

Review of Standing Order Thresholds

March 2025

This report provides the Future Senedd Committee's view on the thresholds currently set in the Senedd's Standing Orders for the number of Members required for various purposes.

This work has been conducted in light of the expected increase in the number of Members who sit in the Senedd, from sixty (currently) to ninety six (from the next Senedd Election expected in May 2026).



Recommendations

Recommendation 1. We recommend that, in a ninety six Member Senedd, the threshold set in Standing Order 1.3, which requires at least three Members to form a political group, be increased..... 10

Recommendation 2. We recommend that the Business Committee considers the level at which an increased political groups threshold be set, in conjunction with a wider consideration of the threshold for groupings, the entitlements of Members not in a political group or grouping, and the principle of all Members of the Senedd being enabled to participate in determining the business of the Senedd..... 10

Recommendation 3. We recommend that the threshold set in Standing Order 6.26, which requires that a motion to remove from office the Presiding Officer or Deputy is tabled by at least six Members in order to be debated, should be increased to ten Members; in a ninety six Member Senedd this constitutes a proportional increase and means that this threshold will remain at around ten per cent of the Senedd's overall membership.....12

Recommendation 4. We recommend that the threshold set in Standing Order 8.7, which requires that a motion to remove from office the Welsh Ministers is tabled by at least six Members in order to be debated, should be increased to ten Members; this constitutes a proportional increase and means that this threshold will remain at around ten per cent of the Senedd's overall membership..... 14

Recommendation 5. We recommend that the threshold set in Standing Order 10.8, which requires that a motion to remove from office a relevant office holder is tabled by at least six Members in order to be debated, should be increased to ten Members; this constitutes a proportional increase and means that this threshold will remain at around ten per cent of the Senedd's overall membership.....16

Recommendation 6. We recommend that the threshold set within Standing Order 12.33, which requires at least ten Members to express support for a procedural motion to be moved to a vote, should remain at ten Members.....17

Recommendation 7. We recommend that the threshold set within Standing Order 12.44, which requires that the bell be rung before a vote is taken on a motion or amendment if three Members so request, should be increased so that five Members must place such a request; this constitutes a proportional increase and means that this threshold will remain at around five per cent of the Senedd’s overall membership.....19

Recommendation 8. We recommend that the threshold set within Standing Order 12.46, which requires at least ten Members to participate in a vote for it to be valid, should remain at ten Members. 20

Recommendation 9. We recommend that the threshold set within Standing Order 17.2G, which requires Committee Chair nominations for Members from political groups with more than 20 Members to be seconded, be removed, so that all Committee Chair nominations are required to be seconded.....22

Recommendation 10. We recommend that the requirement in Standing Order 17.2G, which requires Members who are seconding Committee Chair nominations to belong to the same political group as the Member being nominated, be removed, so that a nomination to elect a Committee Chair may be seconded by a Member who is not a Member of the political group from which the Member being nominated belongs.....22

Recommendation 11. We recommend that Standing Order 17.31, which requires that a committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee’s members, remain as drafted.....25

Recommendation 12. We recommend that Standing Order 18.5, which requires that the “Public Accounts Committee” must consist of no fewer than 5 Members and no more than 10 Members, remain as drafted.....27

Recommendation 13. We recommend that Standing Order 25.28, which sets conditions which, if met, require the Business Committee to refer a motion tabled under Standing Order 25.26 to a committee (or committees) for consideration, remain as drafted..... 28

Recommendation 14. We recommend that Standing Order 33.1 be amended to require that the Business Committee must consider and report on any

proposal made to it by at least ten Members to remake or revise Standing
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1. Introduction

The Future Senedd Committee's remit

1. On 16 October 2024, the Senedd established the Future Senedd Committee (“the Committee”) to consider and report on (amongst other things):

[...] the thresholds currently set in Standing Orders for the number of Members required for various purposes, including (but not restricted to) the formation of political groups, removal of office holders, and quorum.

2. The Senedd required the Committee to report by 9 May 2025.

The Committee's objective

3. At our meeting on 14 November 2024, we established a workstream for the delivery of the “thresholds” aspect of our remit.

4. In doing so, we agreed the following objective:

To provide the Business Committee with a clear view on the appropriate level at which each threshold should be set in Standing Orders ahead of the Seventh Senedd.

5. Further to this, we also agreed to limit the scope of our work to those thresholds that:

- may be amended by a motion of the Senedd i.e. they are not wholly derived from, and defined by, statute; and
- specify that a particular number of Members, political groups etc. is met (and/or not exceeded, as the case may be), as opposed to a proportion.

