

## Chair of the Environment and Sustainability Committee's Report

- Process following 2014 / 15 Budget Scrutiny

Cynulliad  
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Wales



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### Purpose

1. Following concerns raised by Members in the Environment and Sustainability Committee on 14 November 2013 about the budget scrutiny process, I have investigated the concerns, and this report details my findings.

### Background

2. The Environment and Sustainability Committee took oral evidence from the Minister for Natural Resources and Food on 16 October. The Committee had to report to the Finance Committee by 25 October. Annex One is a timeline of the process.

3. In Committee on 14 November, Members made reference to the draft letter being leaked in advance of publication. As I stated in the Committee meeting, it is usually politicians who leak documents. This report does not look at the issue of leaking. However, I am confident that it was not leaked by Assembly officials. Members should be aware that the leaking of any confidential Committee documents, whether it be draft reports/letters or briefings, breaches the mutual trust that enables committees to operate effectively, as well as the principles which underpin the Code of Conduct for Assembly Members.

4. My comments are made in the context of the process that was agreed by Committee Members in private session on 16 October. The deadline for initial comments was 21 October, followed by a final approval deadline of 23 October. All Committee Members and their Support Staff were sent the draft and final version for comment / approval.

5. Additionally, the Committee had the opportunity to discuss the letter in a private session on 24 October. This was a further

opportunity outside of the process which had previously been outlined and agreed. Members agreed to the letter being sent un-amended i.e. as agreed at 12pm on 23 October. It was covered in the media on the evening of 25 October.

6. I will now turn to the concerns raised by Members in the meeting on 14 November. A full copy of the transcript is available [here](#).

#### **Timing of Media coverage and agreement of the letter**

*Concerns were raised that Members only became aware of the letter when they were contacted by the media or saw reports in the media. Members also stated that they saw the media reports before they had the opportunity to agree the letter, and that they tried to get changes made to the letter after they had seen the coverage in the media.*

7. The first draft of the letter was circulated to Members on Thursday 17 October, with a further draft circulated on Monday 21 October. I am not aware of when Members were contacted by the media, but have received no evidence to suggest that it was before either of these dates. Members had been made aware that this was the intended timeframe in Committee on 16 October. Arrangements could have been put in place by Members' offices to ensure that the emails were prioritised when they were received.

8. In terms of agreeing the letter, the Committee agreed it electronically on Wednesday 23 October, according to the procedure it had determined on 16 October. On Thursday 24 October, when the Committee discussed the letter in private session, it agreed that it was to be issued un-amended. All Members had copies of the letter before it was published in the press.

9. At the Committee meeting on 24 October, Members were offered the opportunity to produce a 'minority report' which would have enabled those Members unhappy with the content of the letter, to have outlined their views and how they differed to the rest of the Committee. This was declined.

10. In relation to the claim that a Member tried to make representations about the letter after seeing coverage in the media, this Member sent an email on 25 October calling for specific changes to the letter; this was after the letter had been published (following agreement by the Committee on the previous day, 24 October) but

before it was reported in the media. The letter was not reported in the media until late afternoon on 25 October, after the letter had been published on the Assembly website. No further representation was made by the Member following the press coverage of the letter. The Member had already expressed concerns about the content of the letter on Wednesday 23 October, and was present at the Committee meeting on 24 October when the letter was discussed.

11. I am absolutely clear that Members were given ample opportunity to input their views, and once concerns were raised, that they were given the opportunity to have their views put in the public domain.

*Concerns were raised by Members that the letter was not agreed.*

12. To be absolutely clear, the letter was agreed electronically, according to the timeline outlined to Members, on 23 October. In Committee on 24 October, Members agreed to the letter being sent un-amended.

### **Tone of the letter and email correspondence**

*Concerns were raised about the tone of the letter and the tone of communications from the clerking team.*

13. The letter was agreed by the Committee, and Members had time to comment on the content and tone. I believe it was a fair reflection of the Committee meeting, the oral evidence we heard, and reflected the discussions the Committee had in private following the Committee meeting.

14. I have reviewed the correspondence from the Clerking team, and believe that the tone is perfectly acceptable. The emails are factual, stating deadlines and the process to be followed. It is difficult to discern any tone in their drafting.

### **Deadlines**

*Concerns were raised about the limited time available for approval, and that the letter would not have been approved if more time had been made available.*

15. The deadlines and restricted time available to the Committee was made clear, orally, to Members at the Committee meeting on 16 October. At that stage, no Member made any objection to the timescales for approval or the fact that this would be done electronically. I note that other Members responded within the

timeframe set, and that no comments about the timeframe were made until after the final deadline for comments had passed.

16. Furthermore, additional time was given to Members after concerns were raised, once the agreed deadline for approval had passed. Members were given the opportunity to submit further amendments, with one Member sending amendments on the morning of Thursday 24 October. The Committee had the opportunity to discuss these possible changes in private session on 24 October. The Committee agreed to the letter being sent un-amended.

### **Process followed**

*Concerns were raised about the format of the emails in which the letters were distributed.*

17. Both the draft and final version of the letter were sent as individual emails with no other Committee business included in them. The emails were sent from the Environment and Sustainability mailbox, which should have alerted Members and their offices that it related to Committee business. Additionally the titles of both emails should have alerted Members and their offices to the important content of the email. The email titles were: “E&S Draft Budget Letter – For Comment” and “Environment and Sustainability Committee – Budget letter – Final version for approval”.

