

## CSO(2)-07-06 (p3) Annex 2

<b>Standing Order 6 - Assembly Business in Plenary Meetings</b>	This is likely to require a fairly thorough overhaul and re-structuring. We will need to consider whether it would be benefit from being split into more than one Standing Order to make it more manageable, as in Scotland. Much will depend on the outcome of the meeting of 12 June which will consider a paper on the control of business.
<b>Plenary Meetings</b>	
6.1. Plenary meetings of the Assembly shall take place in public; and broadcasting access shall be permitted in accordance with such arrangements as the Assembly shall from time to time agree.	Retain, no reason for any amendment. It meets the requirement of the Bill in clause 31(5)(a) that standing orders must make provision for the proceedings of the Assembly to be held in public.
6.2 The Assembly shall meet in plenary in accordance with decisions made under Standing Order 5.4. If no meeting is timetabled for a particular time the Presiding Officer may, at the request of the First Minister, summon the Assembly to consider a matter of urgent public importance.	The first sentence may need amending to reflect any changes to Standing Order 5.4. The second sentence should be retained.
6.3 Time shall be made available in plenary meetings for –  (i) the First Minister to answer oral questions once, and for at least 15 minutes, in each week that the Assembly meets in plenary;  (ii) the Finance Minister to answer oral questions related to this responsibility at least once, and for at least fifteen minutes, every four weeks that the Assembly meets in plenary;  (iii) the Business Minister to answer oral questions related to his or her responsibilities other than for business at least once, and for at least five minutes, every four weeks that the Assembly meets in plenary;	(i) in principle retain, although consider wording "each week that Assembly meets in plenary": need to make an exception for when meeting is held in recess for emergency purposes?  Q: Do Members consider that "at least 15 minutes" should be retained or amended?  (ii) anecdotal evidence suggests that many Members are not convinced that it is necessary to retain having questions every four weeks particularly given the relatively small portfolio.  Q: Do Members wish to retain this Standing Order?

(iv) any Minister (including if appropriate the First Minister and the Finance Minister) to whom a field of accountability has been allocated under section 56(3) of the Act to answer oral questions in relation

(a) to that field, and

(b) to his or her other responsibilities if any (except so far as is covered by sub-paragraphs (ii) and (iii) above)

at least once, and for at least fifteen minutes, in every four weeks that the Assembly meets in plenary;

(v) a member of the House Committee to answer oral questions at least once, and for at least five minutes, in every four weeks that the Assembly meets in plenary;

(vi) one Member, other than a Minister, each week to propose a topic for the Assembly's consideration in a short debate.

6.4 Where it is not reasonably practicable for a Minister, including the First Minister, to answer oral questions on a day when the Minister would normally do so, another Minister may, with the prior consent of the Presiding Officer, answer questions on behalf of that Minister.

(iii) Q: Do Members wish to retain this Standing Order?

(iv) This will need to be amended to take account of the new provisions in the Bill. It will need to make provisions for the answering of questions by Ministers, Deputy Ministers and the Counsel General.

Q: In what circumstances will Deputy Ministers answer questions?

Q: Should the frequency and minimum length of time for answering questions be retained?

(v) Change to Commission.

(vi) Retain, but it doesn't fit particularly well within 6.3 and would probably benefit from being moved to where the short debate is considered at 6.38 – 6.41 ?

Is this the best location for this, should it come under Oral Questions?

6.5 If a motion of no confidence in the Presiding Officer, Deputy or First Minister, or a motion of censure of a Minister, is tabled by at least six Members, time shall be made available as soon as may be for the motion to be debated; and in any event such a debate shall take place within five working days of the motion having been tabled.

Will need to consider against provisions in the Bill. Need to clarify position regarding Counsel General. Should there be cross-references to SO 1.14 and 1.29?

Q: What will the circumstances be for a motion of censure?

Q: Should "at least 6 Members" be retained?

6.6 Time shall be made available in each twelve month period for the following categories of Assembly business -

(i) debate on the annual report of the First Minister

(ii) debates on the allocation of the Budget of the Assembly

(iii) debates on motions proposed on behalf of political groups not represented in the Assembly Cabinet

(iv) debate with the Secretary of State for Wales on the UK Government's legislative programme. The motion for that debate shall remit bills and proposals for bills of particular importance to Wales to the relevant Committees for

(i) is this necessary?

(ii) and (iii) retain

(iv) will there still be a need for this requirement?