6. Consequently, we have not considered a number of thresholds contained within the Senedd's Standing Orders. For example, the Senedd's Standing Orders contain two types of “two-thirds majority” thresholds:

- those which require at least two thirds of the total number of Senedd seats; and
- those which require at least two thirds of those voting.

7. As these thresholds are set as a proportion of either the total number of Senedd seats or of the number of Members voting, their purpose and effect will remain unchanged in a larger Senedd. A number of these thresholds also have a clear constitutional and/or legal derivation.

8. On this basis, “two-thirds” majority thresholds were not included in our consideration.

Approach

9. To inform our work we:

- considered the background, purpose and usage of each Standing Order;
- undertook a comparative analysis of thresholds set (or not set, as the case may be) in other legislatures; and
- issued an open call for written submissions, that included an invitation to political parties to make a submission. ,

10. Our call for written evidence was launched on 27 November 2024 and closed on 3 January 2025. Political parties were contacted directly and invited to submit a response.

11. Only two written submissions were received: one from the Plaid Cymru’s Senedd Group; and one from Jane Dodds MS.

12. Finally, throughout this report are references to the National Assembly Advisory Group (“NAAG”) and the Standing Orders Commission. The (then) Secretary of State for Wales established the National Assembly Advisory Group in December 1997 to assist him in the preparation of guidance to the Standing Orders Commission. Having received this guidance, the Standing Orders Commission then introduced the Standing Orders of the First Assembly.

2. Political Groups (Standing Order 1.3)

- 13.** The definition of political groups has a wide-ranging bearing upon the operation of the Senedd, including in relation to the membership of the Senedd Commission and the Business Committee, the organisation of plenary business, and the membership of Senedd committees and the legislative scrutiny process.
- 14.** Political groups also receive financial support, which is set by the Independent Remuneration Board and included in the Determination on Members' Pay and Allowances.
- 15.** To inform our work, we conducted a comparative analysis of parliaments from around the world that are of a similar size (to a ninety six Member Senedd).
- 16.** Our research looked in-depth at fifteen legislatures (unicameral or lower house), at both state and sub-state level, that have between seventy five and one hundred and fifteen members, with the majority operating under proportional representation electoral systems. In addition to this, the research looked at the Scottish Parliament and Dáil Éireann as close comparators, and at the New Brunswick Legislative Assembly.
- 17.** Of these legislatures, the average minimum size for a political group is 5% of the membership. This ranges from two per cent in the British Columbia Legislative Assembly to ten per cent in the New Brunswick Legislative Assembly.
- 18.** In numerical terms, the most common minimum size is five members (in ten of the fifteen parliaments), with some others not providing any set minimum and others setting the minimum at two or three members.
- 19.** We noted the relevant changes to Standing Orders which took place in the Fifth Senedd. The Senedd agreed changes to Standing Order 1.3 and the created a new Standing Order 1.3A. The changes were proposed by the Business

Committee in response to “*an unprecedented fluidity in the membership, formation and dissolution of political groups*”¹.

20. The changes have the effect of:

- Limiting the ‘automatic’ creation of political groups to those consisting of Members belonging to the same registered political party that won a seat or seats in the most recent Senedd general election;
- Enabling three or more Members who do not satisfy the criteria in Standing Order 1.3(i) to be recognised as a political group if the Presiding Officer is satisfied that exceptional circumstances apply; and
- Requiring the Presiding Officer to issue written guidance to Members on the interpretation of Standing Order 1.3(ii). In accordance with Standing Order 6.17, that guidance must be issued following consultation with the Business Committee (guidance included at Annex C).

Views received

21. The views received, or expressed by members of the Committee on behalf of their political groups, supported increasing the current threshold of three-Members, from the start of the Seventh Senedd.

22. Different views were expressed in relation to the level at which an increased threshold should be set.

23. In their consultation response the Plaid Cymru Senedd Group stated that “[...] *the Standing Order covering the size of political groups should safeguard the voice of smaller parties and ensure fairness for every Member of the Senedd*” and that “*Increasing the threshold significantly would be a disproportionate step and would undermine this important principle.*”

¹Business Committee, [Amending Standing Orders: Definition of political groups](#), March 2021, paragraph 6

24. This view was also supported by Jane Dodds MS who, in a letter to the Chair of the Committee, stated that she “*firmly believe(s) that in the next Senedd a group should be able to be formed when a party makes up 5% of the members of the Senedd*” and that “*This change would better reflect the representation of smaller parties and ensuring that diverse voices are adequately represented in our legislative process.*”²

25. Alternatively, some committee members expressed the view, on behalf of their political groups, that the threshold should be set closer to 10% of Senedd Members i.e. approximately a 10-Member threshold in a 96-member Senedd. They believe this increase in the minimum size of a political group will promote stability in a larger Senedd, and demonstrates an appropriate level of electoral support to justify the privileges that come with being recognised as a political group.

