

Cynulliad Cenedlaethol Cymru / National Assembly for Wales

Y Pwyllgor Busnes / Business Committee

Etifeddiaeth y Pedwerydd Cynulliad / Fourth Assembly Legacy

Tystiolaeth gan Lywodraeth Cymru / Evidence from the Welsh Government

Welsh Government response to Business Committee call for evidence: Legacy report for the Fifth Assembly

The Welsh Government welcomes the opportunity to comment on this initial call for evidence and looks forward to further discussion on the wider responses received at the appropriate time.

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?***

Questions

The changes that have been introduced to the tabling deadlines for OAQs have greatly increased the opportunities for Members to table more relevant, topical questions. There are still, however, questions tabled by Assembly Members which are general in nature and lack topicality. More could be done to provide advice and assistance to Members in drafting questions which meet the criteria. More focused initial questions would also benefit Members by having more relevant answers.

The Government recognises backbench concerns regarding the effects that Leaders' and spokespersons' questions have on limiting opportunities for backbenchers of all parties to ask questions. At a minimum we would support suggestions that opposition Leaders and spokespeople who receive these opportunities should not also be able to ask questions as individual members.

The Government considers that the Urgent Question process needs to be reviewed. The Presiding Officer's determination is to be respected but a lack

of clarity exists amongst Members and the Government about the criteria for the acceptance of an Urgent Question.

Individual Member Debates

The introduction of regular Individual Member Debates has provided a positive contribution to both the variety and topicality of debate in the Assembly, expanding the issues under consideration in the Chamber whilst remaining relevant to the majority. Business Committee should continue to have a role in agreeing which motions should be debated but more should be done by Parties to ensure suitable topics come forward for debate.

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

The move to a combined policy and legislation committee function within the fourth Assembly has, on the whole, been successful. The subject knowledge built up by individual committee members across parties has been beneficial during the scrutiny stages of some particularly complicated legislation.

However, there have been some capacity issues with scheduling legislation, in particular for those committees that have been remitted the most Bills, such as the Communities, Equality and Local Government Committee.

Should there be a move to committees with fewer members, each member could ask more sustained and coherent sequences of questions and follow-ups, thus improving the quality of scrutiny and members could also prepare better for committee scrutiny if they had fewer meetings to attend.

The arrangements for scrutinising the draft budget have been developed in partnership with the Finance Committee. However, the Government recognises that compromise will always need to be reached with committees to balance the need to have sufficient time for effective scrutiny whilst meeting the Government's budget timetable and the requirements for laying the final budget.

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?**

There has been consideration by CLAC of this issue and the Government will respond to that review separately.

As currently drafted, Standing Orders lack flexibility in the scheduling of Government Business prior to recess periods. As motions for debate must appear on the Business Statement in addition to the motion being tabled 5 working days in advance, the Government is obliged to list motions for debate prior to a recess. In the case of Easter and summer that means tabling debates some 4 or 9 weeks or so respectively in advance.

The flexibility to add motions to the Business Statement one week prior to a debate, even during recess, would reflect the current arrangements for the organisation of opposition business. Another example is the tabling of motions for debate at Stage 4 of a Bill, where Standing Orders allow for a motion to be tabled one day prior to the debate, but the motion must be listed on the Business Statement up to two weeks in advance, if straddling a recess period.

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?**

The Government is content with the process for timetabling Bills and seeks to work with the Business Committee and scrutiny Committees when scheduling legislation. Pressures do sometimes arise on certain committees due to the volume of business in their specific area and the suggestions in response to question 2 go some way to mitigating that impact. Ultimately, this is a matter for the committees, in consultation with the Business Committee, as to how timetabling issues are overcome in practice.

With regard to LCMs, the timetabling of the UK Parliamentary Bills to which they relate is, of course, outside the control of the Welsh Government. Late amendments to Parliamentary Bills in devolved areas, in particular, can curtail the time available for Assembly scrutiny of LCMs relating to those amendments. This is because the Legislative Consent Memorandum cannot be laid until the amendments have been tabled in Parliament, and if this is at a late stage of the Bill's progress through Parliament, there may be very little time available for Assembly scrutiny prior to the last amending stage in Parliament.

The process and handling of LCMs between Government, Business Committee and Assembly Committees has improved during the course of the Fourth Assembly. As such, the Government is content with the current process for committee scrutiny of LCMs.

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?***

The Government is content with the current arrangements.