliament largely fails at the moment. The proposals made here try to redress this.

Reformers should bear in mind that the legislature will function in an environment in which the electorate is both more thoughtful and knowledgeable than ever before, less deferential to institutions, including Parliament, and in which the media will continue to play a prominent role in shaping the political culture. Rather than seek to reconstruct a 19<sup>th</sup> Century ‘golden parliamentary age’ reforms will need to reflect this 21<sup>st</sup> Century world.

Much of what follows concerns committees. Committee work is often a much more effective forum in which to force the government to explain its actions than the floor of the House. It is likely to carry more public respect and can also engage media interest. Effective committees can also help revive the floor of the House by supplying the raw material for more penetrating debate.

#### **Parliamentary Committees and the Prime Minister**

Both the Prime Minister’s absenteeism from the Commons and his executive’s supremacy are threats to scrutiny of the executive. Any reform to force the executive to explain its actions to Parliament must also require the Prime Minister to provide more explanations. What can be done?

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It is not possible to make a Prime Minister attend or speak in more debates nor, unless parties are evenly matched in numbers, forcing him or her to vote. An extension of Prime Minister's Questions is almost certainly not the answer, either. Even if it could be agreed, which is implausible, any extension would provide more theatre than scrutiny and would not attract a wider public interest in Parliament. The Prime Minister would also have a point if he quietly suggested that losing two days a week to preparation for the rough and tumble combat is not always the best use of his time.<sup>55</sup>

The answer lies in the Committee corridor. The Prime Minister should be required, once a month, to go before the Chairmen of Select Committees (who currently meet as the Liaison Committee, but they would need a better name) and subject himself to detailed cross-examination on those issues for which he has, or is perceived to have assumed direct responsibility, for a couple of hours.

Such regular Prime Ministerial appearances would become a big media event. There would be a strong case for agreeing in advance the topics chosen for discussion so that the Prime Minister had time to prepare and to discourage the "can we catch him out?" mentality that tends to infect Prime Minister's Questions on the floor of the House. He should be encouraged to bring with him whoever he chooses to assist him, whether a fellow Cabinet Minister, senior official, or advisers. His Cabinet colleagues already do something similar on an *ad hoc* basis before the relevant committee.

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<sup>55</sup> Prime Minister's Questions in its current form is a relatively recent and, on balance, regrettable development, originating from the discovery in 1961 that a general question on engagements could leave the Prime Minister forced to answer on any subject in a supplementary. The practice of regular interventions by the leader of the opposition dates back only as far as the late-1960s, and the habit of always intervening was not established until the early 1980s. The two 15 minute slots were introduced in 1959, reduced to a single half-hour slot by Tony Blair in 1997. For background on the development of open questions since the early 1960s, see *Parliamentary Questions*, edited by Mark Franklin and Philip Norton, 1993.

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Cross-examination could be in depth, sophisticated and intelligent and plenty of opportunities to press home points would be available. If an appropriate environment were created, the Prime Minister, and the executive, would not always view an appearance as a risky couple of hours to be negotiated but as an opportunity to put across the government's case. Whereas now the Prime Minister avails himself of a TV studio, he might find some benefit in explaining major policy developments – such as the increases in health spending first announced on the Breakfast with Frost programme<sup>56</sup> – to parliamentary colleagues. The executive, Parliament and the public could all benefit.

This format might sound faintly similar to an extended version of the TV and radio interviews currently undertaken by the Prime Minister, particularly in the televisual quality of cross-examination. That would reflect how the public, in the electronic age, has decided to follow politics. Parliament should respect that. Monthly attendance would not be unduly burdensome.

Prime Ministers have appeared before committees of the House in the past (Ramsay MacDonald and Neville Chamberlain between them appeared four times before the Second World War). No Prime Minister has appeared before Select Committees in their reformed, post-1979 guise. Margaret Thatcher succeeded in pre-empting a request to go before the Defence Select Committee during the Westland Enquiry in 1986 by letting her unwillingness be known. This falls well short of a precedent for non-appearance.

Tony Blair has avoided appearing before Select Committees – he turned down an invitation from the Public Administration Select Committee earlier this year. Another request has been made.

In theory, Select Committees (apart from the Standards and Privileges Committee) have no power to summon Members or Ministers.<sup>57</sup> The Liaison Committee report on Select Committees in 1996-97 (HC 323) recommended that the new powers of

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<sup>56</sup> *Breakfast with Frost*, 16 January 2000.

<sup>57</sup> See Erskine May, p 646-8.

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Standards and Privileges be extended to all Select Committees, but so far there has been no further progress on this. In practice, even without a formal change in the powers, it would be difficult for the Prime Minister to refuse a persistent request from the Liaison Committee to appear.

Might such an arrangement serve only further to entrench presidential government, taking decision-making further from the tradition of executive collegiality to which many wish to return? I doubt it. Hearings would force a revival of explanation of executive action at the level at which decisions are really being taken these days.

The public already knows where power lies. Such cross-examination would merely reflect the increasingly presidential reality of political life. Parliament has a choice: it can get involved in what is increasingly the heart of national political debate, or it can leave the job, as at present, to the media. Monthly Prime Ministerial committee appearances would be a great step forward in recognising the shift of effective power that has taken place in modern British government.

### **Other Select Committee reforms**

Departmental Select Committees are already intended to operate on a cross-party basis; it is remarkable that, for much of the time, they do. The pressures against this are great. Governments prefer committees not to reach conclusions which may trouble their re-election; Oppositions, naturally, hope for the opposite. Self-interest among committee members (who do, after all, have to win elections), informal channels run by the Whips, as well as outright rule-bending, can all taint what should be impartial reports.