(v) to (viii) are dealt with in the normal course of business;

(ix) to (xiv) part of government business.

Also, would 6.6 fit more neatly within Standing Order 5?

What is meant by a "twelve month period". Should it for example be a specific period of time?

Q: Is it necessary or desirable to retain all or some of these requirements, and which ones should be added?

further  
consideration and  
report

(v) debates on  
reports submitted  
by Subject  
Committees,  
including reports on  
the outcome of  
consideration of  
bills remitted by  
plenary

(vi) debate on  
reports laid before  
the Assembly in the  
previous twelve  
months by the  
Audit Committee

(vii) debate on the  
annual report of the  
Committee on  
Standards

(viii) debate on the  
annual report of the  
House Committee

(ix) debate on the  
annual report on the  
equal opportunity  
arrangements

(x) debate on the  
annual report on the  
local government  
scheme

(xi) debate on the  
annual report on the  
voluntary sector  
scheme

Q: Is this an appropriate frequency for minority party debates?

Q: Is this an appropriate frequency for debates on subject committee reports and how will the frequency be affected by the new legislative role of the Assembly?

(xii) debate on the annual report on the sustainable development scheme

(xiii) debate on the Assembly's arrangements for cooperation with business

(xiv) debate on matters related to the European Union

(xv) debate on the annual reports of the Welsh Administration Ombudsman and the Health Service Commissioner for Wales

At least eight plenary meetings in the 12 month period shall include time provided for motions proposed on behalf of political groups not represented in the Assembly Cabinet and these shall so far as possible be distributed in accordance with each group's representation in the Assembly. At least six plenary meetings in the period shall include time for debates on reports submitted by Subject Committees, in addition to time for debate on reports on the outcome of consideration of bills and proposals for bills remitted by plenary.

6.7. The Assembly shall ensure that time is made available in each 12-month period for consideration either in plenary meetings or in committee of the reports of the Equal Opportunities Commission, the Commission for Racial Equality and the Disability Rights Commission. On such occasions, consideration may also be given to reports from voluntary bodies in Wales concerned with these matters.

Q: Do Members wish to retain 6.7?

If so, questions to consider include:

-1 why is "in committee" referred to, given that Committees set their own work agenda?

-2 what does "reports" cover?

-3 should any other bodies be included?

### **Notice of Business for Plenary Meetings**

6.8. The Presiding Officer shall circulate notice of the business for each plenary meeting in advance, together with other information about future business. So far as is appropriate in the circumstances and reasonably practicable, any documents relating to business taken in plenary shall be made available in English and Welsh; and copies of such documents shall be made available to the Secretary of State for Wales at the same time as they are to Members.

Clause 32(2) of the Bill states that Standing Orders must include provision for any documents which (a) contain material relating to any proceedings of the Assembly which have taken place or are to take place, and (b) are made available to all Assembly members, to be made available to the Secretary of State for Wales no later than the time when they are made available to Assembly members. The final sentence of the Standing Order discharges that obligation.

How business is notified to Members is discussed in the main paper on control of business and 6.8 will need to reflect the outcome of those discussions.

6.9. Business which may be taken at any plenary meeting without notice shall include:

(i) introduction of new Members;

(ii) obituary tributes to former Members and others;

(iii) personal statements;

(iv) statements by Ministers;

(v) procedural motions, or points of order relating to the conduct of business.

Could simply add a sentence to 6.12 to cover the fact that these items may be taken without notice.

6.10. At any plenary meeting, a Member may propose in a speech lasting no longer than three minutes that the Assembly should consider a particular matter, provided that :

(i) the Member has notified the Presiding Officer of his or her wish to do so and of the matter at least one hour before the beginning of the meeting;

(ii) if a Member other than a Minister has given the notification, the Presiding Officer has given a Minister an opportunity to comment in private to him or her on the matter; and

This has worked reasonably well to date and could be retained.

(iii) the Presiding Officer is satisfied that the matter is of urgent public importance, and has informed the Member (and, if necessary, the Minister) accordingly.

If a Member other than a Minister makes the proposition, the Presiding Officer shall allow a Minister to reply in a speech lasting no longer than three minutes. The Presiding Officer shall put the proposition to the vote immediately after it has been made or, if a Minister replies, after that reply. If the Assembly resolves to consider the matter, it shall do so at that meeting or (if the Presiding Officer so decides) at the one immediately following, and the Presiding Officer shall adjust the timetable for business as he or she thinks appropriate. If the matter is within the responsibilities of the House Committee, then for "Minister" in Standing Order 6.10, there shall be substituted "a member of the House Committee answering on behalf of that Committee".