Our view

We believe that the current threshold (of three Members) to form a political group will need to increase in a Senedd of ninety six Members.

We have not reached agreement on the level at which a higher threshold should be set. The views of the Senedd’s current political groups vary from believing the proportion of Members needed to form a political group should remain the same i.e. 5% (which would equate to five members in a 96-member Senedd) to setting a higher threshold of 10% (which would equate to 10 members in a 96-member Senedd).

Alongside Standing Order 1.3, we have considered Standing Order 11, which includes provision for Members who do not belong to a political group to form a “grouping” for the purpose of being represented on the Business Committee. In the context of the Business Committee’s role in agreeing the organisation of the Senedd’s business, this standing order provides an important mechanism for Members not in political groups to have their views represented at Business

² Letter from Jane Dodds MS, 29 January 2025

Committee meetings, and their votes counted when the Business Committee takes decisions.

Consequently, consideration of Standing Order 1.3 and Standing Order 11 (including the level at which their respective thresholds are set) will need to include an assessment of their potential impact on the membership of the Business Committee, the number of Members entitled to attend and vote at the Business Committee, and the underlying principle of enabling all Members to have a say on the Senedd's business.

In light of these wider implications, that touch on matters of principle that go beyond a consideration of thresholds, we believe the Business Committee is better placed than we are to consider the level at which the threshold for political groups should be set, and associated issues.

Recommendation 1. We recommend that, in a ninety six Member Senedd, the threshold set in Standing Order 1.3, which requires at least three Members to form a political group, be increased.

Recommendation 2. We recommend that the Business Committee considers the level at which an increased political groups threshold be set, in conjunction with a wider consideration of the threshold for groupings, the entitlements of Members not in a political group or grouping, and the principle of all Members of the Senedd being enabled to participate in determining the business of the Senedd.

3. Resignation or Removal from Office of Presiding Officer or Deputy (Standing Order 6.26)

26. Standing Order 6.26 requires that, if a motion to remove the Presiding Officer or Deputy from office is tabled by at least six Members, it must be debated as soon as possible and within five working days of the motion having been tabled.

27. Section 25(5)(c) of the Government of Wales Act 2006 ("GoWA") provides that the Presiding Officer or Deputy may be removed from office by the Senedd.

Standing Order 6.26 gives effect to this provision and provides a mechanism through which the Presiding Officer and Deputy may be removed.

28. Beyond GoWA's requirement for Standing Orders to provide a mechanism for the Senedd to remove the Presiding Officer or Deputy, it makes no further stipulation as to the form and/or function of that mechanism. The six Member threshold – for any motion to be debated – is therefore a Standing Order requirement, rather than a legal one.

29. The “six Member threshold” (for the debating of a motion of no confidence) has been stipulated within the Senedd's Standing Orders since the First Assembly.

30. Neither the NAAG report or the report of the Standing Orders Commission make reference to the removal from office of the Presiding Officer or Deputy. However, we note that in response to the Government of Wales Act 1998 (“the 1998 Act”) requiring the Assembly's Standing Orders to include provision for a vote of no confidence in the First Secretary, the NAAG report recommends that motions of no confidence in the First Secretary “must be supported by at least six Assembly Members to be debatable”³.

31. Although the NAAG report does not offer a rationale for this “six Member threshold”, it may indicate that the same threshold was simply applied to the Presiding Officer and Deputy as well. We also note that six Members constitutes 10 per cent of the Senedd's current Membership.

32. In terms of its usage, to date, no motion of no confidence in the Presiding Officer or Deputy has been tabled.

Our view

We believe that the threshold for the tabling of a motion to remove from office a Presiding Officer or Deputy should remain at 10% of the Senedd's overall membership. In a ninety six Member Senedd, this would mean an increase

³ National Assembly Advisory Group, Report to the Secretary of State for Wales, August 1998, paragraph 33

from six Members, as it is currently set, to ten Members, which is just over ten per cent.

Recommendation 3. We recommend that the threshold set in Standing Order 6.26, which requires that a motion to remove from office the Presiding Officer or Deputy is tabled by at least six Members in order to be debated, should be increased to ten Members; in a ninety six Member Senedd this constitutes a proportional increase and means that this threshold will remain at around ten per cent of the Senedd's overall membership.

4. Resignation etc. of First Minister or another Member of the Government (Standing Order 8.7)

33. Originally, Section 53 of the 1998 Act required that the (then) Assembly's Standing Orders included provision for a vote of no confidence in the First Secretary.

