



PACAC (Public Administration and Constitutional Affairs Committee)

House of Commons · London SW1A 0AA

Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Minister for the Cabinet Office
70 Whitehall
London
SW1A 2AS

5 September

Thank you for letter of 24 August, setting out next steps for the programme of work on the IGR review.

I am writing to you on behalf of the Interparliamentary Forum on Brexit. The Inter-Parliamentary Forum (IPF) is a meeting of representatives from scrutiny committees in the House of Commons, the House of Lords, the Scottish Parliament and the National Assembly for Wales. (Officials from the Northern Ireland Assembly currently attend as observers, pending the restoration of the Northern Ireland Executive).

The IPF provides a means for structured dialogue between parliamentarians in the devolved legislatures and Westminster on Brexit and other issues of common interest (such as the Common Frameworks being developed on matters such as food standards and air quality). It has developed the practice of meeting every two or three months, with its venue rotating between London, Cardiff and Edinburgh. Over the last two years the IPF has fostered an environment where parliamentarians have been able to share their thoughts on key issues around leaving the EU and establish useful working relationships between the legislatures. The IPF also provides a valuable opportunity for ministers to hear the views of senior parliamentarians engaged in scrutiny of Brexit from all legislatures in the UK.

The Forum has established effective dialogues with ministers in the UK and devolved governments, with ministers attending Forum meetings to discuss developments in their areas of responsibility (under the Chatham House rules). This included developing a productive relationship with your predecessor Rt Hon David Lidington, who welcomed the IPF's contribution to ongoing IGR work. We are keen to continue that relationship with you.

The Forum has also previously raised some important concerns that you should be aware of. There has been a clear view expressed by committees of the Forum, and the Forum itself, that the current Joint Ministerial Committee (JMC) intergovernmental relations mechanisms are not fit for purpose. The review of intergovernmental relations, including the JMC structures and Memorandum of Understanding, announced at the JMC (Plenary) on 14 March 2018 has been welcomed by the Forum. David Lidington indicated to PACAC on 20 May 2019 that proposals from the review would be published by the end of the year. However, we have grown concerned about

the length of time the review has taken. On 3 July the Scottish and Welsh Governments also stressed to the UK Government the need for greater urgency in completing the review. David Lidington also wrote to the Scottish Parliament's Finance and Constitution Committee on 3 July setting out the recent UK Government publication of the IGR agreement on joint working and the five principles contained within, the Forum remains clear that the IGR review must reflect the views and recommendations of the various committees and we continue to be open to a dialogue on these issues. We seek confirmation that the new Cabinet remains committed to the IGR review and would appreciate an update on when the review will be concluded as well as a timetable for when proposals will be made available to committees in the UK and devolved Parliaments so that they can be considered and scrutinised.

Your predecessor confirmed he valued the core principles of transparency, accountability and respect for the confidentiality of discussions which we recommended should be explicitly recognised by the IGR review. We note that the IGR agreement on joint working explicitly recognises confidentiality and accountability. In our last letter to David Lidington, the Forum highlighted the common concern expressed by committees with regards to the lack of information sharing and transparency in the current IGR arrangements. The Forum recommended that, as a minimum, the agreement between the Scottish Parliament and Scottish Government be replicated across all Parliaments, noting that a similar agreement now exists between the National Assembly for Wales and the Welsh Government. We recommended that any final IGR agreement explicitly recognises the core principles of respect for confidentiality, transparency and accountability with regard to the role of the UK and Devolved Parliaments in IGR.

We also recommended that the final IGR agreement explicitly commits to providing timely information to the UK and Devolved Parliaments on IGR meetings, decisions and the content of agreements. Responding to the IPF your predecessor acknowledged the 'importance of information-sharing between the executive and legislative confirming that the UK Government is currently investigating how to improve Parliamentary scrutiny'. We wanted to stress to you the importance of a clear commitment from the UK Government to transparency and information sharing in the IGR proposals and to the UK government proactively sharing this information with Committees and the IPF in advance of the IGR reviews' conclusion. We would welcome your views on the IPF's recommendation and an update on the UK Government investigations.

We look forward to further dialogue with you on these and other issues and to the publication of proposals from the IGR review. We also invite you to speak with the IPF about the review and other issues in the near future.



Sir Bernard Jenkin MP
Chair, Public Administration and Constitutional Affairs Committee

Sir Patrick McLoughlin MP, Chair of the European Statutory Instruments Committee

Sir William Cash MP, Chair of the European Scrutiny Committee

The Earl of Kinnoull, EU Committee

Lord Jay of Ewelme, EU Committee

Lord Blencathra, Chairman of the Delegated Powers and Regulatory Reform Committee

Lord Kirkwood of Kirkhope, Secondary Legislation Scrutiny Committee

Joan McAlpine MSP, Convener of the Culture, Tourism, Europe and External Affairs Committee

Claire Baker MSP, Deputy Convener of the Culture, Tourism, Europe and External Affairs Committee

Bruce Crawford MSP, Convener of the Finance & Constitution Committee

Adam Tomkins MSP, Deputy Convener of the Finance & Constitution Committee