The executive is often to be found stalking Select Committees. In 1999 several Labour members were suspended from the House for passing draft committee reports to Government departments.<sup>58</sup>

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<sup>58</sup> Ernie Ross MP was suspended on 12 July 1999. Don Touhig MP and Kali Mountford MP (although they made their personal statements on 27 July) were not suspended by the House until 21 October.

## STOPPING THE ROT

At the start of the decade, the outspoken Chairman of the Select Committee on Health, Nicholas Winterton MP, was ousted by the Conservative Whips: he fell victim to a ‘rule’ introduced after the 1992 election which limited Committee Chairmen to serving for only three Parliaments. This contrivance had some unplanned consequences, such as the axing of the loyal Sir John Wheeler, Chairman of the Home Affairs Select Committee. Even against loud protest, however, the executive won.

The first, essential, reform must be to remove the Committee of Selection from the grasp of the Whips’ Offices. Already nominally independent, the Committee must now be made properly so, as the Liaison Committee recently recommended. The inadequacy of the current system, which enables the government to avoid appointing members with specialist knowledge, is palpable.

At the very least applications for membership of all Select Committees should be put in the public domain and the Liaison Committee should be held responsible for its selections.<sup>59</sup> Bizarre whip-led decisions would then at least be seen for what they are. The Liaison Committee has recently made broadly similar recommendations on appointments to Committees.<sup>60</sup> More boldly, election to the Chairmanship of Select Committees and possibly even membership could be made by secret ballot of electoral colleges of each parliamentary party. More intelligent selection would encourage greater certainty of membership allowing expertise, collective wisdom and committee *esprit de corps* to develop.

Select Committees are faced with the task of scrutinising the work of vast government departments whose Ministers often succeed in brushing them aside.<sup>61</sup> The resources and respect given

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<sup>59</sup> In a strict sense the Liaison Committee would nominate and the House would, as now, approve the nominations.

<sup>60</sup> First Report from the Liaison Committee: *Shifting the Balance: Select Committees and the Executive*, HC 300, (1999-2000), paras 10-20.

<sup>61</sup> In the early 1980s Lord Gowrie brushed aside the Employment Select Committee with the words ‘What do you think this is? Mastermind?’. When asked how his interest-rate policy worked, Nigel Lawson told the Treasury Select Committee that interest rates went up when he said they should go up, and down when he said they should go down.

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to them must be increased if their work is to have effect. At present, Select Committees are run with tiny staffs – a maximum of 16 officials – for the Committee on European Scrutiny; a minimum of three – for the Public Administration Select Committee; an average of around four. A modest increase is required for some. Without enough resources to do sufficient independent research, Select Committees can all too easily become little more than amplifiers for lobby groups ('mobilising prejudice' in Peter Hennessy's colourful phrase<sup>62</sup>), rather than sources of independent or considered opinion. There is no point in allowing the Select Committee system to evolve into yet another route for calls for the government to spend more money or to regulate in favour of a vested interest.

The Liaison Committee, among others, has suggested that the status given to Committee membership should be increased. One way to achieve this would be to pay at least the Chairmen of the Committees the equivalent of the salary of a Minister of State. A salary would go some way to building an alternative career structure for MPs who might otherwise serve in government. The risk of payment would be that it would greatly increase the incentives of the Whips to keep their clutches on the new patronage, but it is probably worth trying. The resources for this payment could be found out of the savings from the reduction in Ministerial posts, and their official support, following devolution.

Paying people and giving them staff may increase people's status a little but it is no substitute for giving them something worthwhile to do. The attractiveness of membership of the Liaison Committee would be hugely enhanced if the proposal for Prime Ministerial appearances was accepted. Chairmanship of a Select Committee would carry with it a monthly place on a national stage. Bolstering the Liaison Committee would also create something of a 'system of Select Committees' rather than the very loose group of independent committees Parliament has now.<sup>63</sup>

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<sup>62</sup> Peter Hennessy, *op. cit.*, 1995.

<sup>63</sup> The Liaison Committee should probably be reduced in size from its present 33 to no more than 25 at most. The six domestic committees which deal with

## STOPPING THE ROT

Other smaller changes to the way committees operate may have a significant effect. The so-called ‘Osmotherly rules’,<sup>64</sup> which protect civil servants from committee inquiries, can inhibit committees pursuing a thorough investigation. Parliament has no obligation to recognise the legitimacy of these “rules”, and probably should ignore them. Committees should feel free to speak to the individuals responsible, whether elected politicians or not, rather than the civil servant or servants whom the mandarins or Ministers have selected. The compromise between the Public Service Committee and the Major Government resulting in a parliamentary resolution on accountability in March 1997 remains inadequate as a means of tackling this. It leaves even highly visible civil servants still fully protected. Sooner or later this will be seen to be unrealistic. Select Committees will no doubt play a role in exposing it.

Peter Riddell has suggested<sup>65</sup> that departmental Select Committees should have a duty to report to the House on the expenditure of the departments they scrutinise. Select Committees have sometimes turned their attention too much towards broad areas of future policy and not enough to the every day grind of what the Government does. The Liaison Committee proposed the creation of a small central staff to assist committees with their examination of the Estimates, drawing on the expertise of the NAO.<sup>66</sup> This would be a step forward. Parliament seriously neglects the scrutiny of departmental spending.

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Accommodation, Administration, Broadcasting, Catering, Finance and Information and the Statutory Instruments Committee could probably go. Alternatively the recent Liaison Committee Report’s suggestion for the creation of a sub-group could be adopted.