34. The Standing Orders of the First and Second Assemblies therefore included specific provision for a motion of no confidence in the First Secretary/First Minister to be debated, with the tabling threshold for debate remaining at six Members.

35. The Government of Wales Act 2006 then repealed section 53 of the 1998 Act and introduced the following provisions, which came into force immediately after the 2007 Assembly election:

Section 47

47(1) If one of the following events occurs, the Senedd must, before the end of the relevant period, nominate a Member of the Senedd for appointment as First Minister.

47(2) The events are-

...

(b) the Senedd resolving that the Welsh Ministers no longer enjoy the confidence of the Senedd,

Section 48

(5) A Welsh Minister appointed under this section must resign if the Senedd resolves that the Welsh Ministers no longer enjoy the confidence of the Senedd.

Section 50

(5) A Deputy Welsh Minister must resign if the Senedd resolves that the Welsh Ministers no longer enjoy the confidence of the Senedd.

36. The Standing Orders of the Third Assembly were consequently updated and have remained in their current form through each subsequent Assembly/Senedd, with the threshold for debate of any motion remaining at six Members.

37. Although several motions referencing “no confidence” in individual Ministers have been tabled and debated during opposition time, no motions have been tabled expressing “no confidence” in the Welsh Ministers collectively under the current Standing Order 8.7.

38. This touches on an important distinction. There are two types of “no-confidence” motion in a Senedd context:

- those which may be tabled under Standing Order 6.26 (Presiding Officer or Deputy), Standing Order 8.7 (Welsh Ministers), and Standing Order 10.8 (relevant officer holders), which are tabled in accordance with the relevant section of GoWA and are legally binding; and
- general motions which call for the removal of an office holder in their wording, but which are not tabled under these specific Standing Orders, i.e. those motions which may be tabled as opposition debates.

39. This second type of motion is not legally binding and is not required to satisfy the same criteria as the first, in terms of the threshold for debate and the time in which it must be debated.

40. Our task relates to the first type of motion, and the threshold for tabling such motions as specified in Standing Orders.

41. During the course of our discussions, we considered the possibility for either type of motion to be used vexatiously, and the negative impact this could have on both the Senedd's ability to function effectively, and the well-being of the relevant office holder, or office holders, subject to such motions.

Our view

As with our view on Standing Order 6.26 (above), we believe that the threshold for tabling a motion to resolve that the Welsh Ministers no longer enjoy the confidence of the Senedd should remain at 10% of the Senedd's overall membership, and should therefore be increased from six Members to ten Members.

For motions tabled under Standing Orders 6.26, 8.7 and 10.8, we considered whether Standing Orders could specify additional controls, to discourage vexatious use of these motions. For example, stipulating a time which must elapse before another such motion may be tabled toward the same office holder (or office holders) if a first motion is not carried, or requiring such motions to be supported by Members from at least two political groups.

We concluded that Standing Orders could not specify additional controls without potentially coming into conflict with the provisions in GoWA which provide for such motions to be considered.

Recommendation 4. We recommend that the threshold set in Standing Order 8.7, which requires that a motion to remove from office the Welsh Ministers is tabled by at least six Members in order to be debated, should be increased to ten Members; this constitutes a proportional increase and means that this threshold will remain at around ten per cent of the Senedd's overall membership.

5. Removal from Office (Standing Order 10.8)

42. Standing Order 10 applies in relation to a public office if appointment to that office is required, by or under any enactment, to be made:

- by the Senedd, or
- on the nomination or recommendation of the Senedd, or
- with the approval of the Senedd.

43. Standing Order 10 does not apply to an office if provision for appointment to that office is made elsewhere in the Standing Orders.

44. As with the Presiding Officer, Deputy Presiding Officer, and Welsh Ministers, this standing order provides an equivalent mechanism (including a six Member threshold) for the Senedd to remove from office any relevant office holder (subject to any conditions imposed by any enactment which relate to that particular office).

45. This Standing Order was introduced in the Fourth Assembly. The Business Committee, in its review of Standing Orders in preparation for the Fourth Assembly, concluded that:

[...]there should be a new Standing Order setting out a consistent procedure for appointment of external office holders (and their removal) which are not otherwise covered by Standing Orders.⁴

46. Explaining the effect of the Standing Order, the Business Committee noted:

This provides that the Assembly may also remove a person from office by resolution, subject to any statutory requirements.

