

REPORT OF THE BUSINESS COMMITTEE

PROPOSAL TO CHANGE STANDING ORDERS

Introduction

On 3 December 2002 the Business Committee considered a paper on delegation of powers to a reconstituted House Committee.

The following proposal agreed by Members of the Business Committee is now recommended for approval by the Assembly. The detailed changes are outlined in the attached motion.

Background

The delegation of powers to a reconstituted House Committee will take place through the approval of the following motions –

Motion 1

The scheme of the proposal is that through the proposed revision to standing order 36 the House Committee will be given new terms of reference to reflect its change to a committee with power to take executive decisions and at the same time it will be reconstituted.

Motion 2

This motion is not part of the revision to standing order 36. However, it is thought desirable that the Assembly should be able to consider it in conjunction with the motion to revise standing order 36, as it is the delegation motion that will confer on the new House Committee functions of the Assembly. These functions would enable the Committee to discharge its responsibilities under its proposed new terms of reference. The motion will delegate to the Committee, the Assembly's powers under the following provisions of the Government of Wales Act:

- (a) section 33(consideration of matters affecting Wales)
- (b) section 34(1)(power to appoint staff)
- (c) section 40 (supplementary powers)
- (d) section 85(expenditure by the Assembly)

It will also delegate to it the civil service management functions under section 1 of the Civil Service(Management Functions) Act 1992 that have been delegated to the Assembly by the Prime Minister as Minister for the Civil Service.

Motion 3

This motion sets out the consequential changes to Standing Orders which are necessary to complement the new standing order on the House Committee.

Some of the changes are minor (for example, replacing "OPO" by "Presiding Office"). Other amendments reinstate oral questions to the House Committee; provide for an annual debate on the House Committee annual report; allow for statements, urgent debates and short debates on House Committee matters; allow for Audit Committee

and Ombudsman investigations into matters within the responsibility of the House Committee; provide for Standards Committee monitoring of the House Committee Code; and make new provisions for the budget of the Presiding Office.

Proposal

The Assembly is invited to consider the attached motions, which have been agreed by the Business Committee.

**Deputy Presiding Officer
December 2002**

MOTION 1

“To propose that the National Assembly acting under section 46(6) of the Government of Wales Act and Standing Order 34 :

(i) consider the report of the Business Committee laid in the Table Office on [] ; and

(ii) approve the following revision of standing order

For standing order 36 substitute-

“Standing Order 36 - House Committee

Title

36.1 There shall be a House Committee

Terms of Reference

36.2 Subject to the following provisions of this standing order, the Committee is responsible for :

- (a) the provision to and for Members (including when acting in proceedings of the Assembly) of facilities, accommodation, staff and such other support services as are reasonably necessary for the better performance by Members of their position as Members of the Assembly, including in its capacity as a legislative body ;
- (b) the provision of translation services between English and Welsh for proceedings of the Assembly;

- (c) the preparation of guidance to Members on matters within the Committee's responsibilities;
- (d) the provision of advice to the Assembly on matters relating to its terms of reference and to Members' salaries, allowances and pensions ;
- (e) the preparation of a draft budget for the expenditure to be incurred by it and for the administration of the approved budget; and
- (f) the provision of such other services to and for Members of a similar nature to those described above including responsibility for any extension to the building where the Assembly normally meets in plenary session, as the Assembly may from time to time authorise by resolution in plenary.

36.3 Nothing in paragraph 36.2 shall make it part of the Committee's terms of reference to have responsibility:-

- (a) in any field in which the Assembly has functions (within the meaning of section 57 of the Act); or
- (b) in respect of proceedings of the Assembly Cabinet

Membership

36.4 Subject to the requirement of section 54(2)(b) of the Act and paragraph 8.3 that, as far as is practicable, the balance of the political groups in the Assembly is reflected in the membership of the Committee, the House Committee shall consist of at least 7 and not more than 11 members including the chair.

