

To: Business Committee
From: Business Committee Secretariat
Date: November 2010

Review of Standing Orders: Proposed changes relating to Committee business

Purpose

1. Further to the consideration of Standing Orders relating to Committee business on 9 November, Business Managers are invited to consider the outstanding proposals for changes to Standing Orders (those which relate to remits of committees, certain provisions relating to the rules of committee operation, and voting arrangements in Business Committee when proposing committee remits to the Assembly, current Standing Orders 12.4, 10.18-10.19, 10.31, 10.36A and 11.7). Details of the changes are attached at Annex A; a 'clean' version of the relevant Standing Orders, incorporating all the proposed changes, is attached at Annex B to this paper.

Remaining proposals for changes to committee-related Standing Orders

i. Remits of committees (Standing Order 12.4)

2. Business Managers requested that proposed Standing Order 12.4(i) be re-worded to make clear that all aspects of government responsibility must be accountable to the Assembly's committee system.

3. The wording has been changed to clarify that the Business Committee, in tabling any motion under Standing Order 12.2 or 12.3, would be required to ensure that every area of responsibility of the government and associated public bodies "is" subject to the scrutiny of a committee (rather than "may" as originally proposed). The motion tabled by the Business Committee will be subject to Assembly agreement in accordance with Standing Order 12.2.

ii. Proposals for committee remits made by the Business Committee – voting arrangements: (Standing Order 11.7)

4. The Business Committee agreed in principle to a new approach to the establishment and remit of committees at the last meeting. As explained in paper BC(3)29-10 Paper 2 (paragraph 12(c)), part of this proposal relates to the way the Business Committee agrees the proposal for the committee structure before tabling the motion for the Assembly's agreement. It is proposed that any decision relating to the committee structure would be made by qualified weighted voting in Business Committee, not full weighted

voting. This would require the amendment to Standing Order 11.7¹ proposed in Annex A to this paper.

iii. Chairs of committees (Standing Order 10.18 – 10.19)

5. Business Managers requested further clarification about the application of the proposal to provide further detail on procedures for the election of committee chairs.

6. Although not required by the Government of Wales Act 2006, current Standing Orders require that, in electing a chair, each committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong. In practice, this means that the parties agree the allocation of chairs by party group, subject to the political balance of elected Members.

7. The current Standing Order states that each committee must elect a chair but does not provide any detail on how this election should be undertaken. The Standing Orders do, though, set out a process for the election of all other named office holders. The proposal is made, therefore, to remove that potential lack of clarity and consistency.

8. Business Managers requested alternative options to the proposal outlined above in order to reflect the current practice by which nominees for chairs are identified by party groups. Business Managers are invited to consider the following alternatives:

- a. Amending Standing Order 10.18, as proposed in last week's meeting;

This would maintain the mechanism for committees to elect chairs but would ensure that they take account of decisions taken by the Business Committee regarding the political balance of chairs across committees.

- b. Maintaining the status quo by leaving the Standing Orders unchanged;

This would require that committees elect a chair but would not specify how this should occur. Committees would be able to continue with the current practice of endorsing the chair put forward by the relevant party group but would retain (a) the committee's right to oppose the nomination put forward if it so

¹ Business Managers may wish to note that, following its agreement in principle on 9 November, this Standing Order will now be re-located to Standing Order 6 – Organisation of Business. It is referred to as SO 11.7 in this paper for ease of reference.

chooses and / or (b) committee members' ability to propose an alternative nominee for chair.

- c. Removing the mechanism that permits committees to elect a chair and replacing it with a mechanism by which party groups provide the Business Committee with the name of the member they wish to appoint to any committee upon which they hold the chair. It would then be for the Business Committee to name the chair when tabling the motion under new SO 10.3 that proposes the committee's membership.

The Business Committee would be required to table a motion containing the membership and chair of a committee for agreement in plenary. Business Managers would need to consider whether to maintain the current obligation on the Business Committee, contained in SO 10.18, to have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong in any revised Standing Orders.

Any change to a committee chair would need to be proposed by the Business Committee and then agreed by the Assembly in plenary on each occasion.

Provision would need to be retained for a committee to make arrangements to appoint a temporary chair if necessary (current SO 10.19).

The fundamental question is whether Members wish to enshrine further the role of party groups in the selection of committee chairs or to leave open the potential for future Assemblies to allow committees to elect their own chairs.

iv. Quorum (SO 10.31)

9. Business Managers requested alternative options to the proposal to remove the current 20 minute cut-off to achieve quorum in committee. There have been examples where chairs have become aware that quorum will not be reached but have had to wait for 20 minutes to declare so, and others where it has been known that 20 minutes would be insufficient. The change is proposed, therefore, to allow the chair the discretion to adjourn the meeting before a maximum time stated in Standing Orders where it is reasonable and appropriate to do so.

10. Business Managers are invited to consider the following alternatives:

- a. agreeing the proposal put forward last week (BC(3)29-19 Paper 1 – Annex A)
- b. maintaining the status quo by leaving the Standing Orders unchanged;
- c. specifying a maximum cut-off time (e.g. 30 or 40 minutes), but allowing the chair the discretion to adjourn before that maximum time if he or she is aware that the committee will not be quorate before the maximum time is reached.

v. Openness of committees – publication of documents (SO 10.36A)

11. Business Managers agreed the principle to insert a new Standing Order to ensure that a specific reference is made to the publication of documents by committees to bolster the legal protection afforded to the contents. Members agreed to give further consideration to whether the proposed wording requires further strengthening by linking it to relevant pieces of legislation. An alternative approach to SO 10.36A, providing the bolstered legal protection sought by Members, is provided in Annex A to this paper.

Decision

12. The Committee is invited to comment on the proposed changes as set out in paragraphs 2 to 11 above and agree in principle any outstanding changes to Standing Orders 10, 11 and 12 as detailed in Annex A.