Any Member could table a motion to remove a person from office. It would be a matter for the Business Committee to decide whether to allocate time for that motion to be debated in Plenary. However, this Standing Order provides that if at least six Members table a motion, the Business Committee would have to make time available for it to be debated within five working days. This

⁴ Business Committee, [Review of Standing Orders in preparation for the Fourth Assembly](#), March 2011, paragraph 29

is the same approach as applies to any motion to remove from office the Presiding Officer or Deputy or a motion of no-confidence in Welsh Ministers.⁵

47. Although the Business Committee's explanation of its reasoning does not provide rationale for the threshold being set specifically at six Members, it does confirm the Business Committee's view that the threshold should be set at a level which is consistent with equivalent procedures required in relation to the Presiding Officer, Deputy Presiding Officer and Welsh Ministers.

48. To date, no motion to remove from office the holder of a relevant office has been tabled.

Our view

In line with our views relating to Standing Orders 8.7 and 10.8 (above), we believe that the current six-member threshold for the tabling a motion to remove from office the holder of a relevant office should be increased proportionally with the increased size of the Senedd i.e. 10% which will equate to 10 members in the Seventh Senedd.

Recommendation 5. We recommend that the threshold set in Standing Order 10.8, which requires that a motion to remove from office a relevant office holder is tabled by at least six Members in order to be debated, should be increased to ten Members; this constitutes a proportional increase and means that this threshold will remain at around ten per cent of the Senedd's overall membership.

6. Procedural motions (Standing Order 12.33)

49. A specific standing order relating to procedural motions has been included in Standing Orders since the First Assembly. Regarding procedures, the NAAG made the following recommendation:

⁵ *ibid*, page 260

We recommend that the Standing Orders Commission give consideration to the different types of motions, resolutions, and debates which may take place in the full Assembly.⁶

50. The Standing Orders Commission subsequently considered the NAAG's recommendation and included a 'procedural motion' standing order in its Draft Standing Orders. This standing order included a ten Member threshold, whereby the Presiding Officer may put a procedural motion to a vote only if at least ten Members express support for it. This requirement has remained constant through each iteration of the Assembly/Senedd's Standing Orders.

51. Although no rationale for the threshold being set specifically at ten was offered in the Standing Orders Commission's report, ten Members constitutes one sixth of the Senedd's current Membership.

52. Regarding its usage, numerous procedural motions have been tabled and agreed by the Assembly/Senedd. The majority of these motions relate to the postponement of plenary business.

Our view

Although we note that the current threshold constitutes one sixth of the Senedd's Membership, we believe that this number will remain sufficient in a Senedd of ninety six Members. Ten Members will still represent a plurality of Members and a significant portion of the Senedd's membership in a larger, ninety six Member Senedd.

Recommendation 6. We recommend that the threshold set within Standing Order 12.33, which requires at least ten Members to express support for a procedural motion to be moved to a vote, should remain at ten Members.

⁶ National Assembly Advisory Group, Report to the Secretary of State for Wales, August 1998, paragraph 29

7. Decisions on Motions and Amendments (Standing Order 12.44)

53. A specific Standing Order requiring the bell to be rung in advance of a vote being taken (when specific conditions are met) has been included in Standing Orders since the First Assembly.

54. Since the First Assembly the Standing Order has been updated to:

- Introduce a three Member threshold, whereby three Members must request the bell be rung before a vote (originally, Standing Orders required the bell to be rung when ‘one or more confirmatory votes has been called for’);
- Require that the bell be rung only once in the event that votes are to be taken immediately after one another;
- Remove specific reference to the Presiding Officer’s responsibilities relating to the closure and announcement of the vote; and
- Remove specific reference to the recording of the vote in the record of proceedings.

55. This Standing Order (including its previous iterations) has been used numerous times since the Assembly was established and is a reasonably common practice.

Our view

Three Members constitutes five per cent of the Senedd’s current membership and we see no reason for this percentage to change in a ninety six Member Senedd.

We therefore believe this threshold should be increased to five Members, which will constitute just over five per cent of the Senedd’s increased membership.

Recommendation 7. We recommend that the threshold set within Standing Order 12.44, which requires that the bell be rung before a vote is taken on a motion or amendment if three Members so request, should be increased so that five Members must place such a request; this constitutes a proportional increase and means that this threshold will remain at around five per cent of the Senedd's overall membership.

8. Decisions on Motions and Amendments (Standing Order 12.46)

56. This Standing Order was included in the first iteration of Standing Orders and has remained unchanged; it places the threshold for quorum in voting in plenary at ten Members and requires that, if fewer than ten Members participate in a vote, that vote must be held over.

57. The threshold contained within the Standing Order is not required by (or derived from) statute, and is not specifically referred to in either the NAAG report or the Draft Standing Orders report of the Standing Orders Commission.

58. Although no rationale for the ten Member threshold is offered in the relevant documents, it is worth noting that ten Members constitutes one sixth of the Senedd's current Membership.

59. Although the ten Member threshold for quorum has been in operation since the Assembly was established, a notable departure from this general rule was agreed by the Senedd during the COVID-19 pandemic.

