

Health and Social Care Committee

HSC(4)–32–12 paper 5

Motion to establish a sub-committee to consider The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012 – Procedural note

1. Members are aware of correspondence from the Minister for Finance and Leader of the House asking the Chairs of the Enterprise and Business and Health and Social Care Committees to consider further evidence on the Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012.

Background

2. The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012 were laid on Wednesday 18 July 2012. Debate of these regulations has been postponed to allow the Enterprise and Business Committee and the Health and Social Care Committee to further consider the evidence.

3. The Minister for Finance and Leader of the House has invited the two Committees to meet in joint session to take evidence and produce a single report on their conclusions. Standing Orders do not make provision for the establishment of a joint committee, or for committees to meet jointly, but under Standing Order 17.53 committees of the Assembly are able to meet *concurrently*. In effect, this allows more than one committee to hear the same evidence whilst continuing to be separately constituted.

4. Both committees have agreed¹ to undertake this work concurrently, and that it is neither practical nor proportionate to expect all 20 Members to participate. Both committees are being invited today to establish a sub-committee of 5 members each. Both sub-committees will work together to seek evidence and publish their findings in one report. The sub-committees will cease to exist when the regulations have been considered by the Assembly in plenary.

¹ Both Committees considered the matter on 17 October 2012.

5. Standing Order 17.17 requires the resolution to establish a sub-committee to set out its membership, chair, remit and duration.

Action

6. The Committee is invited to agree the following motion:

That the committee resolves, under Standing Order 17.17 to establish a sub-committee to take evidence on The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012;

that the remit of the sub-committee is to hear evidence, concurrently with the sub-committee established by the Enterprise and Business Committee on The Smoke-free Premises etc. (Wales) (Amendment) Regulations 2012. The sub-committee will seek to agree on the content of a joint report with the sub-committee established by the Enterprise and Business Committee to inform the Assembly's consideration of the regulations. The sub-committee will cease to exist when the Regulations have been considered by the Assembly in plenary;

that the membership of the sub-committee comprises Mark Drakeford AM, Vaughan Gething AM, Elin Jones AM, Darren Millar AM, and Lynne Neagle AM, with Mark Drakeford AM elected as a Chair.

Frequently Asked Questions:

Why are two sub-committees being established?

See paragraphs 3 and 4 above.

Why have party groups been consulted on sub-committee nominations?

There is no requirement under Standing Order 17.17 for sub-committees to reflect party balance, and it is for the Committee concerned to decide the sub-committee membership and chair. However, given the nature of this joint scrutiny exercise, and the provisions of Standing Order 17 in relation to the balance of political groups, groups have been invited to nominate membership for each of the 5 member sub-committees in such a way that it results in overall party balance (i.e. 5 Labour members, 2 Conservative members, 2 Plaid Cymru members and 1 Liberal

Democrat member in total). Groups have now informed clerks of the nominations for the two sub-committees.

Why are both Committees electing sub-committee chairs?

As the two 5-member sub-committees will remain as separate entities and each will report back to its respective parent committee, each sub-committee will have its own chair, as required by Standing Order 17.17.

Who will chair the concurrent meetings of the two sub-committees?

It is a matter for the two sub-committee chairs to decide between themselves and advise the clerk which of them will chair the concurrent meetings. The nominated sub-committee Chairs will alternate the chairing of the concurrent meetings by their own agreement.

How will the output(s) of the concurrent meetings be agreed?

The outputs of the concurrent meetings will be a matter for the 10 members as a whole to consider when they meet. Any report(s) will be referred back to the respective parent committees for ratification in accordance with SO 17.19.

What is the timetable for this work?

The two sub-committees will be able to meet concurrently on Wednesday 5 December to consider and agree terms of reference, a written consultation exercise, a witness schedule and a provisional timetable. The Minister's letter of 5 November notes that "given the interest shown both within and outside the Senedd, it would be very helpful to complete the work as soon as possible." All available slots within the business timetable will be considered for use by the two sub-committees to take evidence and agree a report as soon as possible in the spring term.

**Committee Service
November 2012**