

Elin Jones MS

Llywydd

23 September 2022

Dear Llywydd

On 17 July, you wrote to me in relation to a request from the Welsh Government to bypass Stage 1 Committee consideration of the Environmental Protection (Single-use Plastic Products) (Wales) Bill. The Committee recognises the Welsh Government's aim to use the Bill as material to support its case in relation to the Internal Market Act in the Supreme Court. That is why it wishes to progress the Bill through the Senedd quickly. This aim was supported by witnesses in our initial scrutiny session on the Bill. However, there are several related matters that need further consideration.

The Welsh Government submitted its request to the Business Committee for consideration in its final meeting before summer recess and before the Bill had even been introduced. At the time of the request, no-one outside the Welsh Government was aware of the detailed provisions of the Bill. The Government has an inbuilt majority on the Business Committee through weighted voting and can exercise that majority in its favour if it so wishes. It was in this context that I requested that the Business Committee defer its decision, so that the CCEI Committee could at least undertake a degree of consultation and scrutiny of the proposals. I subsequently secured from the Minister for Climate Change a commitment to publish a draft Bill.

I can confirm that on 15 August the Welsh Government published a draft Bill and a summary of responses to a related consultation undertaken between 30 July and 22 October 2020. This enabled the Committee to undertake some work over the summer. However, I must emphasise that these arrangements were less than satisfactory, particularly in comparison to Stage 1 committee scrutiny:

- Because of the timing, the CCEI Committee was able to undertake only a short public consultation on the Bill of approximately 3 weeks, starting on 15 August.
- The Government determined that it could not agree to my request to publish explanatory notes, an explanatory memorandum, or an impact assessment alongside the draft Bill. This meant that, for example, stakeholders had no information about the Welsh Government's assessment of the financial impact of the proposals.

- It became apparent that the consultation in 2020 did not cover the exact proposals in the Bill. Two of the proposed banned products in the draft Bill were not subject to consultation during 2020 and were, according to the Government, added in response to the consultation. I am not in a position to know whether this information was shared with the Business Committee at any point.

Despite these constraints, I am pleased to say the Committee received thirty-four written responses to its consultation. This reflects an appetite amongst stakeholders to contribute to scrutiny of the Bill and reinforces the importance of committee scrutiny at Stage 1.

The Committee has now completed the first of two meetings dedicated to hearing oral evidence on the draft Bill. In terms of scrutiny, we are satisfied we have done everything possible given the time available. In considering the timetable for the Bill, we would be grateful if the Business Committee could ensure there is sufficient time available for the Committee to hear from the Minister and to prepare and publish a report.

As I said in my letter of 11 July, a decision by the Business Committee to bypass committee scrutiny would deny stakeholders and the public the only opportunity for them to be consulted on the detailed provisions in the Bill. The CCEI Committee's work, outside the formal Bill scrutiny process, was necessary to avoid a scrutiny deficit. I believe we have succeeded in our aim. However, this approach should not in any way be considered equivalent to, and certainly not an adequate replacement for, formal Stage 1 Committee scrutiny.

Finally, in the light of these events, it may be timely for the Business Committee to consider the appropriateness of a committee with a Government majority deciding on the extent to which Government Bills are scrutinised.

I am grateful that the Business Committee has consulted the Committee on this matter.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

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