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Llywodraeth Cymru
Welsh Government

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Dear David,

To inform further discussions of the Future Senedd Committee, I thought it would be useful to set out in writing the Welsh Government's current thinking on the organisation of business issues discussed to date. This can be found in Annex A.

Annex B provides the findings of research undertaken by Government officials on oral questions which may be of interest to Committee members in informing further discussions and decisions on these matters.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The organisation of business in the Seventh Senedd

Flexibility of Plenary business

1. The efficiency of business could be increased if there was greater flexibility to increase the proportion of time that may be allocated to Government business in any particular week to better manage unavoidable peaks in Plenary business, for example, Stage 3 proceedings on Bills.
2. The current division of business on Tuesdays and Wednesdays arises from Business Committee's decisions on the timetable. Standing Order 11.17 states that the 'aggregate of time allocated as between Government and Senedd business in plenary meetings in a Senedd year must, so far as is reasonably practicable, be in the proportion of 3:2.'
3. While research set out in an earlier committee paper suggests that the ratio of Government business to Senedd business in this Senedd term is 2:1, in reality the Government does not have discretion over a number of elements which are categorised as Government business: for example, First Minister's Questions and Ministerial Oral Questions are effectively controlled by the Senedd's Standing Orders. If question sessions are discounted then the ratio is much more even, with 38% of Plenary time dedicated to other Government business compared with 34% for non-government business.

Welsh Government position:

The effectiveness and efficiency of scrutiny would be increased by providing greater flexibility to propose using a higher proportion of Plenary time in a particular week to facilitate business.

We support facilitating greater scrutiny of secondary legislation, particularly significant items of secondary legislation.

We support a greater opportunity for speakers (other than the Minister and opposition spokespersons) to ask questions in response to an oral statement.

Number of Plenary days

4. The efficiency of business could be increased if there was more opportunity and flexibility for plenary business to take place.

Welsh Government position:

Following on from the point above about greater flexibility over the proportion of Government Plenary business, we support the flexible use of a third Plenary day, in conjunction with enabling committees to meet concurrently with Plenary to manage peaks and troughs in Government business.

Oral Questions

5. Standing Order 12.59 currently requires Questions to the First Minister to be tabled 'at least three working days before they are to be answered, while for Welsh Ministers they must be tabled 'at least five working days before they are to be answered'. The rationale for shortening the deadline for FMQs was to allow more contemporaneous questions to be tabled, however it is debatable as to whether that has been the effect.
6. While not in Standing Orders, 12 questions are selected for each FMQ session and for each Ministerial oral question session. 12 questions are selected and prepared for, but in practice rarely are more than 8 answered in Plenary.
7. It is worth noting that in the Scottish Parliament, any Member may lodge a question for FMQs by the deadline, after which the Presiding Officer selects up to 8 questions for answer. Anecdotally, this enables a range of topics to be raised each week, including those of a topical nature.
8. Welsh Government officials have compiled data on oral questions tabled between 1 January and 31 December 2024 (Annex B). During this period there were 119 oral question sessions with 1,328 questions tabled. Of those 119 sessions, only 10 sessions involved Members asking 9+ questions, which resulted in 421 questions either withdrawn, not asked or not reached, equivalent to 31.7%. While these questions were converted into Written Questions, this work related to preparing for oral questions represents a considerable inefficiency in the current approach. When considered alongside a desire to allow Members to ask more supplementary questions, as well as potentially allowing more Members to participate, a much lower number of selected questions would appear to be sensible.
9. Standing Order 12.56(ii) currently requires 'each Welsh Minister and the Counsel General to answer oral questions in relation to his or her responsibilities, at least once, and for a maximum of 45 minutes, in every four weeks that the Senedd meets in Plenary.' Following the 2026 Senedd election the maximum number of Welsh Ministers that may be appointed by the First Minister will increase by five. Changes in the number of Welsh Ministers could have a significant impact on the proportion of Plenary time taken up by oral questions. It is worth noting that the Rules of the Scottish Parliament are less prescriptive and instead require "The Parliament shall, on a motion of the Parliamentary Bureau, decide which portfolios are to be included in each Portfolio Question Time."

Welsh Government position:

We support the reduction in the number of questions selected from the current 12. As rarely 8 questions are asked and answered in any session, and to provide time for more Members to ask supplementary questions and/or Members to ask a further supplementary question, selecting 6 questions in each session might allow for more efficient and effective scrutiny.

We support Government, or the Business Committee, being required to set out a regular schedule for Ministers oral question sessions on rotation to account for the greater variation in the potential number of Cabinet Secretaries.

In order to be more responsive to events, we support a greater opportunity to ask topical questions on more days. Such questions should have appropriate tabling deadlines, and more notice provided from the point it is accepted.

