



Northern Ireland
Assembly

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Size of the Northern Ireland Assembly

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This research paper looks at issues surrounding a reduction in the number of MLAs and/or Executive Departments in Northern Ireland. It looks at options for reforming the committee system including the constraints within which the current system operates. It also considers the resource implications on MLAs' time if changes are made to the size, number and structure of committees.

Executive summary

This paper examines how a change in the size of membership of the Assembly and/or Executive Departments might impact on the size, structure and number of statutory committees within the Assembly.

The Northern Ireland Assembly currently consists of 108 Members, 12 statutory committees and 6 standing committees. There are 12 Executive Departments.

The Assembly and Executive Review Committee is examining the issue of the size of the Assembly ahead of proposed legislation to be brought forward by the Secretary of State which would, among other things, address institutional issues. Furthermore, following the passage of the Parliamentary Voting Systems and Constituencies Act 2011, the number of members will reduce from 108 to 96 following the next Assembly election.

The current committee system - constraints

The origin of the current committee system in the Northern Ireland Assembly can be found in the Belfast (Good Friday) Agreement, which states that there is to be a “Committee for each of the main executive functions of the Northern Ireland Administration... Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members”. The Agreement goes on to outline the broad functions of the statutory committees.

The Northern Ireland Act 1998 gives effect to some aspects of the Agreement and further details are set out in Standing Orders. The current committee structure within the Assembly is straightforward – there is one statutory committee for each Executive Department. However, the 1998 Act appears to allow for cross-cutting committees. The key aspect relating to committees is that all Members who are not Ministers and junior Ministers must be offered a place on a statutory committee. Although there is no statutory bar on Ministers serving as ordinary committee members, the convention is that they do not.

Standing Orders state that there shall be 11 members on each statutory committee and that the quorum shall be 5.

Scenarios

This paper considers how the reduction in the number of members and/or Executive Departments might affect the resourcing of the statutory committee under the following scenarios:

- 96 Members and 12 Departments

- 96 Members and 8 Departments
- 80 Members and 12 Departments
- 80 Members and 8 Departments

There are 92 MLAs currently available who are required to fill 132 statutory committee places (Ministers and junior Ministers are excluded). This allows the requirement under the Belfast (Good Friday) Agreement and Standing Orders that every Member be offered a place on a statutory committee to be fulfilled. The current ratio of member to committee is 1.43. However, problems appear to arise where the ratio of committee places to available Members drops below 1.00. This means that not all Members could be offered a place on a statutory committee. The ratios in Scotland and Wales are 0.54 and 1.04 respectively. The issue for the Northern Ireland Assembly would seem to be about achieving a ratio closer to that in the National Assembly for Wales.

The Scottish Parliament and National Assembly for Wales have more flexible structures and both of these institutions have in the past restructured their committee systems. For example, the National Assembly for Wales undertook significant restructuring before the start of the current mandate.

Resources

The ratio of members to committees is greater in the Assembly (1.43) compared to Scotland (0.54) and Wales (1.04). The need to sit on multiple committees raises concerns about the effective use of Members' time. A comparison with committee activity in the Scottish Parliament shows significantly more activity in terms of the number of meetings held by statutory committees in the Assembly, but with similar outputs in terms of Bills considered and Inquiries held. Furthermore, agenda items were more likely to appear once and not appear again in Assembly committees.

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1 Introduction

This research paper has been prepared to inform the Assembly and Executive Review Committee's review of Parts 3 and 4 of the Northern Ireland Act 1998. In particular, it was asked to address a reduction in the number of Assembly Members and/or Executive Departments based on the following scenarios provided by the Committee:

- 96 Members and 12 Departments
- 96 Members and 8 Departments
- 80 Members and 12 Departments
- 80 Members and 8 Departments

It explores the scope for reducing the number of members on statutory committees in the context of the Belfast (Good Friday) Agreement, Northern Ireland Act 1998 and Standing Orders of the Assembly. Where appropriate, it draws comparisons with the Scottish Parliament and National Assembly for Wales.