<sup>64</sup> The full title of the Osmotherly rules is “Guidance for civil servants appearing as witnesses before Select Committees.” (In the 1970s Mr Osmotherly, a Cabinet Office official, extended and clarified long standing guidelines). The rules made clear that civil servants speak on behalf of Ministers, thereby protecting civil servants from direct accountability when a blunder, or worse, has occurred. Arguably, Select Committees are not the most appropriate body to act in a quasi-judicial capacity in such cases: there are often highly political judgements to be made in cases of maladministration.

<sup>65</sup> Peter Riddell, *op. cit.*, 1997.

<sup>66</sup> Liaison Committee Report (March 2000) Paras 71-84.

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At present, little notice is taken by the rest of Parliament of the majority of Select Committee Reports. Of the 500-plus departmental Select Committee reports produced between 1979 and 1995, only four were both debated and voted on, on the floor of the House (these numbers ignore those reports which were at least tagged to Motions).

The Liaison Committee has been recommending more debate on Select Committee reports for some time.<sup>67</sup> They have also suggested a weekly half-hour devoted to a report after Questions. Both are sensible suggestions. In the long term committee reports should form the basis of most non-legislative debate in the Commons Chamber.

The Westminster Hall experiment was intended to give more prominence to reports, but the early indications are that it may be having the opposite effect. Select Committee reports should not be relegated to a sub-chamber even emptier than the main. It is too early to conclude that Westminster Hall has been a complete flop, but it still has a long way to go to establish itself.

Select Committees also need to pay more attention to the presentation of their work to the media. Committee clerks, often brilliant on probing issues, have little experience of media handling. Committees should consider issuing press releases on their findings more often, and speedily when they have uncovered something from cross-examination of a witness and can agree a text.

Transcripts of public sessions should be put into the public domain within 24 hours. This can sometimes take weeks at present. The backwardness of Select Committees in this respect is no more than a reflection of the treatment of Hansard.<sup>68</sup> Committees should consider creating a joint PR operation of some sort, as the Liaison Committee has recommended.

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<sup>67</sup> Both the first and the second Liaison Committee Reports advocated it – March 1997 Report, para 38; March 2000 Report, para 39.

<sup>68</sup> The Official Report, completed within about three hours on a rolling basis, is not released immediately on the internet, and is unavailable to the press, until the following morning. It should be released as soon as it is completed.

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An indication of how some of the changes discussed in this section might help make Select Committees more effective is provided by the work of the Public Accounts Committee (PAC), the most successful of all the Select Committees. The PAC enjoys a head start. It has the support of the NAO, comprising some 750 staff, of whom around half are professionally qualified. The work of the NAO greatly improves the quality of PAC reports. PAC reports are generally critical of departmental activity, but some (for example, recent reports on privatisation and the private finance initiative) have sensibly highlighted good practice as well as bad. Unlike most reports of other Select Committees, PAC reports are regularly debated on the floor of the House. The Chairman of the PAC publishes hard-hitting press notices to coincide with the publication of PAC reports, one reason why many of them (and the associated NAO reports) attract considerable media attention.

Some of the above proposals have been aired by the Liaison Committee in their recent report. The Government's response was extremely depressing. It was carefully worded but betrayed a determination to stifle all attempts at reform. It rejected all the Liaison Committee's main proposals, including a more open procedure for the nomination of members to Select Committees and better support for the committees, leading one commentator to describe the Government's response as "arrogant, mendacious and contemptible."<sup>69</sup>

### **Pre-legislative scrutiny**

In theory Parliament makes the law. In practice the executive is in the driving-seat. Parliament should use Select Committees to increase its influence a little, by giving committees a formal role in the legislative process.

All Bills should probably be issued in draft and sent to Select Committees for pre-legislative scrutiny. Accelerated procedures

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<sup>69</sup> Peter Riddell, *The Times*, 22 May 2000.

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could readily be devised to deal with emergency legislation.<sup>70</sup> Select Committees should normally be given at least three months to consider draft Bills.

To its credit, the Government initially appeared sympathetic to such an approach. It seemed that a lasting improvement might be occurring in the pre-legislative process. However, the early experience of the Financial Services and Markets Bill which was subjected to some pre-legislative scrutiny has not been a happy one. All too many of the joint pre-legislative committee's comments and suggestions have been ignored by the Government. Moreover, even with expert witnesses flagging up obvious flaws in the legislation the Government still failed to produce a decent Bill – in its original form it was badly flawed. It is still being heavily amended months after it was first introduced, a clear example of legislation made on the hoof.

The same is true of the Freedom of Information Bill, presented in 1999 to the Public Administration Committee and a Lords Committee for consideration. The committees made a series of criticisms of the legislation, which were mostly ignored in the final redrafting. The Bill as presented to Parliament was little different to that considered by the committees.<sup>71</sup>

The shortcomings of the existing arrangements suggest that more radical reform is at least worth considering. The introduction of thorough pre-legislative scrutiny by Select Committees could benefit most from a two-year legislative cycle, with a “pre-Bill”

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<sup>70</sup> Speaker's certificates could be made a requirement for bypassing pre-legislative scrutiny. Alternatively, and even more controversially, some of the provisions for enhanced majorities, originally used in the 1880s, could be revived as a requirement for emergency legislation. Even so-called emergency legislation should not necessarily be allowed to escape the net of parliamentary scrutiny. Many of the worst laws have been passed in a hurry. The Dangerous Dogs Act was one such, guillotined through all its Commons stages in a day. Another was the emergency legislation brought in against terrorism after the Omagh bomb, re-written in Downing Street. National panic is no justification for parliamentary panic.