60. The Senedd agreed to reduce quorum for a vote to be valid to four Members where necessary to protect public health in response to COVID-19. This standing order did not amend standing 12.46 but took precedence over it; it ceased to have effect on 1 August 2022 when temporary Standing Order 35 (Emergency Procedures) was allowed to lapse.

Our view

As with our views relating to procedural motions (Standing Order 12.33), we see no reason to change this Standing Order threshold. Ten Members will still

represent a plurality and a significant portion of the Senedd's membership in a larger, ninety six Member Senedd.

Recommendation 8. We recommend that the threshold set within Standing Order 12.46, which requires at least ten Members to participate in a vote for it to be valid, should remain at ten Members.

9. Election of committee Chairs (Standing Order 17.2G)

61. Standing Orders relating to the election of committee chairs were introduced in June 2016, at the beginning of the Fifth Senedd. In its accompanying report to the proposed changes, the Business Committee explained that:

The House of Commons provided the most obvious alternative model for the selection, appointment and removal of committee chairs. Since 2010, the distribution of chairs among the political parties has been agreed by the whole House on a motion tabled jointly by representatives of all parties, with chairs and members of departmental and similar select committees then elected by the whole House by secret ballot.⁷

62. The Business Committee therefore proposed a “procedure based on the Commons model but adapted for the purposes of the Assembly”⁸.

63. Specifically, in relation to the threshold set in Standing Order 17.2G, the Business Committee stated:

Under the proposed new Standing Order 17.2F candidates are nominated by a member of their own group. Given the small size of the Assembly, it is not

⁷ Business Committee, *Amending Standing Orders: Standing Order 17 – Operation of Committees*, June 2016, paragraph 5

⁸ *ibid*, paragraph 6

proposed to include any requirement for a candidate to be seconded by another member other than for groups larger than 20 Members.

This differs somewhat from the system used in the House of Commons, which has a much larger membership and requires a Member to be nominated by 15 Members of the same party, or 10 per cent of that party's Members, whichever is lower, and with supporters from other parties able to sign a statement of support but not counting towards the nomination threshold. The proposed nomination process reflects the Business Committee's discussion on what is practical and desirable in a smaller institution.

64. Since the introduction of Standing Order 17.2G in 2016, it has been adhered to for Committee Chair nominations, whereby political groups which have more than 20 Members have been required to second their nominations. There have been no instances of a Member being nominated but not seconded in Plenary, though it is of course unknown how many potential nominations were not made due to a seconder not having been found.

Our view

Standing Order 17.2G requires the nominations of Committee Chairs from political groups with more than twenty Members to be seconded. As seen from the Business Committee's explanation of the threshold, it was set in response to the small size of the (then) Assembly, meaning that Committee Chair nominations of Members from political groups with less than twenty Members are not required to be seconded.

Given the increase to the Senedd's Membership, we believe this threshold, which effectively reserves the 'seconder requirement' to the larger political groups, will no longer be required. We believe that all Committee Chair nominations should be required to be seconded.

In addition to the removal of the twenty Member threshold, we believe that the requirement for the seconder to be a member of the political group being nominated should also be removed. This will allow any Committee Chair nomination to be seconded by a Member of a different political group to that of the Member being nominated.

The removal of this requirement would not prevent political groups from seconding their own nominations, but would allow the Committee Chair election process to be more conducive to the collaborative and cross-party approach of committee work. This would also provide a route for Members of smaller political groups to mitigate any impact their group's size may have on their ability to be elected as a Committee Chair.

Recommendation 9. We recommend that the threshold set within Standing Order 17.2G, which requires Committee Chair nominations for Members from political groups with more than 20 Members to be seconded, be removed, so that all Committee Chair nominations are required to be seconded.

Recommendation 10. We recommend that the requirement in Standing Order 17.2G, which requires Members who are seconding Committee Chair nominations to belong to the same political group as the Member being nominated, be removed, so that a nomination to elect a Committee Chair may be seconded by a Member who is not a Member of the political group from which the Member being nominated belongs.

10. Quorum (Standing Order 17.31)

65. Standing Order 17.31 requires that a committee meeting “must be declared inquorate if there are fewer than three Members, or less than one-third of the committee’s members, whichever is the greater, present.”