- 36.5 If elected to be members of the Committee, the Presiding Officer, the Deputy Presiding Officer and the Business Minister shall cease to be members of the committee once they cease to hold those offices.
- 36.6 In the event of the Presiding Officer or the Deputy Presiding Officer or the Business Minister not being members of the Committee they shall be entitled to attend meetings of the Committee and may participate in meetings, with the consent of the Chair, but may not vote.
- 36.7 A Committee member ("the member"), who has given advance notice to the chair, may be represented at a meeting of the committee by another Member nominated from the same political group who has been identified in advance. In giving such notice, the member shall indicate the reason for the need for substitution. The nominated representative may participate in the meeting of the Committee in all respects as if he or she were a member of it. No Member may represent more than one Committee member at a meeting.
- 36.8 The Committee shall elect one of its members to chair it.
- 36.9 Another member of the Committee may chair a meeting of the Committee in the absence of the chair of the Committee or if the chair is disqualified from participating in the Committee's consideration of any matter or otherwise voluntarily withdraws from such participation. Such member shall be appointed at the meeting concerned or at a previous meeting.

Meetings

- 36.10 The Committee shall meet not less than once in every 4 weeks that the Assembly meets in plenary, unless the Committee decides otherwise.
- 36.11 The Committee may, as it considers appropriate, meet in public or in private, but the minutes of its meetings shall be published not later than 6 weeks after the meeting to which the minutes relate.

36.12 The Committee may report to the Assembly from time to time and shall submit an annual report.

The Presiding Office

36.13 The staff support services that the Committee is responsible for providing under its terms of reference shall be provided through the unit of Assembly staff known as the Presiding Office and headed by the Clerk and which is established and maintained under arrangements put in place by the Permanent Secretary.

Code of Conduct

36.14 The chair of the Committee shall prepare and submit to the Assembly for its approval guidance (“the Code”) to:-

- (a) the Committee on its terms of reference; and
- (b) the members of the Committee on their responsibilities as members of the Committee.

36.15 The Code shall include guidance on the relationship of the Committee and its members with the Permanent Secretary and with the Clerk and the other staff in the Presiding Office.

36.16 The chair of the Committee shall issue a copy of the Code to each member of the Committee and shall seek to ensure that each member of the Committee complies with it.

Assembly Ministers and Other Assembly Staff

36.17 Subject to para 36.18, nothing in this Standing Order shall make it part of the Committee’s terms of reference to provide facilities, accommodation,

staff or other support services or guidance to or for any Member when acting as an Assembly Minister or Assembly staff who are not part of the Presiding Office.

36.18 Paragraph 36.17 shall not apply to the advice that the Committee may give under paragraph 36.2(d) in so far as it relates to advice on Members' salaries, allowances and pensions.

Transitional Provisions

36.19 The first members of the Committee as reconstituted by the preceding paragraphs of this Standing Order shall be elected as soon as possible, whereupon the members of the House Committee as constituted under the provisions replaced by this Standing Order shall cease to hold office in that capacity and to that extent paragraph 8.3 shall not apply. This paragraph shall cease to have effect on the members of the House Committee as previously constituted ceasing to hold office. “

MOTION 2

In exercise of its powers under section 62 of the Government of Wales Act 1998, and of all other powers enabling it in that behalf the National Assembly for Wales:-

- (1) delegates to the House Committee established under Standing Order 36 its functions:-
 - (a) under sections 33, 34(1), 40, and 85 of that Act; and
 - (b) in respect of the civil service management functions within the meaning of section 1 of the Civil Service (Management Functions) Act 1992,

but subject to the following limitations:-

- (i) the said functions are only delegated so far as applicable to the Committee's Terms of Reference under Standing Order 36.2 ; and
 - (ii) the House Committee shall delegate to staff of the Assembly the above functions delegated to it
- (2) revokes any existing delegation by it of the above functions to the First Minister but only so far as those functions are now delegated to the House Committee.

