

Cynulliad Cenedlaethol Cymru / National Assembly for Wales

Y Pwyllgor Busnes / Business Committee

Etifeddiaeth y Pedwerydd Cynulliad / Fourth Assembly Legacy

Tystiolaeth gan Grŵp Llafur Cymru / Evidence from Welsh Labour Group

**Labour Group response to the Business Committee request for views in preparation for the formulation of its Legacy Report**

***Q1. 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?***

The Labour Group welcomes changes to OAQ deadlines which provide plenty of scope for topical questions making most urgent questions unnecessary. There should be more rigorous guidance on the need for specific questions given that the need for topicality no longer justifies very general questions.

We would welcome more clarity and transparency on the criteria for the acceptance of urgent questions and on the basis for decisions made in particular cases.

We are concerned that the introduction of Leaders' and Spokespeoples' questions has unnecessarily reduced opportunities for opposition and government backbenchers: We therefore feel that

- Opposition frontbenchers should be required to choose between their Leader/Spokesperson and individual AM questions – Welsh Government Ministers forfeit their individual AM questions, while there is no duplication for opposition frontbenchers in the House of Commons.
- Opposition Leader/Spokesperson questions should be allocated proportionately to party group size – ie a group of 5 should get fewer questions than a group of 14.
- The Presiding Officer should intervene to ensure that Leaders/ Spokespersons do not abuse their privileged position to make sustained statements, taking yet further time from backbenchers.

We welcome individual member debates but would suggest that regular, predictable slots for these would encourage more members to consider potential motions and consult on these in good time. While we recognise the value of ensuring that any motion proposed for debate has support going beyond a single party, we believe consideration should now be given to a threshold of 5 members from more than one group

**Q2. 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?**

Given the current size of committees, combining legislative and scrutiny functions was the only practical means of enabling members to do their work. In practice it has had many advantages in terms of allowing members to deepen their knowledge and understanding through scrutiny work and apply this when considering legislation in the same subject area.

There are clearly pressures but these are inherent in an Assembly with only 60 members.

We regret that open-minded, exploratory scrutiny, seeking out new options for policy has suffered disproportionately as the limited time available for scrutiny has tended to focus increasingly on specific examination of government performance.

**What changes could be made to committee size and structure in future to make them more effective?**

The current size of committees is too great to allow a member to pursue a sustained line of questioning. Instead there is a tendency to run through a ritualised rotation of pre-set questions.

Particularly for government backbenchers, who have to fill an allocation of committee places based on the full number of government party members, the current size of committees requires spending too many hours in committee meetings at the expense of reading, preparation and the development of their own questions. With fewer members on each committee, members could spend more time on independent preparatory work.

We do not therefore believe that the current size of committees is practicable in terms of fitness for purpose. This should be taken into account when deciding whether there is a legal requirement to provide a place on every committee for each party group.

We therefore support a reduction in the size of committees.

We recognise that all parties should have the opportunity to participate in committees and we would therefore support a more liberal application of Standing Order 17.49 "Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote."

In the case of a recognised party group which is not represented on a committee, this could become an automatic right or there could be an addition to the existing standing order, "In the case of a party group not represented on a committee, the chair shall normally give permission."

**Q3. 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?**

We would oppose any extension of the Assembly-based week. Case-work, meetings with local groups and other activity in the constituency/region is crucial to members' ability to represent their constituents and informs both their scrutiny and legislative work.

Similarly we would argue that members should spend fewer rather than more hours in meetings in order to allow them time to develop their own knowledge of and views on the issues coming before the Assembly and its committees. An extension of the Assembly-based week would tell against this.

Opposition debates tend to focus on a relatively small number of topics with frequent repetition and an emphasis on the expression of broad brush opposition rather than specific challenges designed to create accountability.

We note that a substantial part of Tuesday afternoons is taken up by First Minister's Questions which are an opportunity for backbenchers and the opposition to hold the WG to account and by the Business Statement which is clearly Assembly Business as the Assembly determines its own programme of work. In addition, oral statements are essentially an opportunity for members to hold ministers to account.

Given that the Assembly is now a legislature, there is simply too little of the Assembly's plenary time available for the debate of legislation. Examining and passing laws should be the main business of a legislature and the Assembly needs a serious debate about how this can be achieved without extending the Assembly-based week.

**Q4. 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?**

As discussed above, we would like to see more time created for plenary debate of legislation, subject to this not extending the overall length of the Assembly-based week.

We would like to explore the possibility of focussing stage 3 debates more clearly on amendments which have a reasonable chance of success. One option might be to require the Presiding Officer to reject any amendment which had already been rejected by a given margin (eg 60% or 75%) at stage 2.

We share concerns regarding the timing of LCMs but recognise that this is usually a result of UK parliamentary timetables which are beyond the Assembly's control. We would support further discussions between the Assembly and Parliament on how this situation might be improved.

***Q5. 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?***

We do not believe that this combined role has been a problem.

There are advantages in the members involved in the nuts and bolts of making Assembly procedures work week-in-week-out also looking at changes to improve the Assembly's functioning.

By definition the Business Managers command the respect and confidence of their groups and, especially in such a small body, represent a body which can reasonably be asked to consider standing orders and procedures.

### ***Other Issues***

We believe that committee members as a whole should have more practical control over the arrangement of committee business and over any media statements to be issued in the name of the committee.