

Dame Rosemary Butler AM
Presiding Officer
National Assembly for Wales
Tŷ Hywel
Cardiff Bay

10 December 2015

Dear Presiding Officer

Introduction

Thank you for inviting the Committee to respond to the Business Committee's consultation. I apologise for the lateness of this response. We have limited time available and wanted to allocate sufficient time for discussing these important issues.

The Committee hopes that these comments assist you in your deliberations.

Committee size and structure

Structure

A majority of the Committee agreed that operating combined policy and legislative committees was preferable to a structure that separates policy and legislative scrutiny.

One member expressed a preference for separating these functions and allocating them to separate committees.

In arriving at this view, the Committee acknowledged that legislative scrutiny can hamper its ability to hold the Government to account in other policy areas. At the peak of its legislative workload, the Committee's time over the course of a year was broadly split in half between these two aspects of scrutiny.



Additionally, the Committee noted that developing policy expertise enables members to engage more effectively with legislative scrutiny; and combining legislative and policy functions makes the best use of Assembly Member's time.

The Assembly's current legislative process creates a particular tension for committees. In particular, the split in approach between Stage 1 and Stage 2. This tension arises from the members adopting their usual 'consensus' approach to Stage 1 but then being whipped along party lines at Stage 2. This can lead to some seemingly incongruous decisions being taken.

The Committee is hoping to review its experience of scrutinising legislation and will consider how best to report this, should it find time to undertake this review.

The Committee also believes that adjusting the committee structure to mirror ministerial portfolios would create greater accountability and, to an extent, have the potential to more evenly distribute the legislative workload (though not entirely).

Committee size

Whilst there was no agreement on what the optimum size of a committee should be, the Committee agreed that they should be smaller in the Fifth Assembly. There was consensus around 6–8 members (depending on party balance) and that the size of committees should not be based on trying to accommodate every party group on every committee. Additionally, the committee structure should be designed to ensure that no Assembly Member sits on more than two committees.

Timetable

The sitting week

The Committee agreed that the sitting week should be limited to Tuesdays, Wednesdays and Thursdays. It agreed that Thursdays must be seen as a full sitting day, though consideration should be given to those Assembly Members that face long travel times on Thursdays in order to return to their constituencies.

They believe that time spent in their constituencies on Mondays and Fridays is essential to their role in representing their constituents.

Timetabling



The Committee agreed that there is merit in exploring more innovative approaches to timetabling Assembly business. For example, looking at a cycle that allowed for different patterns of business on different weeks. This could include a week focused on committee work followed by a week focused on plenary work. An additional factor for consideration is dedicated group time that would allow members to develop positions that could then feed into formal Assembly business.

Members also acknowledged that they could configure their work differently. Some members expressed a preference for limiting the length of meetings to three-hours. There was a degree of support for meeting less frequently to allow greater reflection on the evidence taken and to allow more preparation.

Approach to committee business

Members believed that, based on their experience of evidence gathering during the Fourth Assembly, more time should be allocated for considering written evidence; stakeholder workshops/roundtables; and committee fact-finding visits. Less time should be devoted to the traditional approach to gathering oral evidence i.e. inviting panels of witnesses to a committee meeting for questioning.

One member felt that the Committee should undertake more work under its own initiative, as opposed to work it is mandated to undertake e.g. the scrutiny of Bills.

Getting out from the Senedd

The Committee wants to emphasise the importance it places on being able to undertake fact-finding visits and other business around Wales and beyond. It noted that the current organisation of Assembly business places constraints on the ability of committees to do this at times. Members felt that these external activities add value to its role in representing the people of Wales and informing its scrutiny of Government activity.

Innovations to the structuring of Assembly business and a reduction in the size of committees could better facilitate this type of working.#



Plenary

The Committee agreed that it did not feel as though the time allocated for plenary business was well used. In particular, there was consensus around the need for Wednesday afternoons to become more productive.

In relation to the link between plenary and committees, Members expressed some frustration about the relatively short amount of time allocated for debates on committee reports and the five-minute limit on contributions.

Members would like to see greater opportunities for committee business to feature in plenary. For example, the opportunity for a debate at the start of an inquiry process.

The Committee acknowledged that, within its existing powers, it could have triggered more debates by badging outputs as reports and laying them before the Assembly.

The legislative timetable

The Committee has written to you previously, and reported elsewhere, to raise concerns about the LCM process; the time available for Bill scrutiny; and the approach taken to Section 109 Orders. Specific examples can be provided should they be of use to you in your legacy deliberations.

The legislative process has been the source of some frustration to committee members. We believe that there is merit in exploring alternative procedural approaches early in the Fifth Assembly. Thought should be given to how procedural innovations in this area could be trialled.

Procedures Committee

The Committee did not offer a view on the merits or otherwise of establishing such a committee.

It was supportive of the establishment of a Chairs' Forum and believes that this structure should be formalised in the next Assembly.



Other issues

Public appointments

During the Fourth Assembly, a number of new and significant public offices have been created within the Committee's sphere of work. These include the Future Generations Commissioner for Wales and the Chair of Natural Resources Wales.

The Committee called for Assembly or committee involvement in these public appointments.

This was based on the belief that building in an additional public-facing step to the appointments process that involves the Assembly can offer public reassurance over the eventual appointment; enhance the appointee's legitimacy; and provide evidence of the candidate's independence of mind.

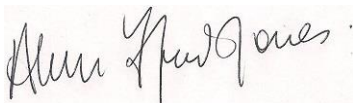
It also falls within the Committee's duty to consider ministerial decision making as part of the scrutiny process.

Equivalent UK roles are subject to a pre-appointment hearing process in the House of Commons (for example the Chair of Natural England and the Chair of the Environment Agency).

As it stands, the Assembly and the Welsh Government are operating in a less transparent and open way than the UK Parliament and UK Government when it comes to the scrutiny of key public appointments.

The Committee believes that the arrangements for these types of appointment merit consideration by an incoming Business Committee (or Procedures Committee should one be established) at the start of the Fifth Assembly.

Yours sincerely



Alun Ffred Jones AM

Chair of the Environment and Sustainability Committee