66. Regarding quorum at committee meetings, the NAAG recommended standing orders should specify that:

- the quorum for a committee meeting should be one third of members (rounded up);
- where a committee is voting on an issue, the quorum should be one half (rounded up);
- a meeting is not quorate if members of only one political party are present; and
- where a meeting has been inquorate when voting on the same issue in two successive sessions, a quorum should not be required for voting on

this issue at the next session, although a quorum will be required for the meeting to go ahead.⁹

67. Explaining their recommendation, the NAAG stated:

We are conscious that, in committees with relatively small numbers, a quorum which is set too high or applied too rigidly can affect the flow of business.¹⁰

68. Responding to the NAAG recommendation in its report, the Standing Order Commission stated that:

The Advisory Group recommended that there should be two quorums for committees: one for the meeting to go ahead and one for voting. We felt that this two tier approach could be confusing, and that it was inconsistent that committees could be quorate to discuss a matter, but not to vote on it. Consequently, we have adopted the lower quorum (one third) for attendance and for voting. In light of the importance of inclusivity, we have retained the need for members of more than one political party to be present for a meeting to be quorate.¹¹

69. The Standing Orders of the First Assembly therefore set the threshold for quorum at committee meetings at “two Members or one-third of the number of its members (including the chair), whichever is the higher.”

70. The Standing Order was then changed to its current form in the Third Assembly, whereby the threshold was increased to three Members – or one third of the committee’s members, whichever is the higher.

71. The Standing Order relating to committee quorum has impacted committee proceedings on numerous occasions, examples include:

⁹ National Assembly Advisory Group, Report to the Secretary of State for Wales, August 1998, paragraph 41

¹⁰ *ibid*

¹¹ Report of the Standing Orders Commission, January 1999, page 2

- Petitions Committee Chair opening and then suspending a meeting to await the arrival of a third member as the meeting was inquorate (17 July 2018); and
- Enterprise, Innovation and Skills Committee starting a meeting ten minutes late as the committee was inquorate (11 July 2019).

72. In September 2019, the Business Committee considered a letter from the Chair of the Enterprise, Innovation and Skills Committee – the previous week the committee was unable to start on time and achieve quorum as some Members were running late. Business Managers reiterated the need for Members to attend committees and be punctual, particularly since membership of policy and legislation committees was reduced to six Members, and agreed that if the problem did not improve they would look at publishing individual attendance figures. Business Managers also agreed that chairs have a role in speaking to Members who do not attend or arrive early/late without explanation.

Our view

We wrote to the Chairs' Forum to ask for its view on whether, in preparation for a larger Seventh Senedd, the numeric threshold of three Members (set in Standing Order 17.31) should:

- remain as it is currently drafted; or
- be amended to a different value.

In response to our letter, the Rt. Hon. Elin Jones MS, Chair of the Chairs' Forum, confirmed the Chairs' Forum's view – that the threshold currently set in standing order 17.31 should remain as drafted.

In their response to our consultation, the Plaid Cymru Senedd Group also stated that they “would favour not amending [it]”.¹²

¹² Consultation response from the Plaid Cymru Senedd Group, 11 December 2024

We see no reason to disagree with the conclusion drawn by the Chair's Forum and the Plaid Cymru Senedd Group and therefore agree that Standing Order 17.31 should remain as drafted.

Recommendation 11. We recommend that Standing Order 17.31, which requires that a committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, remain as drafted.

11. Public Accounts Committee Membership (Standing Order 18.5)

73. Standing Order 18.5 requires that the Public Accounts Committee (currently called the Public Accounts and Public Administration Committee) “must consist of no fewer than 5 Members and no more than 10 Members”.

74. Referring to the 1998 Act, the NAAG stated in its report that:

Section 54(2)(b) of the Government of Wales Act [1998] requires all committees, unless they are advisory committees, so far as is practicable, to reflect the balance of the political parties. The Act requires Standing Orders to specify the number of members on subject committees, the Audit Committee and the subordinate legislation scrutiny committee. We recommend that Standing Orders specify that the number of members on these committees should be in a range from 7 to 11. We estimate that a range from 7 to 11 should normally allow reasonable party balance to be achieved. “So far as is reasonably practicable” means that where, in a small committee it is numerically possible to achieve exact party balance, the committee is to be constituted as near as is possible to party balance. This caveat does not allow party balance to be avoided. If the Assembly decides that party balance is not a requirement for a

particular committee (for example regional committees, the Business Committee), the committee can be advisory in nature only.¹³

75. The Standing Orders of the First Assembly therefore included provision in line with this recommendation, ensuring that the Audit Committee had between seven and eleven members.

76. Section 30(2) of GoWA now requires that the “Audit Committee is to have the number of Members specified in the Standing Orders”.

77. The Standing Orders of the Third Assembly stipulated that the “Audit Committee must consist of 10 Members”. However, this provision was updated in the Fourth Assembly to its current form – whereby the Committee must now have between five and ten members.

