I was a House of Commons a Clerk for 32 years with the majority of that time spent working with Select Committees. I also spend a period in the Public Bill Office dealing with Public Bill and other General Committees.

During my later years I became involved in parliamentary strengthening overseas on behalf of the Commons and since retiring five years ago I have worked as an independent consultant advising overseas parliaments.

These brief thoughts focus on the nature of committees in parliament, the need for clarity as to their purpose, and the consequences which flow from that for the size of the committees and indeed the parliament itself. I haven’t found the ideal structure for committees on my travels but my experience has led me to reflect on the dual nature of committees, to legislate and to scrutinise, and to reflect on the frequent incompatibility of those two functions.

I have never seen my role as a proponent of the Westminster model; nevertheless, I became more and more convinced of the benefits of Westminster’s split between the legislative and scrutiny roles of committees. The House of Commons is highly unusual in making this complete separation between the committees that consider legislation and committees that have an oversight of the executive.

First, we need to consider what a parliament is doing when it sets up a committee. Is it looking for greater output – to do more while reducing the burden on the plenary; or is it looking for a small group to carry out a specialised study?

If it is seeking greater output by using committees to consider several Bills at the same time and reduce pressure on the plenary then there are consequences for committee membership. There is little point in committing a bill to a committee only to have later to use the majority in the plenary to overturn its amendments. The committee in this case will therefore need to be a miniature of the plenary and to mirror its political composition; this will have an impact on committee size which though large will be but accompanied by low levels of participation by individual members. Crucially, party discipline will need to be retained, with the membership chosen by the whips and the committee activity itself whipped. This is the approach of the Commons Public Bill Committees – even to the point of the committee room’s layout and design being a miniature of the Chamber.

It’s true that very little is achieved by opposition members by way of amendment. But nevertheless the committee stage acts as a focal point for outside bodies to make representations to committee members by suggesting amendments and providing briefing. These campaigning bodies are much in evidence in the public seating in the committee room. And what degree of amendment ought we realistically to expect? There is, I believe, a working assumption in a parliamentary system that a government with a majority is entitled to get its legislation through parliament. Perhaps we are often in error in chasing a political fantasy in which the House, having given a bill its second reading, comes together and all members decide to adopt a technical approach and make the bill work, even though almost half of them are politically opposed to its principles and purpose.

The second reason for setting up a committee is to ask a small number of its members to study a subject in depth. This was the original basis for select committees and it has now developed into permanent select committees, which scrutinise their respective government departments. The fundamental principle remains the same, though it is now the committee which decides on its inquiries rather than the subject matter being referred to it by the plenary.

The problem for all oversight is how to depoliticise it and create a structure in which members of the governing political party are willing to criticise their own government’s policies and administration.

This is where the separation of scrutiny and oversight from legislative activity becomes the significant factor. In the case of these select committees, the memberships are small and chosen independently of the whips. Their chairs are leaders rather than umpires. Political control is (at least formally) absent. There are multiple reasons why government party MPs may become more independently-minded on these committees. Much of it is to do with the nature of cross-party working over a long period. But some of it must also be to do with the mavericks and ‘awkward squad’ who emerge over lengthy parliamentary careers. They are often members who have given up on ministerial preferment or who were once ministers themselves and know that their career in government is over.

All of this is only possible in a parliament with a large pool of members and I suspect that some of the benefits of the scrutiny arrangement are accidental. Many backbenchers now come to parliament after successful professional careers and are surprised at the lack of power a backbencher has. To an extent the select committees have been expanded to give members something to do.

It might be said that Westminster is good on scrutiny but doesn’t trust its MPs to have an input into legislation. My work in other parliaments has made me sceptical of claims that individual MPs in parliamentary systems play a major role in legislating. Governments legislate and parliaments provide the legitimacy for that legislation and scrutinise it, though that scrutiny is often achieved by providing a channel for outside stakeholders and campaigners to have their input.

In terms of committee size, legislative committees will be large but oversight committees small. In some senses the smaller the better, though there are the inevitable constraints of party balance. At a public hearing if every member is has to participate, eleven is too large a number to allow for effective lines of questioning to be followed.

In summary, parliaments need to reflect on the purpose of their committees: greater output, specialist work, or public engagement — and then consider what these options mean in terms of size, political control and committee independence.