<sup>71</sup> See *The Freedom of Information Bill*, Oonagh Gay, House of Commons Library Research Paper 99/98, December 1999.

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(detailed Green Paper or draft Bill) in year 1 and the Bill proper in year 2. An exception would have to be made for legislation for the first year of a Parliament – an incoming government would want to use the momentum of an election victory to push through key planks of its manifesto in order to enable their beneficial effects to be visible in time for a subsequent election. A two-year cycle would, of course, require ‘carry-over’ (the process whereby a Bill carries over between sessions) to be made the norm. In the absence of an executive commitment to make pre-legislative scrutiny work, carry-overs would merely strengthen the executive’s hand. They should only become the norm as part of a much wider executive commitment to better scrutiny.

Crucial to the success of pre-legislative scrutiny is a mechanism linking a Select Committee ‘pre-Bill’ with subsequent executive decisions on the legislation. One approach would be for standing orders to provide that the motion on second reading would be taken on the Select Committee’s Bill, to which the government could make amendments. The onus would then be on the government to explain why it did not like the Bill as re-drafted by the committee.

Clearly, the executive is not going to lie down and accept such intrusions into its legislative discretion. It would want something in return. It should be offered timetabling, of which more below.

The main advantages of such thoroughgoing pre-legislative scrutiny would be to discourage departments from producing shoddy Bills. At present departments often rely on new clauses in Standing Committee, in the Lords or at Report stage to deal with awkward aspects of the legislation and tidy up poor drafting. Better pre-legislative scrutiny would lessen the pressure on Parliamentary Counsel, a small and overworked cadre, to reshape legislation at the last minute under the unremitting, but largely artificial pressure of the government’s legislative timetable.

However, the main criteria for judging the success of pre-legislative scrutiny should not necessarily be improvements to legislation, but the opening up of Whitehall’s often obscure

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consultative procedures, and the cajoling of Ministers to give a more thorough explanation for their decisions than can be obtained in Standing Committees. It would also encourage outsiders to come to Parliament to influence Bills rather than go straight to the executive.

### **Legislative scrutiny: Standing Committees**

Only a somewhat shamefaced conspiracy between the two front benches and the parliamentary lobby prevents the scandalous spectacle of Committee proceedings being more fully brought home to us: the Ministers wearily reading out their briefs, the Opposition spokesmen trotting out the same old amendments purely for the purposes of party rhetoric and without any serious hope of improving the Bill, the government backbenchers – pressed men present merely to make up the government's majority – reading the newspapers or answering their letters; it requires only a few top hats, brocade waistcoats and cigars to complete a tableau of almost Regency sloth.<sup>72</sup>

Perhaps Ferdinand Mount overdoes it a little, but he is not very wide of the mark.

Standing Committees persist because they are useful to the executive. They can be relied upon to process legislation quickly and they also allow the Government to have second thoughts about often hastily prepared and poorly drafted Bills, in relative obscurity. The presence of Whips at committee meetings keeps them in the Government's pocket. The overwhelming majority of amendments passed in Standing Committees are tabled by the Government; many clauses are never even considered because of the use of guillotine motions curtailing debate.<sup>73</sup> Partly as a consequence, in 1985 the Procedure Committee<sup>74</sup> recommended the timetabling of all Standing Committee proceedings, but this was not implemented.

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<sup>72</sup> Mount, *op. cit.* 1992.

<sup>73</sup> Guillotines had spread upstairs to the committee corridor by the First World War. They became more frequent with the Attlee administration.

<sup>74</sup> HC49, 1984-85.

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Bills are sometimes completely transformed in Standing Committees, usually by executive amendment. In such cases the Speaker should have the power to order that a substantially altered Bill be subject to another second reading debate. Speakers do not have this power at present and the executive would resist granting it. Speakers would want to avoid party political controversy and such a power could make them vulnerable to it. However, the Speaker should not be too sensitive: she already exercises related powers when deciding what amendments are in order and when selecting them for debate.<sup>75</sup>

Standing Committees absorb huge amounts of parliamentarians' time and energy, limiting the amount available for more useful forms of executive scrutiny – just what the Government Whips want. Opposition Whips do not perhaps appreciate the extent to which the absorption of their teams' time in such committees carries an opportunity cost in other forms of more useful parliamentary activity foregone. It is unlikely that much would be lost if Standing Committees were abolished.

In practice a committee on which a Minister sits will always be needed. Clause by clause scrutiny will always be party politics. But the procedures of Standing Committees need a major overhaul if they are to be useful to anyone except the executive.

A special Standing Committee procedure, agreed in 1980, allows the Committee to hold up to three evidence-taking sessions over a month.<sup>76</sup> Although established 20 years ago it is still rarely used. To use it more often would be a lot better than nothing.

More fundamental change is required. Ministers should be subject to more direct and less ritual cross-examination, a conversational exchange, much more akin to Select Committee procedure. The existing 19<sup>th</sup> Century parliamentary style of Standing Committees is the executive's shield. Scrutiny would also

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<sup>75</sup> For example, ensuring that they are within the scope of the Bill, not inconsistent with a previous decision of the House, within the terms of any money resolution and so on.

<sup>76</sup> Procedure Committee Report 1977-78.

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be improved if officials supporting the Minister – and who often understand it – could answer questions. There is a strong case for requiring the Minister most directly responsible for framing the legislation to take it through the Committees in both Houses of Parliament,<sup>77</sup> although this would tread on several constitutional corns. Expert witnesses should also be called. In its scrutiny role Parliament would do well to do less talking and more listening.

The executive will not leap to implement these changes. Even the limited experiments taken in the direction of such reforms have not become standard practice. If the executive is to be cajoled in the right direction they will have to be offered something. There is a strong case for timetabling of Standing Committees in exchange for improvements in the Standing Committee procedure.

