



Conduct of business by the National Assembly for Wales Commission

A. Background and introduction

1. Section 27 of the Government of Wales Act 2006 (the Act) established the National Assembly for Wales Commission as a body corporate with the principal statutory duty to provide, or ensure that the Assembly is provided with, the property, staff and services required for the Assembly's purposes.
2. The Act provides for the Commission to comprise the Presiding Officer and four other Assembly Members appointed in accordance with the Standing Orders. Paragraph 1 of Schedule 2 to the Act and Standing Order 7 governs the membership of the Commission.
3. With the exception of the Presiding Officer, Commissioners are nominated by the main political parties. However, all Commissioners represent the interests of the Assembly as a whole rather than acting as party representatives.
4. A Commissioner continues to hold office until another Member of the Assembly is appointed in his or her place unless the Commissioner resigns, ceases to be an Assembly Member other than by dissolution of the Assembly, or is removed by a resolution of the Assembly. When the Assembly is dissolved, Commissioners continue in post with the same responsibilities until such time as a new Commission is appointed by the next Assembly following the election.
5. The validity of any action taken by the Commission is not, according to the Act, affected by any vacancy in its membership, or by any defect in the appointment of members or lack qualification for membership.
6. The Chief Executive is the senior permanent employee of the Assembly Commission and, under Section 138 of the Act, is also

its Principal Accounting Officer. Under paragraph 7 of schedule 2 to the Act, the Commission may delegate any of its functions to the Presiding Officer or the Chief Executive.

7. Paragraph 11 of schedule 2 to the Act allows the Commission to determine its own procedure. This document therefore sets out the procedures for the conduct of business which the Commission has agreed.

B. Governance and leadership

8. The Commission has been established as a corporate body to manage the Assembly estate, employ Assembly staff and facilitate the smooth running of the Assembly. The Commissioners are therefore corporately responsible for setting the organisation's strategy and overseeing its performance.
9. The Commissioners are also charged with the governance of the organisation and are accountable to the Assembly for its performance. As this is a corporate responsibility, it is important that all Commissioners act, and be seen to act, in the interest of the Assembly as a whole rather than as representatives of individual political parties.
10. The Chief Executive is responsible for the management of staff, and operational delivery of the strategy set by the Commission. As Principal Accounting Officer, the Chief Executive is also responsible for economic, efficient and effective use the organisation's resources, for ensuring regularity and propriety of financial transactions, and for ensuring that appropriate arrangements are in place for the effective identification and management of risk.
11. It is incumbent upon the Commissioners, Chief Executive and all levels of management to show leadership in taking the organisation forward to ensure that the Assembly is regarded as a powerful and respected democratic institution in the service of the people of Wales.

C. Procedures for meetings of the Commission

Meetings

12. Meetings will normally be held in private unless otherwise determined by the Commission.

Regularity of meetings

13. The Commission will determine the regularity of its meetings. Such meetings will normally take place when the Assembly is sitting but may also be during a recess if the need arises.

Adjournment of meetings

14. Any Commissioner may propose that a meeting be adjourned. The decision on any such adjournment is for the Commission.

Special meetings

15. The Presiding Officer may convene a special meeting of the Commission when it appears to him or her that an item of business requires urgent attention. The date of any such special meeting will be determined by the Chief Executive after contacting as many Commissioners as practical.
16. A Commissioner may request the Presiding Officer to convene a special meeting. It is for the Presiding Officer to determine whether or not to grant such a request. Any two Commissioners may call a special meeting by writing to the Chief Executive specifying the business to be transacted.
17. The Chief Executive will arrange for such special meetings to be convened and, where possible, the meeting should take place no later than seven clear working days after the date of the request or call.

Chair

18. The Presiding Officer will chair meetings. If the office of Presiding Officer is vacant, or if the Presiding Officer is unable to act, the remaining members will appoint a Commissioner to chair the meeting.
19. The role of the Chair is:
- to preserve order and ensure that Commissioners and special advisers have sufficient opportunity to express their views on any matter under discussion;
 - to decide in which order those wishing to speak shall do so;

- subject to these Rules, to decide on all matters of practice and procedure;
- to ensure that Commission decisions or resolutions are clearly expressed; and
- Where no motion is under consideration to summarise the discussion for the purposes of the minutes.

Quorum

20. The quorum for any meeting is three members.

Attendance

21. Commissioners and independent advisers should, where practical, inform the Commission and Member Support Service in advance if they are unable to attend a particular meeting.
22. Where a Commissioner or independent adviser is, for whatever reason, unable to attend a meeting then he or she may submit written comments with views on any of the issues under consideration.
23. In addition to the Commissioners, the following will normally attend:
- independent (non-executive) advisers appointed by the Commission¹;
 - the Chief Executive;
 - the Directors; and
 - a minute secretary provided by the Commission and Member Support Service.

Other officials may attend meetings as required.

¹ Independent advisers may be appointed to act in a non-executive capacity providing support and constructive challenge to the Commission and its senior management – see the Commission’s governance principles and supporting provisions.