It also considers the resource implications on Members' time in the event of a reduction in the number of MLAs and draws comparisons with committee activity in the Scottish Parliament.

Section 2 provides background to why the Committee is undertaking this review.

Section 3 outlines the background to the committee structure in the Assembly, referencing the Belfast (Good Friday) Agreement, Northern Ireland Act 1998 and Standing Orders. **Section 4** details the scenarios listed above while **section 5** provides comparisons with committee activity in the Scottish Parliament. **Section 6** provides an overview of the committee structure in the Scottish Parliament and National Assembly for Wales and **section 7** offers conclusions and issues for further consideration.

2 Background

The Secretary of State intends to bring forward a Bill in the Third Session of Parliament to effect changes relating to political donations in Northern Ireland. However, it will also provide an opportunity to address institutional issues relating to the Assembly where there is broad support for change and where primary legislation would be required.

One of the areas that could potentially be addressed is the issue of the size of the Assembly. The previous Assembly and Executive Review Committee had recommended that its successor Committee undertake a review of this issue in the context of the Parliamentary Voting System and Constituencies Act 2011 (PVSC Act 2011). The PVSC Act 2011 will reduce the number of MPs from 650 to 600 with the result that Northern Ireland will lose two constituencies. This means that the number of MLAs will be reduced from 108 to 96 because Parliamentary and Assembly constituencies are the same.

3 The current committee structure in the Northern Ireland Assembly

The current statutory committee system in the Northern Ireland Assembly is set out in the Belfast (Good Friday) Agreement, Northern Ireland Act 1998 and Standing Orders. It reflects the need to ensure balanced representation for political parties given the unique political situation in Northern Ireland.

There are two main types of committees within the Assembly: statutory and standing. Paragraph 8 of Strand One of the Belfast (Good Friday) Agreement states:

There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt method. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all Members¹.

Paragraph Nine of Strand One of the Belfast (Good Friday) Agreement states that committees:

Will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

- consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
- approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
- call for persons and papers;
- initiate enquiries and make reports;
- consider and advise on matters brought to the Committee by its Minister²

The Northern Ireland Act 1998

Section 29 of the Northern Ireland Act 1998 (as amended by the St. Andrew's Agreement Act 2006), gives effect to Paragraph Nine of Strand One of the Belfast (Good Friday) Agreement. It states that the committees will "advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister".

¹ Paragraph 8, Strand One of the Belfast Agreement

² Paragraph 9, Strand One of the Belfast Agreement

29 Statutory committees

- (1) Standing orders shall make provision—
- (a) for establishing committees of members of the Assembly (—statutory committees)
- (i) to advise and assist the First Minister and the Deputy First Minister in the formulation of policy with respect to matters within their responsibilities as Ministers jointly in charge of the Office of the First Minister and Deputy First Minister, and
- (ii) to advise and assist each Northern Ireland Minister in the formulation of policy with respect to matters within his responsibilities as a Minister
- (b) for enabling a committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one; and
- (c) conferring on the committees the powers described in paragraph 9 of Strand One of the Belfast Agreement

The current structural relationship between the Northern Ireland Assembly's statutory (departmental) committees and Northern Ireland departments is therefore relatively straightforward - there is one committee for each Executive department. However section 29b of the 1998 Act would appear to allow for alternative arrangements in that it enables a "committee to be so established either in relation to a single Northern Ireland Minister or in relation to more than one". Therefore it appears to allow for the possibility of committees with cross-cutting remits.

Standing Orders

Standing Orders 47, 48 and 49 of the Assembly detail the composition and remit of statutory committees. Standing Order 48 sets out the process for allocating Chairs and Deputy Chairs to the Committees. Standing Order 48(2) confers on statutory committees the powers and responsibilities set out in Paragraph 9, Strand One of the Belfast (Good Friday) Agreement. Again, it allows for "each (statutory committee (to) carry out such role in relation to one or more Ministerial Portfolios". Standing Order 48(3) ensures that: "The other members (all those except Chair and Deputy Chair) of a statutory committee shall be determined by the Assembly subject to the requirement upon the Speaker to ensure that all members who do not hold Ministerial or junior Ministerial office are offered at least one statutory committee place".