Written Questions

10. Standing Order 14.4 states that ‘questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance issued in accordance with Standing Order 6.17.’ This guidance currently includes that:
- questions that have previously been answered by the same Minister, or which renew, or repeat in substance, one that has been answered, or has been refused an answer, may not be asked again for an interval of three months;
 - questions seeking an expression of opinion on a question of law may not be accepted;
 - questions seeking information that the Member can easily obtain of their own accord or through another source are not admissible.
11. It is possible that the increase in the number of Members and the move to multi-Member constituencies may increase the likelihood of duplication or repetition (within a short time-frame) and consequently application of the principles currently set out in the guidance will be more important to ensure efficiency of scrutiny.
12. Notably, the Rules of the Scottish Parliament state that a question is admissible unless, inter alia, “the information sought has been provided in response to a similar question in the 6 months before the member seeks to lodge the question”.

Welsh Government position:

In order to ensure efficiency and effectiveness of scrutiny, and avoid duplication and the repetition of questions, we support amending Standing Order 14.4 to include specific elements of the existing guidance on admissibility of written questions, and consider extending the interval in the current guidance from 3 to 6 months.

Senedd Committees

Number of Committees

13. The potential increase in the number of committees, of one committee under the lesser change scenario and an increase of three committees under the greater change scenario, could be accommodated within a committee structure similar to the one currently in operation.
14. If the Seventh Senedd’s committee structure was comparable to that of the existing structure of permanent committees, it could:
- provide for Policy and Legislation committees of seven Members;
 - achieve a principle of Members sitting on no more than one Policy and Legislation committee; and
 - accommodate the establishment of up to two ‘Task and Finish’ committees.
15. Ad hoc ‘Task and Finish’ committees could be used to consider legislation that did not sit naturally with the wider committee structure (e.g. a committee bill) or a Bill introduced whose ‘normal’ subject committee was already at capacity, and other functions as necessary. Such an approach would be comparable to the existing Reform Bill Committee, Future Senedd Committee, and Covid-19 Inquiry Special Purpose Committee.

Members sitting on one committee

16. The efficiency of business (e.g. management of peaks in scrutiny, such as consideration of legislation or budget) could be increased if committees were able to meet for longer or more frequently. If the principle of a Member sitting, as far as was practicable, on one committee, then Senedd committees could have greater autonomy and flexibility, as there would be fewer membership clashes. It would also enable Members to develop their expertise in a subject matter, which could lead to more effective and efficient scrutiny.
17. In 2004, the Richard Commission recommended that Members should sit on just one major subject committee in order to develop subject expertise and facilitate better scrutiny. Lord Lisvane in evidence to the Independent Panel on Assembly Reform stated that: "...being a member of more than one committee dilutes the effort and knowledge, and reduces effectiveness".
18. Lord Norton and Greg Power (a specialist who had worked with parliaments and political institutions in more than 30 countries) identified two principles in evidence to the Independent Panel on Assembly Reform: "Committee members should generally sit on no more than two committees; [and] Committee chairs should sit only on their own committee." The Independent Panel stated that it "endorse this position and suggest that the Assembly and political parties should adopt them as principles to be reflected in the design of any future committee system."
19. In 2021, Professor Diana Stirbu noted in the report 'Power, Influence and Impact of Senedd Committees': "Multiple memberships in committees raises issues around effective timetabling of committee meetings as well as the ability of committee Members to fully engage in committee work, especially if they are Members in two policy and legislation committees that have rather broad remits."
20. The Special Purpose Committee identified that ideally Members would be experts in a particular field of scrutiny, utilising committee meetings to hold the Welsh Government to account, not only on the basis of background briefings from staff, but on the basis of their own research and engagement. The Special Purpose Committee identified that "while Members in other parliaments will rarely sit on multiple Committees, this is common practice in the Senedd," impeding the opportunity for Members to specialise.

Concurrent Plenary and committee meetings

21. Adopting the principle of a Member sitting, as far as practicable, on one committee also means that committees could have the option to meet during Plenary sessions. This does not necessarily need to be part of a fixed schedule of committee meetings, but rather that committees could have discretion over when, where and how they meet, taking into account the committee work programme, committee member availability, and avoiding key items of Plenary business.

Combined or separate policy and legislation committees

22. The establishment of separate legislation committees may not represent the most efficient use of committee capacity. While the legislative programme seeks to smooth the flow of Government legislation, there can be peaks and troughs of committee legislative scrutiny.

23. The evidence base that supported the passage of the Senedd Cymru (Members and Elections) Act, drew on a number of reports and recommendations which identified that greater capacity would allow Members to specialise, leading to better and more effective scrutiny of policy and legislation in that area. Consequently, combined policy and legislation committees allow for such specialism to be applied and for legislation to be seen in the context of that policy area.

Welsh Government position:

We support the premise that, using the current committee structure and utilising ‘task and finish’ committees, each Member sits on no more than one policy subject committee. This allows Members to specialise and allows greater flexibility with regard to Plenary and committee business each week.

We support committees being able to meet concurrently with Plenary, with obvious exceptions related to key items of business (e.g. FMQs, legislation proceedings, voting time, and other high-profile items of business).

We support the continuation of combined policy and legislation committees, while recognising that legislation committees can have their place as ad hoc ‘task and finish’ committees where remitting a Bill to a policy committee may not be feasible or appropriate. The establishment of the Reform Bill Committee is a good example of how this approach can work towards effective and efficient scrutiny.