6.11 Business shall be called by the Presiding Officer and taken in the order in which it appears in the notice of business; but when an item of business is called, a motion to postpone it until a later time that day or a subsequent day may be proposed either by the Member in charge of it or, in the case of Assembly Cabinet business, by a Minister. Such postponement shall not be agreed if at least ten Members vote against. If the postponement is agreed, the Presiding Officer shall adjust the timetable for business as he or she thinks fit.

This is a procedural motion and consideration needs to be given as to whether this is the most appropriate place for 6.11 – should it come under the section on Procedural motions?

There is scope to re-draft to make more practical in situations where Member in charge is unavailable (e.g. on short debates).

## **Order of Business**



6.12 Business shall be taken as necessary in the following order:

(i) statements by the Presiding Officer;

(ii) introduction of new Assembly Members;

(iii) obituary tributes;

(iv) elections or appointments by the Assembly;

(v) personal statements;

(vi) oral questions;

(vii) any proposition by a Member under Standing Order 6.10;

(viii) statements by Ministers;

(ix) statements by a member of the House Committee about any matter coming within the responsibilities of that Committee;

(x) main plenary business;

(xi) Short Debates.

Order of Business issues are considered in the main paper on control of business and 6.8 will need to reflect the outcome of those discussions.

Which categories of business will need to be added or deleted or amended from the list?

## Motions

6.13 Except for oral questions, statements, introduction of new Members, obituary tributes, matters the Assembly resolves to consider under Standing Order 6.10 or where a Member proposes a topic for a Short Debate under Standing Order 6.38, business in plenary meetings shall proceed on the basis of motions proposed; and except where Standing Orders provide otherwise, any such motion shall be tabled at least five working days before it is to be debated. A motion so tabled may be proposed by any Member.

While 6.13 has generally worked well, it could benefit from being re-worded for clarity.

6.13A The Presiding Officer, having first consulted the Business Committee, may issue such guidance to Members on motions and on amendments to motions and on amendments to draft Assembly Legislation as he considers appropriate for the proper conduct of the business of the Assembly.

Q: Should the Presiding Officer have to consult the Business Committee or successor body?

If it relates to motions only, why is there a reference to guidance on legislative amendments. If not, should reference be made to other bits of guidance e.g. oral questions and should 6.13A be somewhere else?

6.14 Except where Standing Orders provide otherwise, amendments may be proposed to any motion, and shall be tabled at least three working days before the motion is to be debated; but the Presiding Officer may:

This has generally worked well - retain.

- (i) group related amendments and require them to be proposed as a group;
- (ii) determine the order in which amendments which arise in the same place in the motion are taken; and
- (iii) decline to select an amendment where he or she considers that the proper conduct of the business of the Assembly makes it appropriate to do so.

6.15 Where a motion proposes only that the Assembly take note of a report submitted by a Subject Committee, no amendment may be tabled to that motion.

Q: Do Members wish to retain preventing such a motion from being amendable?

Q: If so, should it be wider to include other Committee reports, e.g. Audit / Standards?

<p>6.16 A motion or amendment which refers to any document may not be tabled unless the document is available to all Members before or at the time of tabling. A document is available to all Members if Members have access to it by electronic means, or if a hard copy has been made available to Members or (where the size of the document means that it is not reasonably practicable to make it available by other means) if a copy has been deposited in the Library. A Member tabling a motion or amendment to which this Standing Order relates shall state whether and by what means any document referred to has been made available to Members. If it appears to the Presiding Officer that a motion or amendment has been tabled in breach of the requirements of this Standing Order, the Presiding Officer shall not permit it to be debated until the document has been made available to all Members and such further time has elapsed as the Presiding Officer considers appropriate.</p>	<p>Retain, no reason for any amendment.</p>
<p>6.17 Subject to Standing Orders 6.20 and 6.21, at the conclusion of any debate or when the Presiding Officer (having regard to the indicative period allocated to the business) determines that no further time is available for the debate, the Presiding Officer shall invite the Assembly to decide on any amendments proposed and on the motion.</p>	<p>Relevant to discussions on the main paper on the control of business - may need amending if Members decide that definitive times are allocated for parliamentary business.</p> <p>Also should it be moved to the section under Procedural motions?</p>
<p><b>Procedural Motions</b></p>	<p>6.18 – 6.21 could benefit from complete restructuring and bring all matters relating to procedural motions here.</p>
<p>6.18 Procedural motions shall take precedence over other business and the provisions of Standing Order 6.13 relating to the notice period for tabling motions shall not apply. The Presiding Officer may permit a Member to speak briefly in favour of any such motion, and another Member to speak briefly against, and shall then put the motion to the vote.</p>	