78. It is likely that the current stipulation (of between 5 and 10 members) has been introduced to allow the Senedd sufficient flexibility, and to account for the Senedd’s increased responsibilities/workload, whereby both the lower and upper thresholds have been reduced when compared to their original number (seven and eleven).

Our view

Given the substance of this standing order, we wrote to the Public Accounts and Public Administration Committee (“PAPAC”) to ask for its view on whether, in preparation for a larger Seventh Senedd, the numeric thresholds set in Standing Order 18.5 should:

- remain as they are currently drafted; or
- be amended to a different value/s.

¹³ National Assembly Advisory Group, Report to the Secretary of State for Wales, August 1998, paragraph 40

In his response to our letter, Mark Isherwood MS, Chair of PAPAC, stated that the Committee had “concluded that Standing Order 18.5 should remain as drafted.”

We see no reason to disagree with the conclusion drawn by PAPAC and therefore agree that Standing Order 18.5 should remain as drafted.

Recommendation 12. We recommend that Standing Order 18.5, which requires that the “Public Accounts Committee” must consist of no fewer than 5 Members and no more than 10 Members, remain as drafted.

12. Proposals for an Order by a Member, other than a member of the Government (Standing Order 25.28)

79. Standing Order 25 provides for the procedure to be followed in respect of the consideration of Orders in Council that are to be made under section 109 of GoWA.

80. Section 109 of GoWA allows the legislative competence of the Senedd to be changed by amending Schedule 7A and/or 7B of GoWA.

81. The Business Committee must refer a motion tabled under Standing Order 25.26 to a committee (or committees) for consideration if three conditions are met – the motion must have the support of at least:

- Ten Members;
- Three different political groups; and
- One Member of a group with an executive role.

82. To date, no motion has been tabled under Standing Order 25.26.

Our view

We received no evidence to suggest that this Standing Order should be amended and, therefore, believe it should remain as drafted.

Recommendation 13. We recommend that Standing Order 25.28, which sets conditions which, if met, require the Business Committee to refer a motion tabled under Standing Order 25.26 to a committee (or committees) for consideration, remain as drafted.

13. Re-making and Revision (Standing Order 33.1)

83. When the Assembly was established, Section 46 of the Government of Wales Act 1998 prevented Standing Orders being revised unless two thirds of those voting are in favour of a motion to amend the standing orders. In its report, the NAAG further recommended that:

Proposals from individual members for changes to standing orders should require the support of six Assembly Members to be debatable.¹⁴

84. Explaining its recommendation, the NAAG stated that:

In drawing up our recommendations on changes to the Assembly's standing orders we had two objectives in mind:

- changes should be given careful consideration before they are proposed; and
- individual Assembly Members should have the opportunity to propose changes.

In addition to the safeguard of the two thirds majority requirement for approval of amendments, we recommend that proposed changes to standing orders should be reviewed by a committee of the Presiding Officer which would be able to consider the impact of the changes and ensure that they would not result in a defective or incoherent set of standing orders. In view of

¹⁴ National Assembly Advisory Group, Report to the Secretary of State for Wales, August 1998, paragraph 15

the fact that a two thirds majority is required for amendments to be passed, we recommend that motions for changes to standing orders proposed by individual members should have the support of at least six Members before they can be debated.¹⁵

- 85.** The six Member threshold in relation to any proposal to remake or revise Standing Orders has therefore been included in Standing Orders since the First Assembly.
- 86.** It is worth noting, from the NAAG's explanation of the threshold, that it was originally recommended 'in view of the fact that a two thirds majority is required'. It is therefore likely that the purpose of the six Member threshold is to set a relatively high bar for any proposal to be considered, given that any such proposal also requires a two thirds majority to be agreed.
- 87.** Only once has a motion to remake/revise Standing Orders not been agreed – in 2002 a motion proposing a new Standing Order relating to the Freemasons did not achieve the two thirds majority. All other motions to remake/revise Standing Orders have been agreed on the nod (or electronically).
- 88.** The current threshold set within Standing Order 33.1 constitutes ten per cent of the Senedd's current Membership.
- 89.** In their response to our consultation, the Plaid Cymru Group stated that:

[...] this threshold should be increased so that the threshold for making a request that the Business Committee considers and reports on any proposal to re-make and revise the Standing Orders is increased proportionately (in other words, to 10 per cent or 10 Members).

¹⁵ National Assembly Advisory Group, Report to the Secretary of State for Wales, August 1998, paragraph 3.11

Our view

We believe this threshold should remain at ten per cent of the Senedd's Membership, meaning it should be increased from six Members to ten Members.

Recommendation 14. We recommend that Standing Order 33.1 be amended to require that the Business Committee must consider and report on any proposal made to it by at least ten Members to remake or revise Standing Orders.