

Cynulliad Cenedlaethol Cymru / National Assembly for Wales

Y Pwyllgor Busnes / Business Committee

Etifeddiaeth y Pedwerydd Cynulliad / Fourth Assembly Legacy

Tystiolaeth gan Pwyllgor Gweithredol Public Affairs Cymru / Evidence from Public Affairs Cymru Executive Committee

Re: National Assembly for Wales' Business Committee Legacy

I am writing to you on behalf of the Public Affairs Cymru Executive Committee for 2015-16. We are very grateful for the opportunity to respond to the National Assembly for Wales' Business Committee Legacy process.

Public Affairs Cymru (PAC) is a membership organisation for public affairs professionals in Wales. Established in October 2006, PAC aims to raise awareness of the public affairs industry and to promote good practice. We now have close to 200 members.

Our short response to this process will focus upon five procedural changes we believe the Business Committee should recommend that the Fifth Assembly implements without hesitation in order to improve the work of the National Assembly for Wales as an institution. The National Assembly for Wales prides itself on scrutiny and transparency and we would like for this to continue.

PAC believes that scrutiny and transparency are essential to any effective legislature. In our response, we would like look at what practical steps could be taken to improve scrutiny and transparency in the Fifth Assembly. PAC believes the following changes in the processes of the National Assembly could help the institution become more transparent, improve scrutiny of Welsh Government and even work to foster greater engagement with the general public:

1. Weekly Business Committee meetings should be held in public

The role of the National Assembly's Business Committee is to "facilitate the effective organisation of Assembly proceedings." PAC believes that these meetings should be held in public. Unlike other National Assembly Committees the Business Committee meetings are predominately held in private, and little is made public about their content other than a short collection of minutes which are publicised XXX after the meeting. PAC believes that within these minutes we only get a hint of what is discussed behind closed doors and we don't always get to see how Committee Members voted on some key decisions.

This Committee plays a central role in changes such as the introduction of Spokespeople's Questions, or indeed which Individual Member Debate is selected for Plenary. PAC believes that the public should be able to find out what discussions were had in full, and why Party representatives voted the way they did. PAC believes this Committee should not be a special case and that it should be subject to the same level of transparency as any other National Assembly Committee.

2. Urgent Questions should be tabled unless the Presiding Officer fully discloses their reasoning for refusal

Oral Questions are used in the National Assembly by Assembly Members AMs to scrutinise Government. These are taken weekly by the First Minister, and in rotation by Government Ministers, the Counsel General and the Assembly Commission. These questions have to be tabled three working days in advance of the respective Plenary Meeting. AMs may also ask Urgent Oral Questions which are taken without notice. Urgent Questions may only be asked if the matter is judged by the Presiding Officer to be of urgent public importance.

PAC believes the Urgent Question system is a vital tool for AMs to scrutinise Government Ministers. However, under the current system it requires the permission of the Presiding Officer to ask such questions. The Presiding Officer is not required to publish the reasons for their decisions on these matters. PAC believes that this has resulted in Urgent Questions being refused with no explanation, and AMs have been unable to directly scrutinise responsible Ministers on matters that are of importance to their constituents. PAC believes that by not providing reasons for refusing questions, it is hard for AMs, civil society and the public at large to quantify which matters would be granted as an urgent issue and which matters would not.

PAC strongly recommends that this needs to change. PAC believes that Urgent Questions should be given presumed consent unless the Presiding Officer fully discloses their reasoning for rejecting them. PAC believes that if the Presiding Officer chooses to refuse Urgent Questions, on whatever ground (which we maintain is their right as Presiding Officer), they should at least provide their reasoning in writing.

3. Ministers should be made to give full and accurate responses to Written Questions

PAC has grave concerns over what we would describe as “the decline” of Written Assembly Questions. PAC believes that it is simply unacceptable that some Government Ministers are allowed to issue responses that fail to answer the questions put to them. PAC notes that several examples of this have occurred in recent months.

PAC believes that there are numerous examples on National Assembly website of single word responses which omit key details. PAC believes that ‘Many’ isn’t a credible response to ‘will the Minister please outline the detail of conversations they have had with X’ anymore than ‘soon’ is to ‘when does the Minister plan to publish their response to Y’.

PAC strongly believes that AMs, civil society and the public at large deserve full and accurate responses to the questions put to Government. PAC recommends that the system is improved or changed so that deficient responses can be formally challenged and full answers provided within a reasonable timeframe.

4. Committee Chairs should be elected by all Assembly Members

PAC believes that recent removal of National Assembly Committee Chairs by Assembly Groups have highlighted a significant problem within the Committee structure.

PAC believes that in a unicameral legislature like the National Assembly for Wales, Committees provide an important layer of scrutiny, very much in the role of the House of Lords chamber in Westminster. To ensure that these Committees retain their independence, and in turn ability to scrutinise effectively, PAC believes Committee Chairs should be elected by AMs, rather than appointed by Group Leaders.

PAC believes that it reflects badly on transparency and scrutiny if Committee Chairs are removed for political reasons, as PAC believes has happened in the Fourth Assembly. PAC believes that a more transparent and democratic system would empower Committee Chairs to speak freely. This would make them more effective at scrutinising the Government, their own Party, and standing up for the people of Wales.

5. Draft Assembly Committee agendas should be published at least five working days in advance of the meeting

PAC believes that draft agendas for Committees should be published at least five working days in advance of any meeting. PAC believes that much of the information required, even if it is in draft form, is available at least a week in advance. PAC therefore believes information on draft agendas should be published in draft form five days prior to Committee meetings.

PAC believes this small change would ensure that interested parties, including the public, are able to assess what evidence or scrutiny sessions are due to take place, read up on the evidence supplied, and then contact the relevant Assembly Members as they deem appropriate.

In our response to this process we have focused upon five procedural changes we believe, that whilst simple to implement, could improve the work of the National Assembly for the better. As we noted at the start of our response, we believe, as the National Assembly does, that scrutiny and transparency are essential to any effective legislature. PAC hopes that our comments will be taken into consideration as you form your legacy report in preparation for the Fifth Assembly.

If we can be of further assistance, or if you would like us to expand further on the comments raised in this letter, please do not hesitate to get in touch.

Cofion cynnes,

Jamie Matthews, Chair

on behalf of the Public Affairs Cymru Executive 2015-16