Standing Order 49(2)(a) states "that each statutory committee will consist of 11 members including the chairperson and deputy chairperson". Standing Order 49(5) states: "The quorum of every statutory committee shall be five, except when no decision is taken or question put to the committee, when the quorum shall be four. A quorum shall be deemed to be present where members are linked by a video-conferencing facility".

Although Ministers and junior Ministers cannot be a Chair or Deputy Chair of a committee, there is no statutory bar to prevent them serving as ordinary members of a committee. However, the convention to date has been that they do not sit on committees.

Committee allocation

Allocation of Members to statutory and standing committees is calculated using the following formula:

(Number of Committee places) divided by (Number of MLAs) multiplied by (Party strength)³

The following table provides the current allocation of seats on the Assembly's statutory committees based on the above formula:

Table 1: Allocation of Members to statutory committees

Party/Independent	Party strength	Committee allocation ⁴
DUP	38	46
SF	29	35
UUP	16	20
SDLP	14	17
All	8	10
Green	1	1
TUV	1	1
Ind	1	1

Membership of multiple committees

Standing Order 48(3) states:

A statutory committee shall have one chairperson, one deputy chairperson appointed in accordance with this Standing Order. The other members of a statutory committee shall be determined by the Assembly subject to the requirement upon the Speaker to ensure that all members who do not hold Ministerial or junior Ministerial office are offered at least one statutory committee place⁵.

Given that each statutory committee must have 11 Members, the majority of MLAs sit on at least two committees. The following table shows the number of MLAs sitting on multiple committees. Ministers and Junior Ministers have been excluded. For the purposes of this table, figures for both statutory and standing committees have been included. The Speaker is included as Chair of the Business Committee.

³ Information provided by the Business Office

⁴ As part of the calculation, the total for the figures in this column are rounded up to 132

⁵ Northern Ireland Assembly Standing Orders

Table 2: Membership of multiple committees (statutory and standing) in the Northern Ireland Assembly

Number of committees	Number of MLAs
4	2
3	15
2	61
1	15
0	0

Table 3: Membership of statutory committees in the Northern Ireland Assembly

Number of committees	Number of MLAs
2	42
1	48
0	2

From the above table, it is clear that membership of at least two committees is normal practice for many MLAs. The issue that needs to be considered is the extent to which this commitment impacts on other aspects of a Member's duties. One possible option would be to reform the standing committee structure and leave the statutory committee system unchanged.

Although it is difficult to quantify the amount of time an MLA spends on constituency work compared to Assembly duties, the results of a survey undertaken by the Hansard Society in 2005 are useful in the absence of data for Northern Ireland.

The research found that almost 50% of an MP's time was taken up with constituency work, compared to around 15% devoted to committee work⁶. Other sources suggest that somewhere around 40% of MPs' and 25% of Ministers' working time is spent on constituency business⁷.

4 Scenarios – reduction in Members and Departments

This section looks at scenarios whereby the number of MLAs and/or Departments are reduced. The following scenarios have been employed:

- 96 Members and 12 Departments
- 96 Members and 8 Departments
- 80 Members and 12 Departments
- 80 Members and 8 Departments

⁶ Gemma Rosenblatt, 'A Year in the Life: from member of public to Member of Parliament', Hansard Society, 2006.

⁷ Better Government initiative, 'Good Government: Reforming Parliament and the Executive', January 2010 - <http://www.bettergovernmentinitiative.co.uk/da/57700>

Within each of these scenarios the impact on statutory committees with a membership of 11, 9 and 7 members is considered. The first line of the table presents the current position. Furthermore, the table reflects the convention that Ministers and junior Ministers do not serve on committees.