### **Timetabling of legislation**

In principle, timetabling should be applied to all stages of Bills. Automatic timetabling of legislative business<sup>78</sup> would probably offend traditionalists and they would be right to point out that some residual power still eludes the clutches of the executive as a consequence of the margin of uncertainty about the progress of government business in the House. Automatic timetabling would remove it.

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<sup>77</sup> The cavalier fashion in which the baton is passed for carrying important pieces of legislation through the House is a reflection of the ease with which the executive can shrug off parliamentary concerns, particularly in Standing Committees. The extremely complex Financial Services and Markets Bill has been handled by two lead Ministers, with five Ministers in all speaking in its defence, in the Commons Standing Committee alone. As for the Lords, the absurd point has been reached where the paucity of Labour peers willing and able to take legislation through on the front bench has forced the Prime Minister into parachuting in anyone he can find to do the job for him, including a sizeable slice of his former Chambers. These include Lord MacDonald of Tradeston, Lady Symons of Vernham Dean, Lord Bassam of Brighton. Chums from the Bar include Lord Irvine of Lairg, Lord Falconer of Thoroton, and Lord Williams of Mostyn.

<sup>78</sup> As recommended by the Modernisation Select Committee, *First Report*, July 1997.

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The executive should not be given something for nothing. The minimum trade-off for timetabling should be thorough pre-legislative scrutiny of Bills by Select Committees, reformed Standing Committees and a commitment that, after a certain point, major amendments, fundamentally altering a Bill, would not be tabled.<sup>79</sup> If the government is to get its legislation Parliament, and the country, should get a more thorough explanation of the measure.

The case in principle for timetabling is forceful. First, parliamentary independence would not be imperilled as much as outward appearances suggest. For the most part, it would merely formalise much of what already happens informally ‘in the usual channels’. Secondly, guillotine motions would no longer be required to secure business, allowing all parts of controversial Bills to be considered. After guillotining, a few clauses are intensively debated, the rest virtually ignored.

Guillotines have become dangerously frequent. They have been used to an unprecedented degree since 1997 (see figure 3). Guillotines were first used in 1881, by agreement between the two major parties, to circumvent Irish wrecking tactics. The length of time given over to debate before the cord is pulled has also diminished. Even the number of divisions and hence time taken can be curtailed by the terms of a guillotine motion.<sup>80</sup> Figure 3 shows the rapid growth in the use of the guillotine.<sup>81</sup>

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<sup>79</sup> As noted above, the Speaker could rule on whether a Bill had been so altered, at which point it could be returned for another second reading.

<sup>80</sup> Guillotine orders regularly provide that at certain stages of proceedings the question is put without debate only on amendments or new clauses moved by a Minister. In other words, an opposition amendment cannot in those circumstances be voted on.

<sup>81</sup> The 1997/98 figures include 10 Programme Motions, three of which were pre-second reading. The 1998-99 figures include five Programme Motions, one of which was pre-second reading. Programme Motions or “guillotines by agreement”, are made on the basis of offers which the Opposition is rarely in a position to refuse: “accept the offer or a guillotine”.

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Timetabling cannot be legislated for. A disputed timetable will metamorphose into a guillotine if the government wishes to secure its business. Ultimately only an executive committed to the job can secure better scrutiny of the legislative process. Certainly, merely railing against guillotines will not make their use any less frequent. The wider public – whose disapproval is the only realistic restraint on executive heavy-handedness – is not listening.

### Secondary Legislation

If it is felt that the scrutiny of primary legislation is inadequate, the scrutiny afforded its secondary counterpart is much worse. Secondary legislation<sup>82</sup> has been one of Britain's biggest growth industries in the past few decades. The number of pages provides the best comparison. In 1970, the year's statutory instruments filled 4,880 pages. By 1996, Parliament was faced with statutory instruments covering 10,230 pages. The figure has fallen back slightly since then. Nonetheless, in 1999, there were 3,471 statutory instruments, the highest ever total.

No MP could read all of this, let alone understand it. It is no surprise, then, that almost all of these came into force without serious scrutiny by Parliament. The House of Commons Procedure Committee concluded in March that “the existing system of scrutinising delegated legislation is urgently in need of reform”, and concurred with the conclusion of a 1996 report by the same Committee that the current system is “palpably unsatisfactory”.<sup>83</sup>

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<sup>82</sup> There are two main categories of legislation. Primary legislation consists of statutes enacted by Parliament. Secondary legislation is made by a Minister (or other person or body) under powers granted in an Act of Parliament. For the purposes of parliamentary procedure, secondary legislation is divided into “affirmative instruments” which are automatically referred for debate, and “negative instruments” which are not debated unless a motion is tabled “praying” that the motion be annulled, and in response the Government agrees to debate it.

<sup>83</sup> Report of Procedure Select Committee, March 2000.

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Unfortunately, the Government has not seen fit to follow up the modest and sensible proposals made in the Committee's 1996 report (and endorsed strongly in their 2000 report). Meanwhile, the House of Lords made some progress with its Delegated Powers and Deregulation Committee. This Committee reports to the House of Lords on the extent to which it is appropriate to delegate powers to Ministers in the manner proposed in each piece of primary legislation which comes before it. The Commons has a lot of catching up to do.