### **Conclusions**

18. There were a number of concerns raised by Committee Members about the process. The fact that some Members had concerns about the drafting of a Committee output is of concern to me. However, having investigated the reasons stated by Members, I have found them difficult to substantiate.

19. The process and timeline were clearly outlined to Members at the start of the process on 16 October. If Members had concerns about the timeline, this was the appropriate time to raise them. If issues arose during the approval process (such as workload pressures), Members should have alerted the Committee before the deadline for approval. It should be noted that when Members asked to submit comments after the agreed approval deadline, this was facilitated by the Clerking Team, and the decision to not make changes were made by the full Committee. At each stage, the Clerking team has facilitated decision making by the Committee.

20. It should also be noted that this is not the first budget process the Committee has undertaken, and Members are aware that there are tight deadlines. Members have a responsibility to ensure that they meet deadlines that are set and agreed by the Committee. If Members are unable to meet these deadlines, they should make this clear before the deadline passes and not after the event. I note that other Members were able to comment on the letter in the timeframes given.

21. When I first became aware of Members' concerns about the process and timelines, Members were offered the opportunity to discuss this with me and how best their concerns could be made known. No Members chose to take this up.

22. As a result, I am disappointed in the way that Members have raised their concerns following publication of the letter, and that this was done in a public session of a Committee meeting without any prior notice being given to me or the rest of the Committee. In the first instance, Members should have raised these concerns directly with me, as Chair. I believe it would have been in the Committee's best interests to have then discussed these issues in a private session of the Committee, before deciding on the best way to express any concerns publically. This may have avoided the need to address many of the points raised in this report. In any event, a request should have been made to include an agenda item to discuss this if the above course of action was not agreeable.

23. Some Members have stated on the public record that they did not have the opportunity to comment on the letter. I do not believe this to be the case - sufficient opportunities were given. Additionally, Members were given the opportunity to produce a 'minority report' which would have enabled them to set out their views and they could have discussed their concerns with me directly.

24. To conclude, I am satisfied that the approval process followed and time given to Members to comment on the letter was sufficient. All Members had the opportunity to comment before it was agreed and published. If Members did not comment that is a matter for them as individual Members. It is their responsibility to ensure that they comment within the agreed timeframes.

## Annex One – Timeline of the budget process

Date	Action
Wednesday 16 October	<p>Committee takes oral evidence from the Minister for Natural Resources and Food, Minister for Communities and Tackling Poverty and Minister for Finance.</p> <p>One apology (Julie James) received, and one vacant position (Vaughan Gething), no substitutions provided.</p> <p>In private session, the timeframe for considering and approving the budget letter is outlined, with Members being made aware of the tight timeframes, and need for this to be agreed electronically.</p>
Thursday 17 October 15:35	Email circulated to Committee with the draft letter. Members given until <b>11am Monday 21 October</b> for comments.
Monday 21 October 11am	Deadline passes for comments. One amendment and one comment received from Members.
Monday 21 October 11:21	Revised version of the letter circulated. Members given until <b>midday Wednesday 23 October</b> for final comments.
Wednesday 23 October midday.	Deadline passes, no further comments received. Letter taken as agreed as outlined in previous email.
Wednesday 23 October 17:23	Email from Mick Antoniw

	indicating he wishes to make changes.
Wednesday 23 October 17:24	Email from Joyce Watson highlighting concerns about the content of the letter and timeframe for approval.
Wednesday 23 October 17:30	Email from Mick Antoniw highlighting concerns about the tone of letter and timeframe for approval.
Wednesday 23 October 17:34	Duplicate version of the email sent by Joyce Watson at 17:24 sent again.
Wednesday 23 October 17:42	Email from Clerking Team asking for any amendments to be sent in by the following morning.
Wednesday 23 October 17:47	Email from Antoinette Sandbach highlighting timeframe agreed by Committee.
Wednesday 23 October 17:54	Email from Joyce Watson seeking clarity on the deadlines.
Wednesday 23 October 17:55	Email from Mick Antoniw indicating he will send through amendments by the following morning.
Wednesday 23 October 18:08	Email from Clerking Team explaining the deadline for agreeing the letter.
Thursday 24 October	Committee visit (am) / External meeting (pm)
Thursday 24 October 10:34	Email from Mick Antoniw's AMSS circulating a revised version of the letter.
Thursday 24 October 11:52	Email from Second Clerk to Clerk with a version of Mick's letter

	showing tracked changes.
Thursday 24 October PM	<p>Committee meeting.</p> <p>Three apologies (Dafydd Elis-Thomas, Russell George and Julie James), one vacant position (Vaughan Gething), no substitutions. William Powell elected as Temporary Chair.</p> <p>Discussion of the letter and timelines. Committee agrees to send to the Finance Committee the version of the letter circulated on Monday 21 October.</p>
Friday 25 October (lunchtime)	Translation of the Committee letter received.
Friday 25 October (lunchtime)	Letter sent to Finance Committee, Welsh Government and published on the Committee website.
Friday 25 October 14:20	Email from Joyce Watson asking for changes to be made to the letter.
Friday 25 October 15:07	Email from Clerking Team to Joyce Watson explaining that the letter has been published.
Monday 12 November	Response from the Minister for Natural Resources and Food received.
Tuesday 13 November	Response circulated to Members and published on Committee webpage.