Table 5: Scenarios involving a reduction in Members and/or Executive Departments

Members	Departments/ Committees	Committee size	Ministers and Speaker	Remaining MLAs	Committee places	Ratio
108	12	11	16	92	132	1.43
96	12	11	16	80	132	1.65
96	12	9	16	80	108	1.35
96	12	7	16	80	84	1.05
96	8	11	12	84	88	1.05
96	8	9	12	84	72	0.86*
96	8	7	12	84	56	0.67*
80	12	11	16	64	132	2.06
80	12	9	16	64	108	1.69
80	12	7	16	64	84	1.31
80	8	11	12	68	88	1.29
80	8	9	12	68	72	1.06
80	8	7	12	68	56	0.82*

From the above table three distinct groups of ratios can be identified. Firstly, there are those that are an increase on the present ratio of 1.43. Moving to these scenarios would place more pressure on MLAs than is currently the case.

The second group is that where the ratios fall below 1.00. If one interprets Paragraph 8 of Strand One of the Belfast (Good Friday) Agreement as meaning that all members who are available to take up committee places (i.e. excluding the Speaker and Executive Ministers/Junior Ministers) must be offered such a place, then scenarios where the ratio of committee places to available Members drops below 1.00 (figures marked with an asterisk in the above table) would seem to be problematic.

Finally, the third group is that where the ratio is above but close to 1.00. This would resemble the present situation in the National Assembly for Wales and could be said to be an 'ideal' scenario in the member to committee ratio.

The following table shows comparative figures for the Scottish Parliament and National Assembly for Wales.

Table 6: Ratio of members to committee membership in the Scottish Parliament and National Assembly for Wales

	Members	Committees	Committee Size	Quorum	Ministers and Speakers	Remaining MSPs/AMs	Committee Places	Ratio
Scottish Parliament	129	7	Range of 7-10 Average of 8 Members ⁸	3	20	109	59	0.54
National Assembly for Wales	60	5	10	1/3 of members or 3, whichever is greater	12	48	50	1.04

There are some interesting comparisons to be made with the position in Scotland and Wales. There are fewer committees, they have fewer members and the current ratio in the Scottish Parliament is clearly significantly below that of the Northern Ireland Assembly. Of course, the Scottish Parliament is not constrained by having to offer each Member a place on a statutory committee. Furthermore, the quorums in both the Scottish Parliament and National Assembly for Wales are less than the five required in the Northern Ireland Assembly.

It must also be noted that the Scottish Parliament and National Assembly for Wales are not subject to the provisions of the PVSC Act 2011. The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. This ensured the number of MSPs remained at 129, even as the number of MPs was reduced. The PVSC Act 2011 contained provision to ensure that the number of members in the National Assembly for Wales will not be affected by changes to Westminster boundaries.

⁸ Standing Orders allows for between 5-15 Members

5 Committee activity

The following tables compare the number of meetings held by statutory committees in the Northern Ireland Assembly and the subject committees in the Scottish Parliament in the 2007-11 mandate. The Scottish Parliament was chosen as the National Assembly for Wales did not receive significant legislative power until late in the previous mandate. In total, there were 1,636 statutory committee meetings in the Assembly, compared to 1,077 in the Scottish Parliament. The figures raise interesting questions about the resource intensiveness of committee meetings in the Assembly. If the number of members is reduced but members are still expected to sit on more than one committee then consideration may need to be given to meeting less frequently, for example fortnightly. Furthermore, previous research has identified that committees in Northern Ireland have a relatively low recurrence rate for agenda items. This was specifically in relation to agenda item looking at matters relating to public bodies. The research stated: "This reflects the fact that in the round Northern Ireland....covered more public body type items but in less depth (i.e. they were more likely to have them on the agenda once and only once)"⁹.