6.19 The following matters may be proposed in procedural motions:

(i) postponement of an item of business in accordance with Standing Order 6.11;

(ii) referral of a matter to a committee;

(iii) the closure of debate in accordance with Standing Order 6.20;

(iv) the continuation, or the adjournment, of debate after the period of time available has expired, in accordance with Standing Order 6.21; and

(v) such other matters as the Presiding Officer considers

appropriate.

<p>6.20 At any time after a motion or an amendment has been proposed, a Member may propose that it should be voted on immediately; but the Presiding Officer shall put that proposition to the vote only if at least ten Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or an infringement of the rights of minorities in the Assembly.</p>	<p>Need to reconsider as it conflicts with 6.18 – PO may permit a debate under 6.18 but Members may propose an immediate vote under 6.20.</p>
<p>6.21 When</p> <p>(i) the Presiding Officer determines under Standing Order 6.17 that no further time is available for debate on any motion; or</p> <p>(ii) the Presiding Officer announces that he or she is satisfied (having regard to the indicative period allocated to the business) that insufficient time will be available for debate on any motion; or</p> <p>(iii) when debate on any motion is interrupted by the short debate</p> <p>a Member may propose that debate on the motion be allowed to continue for a specified period on that day or adjourned to another day; but the Presiding Officer shall put that proposition to the vote only if at least ten Members express support; and if he or she is satisfied that to do so would not be an abuse of the Assembly's procedures or cause excessive delay. If any motion to allow debate to continue for a specified period is agreed under this paragraph, business on that day shall be deemed to have been extended by up to the same specified period.</p>	
<p><b>Voting</b></p>	<p>Covered in main paper on control of business – consider in light of outcome.</p>
<p>6.22 Members shall cast their votes individually and in person (but shall not be obliged to vote).</p>	

6.23 The Presiding Officer shall put a motion or an amendment to a vote by electronic means; or failing that, either:

(i) by roll call, in alphabetical order, of the Membership; or

(ii) if the Presiding Officer so decides, and at least three Members do not object to the Presiding Officer's decision, by show of hands.

6.24 Where at least three Members, before a vote is taken, so request, the bell shall be rung. If votes are to be taken immediately after one another, the bell need not be rung more than once. Five minutes after the bell began ringing the vote or votes shall be taken.

6.25 A vote shall not be valid unless at least ten Members participate. If fewer than ten Members participate, that business shall be held over to the next plenary meeting (and the Presiding Officer shall adjust the timetable for business at the meeting as he or she thinks appropriate) and the Assembly shall proceed to the next item of business. In determining the number of Members participating in a vote the Member presiding and those recording an abstention shall be regarded as participating. The names of Members voting, including those recording an abstention, shall be included in the record of the Assembly's plenary proceedings. A report of the vote shall also be made available before the end of the meeting in which the vote took place.

Stick with 10 Members – no one has ever objected to this being the appropriate number.

## **Personal Statements**

6.26 The Presiding Officer may allow a Member to make a personal statement, following notice in writing to him or her.

6.27 A personal statement shall be brief, factual and shall not be subject to debate.

<p><b>Oral Questions</b></p>	<p>Retain - questions would have appeared to have worked well.</p>
<p>6.28 Members may table oral questions to any Minister about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Business Minister only about matters relating to his or her responsibilities other than for business (if any)).</p>	<p>Do we need to keep in the reference to the Business Minister?</p>
<p>6.29 Members may table oral questions to a member of the House Committee about any matter coming within the responsibilities of that Committee.</p>	
<p>6.30 Questions shall be provided to the Table Office at least five working days but not more than ten working days before they are to be answered.</p>	<p>Q: Is 5 days is the most appropriate time period?</p> <p>Q: Is there scope for asking questions with no notice period to retain topicality and in what circumstances?</p>
<p>6.31 Questions shall be accepted at the discretion of the Presiding Officer, who shall have regard to any guidance which the Assembly may adopt; but each Member may table no more than two oral questions to a particular Minister (or, in the case of the questions to the First Minister under Standing Order 6.3(i), or to a member of the House Committee under Standing Order 6.3(v), no more than one question) at any plenary meeting. Accepted questions shall be published in the notice of business for the date on which they are to be answered.</p>	

6.32 The order of oral questions shall be determined as follows:-

(i) for questions accepted before 4pm on the first day on which they may be tabled, by random means;

(ii) for questions accepted after 4pm on the first day on which they may be tabled, by the order in which they are received.