MOTION 3

That the National Assembly, acting under section 46(6) of the Government of Wales Act 1998, and Standing Order No.34:

- (i) considers the report of the Business Committee laid in the Table Office on xxx December 2002;
- (ii) approves the following revisions to Standing Orders

- (a) Interpretation para

Definition of Clerk: Replace “Office of Presiding Officer” with “Presiding Office”

- (b) SO 4

4.3 and 4.4 replace “Office of the Presiding Officer” by “Table Office”

- (c) SO 5

5.1 at the end add “and a Member of the House Committee answering on behalf of that Committee”

- (d) SO 6

6.3 insert new (vi) as follows:

“(vi) a Member of the House Committee to answer questions for oral answer at least once, and for at least 5 minutes, in every four weeks that the Assembly meets in plenary.”

6.5 insert new subparagraph as follows:

“(va) debate on annual report of the House Committee)”

6.9. at end add “If the matter is within the responsibilities of the House Committee, then for “Minister” in this paragraph, there shall be substituted “a Member of the House Committee answering on behalf of that Committee.”

6.11 after entry “Statements by Ministers”” insert “Statements by a member of the House Committee about any matter coming within the responsibilities of that Committee”

New 6.26A as follows:

“ Members may table questions for oral answer by a member of the House Committee about any matter coming within the responsibilities of that Committee.”

6.28 (i) after “two questions” insert “to a particular Minister”

(ii) after words “paragraph 6.3 (i)” insert “or to a member of the House Committee under paragraph 6.3 (vi)”

(iii) leave out “by a particular Minister”

6.30 after “Ministers” insert “and the member of the House Committee”

6.31 at end add: “This paragraph shall not apply to questions for oral answer by a member of the House Committee.”

6.34(A): omit

6.37 (ii) after “Officer,” insert “(or, if the matter is within the responsibilities of the House Committee, a member of that committee)”.

6.37 (iii) leave out “Minister” and insert “Member”

(e) SO 12

12.5 Omit present para 12.5 and insert –

“12.5 . Whenever the Committee submits a report to the Assembly under paragraph 12.3(i) it shall send a copy to the First Minister. If the report relates to any matter coming within the responsibilities of the House Committee, it shall at the same time also send a copy to the chair of that Committee. Within 30 working days of the First Minister receiving the report a Minister shall, if the report relates to a matter for which a Minister is accountable or responsible to the Assembly, lay before the Assembly a response to the Audit Committee’s report on behalf of the Assembly Cabinet and, if that

response is of an interim character, the Minister shall lay a final response before the Assembly within a further two months. In so far as the Audit Committee's report relates to matters coming within the responsibilities of the House Committee, then within 30 working days of the chair receiving a copy of that report, a member of the House Committee shall, on behalf of that Committee, lay before the Assembly a response to the Audit Committee's report; and if that response is of an interim character a member of the House Committee shall lay a final response before the Assembly within a further two months".

12.7 at end add "(or if the matter is within the responsibility of the House Committee, if he or she was at the relevant time a member of the House Committee as reconstituted after [date])".

(f) SO 16

16.1 (ii) at end insert "or the Code of Conduct under Standing Order 36.14".

(g) SO 17

17.5 (iii) at end insert "or, as the case may be, members of the House Committee"

(h) SO 19

Replace references to "Office of Presiding Officer" by "Presiding Office" in paras 00, 5A and 7A each time it occurs

19.00 omit "between the Presiding Officer, the Clerk and" and insert "with"

19.5A after first "House Committee" insert "following discussion by the Committee with the Finance Minister"

19.5A omit “Clerk may, subject to paragraph 19.5B,” and insert “House Committee may, following discussion with the Finance Minister,”

Omit paragraph 19.5B

19.7A omit “the Presiding Officer and”

19.22 omit “Presiding Officer” and insert “House Committee”

(i) SO 20

20.3 after “Minister” insert “or the chair of the House Committee”

(j) SO 21

Insert new para 21.10, as follows:

“21.10 Where a report or further report relates to a matter within the responsibility of the House Committee, the provisions in this Standing Order which relate to the involvement of Ministers (other than the First Minister) and of subject committees shall, so far as appropriate, not apply, but the chair of the House Committee shall make appropriate arrangements with the First Minister for the report to be considered by that committee and for its response to be sent to the First Minister.”

(k) SO 33

SO 33.1 omit “Office of the Presiding Officer” and insert “Table Office”.