⁹ Conan McKenna: Parliamentary scrutiny by committee: Ireland in context. A comparative study on issues and effectiveness in parliamentary committees, March 2011

Table 7: Northern Ireland Assembly - Statutory Committee Activity (May 2007 to March 2011)

	Agriculture and Rural Development	Culture Arts and Leisure	Education	Employment and Learning	Enterprise Trade and Investment	Environment	Finance and Personnel	Health Social Services and Public Services	Justice	OFMDFM	Regional Development	Social Development
May07-Aug07	9	10	7	9	8	8	8	8	-	7	9	8
Sep07-Aug08	41	46	40	34	35	40	38	32	-	37	46	35
Sep08-Aug09	38	43	37	37	34	36	38	33	-	35	34	32
Sep09-Aug10	46	36	33	31	32	40	33	37	10	31	39	38
Aug10-Mar11	34	24	29	22	23	22	24	28	32	25	29	26
Mandate	168	159	146	133	132	146	141	138	42	135	157	139
Bills	4	0	1	3	4	10	17	6	1	3	3	7
Inquiries	2	4	1	4	2	1	4	2	0	2	1	1

Table 8: Scottish Parliament Subject Committee Activity (May 2007 to March 2011)

	Economy, Energy, And Tourism	Education, Lifelong Learning and Culture	Health and Sport	Justice	Local Government and Communities	Rural Affairs and Environment	Transport Infrastructure and Climate Change	European and External Relations*	Finance*
May07-May08	21	25	27	25	26	19	23	18	25
May08-May09	29	33	31	33	33	27	28	18	29
May09-May10	34	33	33	37	33	31	28	13	31
May10-Mar11	29	30	29	32	27	27	21	12	27
Session	113	121	120	127	119	104	100	61	112
Bills**	3	8	7	12	9	5	2	0	8
Inquiries	6	N/A***	4	3	5	7	4	9	5

* These committees are not 'Subject Committees' (the Scottish Parliament's closest equivalent to the Assembly's Statutory Committees) but are included in the table to aid comparison of activity.

** This reflects the number of bills for which the Committee is the lead committee during legislative passage. Other Committees, however, may also contribute during this process.

***The Committee made a decision at the beginning of the session that it would, at least in the early part of the session, focus on taking oral evidence on specific policy issues rather than on undertaking inquiries. The Committee took the view that inquiries, although providing detailed scrutiny of an issue, would be time consuming and would divert energy and resources away from direct scrutiny of ministers on specific policy issues. Members therefore agreed that holding one-off or regular update evidence sessions would allow the Committee to hold the Scottish Government to account on a broader range of issues and be more responsive to these issues as they arose¹⁰.

¹⁰ Education, Lifelong Learning and Culture Legacy paper 8th Report, 2011 (Session 3) SP Paper 633 ELLC/S3/11/R8 <http://archive.scottish.parliament.uk/s3/committees/ellc/reports-11/edr11-08.htm>

6 Scottish Parliament and National Assembly for Wales

The examples of the Scottish Parliament and National Assembly for Wales are instructive as both institutions have restructured their committee systems since they were established. In the Scottish Parliament, there is no legislative requirement to ensure that all members must be offered a place on a committee. The situation in Wales more closely reflects Northern Ireland as the Government of Wales Act 2006 states that committees should reflect the political balance of the Assembly and that independents should, if possible be offered a committee place. However, it does not go so far as to state that all Members must be offered a place. Although operating under greater constraints, Section 29b of the Northern Ireland Act 1998 does allow for the possibility of cross-cutting committees. Therefore, it seems that changes to the committee system could be made within the existing legislative framework.

Scottish Parliament

The Scotland Act 1998 does not provide the level of detail relating to committees as that found in the Northern Ireland Act 1998. Schedule 3 of the Scotland Act 1998, entitled 'Standing Orders – Further Provision', provides for Standing Orders to appoint committees and sub-committees of the Scottish Parliament¹¹. The Scottish Parliament has two main types of committee – mandatory and subject committees. Standing Order 6.4.1 of the Scottish Parliament allows for the establishment of subject committees¹². A committee established by the Scottish Parliament to deal with a particular subject, other than a mandatory committee or a committee (including a Committee of the Whole Parliament, a Consolidation Committee, a Statute Law Repeals Committee, a Statute Law Revision Committee or a Private Bill Committee) established only to take certain Stages of a particular Bill, is referred to as a subject committee.