Would be better to replace 4pm with some other wording to allow flexibility and avoid the need to change Standing Orders e.g. before "a deadline agreed by Business Committee" on the first day...

6.33 The Presiding Officer shall call the Member asking the question to ask a supplementary oral question, and may then call other Members to ask related supplementary oral questions. In calling Members to ask supplementary questions, the Presiding Officer shall seek to balance the need to explore an issue thoroughly with the need for Ministers and the member of the House Committee to answer as many tabled questions as possible. When the Presiding Officer considers that the matter raised in an oral question has been sufficiently discussed, he or she shall call the next question.

6.34 At the end of the period allocated to oral questions or at such other time as the Presiding Officer may determine, the Presiding Officer may call a Member to ask a question for which notice under Standing Order 6.30 has not been given if -

(i) the Presiding Officer and the Minister or the member of the House Committee concerned have



<p>been given prior notice of at least two hours, and</p> <p>(ii) the Presiding Officer is satisfied that the question is of urgent public importance.</p>	
<p>6.35 Where any oral question is not reached, the Member shall receive a written answer on the same day. The written answer shall be recorded in the record of plenary proceedings.</p>	
<p><b>Written Questions</b></p>	<p>Retain - generally works well.</p>
<p>6.36 Members may table written questions to any Minister about matters relating to his or her responsibilities or to the House Committee about matters relating to its responsibilities.</p>	<p>Refer to Assembly Commission rather House Committee.</p>
<p>6.37 Members shall provide the text of questions to the Table Office at least five working days before they are to be answered. Questions shall be accepted at the discretion of the Presiding Officer, who shall have regard to any guidance which the Assembly may adopt. Accepted questions shall be published in the notice of business for the day on which they are to be answered, and the answers recorded in the record of plenary proceedings.</p>	
<p><b>Short Debates on Topics by Members</b></p>	
<p>6.38 During each week that the Assembly meets in plenary, the Presiding Officer shall hold a ballot to determine the name of the Member, other than a Minister, who may propose a topic for debate in the following week.</p>	<p>Needs to be re-written. Some ballots have to be held in recess, which also has implications for notifying PO in 6.39.</p>
<p>6.39. The Member who has succeeded in the ballot shall notify the Presiding Officer of the topic not later than five working days before it is to be debated.</p>	<p>See above.</p>

<p>6.40 The Short Debate shall begin half-an-hour before the meeting is due to end, and the Presiding Officer shall interrupt any debate taking place at that time, and any debate so interrupted shall, subject to Standing Order 6.21, lapse; provided that that Short Debate may begin earlier than half-an-hour before the meeting is due to end if all other business has been concluded.</p>	<p>Needs to be considered in light of discussions of control of business and protection of short debates.</p> <p>Need to ensure works OK with 5.2.</p>
<p>6.41 In the debate:</p> <p>(i) the Member who succeeded in the ballot may speak;</p> <p>(ii) a Minister, or a Member nominated by the Minister with the prior consent of the Presiding Officer (or, if the matter is within the responsibilities of the House Committee, a member of that Committee), will respond; and</p> <p>(iii) no other Member may speak unless he or she has the permission of the Member who succeeded in the ballot or is permitted to intervene by the Member responding.</p>	<p>Need to clarify why consent of PO is required.</p> <p>Is there a contradiction here between allowing someone to speak and taking interventions – what is the difference?</p>
<p><b>Written Statements of Opinion</b></p>	
<p>6.42 Written statements of opinion not exceeding 100 words on matters affecting Wales may be tabled by any Member other than a Minister; and such statements may be supported, opposed or otherwise subject to comment in writing by any other Member.</p>	<p>Have worked well – retain.</p>
<p>6.43 If such written statements are deemed by the Presiding Officer to be in order they shall be published, together with any expressions of support or opposition, tabled by other Members.</p>	<p>Retain.</p>