

Amending Standing Orders

Membership of Committees

March 2021

In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Senedd, including any proposals for the re-making or revision of Standing Orders.

This report recommends amendments to Standing Order 17 relating to the membership of committees.

The Senedd is invited to approve the proposals to amend the Standing Orders as at Annex A. The amended Standing Orders, if approved, are at Annex B.



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1. Background

- 1.** The current Standing Order provisions relating to committee membership were drawn up in compliance with sections 28 and 29 of the Government of Wales Act 2006 (“the Act”). These sections made certain provisions relating to the appointment and composition of Senedd committees, which have formed the basis of (and in some cases, been replicated in) the Senedd’s Standing Orders on committees.
- 2.** The Wales Act 2017 gave the Senedd competence over section 28, and repealed section 29, which included provision to use the d’Hondt formula for allocating committee places in the event of the Senedd being unable to agree a motion on membership by two-thirds majority.
- 3.** All the other provisions of the repealed section 29 are already included in Standing Orders. The operation of the d’Hondt formula however was set out in detail only in the Act, with a reference in Standing Orders to the relevant section of the Act. As a result, the repeal of section 29 necessitated an amendment to Standing Order 17 to address this specific lacuna created by the repeal of section 29.

2. Business Committee consideration

- 4.** The Business Committee considered a number of options, including the use of alternative formulae, or removing the ‘fall back’ provision completely, and decided maintain the status quo by proposing that the repealed provisions be integrated into the Senedd’s Standing Orders.
- 5.** The proposed changes to Standing Orders are outlined at Annex A. The changes replicate the effect of sections 29(3) to 23(7) of the Act, with some appropriate textual amendments for consistency with existing Standing Orders. The Business Committee does not consider it necessary to include in the Standing Order the definitions included in section 29(4) and (7) of the Act .

3. Decision

- 6.** The Business Committee formally agreed the changes to Standing Orders on 9 March 2021. The Senedd is invited to approve the proposed new Standing Orders at Annex B.

Annex A – Proposed changes to Standing Order 17, and explanatory notes

Standing Order 17 – Operation of Committees

Membership of Committees	Retain heading
<p>17.7 If a motion to agree the remaining membership of a committee under Standing Order 17.3 is not passed, the Senedd must consider a motion tabled by the Business Committee to determine the size of the committee, and places on that committee must be allocated in accordance with <u>the Annex to Standing Order 17</u> the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 17.8.</p>	<p>Amend Standing Order</p> <p>The amendment replaces a reference to the provisions of sections 29(3) to (7) of the Act with a reference to the Annex to Standing Order 17.</p>
<p>17.8 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:</p> <ul style="list-style-type: none"> (i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or (ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is greater than that so produced for any other political group; <p>the Presiding Officer must determine to which political group that place is to be allocated.</p>	<p>Remove Standing Order</p> <p>This Standing Order fulfils a specific requirement of s29(8) of the Act. As the Standing Order makes provision in relation to the operation of the d’Hondt formula, it is proposed to remove this Standing Order and replicate its provisions in paragraph 6 of the new Annex to Standing Order 17.</p>

Annex to Standing Order 17

Membership of Committees: Additional Provisions	Insert heading
<p>1. <u>If a motion to agree the remaining membership of a committee under Standing Order 17.3 is not agreed:</u></p> <p>(i) <u>the Member appointed to the first place on the committee is a Member belonging to the largest political group, and;</u></p> <p>(ii) <u>the Members eligible to be appointed to the second and subsequent places on the committee are determined in accordance with paragraph 2.</u></p>	<p>Introduce New Standing Order</p> <p>Replicates, with some textual amendments, the effect of the repealed section 29(3) of the Act.</p>
<p>2. <u>A Member is eligible to be appointed to the second or any subsequent place on the committee if the number produced by paragraph 3 in relation to that place for the political group to which the Member belongs, exceeds that so produced for each of the other political groups.</u></p>	<p>Introduce New Standing Order</p> <p>Replicates, with some textual amendments, the effect of the repealed section 29(5) of the Act.</p>
<p>3. <u>The number produced for a political group in relation to the second or any subsequent place on the committee is:</u></p> <p>(i) <u>if one or more places are already allocated to the political group, the number of Members belonging to the political group divided by the aggregate of one and the number of places already so allocated; or</u></p> <p>(ii) <u>otherwise, the number of Members belonging to the political group.</u></p>	<p>Introduce New Standing Order</p> <p>Replicates, with some textual amendments, the effect of the repealed section 29(6) of the Act.</p>
<p>4. <u>If in respect of any place to be allocated on a committee in accordance with paragraphs 1 to 3:</u></p>	<p>Introduce New Standing Order</p> <p>Replicates, with some textual amendments, the effect of the current Standing Order 17.8 which</p>

<p><u>(i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or</u></p> <p><u>(ii) the number produced by the operation of paragraph 3 is the same for two or more political groups and is greater than that so produced for any other political group;</u></p> <p><u>the Presiding Officer must determine to which political group that place is to be allocated.</u></p>	<p>put into effect the requirement of section 29(9) of the Act. As a result, Standing Order 17.8 will be removed.</p>
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Annex B – Standing Order 17, as amended

STANDING ORDER 17 – Operation of Committees

Membership of Committees

- 17.7 If a motion to agree the remaining membership of a committee under Standing Order 17.3 is not passed, the Senedd must consider a motion tabled by the Business Committee to determine the size of the committee, and places on that committee must be allocated in accordance with the Annex to Standing Order 17.
- 17.8 *[Standing Order removed by resolution in Plenary on 24 March 2021]*

Annex to Standing Order 17

Membership of Committees: Additional Provisions

1. If a motion to agree the remaining membership of a committee under Standing Order 17.3 is not agreed:
 - (i) the Member appointed to the first place on the committee is a Member belonging to the largest political group, and;
 - (ii) the Members eligible to be appointed to the second and subsequent places on the committee are determined in accordance with paragraph 2.
2. A Member is eligible to be appointed to the second or any subsequent place on the committee if the number produced by paragraph 3 in relation to that place for the political group to which the Member belongs, exceeds that so produced for each of the other political groups.
3. The number produced for a political group in relation to the second or any subsequent place on the committee is:
 - (i) if one or more places are already allocated to the political group, the number of Members belonging to the political group divided by the aggregate of one and the number of places already so allocated, or;
 - (ii) otherwise, the number of Members belonging to the political group.

4. If in respect of any place to be allocated on a committee in accordance with paragraphs 1 to 3:
- (i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or
 - (ii) the number produced by the operation of paragraph 3 is the same for two or more political groups and is greater than that so produced for any other political group,

the Presiding Officer must determine to which political group that place is to be allocated.