The recent Select Committee report makes a number of interesting suggestions, but stresses that "the most important thing is to make a rapid start on implementing the 1996 proposals". These eminently sensible measures included a new category of "super-affirmative" instruments whereby proposals for draft Orders would be laid for pre-legislative scrutiny; better scrutiny of instruments based on European measures; the establishment of a Sifting Committee to help decide which instruments need fuller scrutiny; and reforms to Standing Committee procedure to enable more effective consideration of secondary legislation. These proposals would not, as the Report points out, represent a radical departure from existing procedures, nor would they mean a major increase in the House's workload. Given the consensus that has now been established, Members of all parties should press for their immediate implementation.

### **A legislative obstacle-race?**

The Hansard Society Commission concluded:

One cannot say, in general, that there should be more or less legislation; that is for Governments to decide.

This is nonsense. There is now too much legislation. In 1901, Parliament passed 40 public Acts, filling 247 pages of the statute book. In 1951 this had risen to 64 Acts filling 675 pages; by 1991 it had reached 69 Acts filling 2,222 larger A4 pages.<sup>84</sup>

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<sup>84</sup> Hansard Society Commission, *op. cit.*, 1993.

## STOPPING THE ROT

Any well-meant reform of the legislative process is liable to be swamped by this torrent. Whether there is much that can be done about it is doubtful. To the extent that reform made the passage of legislation a more painstaking business, governments might just be tempted to bring in less of it. That is appealing in itself.

### **The Floor of the House**

Reform of “the little room” is a sensitive subject.<sup>85</sup> Despite its shortcomings it is still a democratic cockpit, a focal point for the legitimising of executive action. It is better in that role than the divided focus of the Elysée Palace and National Assembly, better even than that of the White House and Capitol Hill. Its chapel-like seating arrangements reinforce the effect of the first-past-the-post electoral system and create an adversarial (almost common law judicial) means of examining the executive.

The chamber now has a number of serious problems. These days on the floor of the House, as a senior colleague said to me recently, “We are talking to ourselves”. For the most part, nobody else is listening: the floor of the House has lost the attention of the press and the wider public. If the major parties were evenly balanced, events in the House would undoubtedly be seen to be more relevant, with the ever-present risk of rebellion and government defeat.

However, the floor of the House should not rely on the off-chance of a hung Parliament to assert its relevance. In any case, the main reasons for its decline are largely unrelated to the balance between the parties. I have already alluded to some of these. First, the press have bypassed Parliament in their efforts to find the information they need about executive activity. Secondly,

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<sup>85</sup> “This little place is what makes the difference between us and Germany. It is in virtue of this that we shall muddle through to success and for lack of this Germany’s brilliant efficiency leads her to final destruction. This little room is the shrine of the world’s liberties”. Churchill, in conversation with McCallum Scott recorded in the latter’s diary in March 1917. Quoted in *The Hidden Wiring*, Peter Hennessy, op cit.

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television has probably eroded public respect for Parliament as the electorate has had the opportunity to witness a debating style and behaviour which they find unattractive.

The public perception is less that of a sophisticated debating chamber operating according to a highly developed set of rules and more that of late-Victorian theatre. Too much Commons debate takes place as if an election is due to be called the following morning with febrile partisan exchanges which the public finds unproductive. Thirdly, the technical challenge of executive and legislative scrutiny is increasingly ill suited to the floor of the House.

The foregoing points to the need for some reform. There is also a practical issue pointing to the need for change: if the reader has been convinced of the need for better scrutiny and a bigger committee role in providing it, room must be found in the parliamentarian's day for the work. Even with the increasing professionalisation of politics, a trade-off between time on the floor of the House and time in committee is inevitable. The full House of Commons should probably meet less, leaving, say, a day a week exclusively for committee work.

Scrutiny of the executive appears to be more thorough in countries with strong committee systems but the price of that scrutiny has generally been fewer sitting days of the main chamber. Sooner or later, most Parliaments have passed a great deal of their most effective work on to committees. Those countries with Parliaments whose main chambers sit the most tend to have weak committee systems, and vice-versa.<sup>86</sup>

I suggest five reforms. First, and linked to the reform of Select Committees proposed, debates should generally be held on the basis of reports from committees, making them better informed and linking the Chamber much more closely to scrutiny of the executive upstairs.

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<sup>86</sup> See *Committees in Legislatures: A Comparative Analysis*. Edited by John D Lees and Malcolm Shaw, Duke University Press, 1979.

## STOPPING THE ROT

Secondly, as already discussed above, debates on all legislation should be timetabled. Debates should generally benefit from pre-legislative scrutiny reports which have identified the main points of difference requiring the floor's attention, or which highlight the party-political divide. Such a proposal would remove the one last remaining weapon available to parliamentarians: the power of delay. But the value of delay is not worth much when the executive pulls the guillotine cord without the least compunction.

Thirdly, speeches should be restricted to 10 minutes (and perhaps those of Privy Councillors to 15 minutes).<sup>87</sup> Speeches are often much more interesting their length of is restricted, despite the reduced opportunity for intervention.

Fourth, the Speaker should be encouraged to publish the list of proposed speakers with a running order. The Lords, without a Speaker, already does this – merely pinning the list up before the beginning of the debate. This would confer several big advantages. Members would be able to see in advance who was likely to speak and roughly when (since limits on the length of speeches will give them a very good idea of what time people will get onto their feet). This may well increase attendance. It will also remove the absurdity of keeping people in the chamber who have been asked to speak by the Whips but have otherwise no particular desire to participate in the debate and have no chance of being called. They would be able to use their time more effectively outside the chamber which is perhaps why the executive is happy to sustain the current system. I cannot imagine what other purpose is served by withholding from Members the Speaker's provisional batting order, unless it is creating the illusion of slightly livelier proceedings.

