National Assembly for Wales

[Business Committee](#)

June 2019

Report on a Proposal to Amend Standing Orders: Standing Order 1.3 – Political Groups

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Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders. Under Standing Order 33.2, a motion to remake or revise the Standing Orders must be tabled and proposed in Plenary by the Business Committee.

2. Standing Order 33.1 requires the Business Committee, within a reasonable time, to consider and report on any proposal made to it by at least six Members to remake or revise Standing Orders.

Background

3. On 21 May 2019, the Business Committee considered a letter dated 20 May 2019 submitted by Mick Antoniw AM on behalf of himself and

seven other Members (Annex A) .

4. The Members asked Business Committee to bring an amendment to Standing Order 1.3 on Political Groups, so that Members elected via the regional list 'would only be able to be a formal member of a group in the name of the political party that appointed them to their list'. The letter asked the Committee to bring forward such an amendment 'as a matter of urgency'.

5. The Committee considered the letter and received oral legal and procedural advice at the meeting of 21 May. Business Managers agreed to return to the matter at their next meeting, and to consult with their groups in the meantime.

Business Committee Conclusions

6. The Committee considered the matter further, including reviewing written advice, at their meeting of 4 June. Business Managers also noted that in the interim they had received indications from the signatories that they did not intend for any change to apply to groups that already exist, in light of the Llywydd's announcement that a new group had been formed under Standing Order 1.3(i).

7. The Committee came to the following conclusions:

- Such a fundamental change to the Assembly's Standing Orders would require careful consideration, and appropriate consultation, over a period of time.

- Changing the rules relating to party groups as proposed during the course of an Assembly could raise issues of fairness and retrospectivity, even if it did not apply to existing groups.

- The proposed change conflicted with the key principle set out in Standing Order 1.10(iii) that all Members have equal status, be they constituency or regional Members.

- Given the strong concerns raised during this Assembly regarding the unprecedented fluidity of group membership, the Business Committee has already committed to reviewing aspects of the Standing Orders relating to membership of political groups before the end of this Assembly, with a view to introducing any changes before the start of the next Assembly in 2021. The Committee will consider the issues raised in the letter as part of that review.

- The Business Committee welcomes the Remuneration Board's decision on 23 May to consider the impact of party changes on all political group funding arrangements at a future meeting. The Board may also wish to consider the issues raised by the instability of group membership during this Assembly as it considers its Determination for the Sixth Assembly.

Annex A

Mick Antoniw
Aelod Cynulliad dros Bontypridd
Assembly Member for Pontypridd

Llywydd

20th May 2019

Dear Elin,

Proposal to amend Standing Order 1.3

I am writing to you on behalf of Vikki Howells, Mike Hedges, Huw Irranca Davies, David Rees, John Griffiths, Helen Mary Jones, Leanne Wood , Alun Davies and myself in your capacity as Chair of the Business Committee

We request the business committee bring an amendment to Section 1.3 of the Standing Orders of the National Assembly for Wales as a matter of urgency.
The Standing Order at present provides recognition of political groups consisting of constituency, independent and regional list members. A minimum of three members is required to form a group. The amendment we would ask the Business Committee to consider would aim to to ensure that political groups can only be recognised and thereby become official groups entitled to public funding if they have an electoral mandate. Such a mandate would only be derived from participating in an Assembly election and being duly elected or appointed as an Assembly Member by virtue of standing for a Constituency in the name of a political party or as an independent member. Regional List members would only be able to be a formal member of a group in the name of the political party that appointed them to their list.

The regional list electoral system of the National Assembly of Wales was created by the Government of Wales Act 1998 to provide democratic political balance, proportionality and accountability and to ensure a voice for minority parties and independent members who were duly elected. This was achieved by creating an Assembly of 40 directly elected Constituency members and a further 20 members on a regional list of political party nominees.

It is a fundamental principle of our electoral system that voice is given to smaller registered political parties who have participated in and won a designated level of political support in the Assembly elections at the ballot box. This is achieved through the regional list.
Official recognition of a group of regional list members in the name of a political party that has not stood in any Assembly elections and therefore can have no democratic mandate would undermine and be an abuse of the our electoral system.

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Labour Llafur

This proposal is only intended to relate to regional list members as they are not directly elected and their names do not appear on any ballot paper but derive their democratic mandate from the political party that appointed them.

Yours Sincerely,

Mick Antoniw AM
Assembly Member for Pontypridd