

Cynulliad Cenedlaethol Cymru / National Assembly for Wales

Y Pwyllgor Busnes / Business Committee

Etifeddiaeth y Pedwerydd Cynulliad / Fourth Assembly Legacy

Tystiolaeth gan Democratiaid Rhyddfrydol Cymru / Evidence from Welsh Liberal Democrats



**Business Committee legacy report.
Welsh Liberal Democrat Group submission to consultation**

Q. During the current Assembly, the Presiding Officer and Business Committee have introduced a number of procedural reforms, including changing the deadlines for tabling Oral Assembly Questions, introducing regular Individual Member Debates, and leaders' and spokespeople's questions.

- **What impact have these changes had in enabling Members to represent their constituents and hold the government to account?**

A. We have welcomed these changes in the main. Individual members Debates give an opportunity for backbench AMs to bring forward discussions which have a degree of cross party support. The Leaders and Spokespeople's questions have been a welcome addition to the agenda as they give us the chance to bring up questions that are more topical as they do not have to be tabled in advance.

We also welcomed the change in the voting procedure for government debates, whereby there is no longer a proposal is to agree the motion without amendment; all amendments are voted on before a vote is taken on the motion as a whole. We would urge Business Committee to consider the merit of extending this practice to opposition debates for the following reason:

Recently we have been experiencing some difficulty deciding how to vote on opposition debates due to the process whereby there is first a proposal to agree the motion without amendment. We previously operated on the basis that even if we agreed with the debate as originally drafted, we would vote against at first reading in order to have a vote on our amendments which we feel strengthen the debate. However, recently we voted against a debate at first reading and this was then criticised by an opposition party in their literature who claimed that we did not support the policy itself, when in fact we did support the motion but as per practice had voted against in order to have a vote on our amendments. It's very hard to counter this criticism to constituents as the defence becomes quite technical and a matter of process; that we voted against at first reading to hopefully trigger a vote on our amendments themselves.

As a result, we are now very hesitant in deciding how to vote as it is often a numbers game; we assess whether the motion is likely to pass anyway at first reading and if so we will usually

vote in favour at first reading, to avoid other parties taking advantage of a vote against as mentioned above. This means that the work that goes in to researching and agreeing amendments is often wasted in some ways – although we can still move the amendments, they won't be voted on. It's frustrating that we are initially having to make these decisions based on process rather than on the basis of the actual policy intent of the motions themselves. If opposition debates followed the same procedure as government debates in moving straight to a vote on amendments, this may avert the issue.

Q. For the first time, the committee structure of the Fourth Assembly, combined policy and legislative scrutiny within the same committees.

- **How effective has this approach been and how have committees achieved a balance between their policy, financial and legislative scrutiny?**
- **What changes could be made to committee size and structure in future to make them more effective?**

A. The merging of policy and legislative scrutiny functions has worked well as it has allowed members of those committees, and their staff, to build up a level of expertise within the subject area covered. This, we believe, makes for more effective scrutiny. It has also given those staff who service the committees the chance to specialise and this can only be beneficial.

We understand that there have been opinions expressed in some quarters that the size of committees should be reduced and that this could somehow increase the level of scrutiny.

This is something that the Welsh Liberal Democrats are completely opposed to. We believe there needs to be adequate cross party involvement in order for full scrutiny to take place and this cannot be achieved if committee sizes are reduced.

Reducing the size of committees to a degree where there is not full cross party participation would be undemocratic and not allow for full representation of the public.

Comments have also been made that smaller committees are necessary because of insufficient numbers of Members to cover all committees in their current form. As the smallest group in the current Assembly we have been able to cover all committees and have an excellent attendance record.

Q. The Business Committee is responsible for setting the Assembly timetable, including scheduling committee meetings. Currently, Plenary meets on Tuesday and Wednesday afternoons, with committees meeting mostly on Tuesday and Wednesday mornings, and Thursdays.

- **Does the current Assembly timetable, including the structure of the working week and committee/Plenary slots provide the correct balance in terms of the use of the Assembly's time, allowing it to effectively perform its functions of making laws, representing the people of Wales, and holding the government to account?**

A. Broadly speaking then we think the current timetable provides a best fit. There has been talk in the past of committees possibly meeting during plenary which we are opposed to.

We would also resist any suggestion of more committees meeting on a Monday as that is generally regarded as constituency time. AMs need to maintain a balance between time spent in the Assembly on legislation and time in their constituency addressing the more localised needs of those they represent.

As we have stated in the past, we would be supportive of shortening slightly the recess time rather than significantly alter the structure of the week.

Q. The Business Committee is responsible for establishing timetables for committees to consider Bills, and LCMs, in line with Standing Orders.

- **Do the current processes for timetabling legislation – including Bills and LCMs – allow for proper scrutiny and engagement by Members and stakeholders? Could it be made more effective?**

A. There are issues with some of the lengthier, more complicated Bills in finding time for them to be properly scrutinized by committee. It is difficult to see how this can be overcome within the restrictions of timetabling business over three days.

There is a problem where there are a substantial number of amendments to Bills, such as the 500 put forward to the Social Services Bill. The Bill is being amended significantly but there is no opportunity once it has moved beyond stage 1 for further consultation with third sector or other affected organisations.

So effectively they have given their comments on a Bill which has been substantially changed, perhaps as a result of their own input into the consultation - which is welcome - or possibly due to poor drafting in the first place, and there is little opportunity for them to comment on whether the revised version is fit for purpose.

Whilst they have, thankfully, been the exception rather than the norm, the procedure for Emergency Bills gives rise for concern. The Agricultural Sector (Wales) Bill for example was tabled on 25 June 2013 and passed on 17 July. This did not give the Assembly adequate time for scrutiny and is not satisfactory in our view. There needs to be tighter rules over what constitutes an emergency and is allowable under such a procedure.

Q. Unlike its equivalents in many other legislatures, the Assembly's Business Committee combines the role of scheduling Assembly business with that of a 'procedures committee' responsible for considering and proposing changes to the Assembly's Standing Orders and procedures.

- **What are the advantages and disadvantages of this dual role, and is there a case for reviewing it?**

A. The process has worked reasonably well so far and we cannot see any reason for the setting up of yet another committee to deal with procedures. With just 60 members then backbenchers are already stretched with regard to committees.