Fifth, bring a little more order to the process by which MPs ask questions in response to statements and ask supplementaries at Departmental questions. Not only is the present system, where up to half the House might stand up every few seconds in order to

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<sup>87</sup> Standing Order No. 47 already permits the Speaker to restrict speeches to as little as eight minutes.

## MR BLAIR'S POODLE

catch the Speaker's eye for half an hour or more, a bizarre spectacle for outsiders, it also reduces the effectiveness of time spent for all concerned. In Departmental questions MPs are often to be found "trying to get in" on a whole range of questions when their real wish was only to ask a question on one topic. At statements a pecking order is reasonably well established. There should be no need for the whole House to stand up when the Prime Minister is about to reply nor for most of them to stand until the most senior backbenchers and privy councillors have been called. During Prime Ministerial statements, in particular, the Speaker's secretary is to be found furiously scribbling upwards of a hundred names on to a sheet of paper in order to enable the Speaker to clarify her mind on those whom she wishes to call.

A sensible way forward would be for a list to be pinned up in the Speaker's Office to which MPs could add their name for supplementaries to individual Departmental questions. A similar list could be provided for statements. MPs would quickly see what their prospects were for each question. The Speaker would be given a little more time to gauge the interest in each question and to consider whom she wished to call. Her discretion would not in any way be impaired by the list. MPs could still stand even if they had not added their name although with reduced chances of 'getting in'.

## CHAPTER SEVEN

# CONCLUSION

In the seventies of the last century, there were no film stars, no football stars, no speed supermen, no male or female aviators, no tennis heroes or heroines... The people's daily fluctuations of excitement, of expectancy, of hero-worship, which are dissipated now over these and many other fields, were concentrated then upon the House of Commons... Parliamentary speeches were reported prominently and at length in all the newspapers; they were read aloud and discussed in homes and public houses. Points scored or lost in debate across the floor of the House of Commons were not merely noted by members present, but followed with rapt attention throughout the country. Working men canvassed the form and prospects of parliamentary leaders much as they do now of dirt track racers.

R.C.K. Ensor, *England 1870-1914*, 1936.

Parliament is and has for a long time been unable to perform effectively and regularly those functions of control which have since the closing decades of the 19<sup>th</sup> Century been held to be at the heart of its constitutional role. Parliamentary debate no longer shapes public opinion and in fact has little impact on what the Government decides to do; Parliament's influence over the terms of legislation is marginal and over public expenditure negligible... the functions of scrutiny are performed patchily and members of the executive can often evade accountability for their actions. Thus Parliament appears to be constantly falling behind in a race it cannot win. Nothing that has so far happened in the present wave of far-reaching constitutional change suggests that the prospects for Parliament, and especially the House of Commons, are going to improve.

Nevil Johnson, "Parliament Pensioned Off?" in *The Rape of the Constitution*, K Sutherland (ed.), 2000.

## MR BLAIR'S POODLE

It is easy to overstate the magnitude of the House of Commons' problems. It is equally easy to exaggerate the attractiveness of the House in its alleged "golden age". Few doubt, though, that Parliament is in decline, has lost much public respect and that the executive is ever more dominant. Most also agree, at least in principle, that something should be done about it.

The price of altering the balance between the executive and Parliament will have to be a change in the relationship between the committee corridor and the Chamber. It cannot be a coincidence that the vast majority of Parliaments have travelled, or at least tried to travel, down similar reforming roads. The complexity of modern executive action has forced it upon them.

The executive is already almost supreme in Parliament, both Commons and Lords. The executive can control the Commons when its party has a clear overall majority; in a democratic age the lack of legitimacy of an appointed Lords leaves it almost always incapable of mounting a challenge. That leaves only two major constraints on the executive at present: intra-Party democracy and public opinion. Parliament, if it is to temper the executive's supremacy between elections, must arrange its procedures to bolster those constraints. The tools for both are similar: more intelligent and independent-minded debate – Whips, particularly Government Whips, loathe that – presented in a way which appeals to informed public opinion. Political debate today, as well as most executive scrutiny, takes place outside Parliament. Some of that must be brought back inside.

The proposals made here – greater scrutiny of the Prime Minister, the boosting of Select Committees and some reform to the Chamber's procedures – offend some traditionalists. Many still feel that they are something of an American intrusion into the British way of doing things. 'They may be more efficient, but they are alien'. I believe that of the traditional British way we are now left largely with the form, but not the substance.

Short of introducing the concept of the separation of powers – kicking the executive out of the legislature altogether, a wholly

## CONCLUSION

unrealistic and probably unappealing approach – any reform must be gradualist. It can take advantage of the fact that the line between executive control of Parliament (the current system) and any other (such as that in the United States) is amorphous. The task is not to import a model but to nudge slightly the disposition of forces. Governments of any hue will move slowly, if at all, towards change.

There is at least near consensus about the need for some change: few believe that the *status quo* is attractive. The choice is between making Parliament less or more ‘efficient’. Those who hanker after the former have to face the uncomfortable fact that the executive can now only very rarely be inconvenienced by ‘throwing grit into the system’. Even the power of delay has been all but destroyed by the frequent use of the guillotine and the emasculation of the Lords. Activity should not be confused with achievement.

By contrast, efficiency will bring with it the priceless asset of the approbation of public opinion, the mobilisation of which is Parliament’s only remaining weapon to combat poor quality Bills and executive supremacy. It is the executive that benefits from the current parliamentary style which, for the most part, has lost favour with the electorate. It is Parliamentarians who have most to gain by restoring it.