The structural relationship between each subject committees and ministerial portfolios is set out in the table below.

Table 9: Committee/Department structure in the Scottish Parliament

Committee	Department/Portfolio
Economy, Energy and Tourism	Finance, Employment and Sustainable Growth apart from certain matters covered by the remit of the Local Government and Regeneration Committee and matters relating to the Cities Strategy falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Cities Strategy
Education and Culture	Education and Lifelong Learning and matters relating to culture and the arts falling within the responsibility of the Cabinet Secretary for Culture and External Affairs

¹¹ Schedule 3 Scotland Act 1998 <http://www.legislation.gov.uk/ukpga/1998/46/schedule/3>

¹² Standing Orders of the Scottish Parliament, April 2011 http://www.scottish.parliament.uk/business/so/so_final.pdf

Health and Sport	Health, Wellbeing and Cities Strategy apart from those covered by the remit of the Economy, Energy and Tourism Committee
Infrastructure and Capital Investment	Infrastructure and Capital Investment, apart from those covered by the remit of the Local Government and Regeneration Committee
Justice	Justice and the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland
Local Government and Regeneration	a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment
Rural Affairs, Climate Change and Environment	Rural Affairs & the Environment

National Assembly for Wales

Section 29 of the Government of Wales Act 2006 legislates for the composition of committees in the National Assembly for Wales. Section 29(2) requires the provision in standing orders to secure that appointments to the places on each committee are, if possible, to be determined by a resolution of the Assembly which secures that the membership of that committee reflects, so far as is reasonably practical, the overall representation of political groups in the Assembly. The allocation of places on committees between different political groups¹³ is determined by a resolution of the Assembly which secures that the membership of that committee reflects, so far as is reasonably practical, the overall representation of political groups in the Assembly. If this cannot be done by resolution, then places must be allocated using the d'Hondt method¹⁴. Provision must be made in the standing orders for securing, so far as is reasonably practicable having regard to the total number of committee places available, that a place on at least one committee is available for every Assembly member who does not belong to a political group, and that the total number of committee places allocated to each political group is at least equal to the number of Assembly members belonging to that group¹⁵.

Standing Order 16 of the National Assembly for Wales (NAfW) provides for the establishment and remit of committees. Standing Order 16.1 requires the NAfW to establish committees with power within their remit to:

¹³ For the purposes of the Act, a political group is: (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.

¹⁴ Explanatory Note to the Government of Wales Act 2006

¹⁵ As above

- (i) examine the expenditure, administration and policy of the government and associated public bodies;
- (ii) examine legislation;
- (iii) undertake other functions specified in Standing Orders; and
- (iv) consider any matter affecting Wales¹⁰

In June 2011, the NAFW established the following five 'thematic' committees to carry out these functions:

- Children and Young People Committee
- Communities, Equality and Local Government Committee
- Enterprise and Business Committee
- Environment and Sustainability Committee
- Health and Social Care Committee

This committee structure differed significantly from that in place during the 2007-2011 mandate. According to a document prepared in advance of the new structure, in establishing these committees:

... the Business Committee had to ensure that every area of responsibility of the government and associated public bodies, and all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General, are subject to the scrutiny of a committee or committees. The Assembly has decided on a committee structure which gives committees the power to both scrutinise the government and associated public bodies and to scrutinise legislation, within a subject remit. It requires them to fulfil both of these principal functions. This is different from the third Assembly when separate committees existed for these purposes¹⁶.

The Welsh Government is based upon the following nine ministerial portfolios which must be scrutinised by the five subject committees.