24. The Commission may if appropriate, invite individual Assembly Members to attend for specific meetings or individual items of business. These Members would not be permitted to vote.
25. Where, in the opinion of the Commissioners, an issue is particularly sensitive or confidential in nature, the Chair may recommend that the item be considered without observers, advisers or officials present. If the Commission approves such a recommendation such individuals as the Commissioners determine must withdraw, but the minute secretary should normally remain in attendance.

Papers

26. Papers for any meeting, other than a special meeting, should be set out in accordance with guidance to be issued by the Commission and Member Support Service.
27. All papers should be presented in a clear, concise format setting out the issues, the background, a discussion on the options available, resource implications, next steps and the decision required from the Commission.
28. Where the purpose of the paper is to ask the Commission to express a view, it should include an appropriate conclusion rather than a recommendation. Where the paper is simply providing information, the conclusion should invite the Commission to note the information provided.
29. Commission minutes and papers will normally be published one week after the meeting, except those papers containing information which is considered may be exempt from publication under the Freedom of Information Act 2000.
30. The Commission and Member Support Service will issue the papers and agenda by email, where practical, not later than three working days preceding the date of the meeting. Commissioners may consult colleagues on any issue but should take reasonable steps to prevent any action that would pre-empt full and proper consideration by the Commission at the meeting.

Agenda

31. The agenda for each meeting will be set by the Chief Executive in consultation with the Presiding Officer and, other than for a special meeting, should include:
- date, time and location of the meeting;
 - minutes of the previous meeting;
 - matters arising; and
 - papers which are to be considered at the meeting
32. Under normal circumstances there will be no heading of “Any Other Business” on the agenda. However, if any Commissioner, independent adviser or official wishes to raise an urgent matter under this heading, notice should be given to the Presiding Officer at least one day in advance. Should this not be possible notice must be given as quickly as possible prior to the commencement of the meeting. It is for the Commission to determine whether such items will be discussed and at what point in the meeting.

Minutes

33. The minutes of meetings should record:
- the date, venue and time of the meeting;
 - Commissioners present;
 - independent advisers, officials and observers in attendance;
 - apologies for absence;
 - declarations of interest;
 - approval of the previous minutes or any amendments thereto;
 - matters arising from the previous minutes;
 - a note of any issues considered by correspondence since the previous meeting and any decisions taken;

- issues discussed at the meeting and any decisions taken or resolutions made on each issue;
 - the outcome of voting on any decision taken; and
 - any actions arising.
34. Minutes of meetings must be approved by the Commission at the following meeting and the duly approved minutes will then be formally signed off by the Chair.
35. When an amendment to the minutes is agreed the Chair must, unless the meeting determines otherwise, authorise the amendment to the minute, which thereafter must be agreed.
36. The approved minutes of meetings will be published on the Assembly's website.

Decisions and voting

37. Only Commissioners are entitled to vote. Each Commissioner has a vote. The Chair of the meeting also has a casting vote in the event of a tie.

Disclosures of interest

38. A Commissioner, independent adviser or participating official must disclose any financial interest in any matter under consideration at a meeting. Where such an interest has been declared the individual concerned must take no part in the proceedings and should withdraw from that part of the meeting.
39. Where a Commissioner or independent adviser has an interest, other than financial (e.g. family), advice should be sought as to whether the interest may be regarded as significant.
40. A Commissioner or independent adviser may seek advice from the Commission's Legal Services Directorate in relation to any particular circumstances which he or she believes may constitute a direct or indirect interest in a matter before a meeting. All declarations of interest must be recorded in the minutes.

Resolutions

41. The Chair should attempt to secure a consensus for all Commission resolutions. Where this is not possible, the Chair must call for a vote.
42. Votes will be taken by a show of hands unless the meeting determines that a roll call vote should take place.
43. Any motions to be submitted for consideration of the Assembly require the prior approval by a resolution of the Commission at a duly constituted meeting.

Dealing with items by correspondence

44. Any issues to be dealt with by correspondence, at the discretion of the Chief Executive, must be limited to issues:
 - of real urgency where it is clear that a decision is needed before the next meeting;
 - to note for information;
 - agreed at a previous meeting to be dealt with by correspondence; or
 - where it is likely to gain consensus agreement with no need for discussion.
45. When a paper is issued, it should clearly state a closing date by which comments are required. It will be presumed that if a Commissioner does not respond by the closing date it will be interpreted as if consent was given to the proposal under consideration. The Commission and Member Support Service will strive to achieve a consensus on all papers issued by correspondence.
46. If there is a consensus in favour (or not in favour) of a proposal or if there is a majority view then that decision will be put to the next meeting for formal ratification. However, where there is a majority view, but a Commissioner dissenting considers that the matter requires further discussion then the issue will be considered at the next available meeting. If the issue is significantly urgent then

consideration should be given to calling a specially convened meeting to resolve the issue.

Amendments to procedures

47. These procedure rules may be varied, revoked or added to by the Commission at a meeting where due notice has been given.