## APPENDIX A

### RECENT COMPLAINTS BY THE SPEAKER ABOUT ANNOUNCEMENTS MADE OUTSIDE PARLIAMENT

THE SPEAKER HAS COMPLAINED on at least 10 occasions since the election about policy announcements made outside Parliament. Complaints in previous parliaments were less frequent. The most recent case – a typical example of the genre – is reproduced below.<sup>88</sup>

**Mr Peter Ainsworth** (East Surrey): On a point of order, Madam Speaker. You may be aware that today the Government published a sports strategy, an event to which they appear to attach some importance. There has been some difficulty in supplying copies of the strategy to hon. Members who were seeking them this morning, having heard all the strategy from the Minister for Sport who was talking on the radio this morning and also writing in the national press. Would it not have been more appropriate, not to say more courteous, if the strategy had been announced here first?

**Madam Speaker:** I too heard the Minister early this morning on the radio. I am grateful to the hon. Gentleman for giving me notice of his point of order. I have investigated the circumstances behind his complaint. I understand that Ministers launched the sports strategy to the press at 9.45 this morning. There was no parallel announcement in Parliament, and the document concerned was not generally available in the Vote Office until much later this morning. This is a clear breach of the conventions which apply to announcements of this sort, and is totally unacceptable to me and to the House.

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<sup>88</sup> Hansard, 5 April 2000, col 975.

## RECENT COMPLAINTS MADE BY THE SPEAKER

It seems to me that there is a situation developing in some Departments in which the interest of Parliament is regarded as secondary to media presentation, or is overlooked altogether. I hope that Ministers will set in hand a review of procedures right across Whitehall to ensure that the events which took place this morning are never allowed to occur again.

**The Minister for Sport (Kate Hoey):** I thank the hon. Member for East Surrey (Mr Ainsworth) for raising this point of order. On behalf of the Department of Culture, Media and Sport, I apologise for the administrative error which took place in not ensuring that the document was here this morning for hon. Members. I appreciate that this was not done correctly. However, I hope that what I said on the radio this morning did not give away the detail of the paper in any way.

I accept what you said, Madam Speaker. I believe that the House has been treated discourteously. That point will be made to my Department, and I apologise unreservedly on its behalf.

Other examples can be found in:

Hansard 21 July 1997, col 703

Hansard 3 December 1997, col 390-1

Hansard 12 February 1998, cols 565-6, 567

Hansard 22 April 1998, cols 828-9

Hansard 3 July 1998, cols 631-2

Hansard 24 July 1998, cols 1351-2

Hansard 30 November 1998, col 554

Hansard 14 June 1999, col 34

Hansard 30 March 2000 col 512

## APPENDIX B

# THE NEW STRUCTURE OF No. 10

SpAd = Special Adviser

SCS = Senior Civil Servant

CS = Civil Servant

Source: Response by Sir Richard Wilson to a request for this information by the author during a Select Committee hearing.

## BIBLIOGRAPHY

Butler, D.; Adonis, A.; & Travers, T., *Failure in British Government: The Politics of the Poll Tax*, Oxford University Press, 1994.

Franklin, M. & Norton, P. (ed.s), *Parliamentary Questions*, 1993.

Gay, Oonagh., *The Freedom of Information Bill*, House of Commons Research Paper 99/98, December 1999.

Goodwin, George Jr, *The Little Legislatures*, University of Massachusetts Press, 1970.

Griffith, J. & Ryle, M., *Parliament: functions, practice and procedures*, Sweet & Maxwell, 1989.

Hansard Society, *The Report of The Hansard Society Commission on The Legislative Process*, Hansard Society, 1993.

Heath, Rt Hon Sir Edward, *The Course of My Life*, Coronet Books, 1998.

Hennessy, P., *The Hidden Wiring*, Victor Gollancz, 1995.

Jenkins, T. A., *Parliament, Party and Politics in Victorian Britain*, 1996.

Lord Howe of Aberavon, Evidence to the Norton Commission on Strengthening Parliament, January 2000.

Lees, J.D., & Shaw, M. (ed.s), *Committees in Legislatures: A Comparative Analysis*, Duke University Press, 1979.

Major, Rt Hon John, *The Autobiography*, Harper Collins, 1999.

Marquand, D. & Wright, T., *Reinventing Parliament*, *Political Quarterly*, April-June 1996.

McElwee, M. & Tyrrie, A., *Leviathan at Large*, CPS, April 2000.

Mount, F., *The British Constitution Now*, 1992.

Norton, P., *Dissension in the House of Commons*, Macmillan, 1975.

## MR BLAIR'S POODLE

Polsby, N. W., "Political Opposition in the United States, Government and Opposition", in *International Journal of Comparative Politics*, Volume 32, Number 4, Autumn 1997.

Power, G., *Representing the People? MPs and constituency work*, Fabian Society, October 1998.

Rhodes, R.A.W. & Dunleavy P. (ed.s), *Prime Minister, Cabinet and Core Executive*, Macmillan, 1995

Riddell, P., *Parliament under Pressure*, p 200ff, Orion, 1997.

Royal Commission on the Reform of the House of Lords, *A House for the Future*, HMSO January 2000.

Sainty, J. & Cox, G., "Identification of Government Whips in the House of Commons 1830-1905" in *Parliamentary History*, 1997.

Select Committee on the Modernisation of the House of Commons, *First Report: The Legislative Process*, HC190, 1997-98.

Tyrie, A., *Reforming the Lords: A Conservative Approach*, CPF, 1998.

Tyrie, A., "Reforming the Lords: The Democratic Case" in *The Rape of the Constitution?*, ed. Keith Sutherland, Imprint Academic, March 2000.

Unekis, J.K., & Rieselbach, L.N., *Congressional Committee Politics Continuity and Change*, Praeger Publishers, 1984.

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