- First Minister of Wales
- Minister for Education and Skills
- Minister for Environment and Sustainable Development
- Minister for Health and Social Services
- Minister for Business, Enterprise, Technology and Science

¹⁶ Fourth Assembly Committees – Establishment and remit of Committees (paragraphs 3-4)
<http://www.senedd.assemblywales.org/documents/s1821/ES4-01-11%20p1.pdf>

- Minister for Finance and Leader of the House
- Minister for Housing, Regeneration and Heritage
- Minister for Local Government and Communities
- Counsel General¹⁷

Addressing the relationship between committees and ministerial portfolios, the working document states that:

The committee remits are broad and, in the main, cut across Ministerial portfolios. However, committees have the flexibility to examine any issue of relevance to the broad remit defined by their titles and are not constrained in examining any issue of relevance...The five subject-based committees have been established with sufficiently large memberships to enable them to undertake multiple streams of work in formal sub-committees and informal or rapporteur groups as well as continued operation in full committee. This would allow policy and legislative work to take place simultaneously. As an example, smaller groups could be used to undertake more detailed, specialised inquiries making use of committee membership with a particular interest in the subject area. This flexibility allows committees to be more responsive to varying priorities or sudden changes in the political landscape. It also allows for more efficient use of time given the unpredictability of the legislative workload¹⁸.

In addition to the subject-based committees, five additional committees have been established by the NAFW to undertake functions specified in its standing orders. These are: the Constitutional and Legislative Affairs Committee; Finance Committee; Petitions Committee; Public Accounts Committee; and Standards of Conduct Committee. Whilst in the previous mandate a European and External Affairs Committee was established, under the new arrangements European issues are to be mainstreamed into the work of the Constitutional Affairs Committee and the five 'thematic' committees.

7 Conclusions and issues to consider

This paper has considered a potential reduction in the number of Members and/or Executive Departments with a focus on how this might impact the size, number and structure of statutory committees. It presented a number of different scenarios that envisaged a reduction in the number of members to 96 or 80, a reduction in the number of departments to 8 and a reduction in the membership of statutory committees to 9 or 7.

¹⁷ In addition to these Ministerial positions there is a Deputy Minister for Agriculture, Fisheries, Food and European Programmes; a Deputy Minister for Skills and a Deputy Minister for Children and Social Services

¹⁸ Fourth Assembly Committees – Establishment and remit of Committees (paragraphs 6-13)

Constraints

These scenarios must be considered in the context of the Belfast (Good Friday) Agreement, the Northern Ireland Act 1998 and Standing Orders. The Agreement requires that statutory committee places are offered to all members, while Standing Orders require that a place is offered to Members who are not Ministers or junior Ministers. By convention, Ministers do not sit on committees, although there is no statutory bar to them doing so. The scenarios presented in the paper assume that this convention will remain in place. If Strand One of the Belfast (Good Friday) Agreement is interpreted all members who are available to take up committee places (i.e. excluding the Speaker and Executive Ministers/Junior Ministers) must be offered such a place, then scenarios where the ratio of committee places to available Members drops below 1.00 would seem to be problematic.

The current committee structure in the Assembly is straightforward – there is one statutory committee for each Executive Department. However, the Northern Ireland Act 1998 does allow for the possibility of committees with cross-cutting remits. Both the Scottish Parliament and National Assembly for Wales have restructured their committee system to better reflect the requirements of those institutions.

Resources

The ratio of members to committees is greater in the Assembly (1.43) compared to Scotland (0.54) and Wales (1.04). The need to sit on multiple committees raises concerns about the effective use of Members' time. This is further evidenced by the comparison between committee meetings in the Assembly and Scottish Parliament and the lack of recurrence of agenda items at committee.

Issues to consider

- The issue of committee size and structure has previously been considered by the Committee on Procedures. As part of its work, the Committee considered the possibility of reducing membership of committees from 11 to 9. However, the overall consensus of those consulted (including the political parties) was that current membership levels were adequate. It also considered the issue of reduced quorums and recommended a smaller quorum of four under limited circumstances such as hearing evidence from witnesses but not voting or agreeing minutes. This was subsequently incorporated into Standing Orders
- Is there a need to consider a move away from the current structure of one statutory committee for each Executive Department?
- Is there a need to reconsider the requirement to offer all non-Ministers and junior Ministers a place on a statutory committee?

- The consociational nature of the Northern Ireland Assembly. To what extent must this be a factor in considering change – for example, would a lower quorum of 3 be acceptable to political parties?